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ACTS
Memorials and Resolutions
of the
REGULAR SESSION
Nineteenth Legislature
of the
STATE OF ARIZONA
1949



Regular Session Convened January 10, 1949
Regular Session Adjourned Sine Die March 19, 1949

Publication Authorized
Section 4-201, Arizona Code of 1939
(Paragraph 23, Article 2, Chapter 2, Revised Code of 1928)
Chapter 124, Sub. 8, Laws 1949
Regular Session, Nineteenth Legislature

NOTICE: There are a few misspellings, other errors and punctuation mistakes in the body of this volume, which originated in the original engrossed copies, and had to be duplicated herein, so as to conform to such original copies.

AUTHENTICATION

STATE OF ARIZONA
Office of the Secretary of State } ss.

THIS IS TO CERTIFY—That the Acts, Memorials and Resolutions published in this volume, are full, true and correct copies of the originals, passed at the Regular Session of the 19th Legislature of the State of Arizona, as they appear on file in the Office of the Secretary of State of Arizona.

That the Regular Session of the 19th Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, January 10, 1949, and adjourned sine die on the 19th day of March, 1949.

That the Acts, Memorials and Resolutions passed at said Session were officially published on the 18th day of June, 1949.



IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and Affixed the Great Seal of the State of Arizona, this 18th day of June, 1949.

WESLEY BOLIN, (Signature)
Secretary of State.

MEMBERS OF THE SENATE
 NINETEENTH LEGISLATURE
 OF ARIZONA
 1949

County	Name and Party	Address
Apache—	Earl Platt (D)	St. Johns
Cochise—	Ralph Cowan (D)	McNeal
Cochise—	John Pintek (D)	Bisbee
Coconino—	F. L. Christensen (D)	Flagstaff
Gila—	Clarence L. Carpenter (D)	Miami
Gila—	Wm. A. Sullivan (D)	Globe
Graham—	Warner B. Mattice (D)	Pima
Greenlee—	Fred J. Fritz (D)	Clifton
Maricopa—	John E. Hunt (D)	Phoenix
Maricopa—	Roy D. Stone (D)	Phoenix
Mohave—	C. Clyde Bollinger (D)	Oatman
Navajo—	Clay Simer (D)	Winslow
Pima—	William F. Kimball (D)	Tucson
Pima—	J. B. Mead (D)	Tucson
Pinal—	James Herron, Jr. (D)	Superior
Santa Cruz—	Hubert O. Merryweather (D)	Tumacacori
Yavapai—	Sam J. Head (D)	Prescott
Yavapai—	John R. Franks (D)	Prescott
Yuma—	Joseph D. Mansfield (D)	Yuma

MEMBERS OF THE HOUSE
 NINETEENTH LEGISLATURE
 OF ARIZONA
 1949

District	Name and Party	Address
----------	----------------	---------

APACHE COUNTY

	Geo. E. Crosby (D)	Greer
--	--------------------------	-------

COCHISE COUNTY

- | | | |
|----|----------------------------|-----------|
| 1. | Wesley T. Allen (D) | Bisbee |
| 2. | Carl W. Morris (D) | Warren |
| 3. | Alfred Paul, Jr. (D) | Paul Spur |
| 4. | James A. Elliott (D) | Douglas |
| 5. | W. L. Cook (D) | Willcox |

COCONINO COUNTY

- | | | |
|----|---------------------------|-----------|
| 1. | Chas. W. Dryden (D) | Flagstaff |
| 2. | Jesse L. Boyce (D) | Williams |

GILA COUNTY

- | | | |
|----|--------------------------------|--------|
| 1. | Raymond G. Langham (D) | Globe |
| 2. | Harold Copp (D) | Miami |
| 3. | Mrs. W. G. Rosenbaum (D) | Hayden |

GRAHAM COUNTY

- | | | |
|----|-------------------------|---------|
| 1. | W. A. McBride (D) | Safford |
| 2. | Milton Lines (D) | Pima |

GREENLEE COUNTY

	M. L. Simms (D)	Clifton
--	-----------------------	---------

MARICOPA COUNTY

- | | | |
|----|-----------------------|---------|
| 1. | R. S. Hart (D) | Phoenix |
| | 2430 West Washington | |
| 2. | Wing F. Ong (D) | Phoenix |
| | 1244 East Jefferson | |

3. Fletcher West Timmerman (D) Phoenix
1135 West Fillmore
4. William B. O'Malley (D) Phoenix
117 North 10th Avenue
5. G. N. Baker (D) Phoenix
356 North First Avenue
6. Sidney Kartus (D) Phoenix
2107 South 15th Avenue
7. Mrs. Laura McRae (D) Phoenix
929 East Coronado
8. Jack Cummard (D) Mesa
424 North Macdonald
9. Ed Ellsworth (D) Chandler
Box 75
10. L. Max Connolly (D) Tempe
514 Mill Ave.
11. John H. Wilson (D) Phoenix
2511 E. Adams
12. J. M. Combs (D) Glendale
R. 2, Box 138
13. Bill Craig (D) Wickenburg
Box 126
14. J. H. Callan (D) Litchfield Park
Box 202
15. R. H. Wallace (R) Phoenix
Box 1870
16. Harry Wimberly (D) Phoenix
145 W. Riverside
17. Ronald Webster (R) Phoenix
3515 N. 12th St.
18. J. W. Estes (D) Phoenix
1537 W. Lynwood
19. Chas H. Abels (D) Phoenix
Box 52, Cave Creek Rt.
20. Robert C. Bohannon, Jr. (R) Phoenix
311 W. Roma Ave.
21. Lewis R. Burch (D) Phoenix
340 E. Willetta
22. H. C. Armstrong (D) Tolleson
Box 672
23. W. W. Franklin (D) Phoenix
1645 E. Culver

MOHAVE COUNTY

Robert E. Morrow (D)Kingman

NAVAJO COUNTY

1. Mrs. Eva O. Decker (R)Snowflake
2. L. E. Stone (D)Winslow

PIMA COUNTY

1. Oscar C. Cole (D)Ajo
2. Frank G. Robles (D)Tucson
Box 2003
3. Ray Martin (D)Tucson
27 E. Corral
4. Oliver M. Heflin (D)Tucson
3514 S. Lundy Ave.
5. John S. Hardwicke (D)Tucson
116 N. Tyndall
6. Marvin L. Burton (D)Tucson
613 E. Mohave Rd.
7. Robert H. Forbes (D)Tucson
105 Olive Rd.
8. V. S. Hostetter (R)Tucson
100 Calle Encanto
9. James W. Ewing (R)Tucson
Box 870

PINAL COUNTY

1. A. L. Bartlett (D)Coolidge
2. George Ernst (D)Ray

SANTA CRUZ COUNTY

- Neilson Brown (D)Nogales

YAVAPAI COUNTY

1. Henry Rush (D)Prescott
118 N. Montezuma
2. Dick W. Martin (R)Prescott
349 Park Ave.
3. Kel M. Fox (D)Sedona
Box 75
4. A. H. Bisjak (D)Chino Valley

YUMA COUNTY

1. Mrs. Clara Osborne Botzum (D)Parker
2. Harold C. Giss (D)Yuma
501 8th Ave.

**ORDER OF
ACTS**

ORDER OF ACTS

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3. H. B. 38.	Making an appropriation to the governor, for the fund for capitol building and grounds, and declaring an emergency. Approved January 20, 1949. Effective January 20, 1949.	4
4. H. B. 13.	Ratifying the Upper Colorado River Basin Compact, and declaring an emergency. Approved January 21, 1949. Effective January 21, 1949.	5
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	56, Arizona Code of 1939, by adding section 56-907a. (Emergency) Approved March 26, 1949. Effective March 26, 1949.	157
80. S. B. 12.	Relating to employment security; amending article 10, chapter 56, Arizona Code of 1939, by adding section 56-1003e. Approved March 26, 1949. Effective June 30, 1949.	158
81. S. B. 69.	Relating to power in the board of regents of the university and state colleges of Arizona to accept grants of money; making appropriations for the construction and improvement buildings at the university of Arizona, with service facilities and equipment therefor; and declaring an emergency. Approved March 26, 1949. Effective March 26, 1949.	159
82. S. B. 71.	Relating to an appropriation to the board of regents of the university and state colleges of Arizona for a student union memorial building at the university of Arizona, increasing same and otherwise amending sections 1 and 4, and repealing section 3, of chapter 28, 1947 session laws of Arizona, regular session; and declaring an emergency. Approved March 26, 1949. Effective March 26, 1949.	160
83. S. B. 68.	Relating to power in the board of regents of the university and state colleges of Arizona to accept grants of money; making appropriations for the construction and improvement of buildings, physical plant and pavement at the Arizona state college at Flagstaff, with service facilities and equipment therefor; and declaring an emergency. Approved March 26, 1949. Effective March 26, 1949.	161
84. S. B. 110.	Relating to cities and towns, and providing for the sale of land acquired under the Act of congress, approved March 2, 1867; amending sections 16-804 and 16-805, Arizona Code of 1939, and declaring an	

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	emergency. Approved March 26, 1949. Effective March 26, 1949.	163
85. S. B.	88. Relating to certified public accountants and public accountancy; amending sections 67-601, 67-602, 67-603, 67-604, 67-605, 67-606, and 67-607, Arizona Code of 1939, and amending article 6, chapter 67, Arizona Code of 1939, by adding section 67-612. Approved March 26, 1949. Effective June 18, 1949.	165
86. H. B.	130. Making an appropriation for the relief of the department of liquor licenses and control, and declaring an emergency. Approved March 26, 1949. Effective March 26, 1949.	173
87. H. B.	192. Relating to fish and game and wild life restoration, amending section 57-307, Arizona Code of 1939. Approved March 26, 1949. Effective June 18, 1949.	174
88. H. B.	108. Relating to education; amending sections 54-1102 and 54-1105; repealing section 54-1106, Arizona Code of 1939, and declaring an emergency. Approved March 26, 1949. Effective March 26, 1949.	175
89. H. B.	283. Making an appropriation to the industrial school for boys at Fort Grant. Approved March 26, 1949. Effective June 18, 1949.	176
90. H. B.	280. Making an appropriation to the governor, for an addition to the Arizona state building, and declaring an emergency. Approved March 26, 1949. Effective March 26, 1949.	176
91. H. B.	232. Relating to townsites; empowering a trustee to deed land for cemetery purposes, and amending article 18, chapter 17, Arizona Code of 1939, by adding section 17-1808a. Approved March 26, 1949. Effective June 18, 1949.	177

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92. H. B. 78.	Relating to juvenile delinquents; prescribing salaries of probation officers and employees, amending section 46-123a, supplement to Arizona Code of 1939, section 1, chapter 15, laws of 1946, third special session; and declaring an emergency. Approved March 26, 1949. Effective March 26, 1949.	178
93. H. B. 17.	Making an appropriation to the governor, for remodeling existing quarters and for the construction of additional office space for the supreme court; for the purchase of law library, furniture, and fixtures for the supreme court, and declaring an emergency. Approved March 26, 1949. Effective March 26, 1949.	179
94. H. B. 282.	Making an appropriation to the state hospital. Approved March 26, 1949. Effective June 18, 1949.	179
95. H. B. 281.	Making an appropriation to the Arizona state prison. Approved March 26, 1949. Effective June 18, 1949.	180
96. H. B. 264.	Relating to emergencies; providing a fund for use by the governor when necessary; amending section 10-931, Arizona Code of 1939, and declaring an emergency. Approved March 26, 1949. Effective March 26, 1949.	181
97. H. B. 133.	Making a deficiency appropriation to the Arizona teachers' retirement system, and declaring an emergency. Approved March 26, 1949. Effective March 26, 1949.	181
98. H. B. 95.	Making an additional appropriation to the state tax commission, and declaring an emergency. Approved March 26, 1949. Effective March 26, 1949.	182
99. H. B. 258.	Relating to cities and towns, and amending article 2, chapter 16, Arizona Code of 1939, by adding section 16-232. Approved March 26, 1949. Effective June 18, 1949.	183

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100. H. B. 46.	Relating to banks and other financial institutions; amending article 5, chapter 51, Arizona Code of 1939, by adding sections 51-527 to 51-536 inclusive, and declaring an emergency. Approved March 26, 1949. Effective March 26, 1949.	184
101. H. B. 49.	Relating to banks; providing for the determination of opening and closing hours and bank holidays; amending article 5, chapter 51, Arizona Code of 1939, by adding section 51-537, and declaring an emergency. Approved March 26, 1949. Effective March 26, 1949.	188
102. H. B. 256.	Empowering and directing the governor to convey certain land to the county of Maricopa, and declaring an emergency. Approved March 26, 1949. Effective March 6, 1949.	190
103. H. B. 254.	Relating to flood control; empowering Maricopa and Yuma counties to take such action as may be necessary to cooperate with the United States in the construction of flood control works, and declaring an emergency. Approved March 26, 1949. Effective March 26, 1949.	191
104. S. B. 74.	Authorizing the board of regents of the university and state colleges of Arizona to construct, equip, furnish, and maintain a stadium at the Arizona state college at Tempe, and for that purpose to accept gifts, to borrow money and issue bonds, and to perform necessary or convenient acts in connection with such project; superseding inconsistent provisions of all other laws; and declaring an emergency. Approved March 28, 1949. Effective March 28, 1949.	192
105. S. B. 72.	Relating to power in the board of regents of the university and state colleges of Arizona to accept grants of money; making appropriations for the construction and improvement of buildings at the Ari-	

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	zona state college at Tempe, with service facilities and equipment therefor; and declaring an emergency. Approved March 28, 1949. Effective March 28, 1949.	198
106. H. B. 135.	Relating to public highway transportation; amending section 66-507, Arizona Code of 1939; amending article 5, chapter 66, Arizona Code of 1939, by adding sections 66-513a, 66-513b, 66-513c and 66-513d; and declaring an emergency. Approved March 28, 1949. Effective March 28, 1949.	200
107. H. B. 47.	Relating to banks and other financial institutions; amending section 51-222, Arizona Code of 1939, and amending article 2, chapter 51, Arizona Code of 1939, by adding section 51-222a, and declaring an emergency. Approved March 28, 1949. Effective March 28, 1949.	203
108. H. B. 143.	Relating to banks and other financial institutions; providing for the succession of fiduciary rights, powers, duties and obligations upon conversion, consolidation or merger; providing for the recording of a certificate; amending article 5, chapter 51, Arizona Code of 1939, by adding section 51-538, and declaring an emergency. Approved March 28, 1949. Effective March 28, 1949.	204
109. H. B. 66.	Relating to the department of mineral resources; amending section 65-303, Arizona Code of 1939, and declaring an emergency. Approved March 28, 1949. Effective March 28, 1949.	207
110. S. B. 113.	Relating to education, and amending section 54-416, Arizona Code of 1939. (Emergency) Approved March 28, 1949. Effective March 28, 1949.	207
111. S. B. 37.	Relating to cities and towns; prescribing the powers of common councils, and amending section 16-207, Arizona Code of 1939. Approved March 28, 1949. Effective June 18, 1949.	211

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112. S. B. 104.	To amend section 20-101, Arizona Code of 1939, relating to the term of office of justices of the peace; and to amend section 20-205, Arizona Code of 1939, relating to justices of the peace and their authority; and repealing all Acts and parts of Acts in conflict therewith. Approved March 28, 1949. Effective June 18, 1949.	215
113. S. B. 103.	To amend section 34-107, Arizona Code of 1939, relating to fees to be paid to justices of the peace in civil actions and repealing all Acts and parts of Acts in conflict therewith. Approved March 28, 1949. Effective June 18, 1949.	217
114. S. B. 61.	Relating to public buildings; and amending chapter 9, sections 9-104, 9-105, and 9-106, Arizona Code of 1939. Approved March 28, 1949. Effective June 18, 1949.	218
115. S. B. 60.	Relating to corporations; providing for the continued existence of corporations for the purpose of suits, and amending section 53-309, supplement to Arizona Code of 1939 (chapter 109, laws of 1947, regular session). (Emergency) Approved March 28, 1949. Effective March 28, 1949.	220
116. H. B. 84.	Relating to insurance companies and the classification, incorporation and regulation thereof; amending sections 61-102, 61-201, 61-202, 61-207, 61-301b, 61-303, 61-310, 61-332, and 61-704, Arizona Code of 1939; amending article 3, chapter 61, Arizona and 61-310a to 61-310f inclusive; and amending article 7, chapter 61, Arizona Code of 1939, by adding section 61-711. Approved March 28, 1949. Effective June 18, 1949.	222
117. H. B. 144.	Relating to insurance; providing for the examination and licensing of agents, solicitors and brokers; fixing fees for such examinations; fixing penalty for violations; amending section 61-404, and amending chapter 61, Arizona Code An-	

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	notated, 1939, by adding sections 61-406, 61-407 and 61-408. Approved March 28, 1949. Effective June 18, 1949.	235
118. H. B. 113.	Relating to agriculture and horticulture; making a reappropriation to the commission of agriculture and horticulture; amending section 2, chapter 15, laws of 1947, second special session, and declaring an emergency. Approved March 28, 1949. Effective March 28, 1949.	241
119. S. B. 109.	Authorizing the making of indemnity or performance bonds and or alternatively the furnishing of collateral security to the United States and or state of Arizona in lieu of indemnity or performance bonds by districts, state agencies and municipalities; providing for official procedure in relation thereto and for the making of annual audits of operation income in certain cases, by operating units. (Emergency) Approved March 28, 1949. Effective March 28, 1949.	242
120. H. B. 45.	Relating to electric, cooperative, non-profit membership corporations; prohibiting service to facilities already served; amending sections 53-454 and 53-480, Arizona Code of 1939, as amended. Approved March 28, 1949. Effective June 18, 1949.	244
121. S. B. 100.	Relating to the practice of medicine and surgery as osteopathic physicians and surgeons, to provide for licenses and regulations therefor and to repeal all acts or parts of acts in conflict thereto. (Emergency) Approved March 29, 1949. Effective March 29, 1949.	247
122. H. B. 109.	Relating to refunding indebtedness; prohibiting the issuance of certain refunding bonds, and declaring an emergency. Approved March 28, 1949. Effective March 28, 1949.	256
123. H. B. 111.	Making a supplemental appropriation to	

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	the corporation commission, and declaring an emergency. Approved March 31, 1949. Effective March 31, 1949.	256
124. H. B. 284.	Making appropriations for the different departments of the state, for public schools, and for interest on the public debt. Approved March 31, 1949. Effective June 18, 1949.	257

ACTS

ACTS

CHAPTER 1

(House Bill No. 20)

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF THE CURRENT AND CONTINGENT EXPENSES OF THE NINETEENTH LEGISLATURE, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of one-hundred, fifty-seven thousand and three hundred, twenty and no/100 dollars (\$157,320.00) is appropriated for the operation of the House of Representatives, Nineteenth Legislature. The sum of seventy thousand, two hundred, sixty and no/100 dollars (\$70,260.00) is appropriated for the operation of the Arizona State Senate, Nineteenth Legislature.

Sec. 2. PURPOSE. The purpose of the appropriations made under the terms of section 1 are to provide for the current and contingent expenses of the Nineteenth Legislature.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—January 12, 1949.

Filed in the Office of the Secretary of State—January 12, 1949.

CHAPTER 2

(House Bill No. 37)

AN ACT

MAKING AN APPROPRIATION TO THE DEPARTMENT OF LIBRARY AND ARCHIVES FOR THE STATE LEGISLATIVE BUREAU, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of twenty-eight thousand nine hundred fifty dollars (\$28,950.00) is appropriated to the department of library and archives, for the state legislative bureau.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 shall be expended for defraying expenses and for capital investment of the state legislative bureau.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—January 20, 1949.

Filed in the Office of the Secretary of State—January 20, 1949.

CHAPTER 3

(House Bill No. 38)

AN ACT

MAKING AN APPROPRIATION TO THE GOVERNOR, FOR THE FUND FOR CAPITOL BUILDING AND GROUNDS, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of one thousand five hundred dollars (\$1,500.00) is appropriated to the governor, for the fund for capitol building and grounds.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to defray the expense of extra janitors and supplies for the nineteenth legislature.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—January 20, 1949.

Filed in the Office of the Secretary of State—January 20, 1949.

CHAPTER 4

(House Bill No. 13)

AN ACT

RATIFYING THE UPPER COLORADO RIVER BASIN COMPACT, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. RATIFICATION. The Upper Colorado River Basin Compact executed in Santa Fe, New Mexico, on October 11, 1948, by representatives of the states of Arizona, Colorado, New Mexico, Utah and Wyoming, is unconditionally ratified, approved and confirmed.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—January 21, 1949.

Filed in the Office of the Secretary of State—January 21, 1949.

CHAPTER 5

(House Bill No. 119)

AN ACT

RELATING TO MOTOR VEHICLES; EXTENDING THE PERIOD OF PAYMENT OF 1949 REGISTRATION FEES,

WITHOUT PENALTY, TO FEBRUARY 15, 1949, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. EXTENSION OF TIME FOR PAYMENT OF REGISTRATION FEE. The provisions of any law to the contrary notwithstanding, no motor vehicle registration fee for the year 1949 shall be deemed delinquent or penalty collected therefor, if paid on or before February 15, 1949.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—January 31, 1949.

Filed in the Office of the Secretary of State—January 31, 1949.

CHAPTER 6

(House Bill No. 29)

AN ACT

RELATING TO FLOOD CONTROL, AND EMPOWERING COUNTIES, CITIES AND TOWNS TO COOPERATE WITH THE UNITED STATES IN THE CONSTRUCTION OF FLOOD CONTROL WORKS.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. POWER TO COOPERATE IN FLOOD CONTROL PROJECTS. In addition to the general powers vested in counties, cities and towns and the governing bodies thereof, such counties, cities and towns are empowered to cooperate with the United States or any authorized instrumentality, department or agency thereof in the construction of flood control works, authorized under the flood control act of 1948 (public law 858-80th congress of the United States), to the extent necessary to comply with provisions of said Act.

Sec. 2. LIMITATION OF POWERS. Pursuant to the powers granted under the provisions of section 1, counties,

cities and towns may: 1. acquire and provide, without cost to the United States, land, easements and rights of way necessary for the construction of flood control projects; 2. agree to hold and save the United States or any instrumentality, department or agency thereof, free from any claim for damages arising from the construction, maintenance and operation of such flood control projects, and, 3. maintain and operate, upon completion, all such works in accordance with regulations prescribed by the secretary of war, or any authorized agent of the United States.

Approved by the Governor—February 7, 1949.

Filed in the Office of the Secretary of State—February 7, 1949.

CHAPTER 7

(House Bill No. 25)

AN ACT

RELATING TO JUSTICES OF THE PEACE; PROVIDING FOR AN OFFICIAL SEAL; AMENDING ARTICLE 1, CHAPTER 20, ARIZONA CODE OF 1939, BY ADDING SECTION 20-106.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Article 1, chapter 20, Arizona Code of 1939, is amended by adding section 20-106, to read:

20-106. SEAL. Each justice of the peace shall have an official seal, which shall contain the words "Justice of the Peace" and the name of the county in which the justice precinct is located, and shall be used to authenticate all official documents issued and acknowledgments taken by such justice of the peace.

Approved by the Governor—February 8, 1949.

Filed in the Office of the Secretary of State—February 8, 1949.

CHAPTER 8

(House Bill No. 126)

AN ACT

RELATING TO SANITARY DISTRICTS; AMENDING SECTION 68-1026, ARIZONA CODE ANNOTATED 1939; PROVIDING FOR A BOARD OF DIRECTORS; RELATING TO THE APPOINTMENT, ELECTION AND TENURE OF DIRECTORS; FIXING COMPENSATION FOR DIRECTORS; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Section 68-1026, Arizona Code Annotated 1939, is amended to read:

68-1026. BOARD OF DIRECTORS. (a) A sanitary district having an area equal to or greater than one hundred sixty (160) acres shall be governed by a board of directors consisting of such number of directors, not less than three (3), as may be specified in the petition for establishment of the district. The first directors shall be selected by the board of supervisors at the time of establishment of the district. The directors shall be qualified electors of the district, and shall serve for terms of two (2) years each. The members of the board of directors, after the members first appointed by the board of supervisors, shall be elected by the qualified electors of the district. The dates of the elections and dates of expiration of the terms of the directors shall be specified in the petition for the establishment of the district.

(b) A sanitary district having an area of less than one hundred sixty (160) acres shall be governed by the board of supervisors of the county in which the district is situated, and the board of supervisors shall, for that purpose, be deemed to be the board of directors of the district.

(c) Each director of a sanitary district shall receive not to exceed fifteen dollars (\$15.00) for each meeting of the board of directors attended by him, plus his necessary traveling expenses; except that members of the board of supervisors, when serving as members of the board of directors of a sanitary district, shall receive no compensation for attending meetings, but shall be reimbursed for their necessary expenses. No director shall receive compensation, other than expenses, for attending more than three (3) meetings of the board during any calendar month.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure to take effect as provided by law.

Approved by the Governor—February 8, 1949.

Filed in the Office of the Secretary of State—February 8, 1949.

CHAPTER 9

(House Bill No. 4)

AN ACT

RELATING TO TEACHERS; AMENDING SECTION 54-804, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 54-804, Arizona Code of 1939, is amended to read:

54-804. EXAMINATION OF TEACHERS. Every person applying for a certificate authorizing him to become superintendent, principal, or teacher in any public school or college shall, in addition to other requirements, successfully complete a course in and pass a satisfactory examination upon the provisions and principles of the Constitution of the United States and of Arizona. A person who has not met the requirements of this section at the time application for a certificate is made, but has met all other requirements, may be granted a certificate for not to exceed one year. No additional certificate may be granted until all requirements have been fulfilled as provided by the regulations of the state board of education governing certification of teachers. A non-certified person, qualified under the federal and state plans for vocational education shall be exempt from the provisions of this section for the purpose of acting as an instructor for special adult and evening classes.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—February 10, 1949.

Filed in the Office of the Secretary of State—February 10, 1949.

CHAPTER 10

(House Bill No. 158)

AN ACT

MAKING AN APPROPRIATION TO THE GOVERNOR, FOR STORM DISASTER RELIEF PURPOSES; CREATING A REVOLVING FUND; PROVIDING FOR REIMBURSEMENT, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. **APPROPRIATION.** The sum of twenty-five thousand dollars is appropriated to the governor.

Sec. 2. **PURPOSE.** The purpose of the appropriation made under the terms of section 1 is to create a revolving fund for storm disaster relief, from which expenditures may be made within the state in accordance with the terms of an agreement between the federal works agency and the state, and reimbursed by the federal works agency.

Sec. 3. **EMERGENCY.** To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—February 10, 1949.

Filed in the Office of the Secretary of State—February 10, 1949.

CHAPTER 11

(House Bill No. 159)

AN ACT

REALLOCATING FUNDS HERETOFORE APPROPRIATED TO THE ATTORNEY GENERAL, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. REALLOCATION OF FUNDS FOR THE ATTORNEY GENERAL. Out of any balance remaining in the fund for land litigation appropriated by section 3, chapter 5, Laws of 1948, seventh special session, not to exceed one thousand dollars is hereby reallocated for current expenditures, personal services and in and out-of-state travel in connection with Indian welfare and relief hearings and litigation, in courts or before the federal social security administrator.

These funds shall not be subject to the provisions of section 10-930, Arizona Code of 1939.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—February 15, 1949.

Filed in the Office of the Secretary of State—February 15, 1949.

CHAPTER 12

(House Bill No. 11)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 54-602, AS AMENDED, AND ADDING SECTION 54-616, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 54-602, Arizona Code of 1939, as amended, is amended to read:

Sec. 54-602. APPORTIONMENT OF FUNDS. (a) After making the necessary allowance for the payment from the state school fund of amounts authorized for the state board in the general appropriation bill, the board shall allocate the balance remaining in the state school fund for common school and high school education, in the proportion respectively that average daily attendance during the previous year in common schools and high schools multiplied by ninety-five bears to

the sum of the product so obtained. The amounts so allocated shall be apportioned to the several counties on the basis of average daily attendance in the common and high schools in each county. No allowance shall be made for attendance at schools conducted at night, for attendance of non-resident alien children, nor for wards of the United States for which tuition is paid, but attendance of a student in a school of a county adjoining the county of his residence, whether within or without the state, under a certificate of educational convenience as provided by Section 54-616, shall be deemed to be attendance in the school of the county or district of his residence.

(b) Apportionments of the state school fund shall be made on the second Monday in July, October, January and April and, as nearly as may be, shall equal one-fourth of the amount to be apportioned during the fiscal year. The superintendent of public instruction shall furnish the treasurer and the school superintendent of each county an abstract of the apportionment, and shall certify the apportionment to the state auditor, who shall draw his warrant in favor of the county treasurer of each county for the amount apportioned thereto. Upon receipt of such warrant the county treasurer shall notify the county superintendent that the amount thereof, together with any other moneys standing to the credit of the county school fund, is subject to apportionment as prescribed by law.

(c) As used in this section:

“common school” means the first to eighth grades inclusive.

“high school” means the ninth to twelfth grades inclusive.

“daily attendance” means: 1. for common schools, days in which a pupil: 1a. of the first, second or third grade attends a minimum of two hundred forty minutes; 1b. of the fourth, fifth or sixth grade attends a minimum of three hundred minutes, and, 1c. of the seventh or eighth grade attends a minimum of three hundred sixty minutes, including in each case recreational periods, and in which a pupil regardless of grade is actually present during one or both of the two sessions into which the school day shall be divided, but attendance at one session only shall be counted as one-half day’s attendance; 2. for high schools, days in which a pupil is enrolled in and carrying four regular or major subjects or the equivalent thereof, as defined by the state board of education, in a recognized high school, but attendance of a pupil carrying less than the load prescribed shall be prorated.

Sec. 2. Article 6, chapter 54, Arizona Code of 1939, is amended by adding section 54-616, to read:

Sec. 54-616. CERTIFICATE OF EDUCATIONAL CONVENIENCE. A student precluded by distance or lack of adequate transportation facilities from attending a common or

high school in the district or county of his residence, may apply to the county school superintendent for a certificate of educational convenience. If it appears to the superintendent that it is infeasible for the student to attend the common or high school in such district or county, he shall issue a certificate authorizing him to attend a common or high school in an adjoining district or county, whether within or without the state. Such attendance, when certified to the county superintendent by the official in charge of the school attended shall be deemed for the purpose of determining average daily attendance, to be attendance in the common or high school of the county or district of the student's residence. In the event tuition is charged for nonresidence attendance by the school attended, the county school superintendent shall draw his warrant on the county treasurer in favor of such school for the amount so charged, but not to exceed the per capita allocation of common or high school funds to the district or county of the student's residence, and shall charge the amount against the fund of the district or county in which the student resides.

Approved by the Governor—February 17, 1949.

Filed in the Office of the Secretary of State—February 17, 1949.

CHAPTER 13

(House Bill No. 33)

AN ACT

RELATING TO DAIRY PRODUCTS; REGULATING THE SALE OF RAW MILK; PROVIDING FOR THE TESTING OF MILK PRODUCING ANIMALS FOR BRUCellosis; DISPOSITION OF REACTORS, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. DEFINITIONS. In this Act, unless the context otherwise requires:

“raw milk” means the fresh, whole, clean lacteal secretion of cow or goat, not fully pasteurized as provided by the United States public health service standard milk ordinance and code of 1939.

“official vaccination” means a calfhood or adult vaccination,

with a vaccine approved by the state veterinarian, registered therewith, and properly identified as such, given to a milk producing animal by an authorized veterinarian.

“calfhood vaccination” means an official vaccination given to a milk producing animal not less than six nor more than eight months of age.

“adult vaccination” means an official vaccination given within ten days after a Brucellosis test and a negative reaction thereto, to an animal not less than eight months of age.

“ultimate consumer” means the person drinking or consuming milk or milk products.

“reactor” means a milk producing animal afflicted with Brucellosis as determined by a test approved by the state veterinarian.

“person” includes an individual, firm, corporation, company or association.

Sec. 2. SALE OF RAW MILK. Any person producing raw milk or raw milk products for sale to the ultimate consumer for human consumption shall register with the state dairy commissioner the location and number of dairy cattle or goats supplying such raw milk or milk products.

Sec. 3. BRUCELLOSIS TEST. Dairy cattle or goats from which raw milk or raw milk products are sold to the ultimate consumer in the raw state for human consumption shall be tested annually for Brucellosis; but in state designated Brucellosis free areas, animals found to be negative on the last test shall be classed as negative and subject to retest when such area is periodically reaccredited. A group of animals in a state designated free Brucellosis area in which infection is disclosed shall be subject to retest at such time as the state veterinarian may designate and reactors removed as provided in this Act.

Sec. 4. DISPOSITION OF REACTORS. A reactor not having an official vaccination shall be identified with a “B” brand on the left jaw and shall, not less than fifteen days after such determination be: 1. sold for slaughter; 2. placed, with permission of the state veterinarian, in a herd not located in a state designated Brucellosis free area and producing milk for pasteurization, or, 3. sold for interstate movement under existing rules and regulations.

Sec. 5. SALE OF ANIMALS. Dairy cattle or milk goats, except those sold in interstate commerce, sold for slaughter or originating in a state designated Brucellosis free herd or area in which there were no reactors on the last preceding test,

shall, within thirty days prior to the sale thereof, pass a negative Brucellosis test. Officially vaccinated dairy cattle or goats may be moved intrastate without such test.

Sec. 6. BRUCELLOSIS CONTROL REGULATIONS. The livestock sanitary board shall enforce the provisions and regulations of this Act.

Sec. 7. PENALTIES. A person: 1. offering for sale, trade or other disposition any known Brucellosis reactor except as provided in this Act; 2. removing or causing to be removed evidence of a reactor brand or tag, or, 3. violating any provision of this Act, shall be guilty of a misdemeanor.

Sec. 8. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—February 18, 1949.

Filed in the Office of the Secretary of State—February 18, 1949.

CHAPTER 14

(House Bill No. 43)

AN ACT

RELATING TO THE CORPORATION COMMISSION; AMENDING ARTICLE 10, ARIZONA CODE ANNOTATED, 1939, BY ADDING SECTIONS 53-1001 (a) AND 53-1001 (b); CREATING A SECURITIES DIVISION, PROVIDING FOR A DIRECTOR AND ASSISTANT DIRECTOR AND FIXING THEIR QUALIFICATIONS AND COMPENSATION; RELATING TO EXAMINATIONS OF INVESTMENT COMPANIES AND DEALERS IN SECURITIES AND PROVIDING FOR THE EXPENSE THEREOF; PROVIDING A PENALTY FOR VIOLATION; AMENDING SECTION 53-1104, ARIZONA CODE ANNOTATED, 1939; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Article 10, Arizona Code Annotated, 1939, is amended by adding new sections 53-1001 (a) and 53-1001 (b) as follows:

Sec. 53-1001 (a). **SECURITIES DIVISION—DIRECTOR AND ASSISTANT.** There shall be a securities division of the corporation commission to administer the laws and regulations governing investment companies and dealers in securities, as provided for in articles 10 and 11 of Chapter 53, Arizona Code Annotated, 1939.

(b) The Commission shall appoint a director of securities, subject to removal for cause, at a salary of not to exceed six thousand dollars (\$6,000.00) per annum, who shall, subject to the authority and under the direct supervision of the commission, be the administrator of the securities division. He shall be a person of at least thirty (30) years of age and shall be qualified in either one or both of the following ways: (1) By broad experience and training in corporate finance and investment banking. (2) By having earned a college or graduate degree in business administration the major subjects of which have relation to investment banking and corporate finance. He shall accept the findings of examinations of investment companies and dealers in securities which have been conducted by any one of the following: The United States Securities and Exchange Commission, the National Association of Securities Dealers, Inc., or the New York Stock Exchange. The director of securities shall devote his entire time to the discharge of his duties as such.

(c) The commission shall appoint an experienced assistant to the director of securities at a salary of not to exceed three thousand dollars (\$3,000.00) per annum, to aid in the proper discharge of the duties imposed upon the securities division.

Sec. 53-1001 (b). **EXPENSE OF EXAMINATIONS.** (a) The compensation of examiners and other persons engaged in an examination of investment companies and dealers in securities except the director of securities and his assistant shall be in an amount not to exceed twenty-five dollars (\$25.00) per day or fraction thereof, and actual travel and other expense properly incurred in connection therewith, and shall be paid by the company or the dealer examined. The commission shall approve and transmit a certified statement of such expenses to the company or dealer, and the corporation or person examined, after receipt of such statement, shall promptly pay the amount directly to such examiner or examiners. Failure to make such payment within thirty (30) days after the receipt of such statement shall cause a forfeiture of the permit or certificate of the person in default. Any person paying or receiving any money or thing of value in excess of the amount so certified and approved by the commission shall be guilty of a felony, subject to a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed three years, or both.

Sec. 2. Section 53-1104, Arizona Code Annotated, 1939, is amended to read:

Sec. 53-1104. LAWS GOVERNING—POWERS OF COMMISSION. Hearings, rehearings, proceedings, orders, examinations, decisions and appeals shall be had or taken in like manner and shall be governed by the provisions of Article 10 of Chapter 53, Arizona Code Annotated, 1939, as amended. The Commission may make and enforce all necessary orders or rules for carrying out the provisions of this article.

Sec. 3. REPEAL. All acts and parts of acts in conflict herewith are hereby repealed.

Sec. 4. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act shall become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—February 26, 1949.

Filed in the Office of the Secretary of State—February 26, 1949.

CHAPTER 15

(House Bill No. 30)

AN ACT

RELATING TO IMPROVEMENT DISTRICTS; AND
AMENDING SECTIONS 16-2802, 16-2836, AND 16-2858,
ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 16-2802, Arizona Code of 1939, is amended to read:

16-2802. AUTHORIZATION FOR DISTRICTS. (a) An improvement district may be established in any unincorporated area by the board of supervisors of the county in which the proposed district is located, for the purpose of making street, sewer and other local improvements, through special assessments in such districts, or the issuing of bonds for improvements, and levying taxes for the operation and maintenance of the same and of streets within the district.

(b) No territory lying within an incorporated city or town shall be included in such an improvement district at the time of its establishment. Neither shall there be included in such district any lands owned or held by any common carrier for use in connection with interstate or intrastate commerce, any patented or unpatented mining claims, any lands used or occupied for mining or metallurgical purposes, nor, without the consent of the owner, any tract of land of twenty or more acres in area actually used for commercial farming or commercial stock raising, or any subdivided lands of which lots or blocks have not been offered generally for sale since such lands were subdivided.

Sec. 2. Sec. 16-2858, Arizona Code of 1939, is amended to read:

16-2858. DEFINITIONS. As used in this Act, unless the context otherwise requires:

“unincorporated area” means any portion of a county not within the limits of an incorporated city or town, so situated that any of the improvements provided for in this Act might reasonably or properly be made or constructed for the benefit of the inhabitants of the area under existing special assessment statutes if the same were situated within an incorporated city or town.

“street” includes avenues, alleys, highways, lanes, crossings, intersections, courts, places and grounds opened or dedicated to public use and public ways.

“sewers” include tunnels, excavations, ditches, drains, conduits, channels, outlets, outfalls, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers of every character, machinery, apparatus, equipment and all appliances and structures necessary or incidental to the construction, installation or operation of a complete sewer system for either sanitary or drainage purposes.

“commercial farming” means the intensive cultivation of arable land by the raising of agricultural or horticultural products as a principal source of the owner’s livelihood.

“commercial stock raising” means the breeding, raising and care of domestic animals as a principal source of the owner’s livelihood.

“waterworks” means works for the storage or development of water for domestic uses, and includes wells, pumping machinery, power plants, pipelines and all equipment necessary for the purpose.

“lighting plants” includes electric light plants, electric power plants, gas plants, distribution systems, poles, parts, pipes, conduits, wires, tanks, reservoirs, generators for gas or

electricity, transmission lines, towers, lamps, transformers of every character, machinery, apparatus, equipment and all appliances and structures necessary or incidental to the construction, installation or operation of a complete electric light, power and gas plant and distribution system placed on the streets improved, though extended beyond.

“work” or “improvement” includes any of the improvements mentioned and authorized to be made in this Act; the construction, reconstruction and repair of all or any portion of any such improvement, and labor, services, expenses and material necessary or incidental thereto.

“engineer” or “district engineer” means a person designated or employed by the board of directors of a district to perform any or all of the engineering work authorized to be done by the district under this Act.

“clerk” or “district clerk” means the clerk of the board of supervisors, who shall be the clerk under this Act and in whose office shall be filed all papers directed or required to be filed with the clerk.

“treasurer” or “district treasurer” means the treasurer of the county in which a district is situated, who shall be the treasurer of the district.

“street superintendent” or “superintendent” means a county employee designated by the board of supervisors to perform the duties of street superintendent for all the districts organized under this Act in any county.

“block” means a parcel of ground, regular or irregular, bounded by streets or by streets and district boundary lines.

“lot” includes any portion, piece, parcel or subdivision of land, but not property owned or controlled by any person as a railroad right of way.

“chairman of the board” means the person designated to preside over meetings of the board of directors.

“contractor” includes personal representatives or assignee of the contractor.

“owner” means the person in whom legal title appears by recorded deed, or the person in possession under claim or title, or the person exercising acts of ownership for himself or as the personal representative of the owner.

“improvement bond” means a bond issued under the provisions of this Act.

“assessment” or “assessment roll” means a special assessment made under the provisions of this Act.

“delinquency” means delinquency in the payment of an assessment.

“time of delinquency” means the time when assessments become delinquent.

Sec. 3. Sec. 16-2836, Arizona Code of 1939, is amended to read:

16-2836. ISSUANCE OF BONDS; RESOLUTION TO RECITE TERMS. After the full expiration of the prescribed time from the date of the warrant, and after the superintendent shall have recorded the return, he shall make and certify to the clerk a complete list of all assessments unpaid, which amount to twenty-five dollars or over, upon any assessment. If any person before the certification of said list to the clerk shall present to the superintendent his affidavit that he is the owner of a lot in said list, accompanied by the certificate of a searcher of records that he is such owner of record, and notifies said superintendent in writing that he desires no bond to be issued for the assessment upon said lot, then said assessment shall not be included in said list, and remain collectable as herein provided. Omission to file such notice shall bar any defense against said bonds except that the board of directors did not have jurisdiction to issue the same.

The clerk shall present said list to the board of directors at its next meeting, and the board of directors shall thereupon, by resolution, direct improvement bonds to be issued to the contractor for the amount of the assessments remaining unpaid, prescribing the number and denomination of said bonds, and the times when payable, which shall be so fixed that an approximately equal amount of the total sum shall be paid each year until the whole amount is paid, not exceeding twenty years and three months from the date of the bonds. So far as practicable, the denominations of said bonds shall be fixed at one hundred dollars or some multiple thereof, not exceeding one thousand dollars. The bonds shall be issued as of the date of the warrant, and shall bear interest from said date at the rate specified in the resolution of intention, not exceeding six per cent per annum. They shall have semi-annual interest coupons thereto attached, the first of which shall be payable on the first day of January or July, as the case may be, occurring ninety days after the date of the bond, and shall be for the interest accrued at that time. The due date of all of said bonds shall be the first day of January, in the years in which they respectively become due.

Approved by the Governor—February 26, 1949.

Filed in the Office of the Secretary of State—February 26, 1949.

CHAPTER 16

(Senate Bill No. 38)

AN ACT

RELATING TO ESTATE TAXES; AMENDING SECTIONS 40-103, 40-111, 40-115, 40-119, 40-134, AND 40-135, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 40-103, Arizona Code of 1939, is amended to read:

40-103. IMPOSITION OF TAX; EFFECT OF FEDERAL ESTATE TAX. A tax, determined as hereinafter provided, is imposed upon the interest of the net estate of every decedent dying after the date of the taking effect of this Act, whether a resident or non-resident of the state.

In the event that a federal estate tax is payable to the United States in a case where the estate tax payable to this state is less than the maximum state tax credit allowed by the federal estate tax law, a tax equal to the difference between the maximum credit and the estate tax payable is hereby imposed.

If no estate tax is payable to this state in a case where a federal estate tax is payable to the United States, a tax equal to the maximum state tax credit allowed by the federal estate tax law is hereby imposed.

Sec. 2. Section 40-111, Arizona Code of 1939, is amended to read:

40-111. INTEREST ON TAX. All taxes imposed by this Act shall be due and payable at the death of the testator, interstate, grantor, donor, or vendor. In the event the tax is not paid within fifteen months after the date of death, the tax shall bear interest at the rate of eight per cent per annum, computed from the expiration of one year after the date of death, and if not paid within two years, ten per cent per annum thereafter until paid. For good showing and upon order of the superior court having jurisdiction of the probate of the estate, the commissioner may extend the time for payment of the tax.

Sec. 3. Section 40-115, Arizona Code of 1939, is amended to read:

40-115. RETURN BY EXECUTOR OR ADMINISTRATOR.

(a) Every executor or administrator shall within fifteen months after date of decedent's death file with the commissioner a return under oath, on forms prepared and furnished by the commissioner, setting forth: 1. the value of the gross estate of the decedent at the time of death, and, in case of a non-resident, that part of his gross estate situated in the state; 2. deductions and exemptions; 3. net value of the estate; 4. the tax paid or payable thereon, and, 5. such supplemental data as may be necessary to establish the correct tax; or such part of the required information as may at the time be ascertainable.

(b) Return shall be made in all cases where the gross estate, at the death of the decedent, exceeds one hundred thousand dollars (\$100,000.00).

(c) In the event the executor or administrator is unable to make a complete return as to any part of the gross estate he shall include in his return a description of such part and the name of every person holding a legal or beneficial interest therein, and upon notice from the commissioner such person shall in like manner make a return as to such part of the gross estate.

Sec. 4. Section 40-119, Arizona Code of 1939, is amended to read:

40-119. SAFE DEPOSIT BOXES. (a) No safe deposit company, trust company, corporation, bank, or other institution, person or persons engaged in the business of renting safe deposit boxes or other receptacles of similar character shall rent any such box or receptacle without first requiring all persons given access thereto to agree in writing to notify such safe depository, bailee, or lessor, from whom such box or receptacle is rented, of the death of any person having the right of access thereto, before seeking access to such box or receptacle after the death of such person; and all persons having the right of access to any such safe, deposit box or receptacle upon the death of any other person having access thereto, before seeking access to such box or receptacle, must notify such safe depository, bailee, or lessor from whom such box or receptacle is rented, of the death of such person. It shall be unlawful for any safe deposit company, trust company, corporation, bank or other institution, person or persons having in possession or under control, custody or partial custody any safe deposit box or similar receptacle, to permit access thereto by any one after the death of any person who at the time of his death had the right or privilege of access thereto, either as principal, deputy, agent or co-tenant, without the consent of the estate tax commissioner or such person

by him in writing authorized to issue such consent.

(b) No corporation organized or existing under the laws of this state shall transfer on its books or issue a new certificate for any share or shares of its capital stock belonging to or standing in the joint names of a decedent and one or more persons, without the written consent of the commissioner or person by him in writing authorized to issue such consent.

(c) No safe deposit company, trust company, corporation, bank or other institution, person or persons having in possession or under control or custody or under partial control or partial custody securities, deposits, assets or property belonging to or standing in the name of a decedent who was a resident or non-resident, or belonging to, or standing in the joint names of such decedent and one or more persons, including the shares of the capital stock of, or other interest in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer herein provided, shall deliver or transfer the same to the executors, administrators or legal representatives, agents, deputies, attorneys, trustees, legatees, heirs, successors in interest of said decedent or to any other person or persons, or to the survivor or survivors when held in the joint names of a decedent and one or more persons, or upon their order or request, without retaining a sufficient portion or amount thereof to pay any tax and interest which may thereafter be assessed thereon under this Act, and unless notice of the time and place of such delivery or transfer be served upon the commissioner at least ten days prior to said delivery or transfer. The commissioner, or person by him in writing authorized so to do, may consent in writing to said delivery or transfer, and such consent shall relieve said safe deposit company, trust company, corporation, bank or other institution, person or persons from the obligation hereunder to give such notice or to retain any portion of said securities, deposits or other assets in their possession or control. It shall be lawful for the commissioner, personally or by representative to examine said securities, deposits or assets at the time of said delivery or otherwise. Five thousand dollars (\$5,000.00) of every bank deposit shall be exempt from the provisions of this subsection (c).

(d) Failure to comply with the provisions of this section shall render such safe deposit company, trust company, corporation, bank or other institution, person or persons, liable to a penalty of not more than one thousand dollars, and in addition thereto, for the amount of the taxes, interest and penalties due under this Act on said securities, deposits or other assets. Said penalties and liabilities may be enforced in an action to be brought by the commissioner.

Sec. 5. Section 40-134, Arizona Code of 1939, is amended to read:

40-134. ADMINISTRATION. The estate tax commissioner, shall administer and enforce the provisions of this Act. He shall have the power:

1. To make such rules and regulations, not inconsistent with this Act, as he may deem necessary.

2. For the purpose of ascertaining whether or not a tax is due, to issue subpoenas, administer oaths, and to take testimony, by the same means and in the same manner as allowed to courts of record. If any person summoned to appear to testify or to produce books, papers, records, or other data shall refuse to do so, the superior court for the county in which such person resides shall by appropriate process compel such attendance, testimony or production of books, papers, records or other data.

3. Whenever he has reason to believe that a transfer has occurred on which a tax is due, and that any person, firm, institution, company, association or corporation has possession, custody or control of books, accounts, papers or documents relating to or evidencing such transfer, to inspect the books, records, accounts papers, and documents of any person, firm, institution, company, association or corporation, or of or in the custody or control of any agent or representative thereof in this state, for the purpose of acquiring any information deemed necessary or desirable for ascertaining the facts with respect to any transfer which the commissioner has reason to believe has occurred and on which he believes a tax is due, or for the proper enforcement of this Act. Any person having custody of any such books, records, accounts, papers or documents who shall refuse to give the commissioner access thereto during office hours, and reasonable opportunity to inspect or take a copy of the same shall be liable to a penalty of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) and in addition thereto for the amount of the taxes, interest and penalties due on such transfer. Said penalties and liabilities may be enforced in an action brought by the commissioner or the attorney general in any court of competent jurisdiction.

4. To inspect the records of the income tax department of the state. Information acquired from the records of such department shall be held to be confidential, and shall not be divulged, disclosed or made known except in so far as may be necessary for the enforcement of the provisions of this Act. Any person who shall divulge any information acquired by

such inspection and examination of the income tax records, except in so far as may be necessary for the enforcement of the provisions of this Act, shall be guilty of a misdemeanor and upon conviction imprisoned not more than six months.

5. To issue credentials to any assistant or representative, authorizing him to exercise the powers with respect to the enforcement of this Act, vested in the commissioner, and each such assistant or representative shall have such credentials, signed by the estate tax commissioner and countersigned by the governor.

6. To do all lawful things necessary in carrying out the provisions of this Act.

Sec. 6. Section 40-135, Arizona Code of 1939, is amended to read:

40-135. THE GOVERNOR SHALL APPOINT ESTATE TAX COMMISSIONER. (a) The governor, with the consent of the state senate, shall appoint an estate tax commissioner, who shall serve for a term of six years, shall be subject to removal by the governor for cause, and shall have the right to appeal to the superior court of Maricopa county from such order. The estate tax commissioner shall file with the secretary of state a bond in the sum of fifty thousand dollars (\$50,000.00) conditioned upon the faithful performance of his duty and a proper accounting of any funds or property that may come into his hands as such estate tax commissioner. He shall be paid a salary of not to exceed four thousand two hundred dollars (\$4,200.00) per annum.

(b) The estate tax commissioner may appoint an assistant estate tax commissioner and appraiser who shall hold office at the discretion of the estate tax commissioner. The assistant estate tax commissioner shall file with the secretary of state a bond in the sum of twenty-five thousand dollars (\$25,000.00) conditioned upon the faithful performance of his duty and a proper accounting of any funds or property that may come into his hands as such assistant estate tax commissioner. The assistant estate tax commissioner shall be paid a salary of not to exceed two thousand seven hundred dollars (\$2,700.00) per annum.

(c) Such assistant estate tax commissioner shall have all of the powers and duties conferred upon the estate tax commissioner in the enforcement, administration and collection of the taxes imposed by this Act.

(d) The estate tax commissioner may appoint such assistants as are necessary for the proper collection of estate taxes under this Act and shall fix their compensation.

Approved by the Governor—March 2, 1949.

Filed in the Office of the Secretary of State—March 2, 1949.

CHAPTER 17

(House Bill No. 80)

AN ACT

RELATING TO FEES AND COSTS; PRESCRIBING JUROR'S FEES AND MILEAGE, AMENDING SECTION 34-130, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 34-130, Arizona Code of 1939, is amended to read:

34-130. JUROR'S FEES AND MILEAGE. (a) Each juror shall be paid by the county: 1. for each day's attendance on the superior court, six dollars, and, 2. for each mile necessarily traveled from his residence to the court an amount to be determined by the judge, but not to exceed twenty cents per mile, to be computed for one trip and one way only, when a juror necessarily returns to his residence one or more times during the period of service because of a recess ordered by the court, he shall be paid for such travel an additional amount to be determined by the judge, but not to exceed twenty cents per mile one way for each such recess.

(b) Attendance on the court shall include the first day a juror is required to appear and shall continue each day thereafter, whether the juror is serving on a jury or waiting subject to call, until the juror is either temporarily or permanently excused from jury service by order of the court.

(c) Each juror shall be paid by the county for each day's attendance upon justice court or upon any inquest, three dollars.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 5, 1949.

Filed in the Office of the Secretary of State—March 5, 1949.

CHAPTER 18

(House Bill No. 21)

AN ACT

RELATING TO TAX EXEMPTION; PRESCRIBING THE PERIOD FOR CLAIMING EXEMPTION; AMENDING SECTION 73-304, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 73-304, Arizona Code of 1939, is amended to read:

73-304. PROOF OF EXEMPTION. The assessor may, in his discretion, require additional proof of the facts stated by the affiant before allowing an exemption. Failure upon the part of a person entitled to exemption to make affidavit or furnish evidence as required by this Act, between the first Monday in January and the thirtieth day of April of each year shall be deemed to be a waiver of exemption of such person. This Act shall become effective January 1, 1950.

Approved by the Governor—March 5, 1949.

Filed in the Office of the Secretary of State—March 5, 1949.

CHAPTER 19

(House Bill No. 28)

AN ACT

RELATING TO THE SUPERVISOR OF PAROLEES; AMENDING SECTION 44-3007, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 44-3007, Arizona Code of 1939, is amended to read:

44-3007. SUPERVISOR OF PAROLEES. (a) The supervisor of parolees shall make investigations and collect informa-

tion which will assist the board of pardons and paroles in passing upon applications for parole of inmates of the state prison. He shall keep a record of parolees and of the reports of parolees required to report to the board, and contact parolees and give field supervision whenever possible.

(b) The chairman of the board of pardons and paroles shall be the supervisor of parolees ex-officio. He shall receive not to exceed fifteen dollars per day for not to exceed two hundred ninety days in any calendar year, and necessary expenses incurred in the performance of his duties as supervisor of parolees, but shall not receive such compensation for any day for which he draws compensation as chairman of the board of pardons and paroles.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 7, 1949.

Filed in the Office of the Secretary of State—March 7, 1939.

CHAPTER 20

(Senate Bill No. 22)

AN ACT

RELATING TO THE LEGISLATURE; PROVIDING FOR THE REIMBURSEMENT OF MEMBERS, EMPLOYEES, AND OFFICERS FOR EXPENDITURES FOR SUBSISTENCE AND LODGING; AMENDING SECTION 2-110, ARIZONA CODE OF 1939, AS AMENDED.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 2-110, Arizona Code of 1939, as amended, is amended to read:

2-110. REIMBURSEMENT OF MEMBERS OF LEGISLATURE. Any member of the legislature, while absent from his usual place of residence in the service of the state during a session of the legislature, shall be reimbursed for his actual and necessary expenditures for subsistence, incidentals, and lodging, not to exceed the sum of seventeen dollars per

day, and all employees or officers shall be reimbursed for such expenses in an amount not to exceed the sum of ten dollars per day, for a period not to exceed sixty days in any one regular session and for a period of not to exceed twenty days in any one special session. All claims for reimbursement as provided for in this Act (this section) shall be filed as other claims against the state, and shall be accompanied by receipts or vouchers evidencing such expenditures.

Approved by the Governor—March 10, 1949.

Filed in the Office of the Secretary of State—March 10, 1949.

CHAPTER 21

(House Bill No. 91)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appropriation contained in subdivision 38, section 1, chapter 142, Laws of 1947, regular session, the sum of eleven thousand three hundred twenty-five dollars and twelve cents is appropriated to the superintendent of public instruction, from the state school fund.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the purposes and in the amounts following: 1. for the office of the superintendent: 1a. personal services, seven thousand seventy dollars; 2a. current expenditures, two thousand two hundred sixty dollars; 3a. state travel, eight hundred seventy-five dollars; 2. for the textbook division: personal services, one thousand one hundred twenty dollars and twelve cents.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emer-

gency measure, to take effect as provided by law.

Approved by the Governor—March 10, 1949.

Filed in the Office of the Secretary of State—March 10, 1949.

CHAPTER 22

(House Bill No. 65)

AN ACT

RELATING TO PREDATORY ANIMALS, AND AMENDING SECTION 50-102f, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 50-102f, Arizona Code of 1939, is amended to read:

50-102f. BOUNTY ON PREDATORY ANIMALS. (a) The livestock sanitary board may pay a reward of one hundred dollars for each mountain lion, fifty dollars for each lobo wolf, and three dollars fifty cents for each coyote killed within the state.

(b) Any person who kills an animal specified in subsection (a) may claim any reward offered therefor by displaying the hide of such animal to an inspector of the livestock sanitary board located in the district in which the animal was killed; making affidavit on a form prescribed by the board that he killed the animal, together with the date when, the place where, and the manner in which it was killed, and executing a claim upon the state for the amount claimed. He may retain the hide of the animal killed. If the inspector is satisfied that the animal was killed within the state by the person presenting the claim, he shall approve the claim and forward it, together with the claimant's affidavit, to the board. If the board finds the claim in order it shall approve the same and file it with the state auditor. No claim shall be approved unless the claimant is a legal resident of the state and no claim shall be approved if the animal was killed by a federal or state predatory hunter or trapper.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emer-

gency measure, to take effect as provided by law.

Approved by the Governor—March 10, 1949.

Filed in the Office of the Secretary of State—March 11, 1949.

CHAPTER 23

(House Bill No. 77)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE SECRETARY OF STATE, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appropriation made under the terms of subdivision 6, section 1, chapter 142, Laws of 1947, regular session, for the procurement of supplements to the Arizona Code of 1939, the sum of two thousand dollars is appropriated to the secretary of state.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is to enable the secretary of state to make settlement for two hundred copies of the 1947 cumulative pocket supplement of the Arizona Code of 1939 which have been received but for the payment of which no funds are available.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 10, 1949.

Filed in the Office of the Secretary of State—March 11, 1949.

CHAPTER 24

(House Bill No. 34)

AN ACT

FOR THE RELIEF OF THE CITY OF TEMPE.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of twenty-three thousand six hundred fifteen dollars and sixty cents (\$23,615.60) is appropriated for the relief of the City of Tempe.

Sec. 2. BASIS OF CLAIM. Payment of the sum appropriated is in full satisfaction of the claim of the city of Tempe for the unpaid portion, in the amount of twenty-three thousand six hundred fifteen dollars and sixty cents (\$23,615.60), of the cost of construction of the Tempe sewerage works represented by the proportion which the area of state property, occupied by the Arizona State College at Tempe, served by such sewerage works, bears to the entire area so served.

Approved by the Governor—March 11, 1949.

Filed in the Office of the Secretary of State—March 11, 1949.

 CHAPTER 25

(House Bill No. 168)

AN ACT

MAKING AN APPROPRIATION TO THE GOVERNOR, FOR THE PAYMENT OF OBLIGATIONS INCURRED UNDER THE PROVISIONS OF INITIATIVE MEASURE 306-307, ADOPTED NOVEMBER 2, 1948, CREATING THE STATE CIVIL SERVICE BOARD, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of three thousand three hundred forty-seven dollars and sixty-one cents (\$3,347.61) is appropriated to the governor.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to permit the payment of obligations incurred under the provisions of initiative measure 306-307, adopted by the people at the election held November 2, 1948, providing for the creation of a state civil service board, which initiative measure was by the supreme court declared unconstitutional. The sum appropriated shall be available for use in the following categories and amounts: 1. salaries of board members, one thousand seven hundred sixty-

nine dollars and fifty cents (\$1,769.50); 2. other personal services and operation, one thousand five hundred seventy-eight dollars and eleven cents (\$1,578.11).

Sec. 3. APPROVAL OF CLAIMS. Claims for services performed or expenses incurred under the provisions of initiative measure 306-307 shall be subject to approval by the governor.

Sec. 4. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 11, 1949.

Filed in the Office of the Secretary of State—March 11, 1949.

CHAPTER 26

(House Bill No. 8)

AN ACT

RELATING TO TRAVEL OF PUBLIC OFFICERS AND EMPLOYEES, PRESCRIBING THE AUTHORIZATION FOR AND MODE OF TRAVEL, AND ALLOWABLE EXPENSES THEREFOR; AMENDING SECTION 12-713, ARIZONA CODE OF 1939, AS AMENDED; REPEALING SECTIONS 12-715 AND 12-716, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 12-713, Arizona Code of 1939, as amended, is amended to read:

12-713. MILEAGE AND TRAVELING EXPENSE. (a) Authorization for travel. Whenever the official duties of a public officer or employee make it necessary for him to travel from his designated post of duty he shall be allowed expenses. All travel shall be authorized by a travel order signed by the head of the issuing department or agency, or by a person to whom such authority has been properly delegated.

(b) Travel without the state. Whenever the official duties or activities of a public officer or employee of the state or of any department, institution, commission, board or other agency of the state necessitate traveling without the state, the travel order shall be countersigned by the governor and this shall be authority for the state auditor to pay such claims from any funds available for such travel.

(c) Means of travel. (1) First class travel by air, railroad or bus will be allowed. Pullman fares shall be considered as transportation and costs not to exceed a standard lower berth may be allowed each person traveling. (2) Private conveyance may be allowed for travel within the state by way of the most direct regularly traveled route computed by highway map or speedometer reading when traveling by automobile and shall be paid at a rate not to exceed seven cents a mile; if by airplane, by the most direct air mileage route listed by the civil aeronautics board at actual rates not to exceed ten cents a mile.

When private conveyance is used without the state, mileage will not be allowed for automobile, but a sum equal to that of first class travel by railroad may be claimed; if by airplane, air mileage will not be allowed, but a sum equal to that of first class airways fare may be claimed by the employee or officer authorized to travel.

When more than one officer, employee or other public agent traveling on official business is transported in the same private conveyance, one mileage only may be allowed.

Members of boards of supervisors living without the limits of the county seat shall be allowed mileage from their home to the corporate limits of the county seat when attending meetings of the board.

(d) Subsistence. Per diem for subsistence may be claimed at the rate of eight dollars for travel within the state and twelve dollars for travel without the state, for each twenty-four hour day for each person. In computing per diem for subsistence for the calendar day, the day shall be divided into four periods of six hours each or fraction thereof, commencing at midnight.

(e) Receipts for lodging and transportation. Claims which include lodging and/or transportation by common carrier shall not be allowed unless accompanied by receipts. Provided that receipts for transportation by means of local street cars, local busses and taxicabs shall not be required and such means of local transportation may be allowed and paid for and shall

not be regarded as regular common carrier transportation.

(f) Who may travel. The provisions of this section shall apply to any public officer, deputy or employee of the state or of any department, institution, or agency thereof and to any member of any board, commission or other agency of the state when traveling on necessary public business when issued a proper travel order.

Sec. 2. REPEAL. Any law or parts of law in conflict herewith are hereby repealed. Section 12-715, Arizona Code of 1939, as amended, is hereby repealed. Section 12-716, Arizona Code of 1939, as amended, is hereby repealed.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 11, 1949.

Filed in the Office of the Secretary of State—March 11, 1949.

CHAPTER 27

(House Bill No. 170)

AN ACT

AUTHORIZING THE FORMATION OF LOCAL HOSPITAL DISTRICTS; PROVIDING FOR THE MANAGEMENT AND CONTROL OF HOSPITALS BUILT BY SUCH DISTRICTS; PROVIDING FOR FINANCING OR LEASING THE SAME; PROVIDING FOR THE DISSOLUTION OF THE DISTRICTS, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. SHORT TITLE: This Act may be cited as the "Hospital District Act of 1949".

Sec. 2. DEFINITIONS. "Organizing county" means the county whose board of supervisors receives the petition for organization of a hospital district;

“newspaper” means a newspaper of general circulation published within the district, if any be published, or if not, within the county, and if notice is to be published within another county as required by this Act the same rule shall apply.

Sec. 3. PETITION PROPOSING DISTRICT. In order to propose the formation of a hospital district, a petition shall be presented to the board of supervisors of the county within which such proposed district may lie, or the greater proportion thereof, signed by ten percent (10%) of the electors residing within the area of the proposed district, which petition shall set forth and particularly describe the proposed boundaries of such district, and shall pray that the same be organized as a hospital district under the provisions of this Act. Such petition shall be presented at a regular or special meeting of the board of supervisors, and the board shall thereupon enter an order fixing a time, not less than three (3) nor more than five (5) weeks from the date of such order, at which time a hearing on said petition shall be had by the said board, and directing that notice of said hearing be published not less than two consecutive weeks prior to the date of such hearing, in a newspaper published within such proposed district, if any be published, if not, in a newspaper published within the county. If any portion of the proposed district lies within another county or counties, then such order shall further direct that notice shall be likewise published in a newspaper to be designated in said order, printed and published in each of said counties. Hearings on such petition shall be at the office of the board of supervisors to whom such petition is granted, in either a regular or a special meeting, unless the board shall determine for the convenience of the parties to hold the hearing elsewhere. The petitioners shall give such security as the board of supervisors of the organizing county may require, conditioned upon the payment of all costs if for any reason the district should fail of organization. If the district is organized such costs shall be a proper charge against such district.

No petition for the formation of a district shall be acted upon as herein provided, unless the area encompassed within such proposed district shall first have been approved as an area needing additional hospital facilities and eligible for federal aid under the federal Act known as the “Hospital Survey and Construction Act”, being Public Law 725 of the 79th Congress of the United States approved August 13, 1946, or any amendment or amendments thereto, nor unless there shall be in existence a corporation not for pecuniary profit duly organized under the laws of the state of Arizona for the purpose of conducting a hospital which shall have offered to lease the proposed hospital for a period of not less than five (5) years in accordance with the terms of subdivisions (e) and (f) of section 8. of this Act.

Sec. 4. HEARING ON PETITION. At the time fixed in such notice, the board of supervisors shall consider the petition and shall hear any evidence either favoring or disapproving said petition. The board shall make such changes in the proposed boundaries as may be deemed advisable. All decisions and determinations made at such hearing shall be entered upon the minutes of the board of supervisors. In the event the board approves the establishment of such district, the minutes shall set forth the particular description of the boundaries of the district as determined by the board.

Sec. 5. ELECTION TO DETERMINE ORGANIZATION. In the event the board of supervisors orders the formation of a hospital district, the board shall then give notice of an election to be held within such proposed district, for the purpose of determining whether or not the same shall be organized as herein provided. The notice shall designate a name for the proposed district, and describe the boundaries thereof, and the designation of the polling places to be established within the district for such election. The notice shall be published for at least two (2) consecutive weeks previous to such election, in a newspaper published within the county in which the petition for the organization of the proposed district was presented, and if any portion of such proposed district is within another county or counties, then such notice shall be published for the same length of time in a newspaper published in each of such counties. Such notice shall require the electors to cast ballots which shall contain the words, "Hospital District—Yes" and "Hospital District—No". Any resident, real property owner in the district shall be entitled to vote at such election. The election shall be conducted as nearly as practicable in accordance with the general election laws of the state.

Sec. 6. DECLARATION OF RESULT AND RECORDING OF ORDER. The board of supervisors shall, at its next succeeding regular or special session canvass the votes cast at the election, and if it appear that a majority of the voters voting thereon favor the formation of such district, the board shall by order, declare such territory duly organized, and shall cause a certified copy of such order to be filed in the office of the county recorder of any county in which any portion of the lands embraced in such district are situated, and shall also forward a copy thereof to the clerk of the board of supervisors of each such county.

Sec. 7. BOARD OF DIRECTORS. The board of directors of the district shall be composed of five (5) citizens, resident real property taxpayers within said district, none of whom shall be a practicing physician or an elective or appointive state, county or city official. At the election to determine whether a district shall be formed, as provided for in

section 5 herein, the ballot shall contain the names of five (5) or more persons to be voted for to fill the office of directors. Such persons may be nominated in the petition praying for the formation of a district, or they may be nominated by fifty (50) or more persons possessing the qualifications required of those eligible to vote in the election as provided for in said section 5. The directors originally elected shall draw lots for terms of one (1), two (2), three (3), four (4) and five (5) years respectively. Annual elections shall be held on the second Wednesday of each year for the purpose of electing directors to fill vacancies resulting from expiration of term of members as herein provided. Vacancies resulting from any reason except expiration of term may be filled by the remaining directors. The board shall be a body corporate, under the name "board of directors for.....hospital", the name of the hospital being inserted in the blank. One member of the board of directors shall be selected as chairman, one as vice-chairman, and the board of directors may appoint a secretary who shall not be a member of the board, who may receive such salary as may be fixed by the board of directors.

Sec. 8. POWERS OF HOSPITAL DISTRICT. Each hospital district shall have and exercise the following powers:

- (a) To have and use a corporate seal.
- (b) To sue and be sued in all courts and places and in all actions and proceedings whatever.
- (c) To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description within the limits of the district, and to control, dispose of, convey and encumber the same and create a leasehold interest in same for the benefit of the district.
- (d) To administer any trust declared or created for the hospital district, and received by gift, devise, or bequest and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such hospitals.
- (e) 1. The board of directors shall lease the hospital and its equipment for such term or period as it shall deem reasonable but not less than five (5) nor more than ten (10) years to a corporation not for pecuniary profit, duly organized under the laws of the state of Arizona for the purpose of conducting a hospital; provided that the rental to be received upon such lease shall be upon such terms as will provide a fair return to the district on its investment and shall be sufficient to meet the payments of principal and interest of any bonds issued

under the terms of this Act, and such amounts as may be necessary to meet the expenses of the district. Should the first lessee hereunder fail to make the payment of rental provided in the lease, the board shall forthwith cancel the lease for such failure and if then unable to re-lease the hospital and its equipment to a lessee of the kind above provided at a rental sufficient to meet the payments of principal and interest of any bonds issued under the terms of this Act, and such amounts as may be necessary to meet the expenses of the district, the board shall at public auction, of which at least four (4) weeks notice shall be given by publication in a newspaper published or of general circulation in the district, offer to lease the hospital and its equipment to the highest responsible bidder for such term as the board shall prescribe, and shall lease the same to the bidder who shall bid the highest rental for the prescribed period.

2. All rentals received from the lease of the hospital and its equipment shall be applied first against the expenses of the district other than for principal and interest on any bonds which may be issued, and secondly to the payment of principal and interest on issued and outstanding bonds.

(f) Any lease executed by the board of directors under subdivision (e) hereof shall also contain such terms and provisions as may be necessary to assure compliance by the district with any provisions of the hospital survey and construction Act, being Public Law 725 of the 79th Congress of the United States, approved August 13, 1946, or any amendment or amendments thereto.

Sec. 9. POWERS OF BOARD OF DIRECTORS. The board of directors may purchase all necessary surgical instruments and hospital equipment and all other property and supplies necessary for equipping a hospital. The board may purchase such real property, and erect or rent and equip such buildings or rooms as may be necessary for the hospital.

Sec. 10. BONDS. Bonds may be issued by the hospital district for the purpose of carrying out any of the provisions of this Act. In the event the board of directors determines that bonds should be issued, application shall be made to the board of supervisors by the said board of directors, and the board of supervisors shall submit to a vote of the real property tax-paying electors residing in the district such question in the manner as provided by law in Chapter 10, Article 6, Arizona Code, 1939, and if the majority vote of the electors voting on the issue shall approve, the bonds shall be issued as provided by law.

Any bonds issued hereunder may contain a provision requiring the establishment and maintenance of a reserve or reserves upon such terms as may be directed by the board of directors for the purpose of securing the payment of not to exceed interest and principal payments for a two-year period, for the purpose of protecting against any deficiency in rental payments or tax collections.

Sec. 11. EXPENDITURES OF MONEYS. All moneys received for such hospital district, from whatever source, shall be deposited with the county treasurer of the organized county to the credit of the hospital district, and paid out only upon warrants approved by the hospital board.

Sec. 12. COMPENSATION OF DIRECTORS. The members of the board of directors shall serve without compensation, except that each shall be allowed his actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the board, and statutory per diem when away from the district on business of the district.

Sec. 13. BUDGET. Annually, not later than July 15, the board of directors shall furnish to the board of supervisors of the county in which the district or any part thereof is situated, a report of the operation of the district for the past year, and an estimate in writing of the amount of money necessary to be raised by taxation for all purposes required or authorized by this Act during the next ensuing fiscal year. The board of supervisors of each county wherein is situated a district or any part thereof shall thereupon levy upon the taxable property of the district a tax sufficient in amount together with other funds on hand or accruing during the ensuing fiscal year, exclusive of reserves to meet the obligations of the district. The tax shall be computed, entered upon the tax rolls, and collected in the same manner as state and county taxes in the respective county or counties in which said district or any part thereof is located. All moneys collected on behalf of said hospital district shall be remitted promptly to and shall be handled by the county treasurer of the organizing county, as other special district funds are handled. Such district shall be governed by the budget limitation laws of the state of Arizona. In the event such district lies in more than one county, the total budget estimate as hereinabove provided shall be divided by the board of directors in proportion to the value of the real property included within the district in each county, such value to be determined from the equalized values of the last assessment rolls of such counties. When such division of the estimate has been made the board shall furnish the boards

of supervisors of the respective counties a written statement of that part of the estimates apportioned to each county.

Sec. 14. LIMIT OF INDEBTEDNESS. No hospital district shall incur a bonded indebtedness exceeding ten percent (10%) of the assessed value of all the taxable property in the district as shown by the last assessment roll of the county.

Sec. 15. CAPITAL OUTLAYS. The board of directors may establish a fund for capital outlays. At any time after the creation of a capital outlay fund, the board of directors may transfer to such fund any unincumbered surplus funds remaining on hand in the district at the end of any fiscal year. Whenever a capital outlay fund is established, it shall be used only for such purposes, except the board of directors may, by a four-fifths ($\frac{4}{5}$) vote of all members if it finds that the fund is no longer necessary or that there remain in the fund moneys which are no longer required for such purpose, discontinue the fund or transfer so much thereof as is no longer required for capital outlay purposes to the repayment of any bonds outstanding, or if there are no bonds outstanding, to any fund used for the payment of current expenses of the district.

Sec. 16. DISSOLUTION OF DISTRICTS. Any district organized under this Act may be dissolved by the majority vote of all real property taxpaying electors voting on the question of dissolution at a special election called to vote on the question. Such election shall be called by the board of supervisors upon application of the board of directors of the district, or upon the filing of a petition signed by 25% of the electors residing within the district. In the event any district is dissolved, all property, buildings, equipment, and other items owned by said district shall thereupon become the property of the county.

Sec. 17. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 12, 1949.

Filed in the Office of the Secretary of State—March 14, 1949.

CHAPTER 28

(House Bill No. 96)

AN ACT

RELATING TO THE PRESERVATION OF FISH AND GAME; MAKING EXPENDITURES BY THE STATE GAME AND FISH COMMISSION SUBJECT TO THE PROVISIONS OF THE STATE BUDGET LAW; AMENDING ARTICLE 1, CHAPTER 57, BY ADDING SECTION 57-144a; AMENDING SECTION 57-144, ARIZONA CODE 1939, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Section 57-144, Arizona Code 1939, is amended to read:

57-144. STATE GAME AND FISH FUND. The commission shall on or before the last Tuesday of each month pay to the state treasurer, all the money received by it from licenses or from any other sources under this Act, and the state treasurer shall deposit such money in a special fund to be known as the state game and fish protection fund, which is hereby set aside, appropriated and made available to the commission in carrying out the provisions of this Act and such funds shall be used for no other purpose, provided however, that the expenditures of such funds shall be under the strict control of the budget laws of the state and no money shall be expended from such funds except: (a) as provided for by the state legislature specifying the amounts and purposes for which such funds may be expended; (b) to match federal grants for wildlife restoration; and (c) for emergency purposes not to exceed \$25,000.00 in any one fiscal year when authorized by the governor and state auditor.

Sec. 2. Article 1, chapter 57, Arizona Code 1939, is amended by adding section 57-144a, to read:

57-144a. BUDGET APPROPRIATION. Beginning with the fiscal year 1949-50 and 1950-51 and for each biennial period thereafter, the legislature shall, in its general appropriation measure, and in accordance with the budget laws of the state, make an appropriation for the operation of the Arizona game and fish commission, said appropriation to be payable only out of state game and fish protection funds, said appropriation to be expended only as provided by the state budget laws applying to all other state departments.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 15, 1949.

Filed in the Office of the Secretary of State—March 15, 1949.

CHAPTER 29

(Senate Bill No. 26)

AN ACT

RELATING TO DENTISTRY; AND AMENDING SECTIONS 67-903, 67-905, 67-908, 67-909, 67-910, 67-911, 67-918, 67-919, 67-920, 67-925, AND 67-926, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 67-903, Arizona Code of 1939, is amended to read:

67-903. WHO DEEMED TO BE PRACTICING DENTISTRY. A person shall be deemed to be practicing dentistry who, by himself or by an agent, employee, servant, or contractor, and, with specific reference and application to the teeth, gums, jaws, oral cavity, or tissues adjacent thereto, in living persons, shall do or propose, agree, or attempt to do, or make an examination or give an estimate of cost with intent to:

- (a) Perform an operation or administer an anesthetic in connection therewith;
- (b) Diagnose or treat any condition, disease, or lesion;
- (c) Take an impression;
- (d) Correct a malposition;
- (e) Treat a fracture;
- (f) Remove calcareous deposits;

(g) Replace missing anatomy with an artificial substitute;

(h) Construct, make, alter, or repair an artificial substitute or restorative or corrective appliance;

(i) Do any other remedial, corrective, or restorative work.

Sec. 2. Sec. 67-905, Arizona Code of 1939, is amended to read:

67-905. EXCEPTIONS. Nothing in this Act shall be construed to prohibit:

(a) A dentist officially employed in the service of the United States from practicing dentistry in his official capacity, within the scope of his authority, upon persons enlisted in, directly connected with, or under the immediate control of some branch of service of the United States;

(b) A bona fide interne or student of dentistry from operating in the clinical departments or laboratories of a recognized dental school or hospital;

(c) An unlicensed person from performing for a licensed dentist merely mechanical work upon inert matter in the construction, making, alteration, or repairing of any artificial dental substitute or any dental restorative or corrective appliance, when the casts or impressions for such work have been furnished by a licensed dentist and the work is directly supervised by the dentist for whom done or under a written authorization signed by him, but the burden of proving such written authorization or direct supervision shall be upon the person charged with the violation of this provision;

(d) A clinician not licensed in this state from giving demonstrations, before bona fide dental societies and study clubs, that are free to the persons on whom made.

(e) Nor to abridge a license issued under the laws of this state relating to medicine or surgery.

Sec. 3. Sec. 67-908, Arizona Code of 1939, is amended to read:

67-908. ORGANIZATION AND MEETINGS. The board shall elect from among its members a president and one as secretary, who shall act also as treasurer. Meetings of the board may be called by the president or by a majority of the members, by mailing a written notice of the time, place, and object of the meeting to all members not parties to the call

at least fifteen days before the day of meeting. Each member shall file his mailing address with the secretary and give written notice of any change. The board shall meet not less than once in each calendar year for the examination of applicants to practice dentistry.

Sec. 4. Sec. 67-909, Arizona Code of 1939, is amended to read:

67-909. COMPENSATION OF MEMBERS AND SECRETARY. The board shall fix the compensation of its members, at not to exceed ten dollars for each day actually spent in performing necessary work authorized by the board, in carrying out the purpose of this Act, and actual and necessary traveling expenses. The secretary may in addition be allowed a salary not to exceed twenty-five dollars per month. He shall give a surety bond, running to the board, in the penal sum of two thousand dollars, conditioned upon the faithful performance of his duties, the premium on which shall be a charge against the dental board fund. Provided however, that all expenditures, which the board is authorized to make shall be limited to ninety per cent of the total revenue of the said board, and that no part of the expenses, charges or expenditures of the dental board shall ever be or become a charge against any fund of the state.

Sec. 5. Sec. 67-910, Arizona Code of 1939, is amended to read:

67-910. POWERS AND DUTIES OF BOARD. The board shall make rules not inconsistent with this Act for the regulation of its own conduct and the holding of examinations; adopt a seal; keep a record of its proceedings and reports; establish a uniform and reasonable standard of minimum educational requirements to be observed by dental schools in order to be classed as recognized dental schools; pass upon the reputability and classification of dental schools in accordance with their compliance with said standard; pass upon the eligibility of applicants for examination, examine such as are found eligible, and issue licenses to those who satisfactorily pass the examination; investigate charges of misconduct on the part of licensees; revoke licenses as the facts may warrant and reinstate licenses in proper cases; collect and disburse moneys, and perform all other duties and things necessary to carry out the purposes of this Act which are not specifically or by necessary implication delegated to some other person or persons.

The board may sue and be sued, and shall have the power to compel the attendance of witnesses, administer oaths, and

take testimony concerning all matters coming within its jurisdiction. If any person refuses to obey a subpoena issued by the board, such refusal shall be certified to the superior court of Maricopa county and proceedings instituted for contempt of court.

Authority is hereby granted for the board to become a member and participate in the activities of the American Association of Dental Examiners and to pay from the dental board fund all fees and dues normally incident to membership in said association. Authority is also granted for one member of the board to be chosen by a majority vote of the board to attend the annual meeting of said association, and said member shall be reimbursed from the dental board fund for all necessary travel expenses and for the per diem allowance authorized by law.

Sec. 6. Sec. 67-911, Arizona Code of 1939, is amended to read:

67-911. BOARD TO ASSIST IN PROSECUTION OF VIOLATIONS. The dental board or any member thereof, as well as any other person, may prefer complaints for violations of this Act before any court of competent jurisdiction. The attorney general, upon request, shall act for the board in all matters requiring legal assistance, but the board may employ other or additional counsel in its own behalf. It shall be the duty of the board to assist prosecuting officers in the enforcement of this Act, and in so doing may engage suitable persons to assist in investigations and in the procurement and presentation of evidence. Subpoenas or other orders issued by the board may be served by any officer empowered to serve processes, who shall receive the fees prescribed by law. Expenditures made in carrying out the provisions of this section shall be paid out of the dental board fund.

Sec. 7. Sec. 67-918, Arizona Code of 1939, is amended to read:

67-918. ELIGIBILITY FOR EXAMINATION; APPLICATION; FEE. To be eligible for examination, a candidate for a license to practice dentistry must be at least twenty-one years of age, of good moral character, a citizen of the United States, and the holder of a diploma issued to him by a recognized dental school, or in lieu of such diploma must have been for at least five consecutive years immediately prior to such application duly licensed and engaged in the active, legal practice of dentistry in a state or territory of the United States or a foreign country in which the standards of dental education and practice are acceptable to the board. Any such

candidate shall make written application to the secretary and accompany the same with the examination fee, to be fixed by the board, not exceeding fifty dollars, which fee shall in no case be refunded if the applicant is found to be eligible, and shall otherwise comply with all of the requirements, rules and regulations of the board.

An applicant for said examination who shall have previously failed in three examinations shall in addition to the qualifications set forth herein, as a condition of eligibility to take further examinations, furnish to the board satisfactory evidence of having at least one additional year of graduate work at a reputable dental college approved by the board, in subjects approved by the board, and which year of additional instruction shall have been since the time of failing in the third examination.

Sec. 8. Sec. 67-919, Arizona Code of 1939, is amended to read:

67-919. EXAMINATIONS; PAPERS OPEN TO INSPECTION. Examinations shall be upon subjects included in the curricula of recognized dental schools and shall be both theoretical and practical. Any board member participating in an examination being given by the board shall have the right to examine the candidate in any subjects included in the examination. The theoretical examination shall be written in the English language and may be supplemented by an oral examination at the discretion of the board. The practical examination shall consist of laboratory technique and clinical demonstrations. The theoretical and practical examinations shall be graded at fifty per cent each, but the board, in its discretion, may allow applicants who have been for more than five years engaged in the practice of dentistry a greater percentage, not over seventy-five, according to the number of years of practice, for the practical examination. The board may delegate any part of the written theoretical examination to any properly qualified examining body created by the laws of this state, and may require that an applicant shall accompany his application with a certificate showing that he has successfully passed the examination of said examining body in the subject matter assigned to it. All examination papers shall be kept by the secretary and open to inspection at reasonable times by members of the board, by the applicant or an authorized agent, or by a court of competent jurisdiction in a proceeding in which the question of the contents of such papers is properly involved, for a period of ninety days from the date on which the examinations are begun, and may then be destroyed. Such examination papers shall be deemed to be the

property of the board and shall not be removed from its possession without its consent.

Sec. 9. Sec. 67-920, Arizona Code of 1939, is amended to read:

67-920. REVOCATION OF LICENSE. The dental board shall, after hearing as hereinafter provided, revoke the license issued to any person under the provisions hereof for any of the following causes:

1. Physical or mental incompetency to practice his profession.
2. Fraud or misrepresentation in procuring a license.
3. Gross immorality.
4. The habitual use of intoxicating liquors or drugs to such an extent as to render him unfit for practice.
5. The commission of a felony or any crime involving moral turpitude, either before or after conviction in a court.
6. For unprofessional conduct. Unprofessional conduct means: 1. employing persons known as "cappers" or "steerers" to obtain business; 2. obtaining a fee by fraud or misrepresentation; 3. willfully betraying professional secrets; 4. employing unlicensed persons to perform work which can be done legally only by licensed persons; 5. practicing dentistry under a trade or corporate name or false or assumed name other than a partnership name containing the name of one or more of the partners; 6. making use of any advertising statements of a character tending to deceive or mislead the public.

Sec. 10. Sec. 67-925, Arizona Code of 1939, is amended to read:

67-925. PENALTIES. A person convicted of a misdemeanor under this Act shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than one month nor more than six months, or by both such fine and imprisonment, and upon conviction of a subsequent misdemeanor under this Act by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than six months nor more than one year, or by both such fine and imprisonment. All such violations shall be prosecuted by the county attorney and

tried before the superior court of the county in which the violation occurs.

In addition to the penalties provided in this Act, the courts of this state are hereby invested with jurisdiction to prevent and restrain violations of this Act as nuisance per se, and the several county attorneys in the respective counties shall, and the board may, institute proceedings in equity to prevent and restrain violations. Any person damaged, or who is threatened with loss or injury, by reason of a violation of this Act, shall be entitled to sue for and have injunctive relief in any court of competent jurisdiction against any damage or threatened loss or injury by reason of a violation of this Act.

Sec. 11. Sec. 67-926, Arizona Code of 1939, is amended to read:

67-926. ANNUAL REPORT. Not later than August 1, the board shall make an annual report in writing to the governor for the preceding year, which shall set forth the number of licensed dentists in the state, the number of licenses issued during the preceding year and to whom issued, the number of examinations held and the dates thereof, the facts with respect to accusations filed with the board, of hearings held in connection therewith, and the results thereof; the facts with respect to the prosecution of persons charged with violations of this Act; a full and complete statement of the financial transactions of the board, and such other matters as the board shall see fit to include therein or as the governor may require. The governor may at any time demand a further or supplemental report, and the board shall furnish the same.

Approved by the Governor—March 15, 1949.

Filed in the Office of the Secretary of State—March 15, 1949.

CHAPTER 30

(House Bill No. 62)

AN ACT

RELATING TO THE ARIZONA CHILDREN'S COLONY;
PROVIDING FOR THE CARE, MAINTENANCE AND
TRAINING OF MENTALLY DEFECTIVE CHILDREN;
PROVIDING FOR PENALTIES; REPEALING ARTICLE

14, CHAPTER 54, AS AMENDED, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. DEFINITIONS. In this Act, unless the context otherwise requires:

“colony” means the Arizona children’s colony;

“board” means the Arizona children’s colony board;

“superintendent” means the superintendent of the Arizona children’s colony.

Sec. 2. ARIZONA CHILDREN’S COLONY. There shall be maintained an institution for the care, custody, treatment and training of mentally defective children to be known as the Arizona children’s colony. For the purposes of such institution, the Arizona children’s colony board is charged with the care and training of mentally defective children.

Sec. 3. ELIGIBILITY FOR ASSISTANCE. (a) A minor child may be deemed eligible for admission to the Arizona children’s colony if:

1. His parent or guardian has resided in the state not less than three years prior to the date of petition for admission, or the child is dependent and a public charge or ward of the state or a political subdivision thereof.

2. He is so mentally deficient that he is incapable of managing himself or his affairs, and his welfare requires the special care, training and education provided at the colony.

3. His estate or his parent, relative or guardian is able to pay quarterly, in advance, a sum sufficient to maintain, train and educate the child; or, if an indigent, the county in which the child resides will pay quarterly, in advance, for his maintenance.

(b) The examining physicians shall use standard mental and psychological tests and physical examinations to determine that the child will benefit by the colony’s services.

Sec. 4. PETITION FOR ADMISSION. (a) A parent or guardian of a mentally defective child may file with the board a verified petition requesting that such child be admitted to the colony. The petition shall include: 1. the relation of the

child to the petitioner; 2. the name, age, sex and residence of the child; 3. a statement of the mental and physical condition of the child; 4. whether the child has any property or means of support; 5. the name of the person having custody of the child, and, 6. the place where and length of time the child has resided in the state.

(b) In the event the child is an indigent, application shall be made to the board by the board of supervisors of the county in which it resides.

Sec. 5. HEARING. (a) Upon receipt of application for admission of an indigent, the board shall file the petition for admission with the superior court of the county in which the child resides. The superior court shall: 1. set a time and place for hearing on the petition; 2. appoint two reputable physicians to examine and report to the court the mental status of the child and whether he is afflicted with or a carrier of a contagious or infectious disease, and, 3. appoint the sheriff of the county or a deputy thereof to determine the residence and amount of estate of the child.

(b) In the event the court finds, upon hearing, that the child resides within the jurisdiction of the court, is not afflicted with or a carrier of a contagious or infectious disease, and that the allegations contained in the petition are true, it may order admission of the child to the colony.

Sec. 6. ORDER OF ADMISSION. The order of admission shall include the name, residence and date of birth of the child, the nationality and address, insofar as may be ascertained, of his parents, the amount of his estate and the weekly amount the person liable for his support can pay for the maintenance of such child in the colony.

Sec. 7. TRANSFER OF CHILDREN FROM OTHER INSTITUTIONS. The superintendent of a state institution other than the colony may report to the examining physicians and request the examination of any child therein deemed mentally defective. Upon receipt of such report and request the examining physicians shall conduct the examination in the county in which the institution having custody of the child is located and, in the event it is determined by the examining physicians that the child is mentally defective and will benefit by the services offered by the colony, shall file a petition showing such facts with the court originally ordering admission of the child to the institution. Upon receipt of the petition, such court may order the child transferred to the colony.

Sec. 8. PERMIT TO VISIT. The board may, upon rec-

ommendation of the superintendent, under such conditions and for such length of time as it may deem advisable, permit an inmate to leave the colony for the purpose of visiting in a private home, and may revoke or extend the period of such visit or change the conditions upon which it is granted. The board shall, prior to the granting of a permit to visit, cause an investigation to be made of the home in which the inmate is to visit, and such other conditions and circumstances as may affect his welfare and behavior. The board may provide such supervision of an inmate leaving the colony for the purpose of a visit as it may deem advisable. An inmate receiving a permit to visit shall not be deemed discharged from the colony.

Sec. 9. DISCHARGE FROM COLONY. A child admitted to the Arizona children's colony shall not be discharged therefrom until, in the judgment of the board and the superintendent, his mental condition justifies such discharge.

Sec. 10. RETURN TO COLONY. An officer of the colony or an officer authorized to serve criminal process shall, upon the written request of the superintendent, return to the colony or hold in custody an inmate who has escaped or who has been temporarily released from the colony under a permit to visit.

Sec. 11. LIABILITY FOR COSTS. (a) In the event it appears to the board, upon investigation of the petition for admission, that a child or its parent or guardian can pay for its maintenance, training and education in the colony, the board shall require payment quarterly, in advance, of a sum sufficient to maintain, train and educate the child. The cost of maintenance of a dependent or indigent child shall be a charge against the county in which the child resides at the time of admission to the colony.

(b) Money for the support of an inmate of the colony shall be paid to the board, and by it turned over to the state treasurer.

Sec. 12. RECEIPT AND DISPOSITION OF GIFTS. The board may take and hold in trust for the colony any real or personal property, given to the use of the colony, and shall dispose of it in accordance with the wishes of the donor, if expressed. If no condition be attached thereto, or in-so-far as any wishes expressed do not prevent, then to invest or change the investment thereof, as the board deems best, and subject to legislative appropriation to use the income therefrom for the best interest of the colony.

Sec. 13. ARIZONA CHILDREN'S COLONY BOARD.
(a) The Arizona children's colony board shall consist of five

members appointed by the governor with the advice and consent of the senate. Of the members first appointed, one shall serve for a term ending February 1, 1951, one for a term ending February 1, 1952, one for a term ending February 1, 1953, one for a term ending February 1, 1954, and one for a term ending February 1, 1955. Upon the completion of any term of appointment a successor shall be for a term of five years. Appointment to fill a vacancy arising other than by expiration of term shall be for the unexpired portion thereof.

(b) The board shall receive no compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties as provided for other state officers.

(c) Should any board member miss three (3) consecutive regular monthly board meetings his office shall be deemed vacated and the governor authorized to appoint a successor.

Sec. 14. DUTIES OF BOARD. The board shall: (a) Hold regular monthly meetings, and such special meetings as the chairman or any three (3) members may call.

(b) Elect, biennially, a chairman and a vice-chairman.

(c) Adopt general rules and regulations for the administration of the children's colony and to carry out the purposes of this Act.

(d) Not later than September 1st of each year, the board shall submit to the governor a comprehensive report of the activities of the children's colony during the preceding fiscal year, which report shall include the annual reports of the superintendent and the business manager, and shall contain: 1. an account of the work done; 2. recommendations for improvement; and, 3. such financial statements as shall clearly reflect the origin and disposition of all funds which may have come into the hands of the board or any employee, through appropriation or otherwise. The board shall make such supplemental reports as the governor or the legislature may request. The annual report shall be published for the information of the public, and a copy mailed to each member or member-elect of the legislature.

Sec. 15. SUPERINTENDENT OF ARIZONA CHILDREN'S COLONY. (a) The superintendent of the Arizona children's colony shall be appointed by the board. He shall be a reputable trained clinical psychologist with not less than five (5) years experience as the superintendent or administrative assistant of an institution engaged in the care, custody, treatment and training of mentally deficient children, and

shall, subject to the direction of the board, take custody and control of any child admitted to the colony.

(b) The superintendent shall receive an annual salary not to exceed four thousand eight hundred dollars (\$4,800.00) and full maintenance.

Sec. 16. BUSINESS MANAGER. The business manager shall be appointed by the superintendent with the approval of the board. He shall have charge and control under the direction of the superintendent and subject to the general rules and regulations of the board, of the administrative affairs, business management and financial affairs of the children's colony, and shall serve as secretary of the board. He shall furnish an annual surety bond in an amount to be fixed by the board. He shall: 1. administer the business affairs of the institution and be its financial officer; 2. purchase all supplies; 3. keep the books and records of the colony; 4. maintain a perpetual inventory of all supplies and provisions purchased or grown for the use of the colony, and make a property inventory record and control; 5. maintain a complete employment and personnel record, and 6. make all reports relating to the business affairs of the children's colony required by law or requested by the board or the superintendent.

Sec. 17. REPORTS. (a) The superintendent shall, not less than once each year and at the direction thereof, submit to the board a written report of the management of the colony, including a detailed account of all receipts and disbursements and the general condition of the affairs of the colony.

(b) The board shall submit to the governor and the legislature a biennial report covering its activities together with such reports as the superintendent may have submitted to the board under the provisions of subsection (a).

Sec. 18. LOCATION OF CHILDREN'S COLONY. The Arizona children's colony shall be located on the tract of land belonging to the state in Section 16, Township 6 South, Range 8 East, Gila and Salt river base and meridian.

Sec. 19. PENALTIES. Any person who: 1. under the provisions of this Act, knowingly, unlawfully or improperly causes a child to be adjudged mentally defective; 2. procures the escape of an inmate or knowingly conceals an escaped inmate of the colony, or, 3. unlawfully brings any firearm, deadly weapon or explosive into the colony or its grounds, or passes any thereof to an inmate, employee, or officer of the colony, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than two hundred dollars

(\$200.00), imprisonment for not less than six (6) months, or both.

Sec. 20. REPEAL. Article 14, chapter 54, Arizona Code of 1939, as amended, is repealed. This section does not negative an implied repeal of any statute which conflicts with this Act.

Sec. 21. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 16, 1949.

Filed in the Office of the Secretary of State—March 16, 1949.

CHAPTER 31

(House Bill No. 63)

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA CHILDREN'S COLONY BOARD, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of four hundred ninety-seven thousand dollars (\$497,000.00) is appropriated to the Arizona children's colony board, for the construction of six (6) A type buildings, renovate present building and other construction, including architect's fees.

Sec. 2. EXEMPTION. The appropriation made under the terms of section 1 is exempt from the provisions of the budget and financial administration Act of 1943 relating to lapsation of appropriations.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 16, 1949.

Filed in the Office of the Secretary of State—March 16, 1949.

CHAPTER 32

(Senate Bill No. 30)

AN ACT

RELATING TO TAXATION; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF TAXES ON THE PROPERTY OF PRIVATE CAR COMPANIES, AND AMENDING SECTIONS 73-1007 AND 73-1008, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 73-1007, Arizona Code of 1939, is amended to read:

73-1007. ASSESSMENT; TO BE IN LIEU OF ALL OTHER TAXES. The commission shall, on the first Monday in October, annually, enter in a book the full cash value, as determined, of the property of the private car companies within this state, for the year then next preceding the thirtieth day of June. The commission shall, each year, make a tax levy against the values so assessed and determined to exist in the state, at a rate which shall equal the average rate of levy for all purposes in the several taxing districts of the state for the current year. Such tax shall be in lieu of all other taxes upon the properties and business of said private car companies, except the annual license tax and registration fee. The commission shall, on or before the third Monday in December, proceed to collect said taxes.

Sec. 2. Sec. 73-1008, Arizona Code of 1939, is amended to read:

73-1008. COLLECTION OF TAXES; PROCEDURE FOR SALE. If any private car company shall fail or refuse to pay the said tax, on or before the third Monday in December, annually, the commission shall collect the tax, with interest, at ten per cent per annum, for each subsequent month in which the tax remains unpaid; and if such taxes are not paid within sixty days after said date, the commission shall distrain sufficient goods and chattels of such company, found within the state, to pay the same, together with the penalties and costs

accrued thereon. The commission shall advertise in two newspapers, printed in Maricopa county, stating the time and place when the property distrained will be sold, and if the taxes and penalties accruing thereon are not paid before the time of sale, which shall be not less than ten days after the taking of such property, the commission shall sell, at public auction for cash, so much of said property as will be sufficient to pay the taxes, penalties and costs of such distraint and sale. The commission shall pay over to the state treasurer, monthly, all taxes collected hereunder for deposit in the general fund.

Approved by the Governor—March 16, 1949.

Filed in the Office of the Secretary of State—March 16, 1949.

CHAPTER 33

(House Bill No. 173)

AN ACT

FOR THE RELIEF OF ST. MARY'S HOSPITAL AND SANATORIUM, TUCSON, ARIZONA; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of two thousand seven hundred seventy-six dollars and fifty cents (\$2,776.50) is appropriated for the relief of St. Mary's Hospital and Sanatorium, Tucson, Arizona.

Sec. 2. BASIS OF CLAIM. Payment of the sum appropriated under the terms of section 1 shall be in full satisfaction of the unpaid balance of the claim of St. Mary's Hospital and Sanatorium, Tucson, Arizona, for reimbursement for necessary expenses incurred and expenditures made in the care of crippled children under the Crippled Children's Division of the State Department of Social Security and Welfare from October 1, 1947, to August 31, 1948, which sum is due the St. Mary's Hospital as reimbursement from the Crippled Children's Division but has been unpaid due to an unavoidable error in the handling of such reimbursement.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become im-

mediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 16, 1949.

Filed in the Office of the Secretary of State—March 16, 1949.

CHAPTER 34

(Senate Bill No. 77)

AN ACT

RELATING TO AUTHORITY OF THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA TO ISSUE NEGOTIABLE BONDS IN THE SUM OF ONE MILLION DOLLARS, EXTENDING THE TIME WITHIN WHICH THE BOARD MAY ACT, AND AMENDING SECTION 54-1641, 1947 SUPPLEMENT TO THE ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 54-1641, Arizona Code of 1939, 1947 Supplement (this being section 11, chapter 65, Laws of the Seventeenth Arizona Legislature, regular session) is amended to read:

54-1641. SUPPLEMENTAL NATURE OF ACT, CONSTRUCTION AND PURPOSE. The powers conferred by this Act shall be in addition to and supplemental to the powers conferred by any other law, general or special, and bonds may be issued under the provisions of this Act notwithstanding the provisions of and without regard to the procedure required by any other such law. In so far as the provisions of the Act are inconsistent with the provisions of any other law, general or special, the provisions of this Act shall be controlling. Except in pursuance of any contract or agreement theretofore entered into by the institution, the institution shall not borrow any money or issue any bonds pursuant to the provisions of this Act after January 1, 1954.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emer-

gency measure, to take effect as provided by law.

Approved by the Governor—March 16, 1949.

Filed in the Office of the Secretary of State—March 16, 1949.

CHAPTER 35

(Senate Bill No. 75)

AN ACT

AUTHORIZING THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA TO CONSTRUCT, EQUIP, FURNISH, AND MAINTAIN A STUDENT UNION BUILDING AT THE ARIZONA STATE COLLEGE AT TEMPE, AND FOR THAT PURPOSE TO ACCEPT GIFTS, TO BORROW MONEY AND ISSUE BONDS, AND TO PERFORM NECESSARY OR CONVENIENT ACTS IN CONNECTION WITH SUCH PROJECT; SUPERSEDING INCONSISTENT PROVISIONS OF ALL OTHER LAWS; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. DEFINITIONS. The following terms, wherever used or referred to in this Act, shall have the following meaning unless a different meaning clearly appears from the context:

“institution” means the Arizona state college at Tempe;

“board” means the board of regents of the university and state colleges of Arizona, or other governing body of the institution;

“bonds” means any bonds issued pursuant to this Act;

“project” means any student union building constructed at the institution and the equipment and furnishings therefor;

“acquire” includes to purchase, erect, build, construct, reconstruct, repair, replace, extend, better, furnish, equip, develop, improve, and embellish a project.

Sec. 2. POWERS. The board shall have power in its proper name:

(a) To acquire any project, and to own, operate, and maintain the same;

(b) To accept gifts of money and personal property intended solely toward the construction, equipping and furnishing of such project;

(c) To borrow money and issue bonds and to provide for the payment of same and for the rights of the holders thereof;

(d) To perform all acts and to do all things necessary or convenient to carry out the powers herein granted.

Sec. 3. ISSUANCE OF BONDS. The board shall have power and is hereby authorized from time to time to issue negotiable bonds in various amounts, but not exceeding in the aggregate principal amount the sum of four hundred thousand dollars, for the purpose of acquiring a project in the form of a student union building at the institution with equipment and furnishings therefor. The bonds shall be authorized by resolution of the board. The bonds may be issued in one or more series, bear such date or dates, be in such denomination or denominations, mature at such time or times not exceeding twenty-five years from the respective dates thereof, mature in such amount or amounts, be callable at such time or times, bear interest payable semiannually at such rate or rates, be in such form either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, be subject to such terms of redemption with or without premium, as such resolution or other resolutions may provide. The bonds may be sold at not less than par. The bonds shall be fully negotiable within the meaning and for all the purposes of chapter 52 of the Arizona Code of 1939.

Sec. 4. POWERS TO SECURE BONDS. The board in connection with the issuance of the bonds, or in order to secure the payment of such bonds and interest thereon, shall have power by resolution:

(a) To fix and maintain fees, admissions, rentals, and other charges from students, faculty members, and others using or being served by, or having the right to be served by, such project;

(b) To provide that bonds issued hereunder shall be secured by a first, exclusive, and closed lien on certain parts or

all of the income and revenue which shall be derived from, and which shall be payable from fees, admissions, rentals, and other charges from students, faculty members and others using or being served by, or having the right to use, or having the right to be served by, such project;

(c) To pledge and assign to, or in trust for the benefit of, the holder or holders of the bonds issued hereunder an amount of the income and revenue derived from fees, admissions, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or having the right to be served by, such project;

(d) To covenant with or for the benefit of the holder or holders of bonds issued hereunder to acquire such project that so long as any such bonds shall remain outstanding and unpaid, the institution will fix, maintain and collect in such installments as may be agreed upon an amount of the fees, admissions, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or having the right to be served by, such project, which shall be sufficient to pay when due the bonds issued hereunder to acquire such project, and interest thereon, and to create and maintain reasonable reserves therefor, and to pay the costs of operation and maintenance of such project, including, but not limited to, reserves for extraordinary repairs, insurance and maintenance, which costs of operation and maintenance shall be determined by the board in its absolute discretion;

(e) To make and enforce and agree to make and enforce parietal rules that shall insure the use of such project by all students attending the institution, faculty members thereof, and others using or being served by, or having the right to be served by, such project to the maximum extent to which it is capable of serving them;

(f) To covenant that so long as any of the bonds issued hereunder shall remain outstanding and unpaid, it will not, except upon such terms and conditions as may be determined: 1. voluntarily create or cause to be created any debt, lien, pledge, assignment, encumbrance or other charge having priority to or being on a parity with the lien of the bonds issued hereunder upon any of the income and revenues derived from fees, admissions, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or having the right to be served by, such project, or 2. convey or otherwise alienate the project to acquire which such bonds shall have been issued, or the real estate upon which such project shall be located, except

at a price sufficient to pay all the bonds then outstanding issued hereunder to acquire such project and interest accrued thereon, and then only in accordance with any agreements with the holder or holders of such bonds, or 3. mortgage or otherwise voluntarily create or cause to be created any encumbrance on the project to acquire which such bonds shall have been issued or the real estate upon which it shall be located;

(g) To covenant as to the procedure by which the terms of any contract with a holder or holders of such bonds may be amended or abrogated, the amount or percentage of bonds the holder or holders of which must consent thereto, and the manner in which such consent may be given;

(h) To vest in a trustee or trustees the right to receive all or any part of the income and revenue pledged and assigned to, or for the benefit of, the holder or holders of bonds issued hereunder, and to hold, apply and dispose of the same and the right to enforce any covenant made to secure or pay or in relation to the bonds; to execute and deliver a trust agreement or trust agreements which may set forth the powers and duties and remedies available to such trustee or trustees and limiting the liabilities thereof, and describing what occurrences shall constitute events of default and prescribing the terms and conditions upon which such trustee or trustees or the holder or holders of bonds of any specified amount or percentage of such bonds may exercise such rights and enforce any and all such covenants and resort to such remedies as may be appropriate;

(i) To vest in a trustee or trustees or the holder or holders of any specified amount or percentage of bonds the right to apply to any court of competent jurisdiction for and have granted the appointment of a receiver or receivers of the income and revenue pledged and assigned to or for the benefit of the holder or holders of such bonds, which receiver or receivers may have and be granted such powers and duties as such court may order or decree for the protection of the bondholders;

(j) To make all covenants and to do any and all such things as may be necessary or convenient or desirable in order to secure its bonds, or as may in the judgment of the board tend to make the bonds more marketable, notwithstanding that such acts or things may not be enumerated herein, it being the intention to give the board, in the issuance of bonds pursuant to the Act, power to do all acts and things not inconsistent with the constitution of the state of Arizona.

Sec. 5. **MONEYS OF BOARD.** (a) No moneys derived from the sale of bonds of the board or otherwise borrowed by the board under the provisions of this Act, shall be required to be paid into the state treasury but shall be deposited by the treasurer or other fiscal officer of the board in a separate bank account or accounts in such bank or banks or trust company or trust companies as may be designated by the board and all deposits of such moneys shall, if required by the board, be secured by obligations of the United States of America, of a market value equal at all times to the amount of the deposit; and all banks and trust companies are hereby authorized to give such security. Such money shall be disbursed as may be directed by the board and in accordance with the terms of any agreements with the holder or holders of any bonds. This section shall not be construed as limiting the power of the board to agree in connection with the issuance of any of its bonds as to the custody and disposition of the moneys received from the sale of such bonds or the income and revenue of the board or institution pledged and assigned to or in trust for the benefit of the holder or holders thereof.

(b) No moneys derived by the board by way of gift intended solely toward the construction, equipping and furnishing of such project shall be required to be paid into the state treasury but shall be deposited by the treasurer or other fiscal officer of the board in a separate bank account or accounts, in such bank or banks or trust company or trust companies as may be designated by the board and all deposits of such moneys shall, if required by the board, be secured by obligations of the United States of America, of a market value equal at all time to the amount of the deposit; and all banks and trust companies are hereby authorized to give such security. Such money shall be disbursed as may be directed by the board toward costs of constructing, equipping and furnishing such project.

Sec. 6. **VALIDITY OF BONDS.** The bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor, any or all the persons whose signatures appear thereon, shall have ceased to be officers of the board issuing the same. The validity of the bonds shall not be dependent on nor affected by the validity or regularity of any proceedings to acquire the project financed by the bonds or taken in connection therewith.

Sec. 7. **PROHIBITIONS AGAINST OBLIGATING STATE OF ARIZONA.** Nothing in this Act contained shall be construed to authorize the board to contract a debt on behalf of, or in any way to obligate, the state of Arizona, or to pledge,

assign or encumber in any way, or to permit the pledging, assigning or encumbering in any way of, appropriations made by the legislature, or revenue derived from the investment of the proceeds of the sale, and from the rental of such lands as have been set aside by the Enabling Act approved June 20, 1910, or other legislative enactments of the United States, for the use and benefit of the board or institution.

Sec. 8. **BONDS OBLIGATIONS OF BOARD.** All bonds issued pursuant to this Act shall be obligations of the board issuing such bonds payable only in accordance with the terms thereof and shall not be obligations general, special or otherwise of the state of Arizona. Such bonds shall not constitute a debt, legal or moral, of the state of Arizona, and shall not be enforceable against the state, nor shall payment thereof be enforceable out of any funds of the board or institution issuing said bonds other than the income and revenue pledged and assigned to, or in trust for the benefit of, the holder or holders of such bonds.

Sec. 9. **CERTIFICATION OF BONDS BY ATTORNEY GENERAL.** The board may submit to the attorney general of the state of Arizona any bonds to be issued hereunder after all proceedings for the issuance of such bonds have been taken. Upon the submission of such proceedings to the attorney general, it shall be the duty of the attorney general to examine into and pass upon the validity of such bonds and the regularity of all proceedings in connection therewith. If such proceedings conform to the provisions of this Act, and such bonds when delivered and paid for will constitute binding and legal obligations of the board enforceable according to the terms thereof, the attorney general shall certify in substance upon the back of each of said bonds that it is issued in accordance with the constitution and laws of the state of Arizona.

Sec. 10. **EXCISION OF UNCONSTITUTIONAL OR INEFFECTIVE PARTS OF ACT.** It is hereby declared that the sections, clauses, sentences and parts of this Act are severable, are not matters of mutual essential inducement, and any of them may be excised by any court of competent jurisdiction if this Act would otherwise be unconstitutional or ineffective; it is the intention hereof to confer upon the board the whole or any part of the powers in this Act provided for, and if any one or more sections, clauses, sentences and parts of this Act shall for any reason be questioned in any court of competent jurisdiction and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the inapplicability or invalidity

of any section, clause, sentence or part of this Act in any one or more instances shall not be taken to affect or prejudice its applicability or validity in any other instance.

Sec. 11. SUPPLEMENTAL NATURE OF ACT, CONSTRUCTION AND PURPOSE. The powers conferred by this Act shall be in addition to and supplemental to the powers conferred by any other law, general or special, and bonds may be issued hereunder notwithstanding the provisions of any other such law and without regard to the procedure required by any other such law. In so far as the provisions of the Act are inconsistent with the provisions of any other law, general or special, the provisions of this Act shall be controlling. Except in pursuance of any contract or agreement theretofore entered into by the board, the board shall not borrow any money or issue any bonds pursuant to the provisions of this Act after January 1, 1954.

Sec. 12. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 16, 1949.

Filed in the Office of the Secretary of State—March 16, 1949.

CHAPTER 36

(Senate Bill No. 73)

AN ACT

RELATING TO AUTHORITY OF THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA TO ISSUE NEGOTIABLE BONDS IN THE SUM OF FIVE HUNDRED THOUSAND DOLLARS, EXTENDING THE TIME WITHIN WHICH THE BOARD MAY ACT, AND AMENDING SECTION 54-1341, 1947 SUPPLEMENT TO THE ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 54-1341, Arizona Code of 1939, 1947 Supplement (this being section 11 of chapter 81, Laws of the Seven-

teenth Arizona Legislature, regular session) is amended to read:

54-1341. SUPPLEMENTAL NATURE OF ACT, CONSTRUCTION AND PURPOSES. The powers conferred by this Act shall be in addition to and supplemental to the powers conferred by any other law, general or special, and bonds may be issued under the provisions of this Act notwithstanding the provisions of and without regard to the procedure required by any other such law. In so far as the provisions of the Act are inconsistent with the provisions of any other law, general or special, the provisions of this Act shall be controlling. Except in pursuance of any contract or agreement theretofore entered into by the college, the college shall not borrow any money or issue any bonds pursuant to the provisions of this Act after January 1, 1954.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 16, 1949.

Filed in the Office of the Secretary of State—March 16, 1949.

CHAPTER 37

(Senate Bill No. 70)

AN ACT

RELATING TO AUTHORITY IN THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA TO ISSUE BONDS TO CONSTRUCT A STUDENT UNION MEMORIAL BUILDING AT THE UNIVERSITY OF ARIZONA, INCREASING THE AMOUNT OF BONDS AND OTHERWISE AMENDING SECTIONS 54-1663 AND 54-1671, ARIZONA CODE OF 1939, 1947 SUPPLEMENT; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 54-1663, Arizona Code of 1939, 1947 Supplement (being section 3, chapter 27, 1947 Session Laws of

Arizona, regular session), is amended to read:

54-1663. **ISSUANCE OF BONDS.** The board shall have power and is hereby authorized from time to time to issue negotiable bonds in various amounts, but not exceeding in the aggregate principal amount the sum of four hundred thousand dollars, for the purpose of acquiring a project in the form of a student union memorial building at the institution with equipment and furnishings therefor. The bonds shall be authorized by resolution of the board. The bonds may be issued in one or more series, bear such date or dates, be in such denomination or denominations, mature at such time or times not exceeding twenty-five years from the respective dates thereof, mature in such amount or amounts, be callable at such time or times, bear interest payable semiannually at such rate or rates, be in such form either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, be subject to such terms of redemption with or without premium, as such resolution or other resolutions may provide. The bonds may be sold at not less than par. The bonds shall be fully negotiable within the meaning and for all the purposes of chapter 52 of the Arizona Code of 1939.

Sec. 2. Sec. 54-1671, Arizona Code of 1939, 1947 Supplement (being section 11, chapter 27, 1947 Session Laws of Arizona, regular session), is amended to read:

54-1671. **SUPPLEMENTAL NATURE OF ACT, CONSTRUCTION AND PURPOSE.** The powers conferred by this Act shall be in addition to and supplemental to the powers conferred by any other law, general or special, and bonds may be issued hereunder notwithstanding the provisions of any other such law and without regard to the procedure required by any other such law. In so far as the provisions of the Act are inconsistent with the provisions of any other law general or special, the provisions of this Act shall be controlling. Except in pursuance of any contract or agreement theretofore entered into by the board, the board shall not borrow any money or issue any bonds pursuant to the provisions of this Act after January 1, 1954.

Sec. 3. **EMERGENCY.** To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 16, 1949.

Filed in the Office of the Secretary of State—March 16, 1949.

CHAPTER 38

(Senate Bill No. 43)

AN ACT

RELATING TO TAXATION; PROVIDING FOR NOTICE TO DELINQUENT TAXPAYERS; AMENDING ARTICLE 7, CHAPTER 73, ARIZONA CODE ANNOTATED, 1939, BY ADDING SECTION 73-701a; AND AMENDING SECTION 73-836, ARIZONA CODE ANNOTATED, 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Article 7, chapter 73, Arizona Code Annotated, 1939, is amended by adding section 73-701a, to read:

73-701a. NOTICE OF DELINQUENT TAXES. Effective January 1, 1950, the county treasurer shall, not later than September 1 of each year, send by mail to the last known post office address of each person or firm appearing on the back tax roll, notice that there are delinquent taxes against the real property assessed in his name.

Sec. 2. Section 73-836, Arizona Code Annotated, 1939, is amended to read:

73-836. NOTICE OF APPLICATION FOR TREASURER'S DEED. Before issuing a treasurer's deed for property sold for taxes, the county treasurer shall, not less than ninety days before its issuance, notify the owner of such property to be sold, as such owner may be shown on the current tax roll, at his last known address by registered mail, return receipt requested, of the date of such sale and the amount of taxes for which it is being sold. Such notice shall be in the following form:

TREASURER'S OFFICE

.....County, State of Arizona.

Notice is hereby given that..... has applied for a treasurer's deed to the following described real property, owned by.....and situated in.....County, State of Arizona: (Description)

which, on the.....day of....., 19....., was sold to.....for taxes, interest, penalties and charges amounting to.....dollars and.....cents. If redemption according to law be not made before the day of....., 19....., I will convey said premises to such applicant or his assigns.

 Treasurer of.....county,
 State of Arizona

The county treasurer shall, in addition advertise the time and place of sale once a week for four consecutive weeks in a newspaper of general circulation published in the area in which the property to be sold is located; but, if there be no such newspaper published, then in a newspaper of general circulation within the county; and must, if the boundaries of the property are defined so it can be readily located, placed in a conspicuous place on said property a sign with letters not less than two inches tall, stating that said property is to be sold for taxes and the date of sale.

The purchaser, or his assigns, shall at the time of making such application pay to the county treasurer a fee of one dollar (\$1.00) and shall further repay to the county treasurer the cost of such publication.

Approved by the Governor—March 16, 1949.

Filed in the Office of the Secretary of State—March 16, 1949.

CHAPTER 39

(Senate Bill No. 34)

AN ACT

RELATING TO VITAL STATISTICS; PRESCRIBING PROCEDURE IN THE CASE OF A DEATH OCCURRING WITHOUT MEDICAL ATTENDANCE, AND AMENDING SECTION 68-606, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 68-606, Arizona Code of 1939, is amended to read:

68-606. DEATH OCCURRING WITHOUT MEDICAL ATTENDANCE. (a) Any person having knowledge of the death of a human being, in a case in which no physician was in attendance at the time of death, shall forthwith report to the nearest peace officer all information in his possession regarding the death and the circumstances surrounding it. The peace officer receiving such report shall immediately make or cause to be made an investigation of the facts and circumstances surrounding the death and report the results thereof to the coroner. The coroner may, and upon request of the county attorney shall, direct the medical examiner or any other qualified physician to make such examination of the body as may seem necessary to the person directed to determine the cause of death. The medical examiner or physician making the examination shall promptly report his findings to the coroner and to the county attorney. The coroner may sign the death certificate or may direct the medical examiner to do so. The officer signing the death certificate shall state in the certificate the name of the disease causing death, or if from external causes, the means of death, and whether appearing to be accidental, suicidal, or homicidal, and such information as may be required by the state registrar.

(b) The board of supervisors may, upon the request of the county attorney or coroner, appoint and fix the compensation of a medical examiner for examining the body of a person the coroner may believe to have died through criminal means. The person appointed must be a qualified and practicing physician and surgeon.

Approved by the Governor—March 16, 1949.

Filed in the Office of the Secretary of State—March 16, 1949.

CHAPTER 40

(Senate Bill No. 33)

AN ACT

RELATING TO PUBLIC HEALTH; PRESCRIBING JURISDICTION OVER HEALTH SERVICES OF INCORPO-

RATED CITIES AND TOWNS, AMENDING SECTION 68-218, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Section 68-218, Arizona Code of 1939, is amended to read:

68-218. PARTICIPATION OF INCORPORATED CITIES AND TOWNS IN JOINT HEALTH SERVICES. The legally appointed director of any county or district health department shall provide equal health services and in cooperation with local authorities shall have jurisdiction over the health services of all incorporated cities and towns within the county or district when the governing body of a city or town specifically requests such service.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 16, 1949.

Filed in the Office of the Secretary of State—March 16, 1949.

CHAPTER 41

(Senate Bill No. 119)

AN ACT

PROVIDING FOR APPOINTMENT BY THE GOVERNOR OF CERTAIN STATE OFFICERS; FIXING THEIR SALARIES; REPEALING SECTION 8-112, ARIZONA CODE ANNOTATED, 1939, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPOINTMENT BY GOVERNOR BY AND WITH THE CONSENT OF THE SENATE OF A SUPERINTENDENT OF THE STATE PRISON; ANNUAL SALARY;

TERM OF OFFICE. The governor, by and with the advice and consent of the senate, shall appoint a superintendent of the state prison who shall hold such office for a term of six years unless sooner removed for cause, provided, however, that the term of office of the first appointee shall expire on the first Monday of January, 1955. In the event of a vacancy in the office occasioned by death, resignation or removal of the incumbent, the appointment to fill such vacancy shall be for the unexpired term only. The superintendent of the state prison shall receive an annual salary of forty-eight hundred dollars.

Sec. 2. APPOINTMENT BY GOVERNOR OF A SUPERINTENDENT OF THE HOME FOR AGED AND INFIRM ARIZONA PIONEERS; ANNUAL SALARY. The governor shall appoint a superintendent of the home for the aged and infirm Arizona pioneers. He shall receive an annual salary of not to exceed three thousand six hundred dollars.

Sec. 3. REPEAL. Section 8-112, Arizona Code Annotated, 1939, is repealed.

Sec. 4. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

(Passed on final reading as amended without enacting the emergency clause in Senate)

Approved by the Governor—March 17, 1949.

Filed in the Office of the Secretary of State—March 17, 1949.

CHAPTER 42

(House Bill No. 82)

AN ACT

RELATING TO THE PRACTICE OF MEDICINE AND SURGERY; AMENDING SECTIONS 67-1101 to 67-1109 INCLUSIVE, ARIZONA CODE OF 1939, AND AMENDING ARTICLE 11, CHAPTER 67, ARIZONA CODE OF 1939, BY ADDING SECTION 67-1108a.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 67-1101, Arizona Code of 1939, is amended to read:

67-1101. BOARD OF MEDICAL EXAMINERS. (a) Upon the taking effect of this Act the governor shall appoint a board of medical examiners consisting of five members, no two of whom shall be from the same county, from a list of not less than fifteen names submitted by the Arizona state medical association. Two of the persons so appointed shall hold office until the first day of July, 1952, and three shall hold office until the first day of July, 1953. Thereafter appointments shall be made by the governor for a term of three years, from a list of at least three names for each vacancy to be filled to be submitted by the Arizona state medical association. A member shall be eligible for reappointment for one additional term only. Each appointee shall: 1. have resided in the state not less than three years next preceding his appointment; 2. be a licensed practitioner of medicine and surgery in the state and engaged in the active practice of his profession not less than three years. No professor, instructor, or other person in any manner connected with, or financially interested in, any college or school of medicine and surgery shall be appointed.

(b) The board shall elect from among its members a president, a vice-president, and a second vice-president, and shall appoint a secretary-treasurer, who need not be a member of the board. All such officers shall hold their respective positions during the pleasure of the board. Regular meetings shall be held at the office of the board on the third Tuesday of January, April, July and October of each year. The board may adopt rules and regulations, and shall keep a record of all proceedings. Any member may administer oaths and take evidence in any matter cognizable by the board. The board shall fix the salary of the secretary-treasurer. Board members shall receive twenty-five dollars (\$25.00) for each day of actual service in the business of the board, and reimbursement for their actual expenses in connection therewith. A member of the board may, upon notice and hearing, be removed by the governor for continued neglect of duty, incompetence, or unprofessional or dishonorable conduct. Appointment to fill a vacancy occasioned otherwise than by expiration of term shall be for the unexpired portion thereof, from a list of at least three names for each vacancy to be filled, to be submitted by the Arizona state medical association.

(c) In the case of all appointments to be made by the governor pursuant to this section, the governor may require the submission by the Arizona state medical association of such

additional list of recommended board members as he may deem expedient.

Sec. 2. Section 67-1102, Arizona Code of 1939, is amended to read:

67-1102. PRACTICE OF MEDICINE AND SURGERY.

(a) A person shall be regarded as practicing medicine and surgery, or either, who, by any indication or statement, claims his ability or willingness to, or does, diagnose, prognosticate any human ills, real or imaginary, or claims his ability or willingness to, or does, prescribe or administer any medicine, treatment or practice, or performs any operation, manipulation, or application for compensation unless it is in the practice of dentistry, pharmacy, osteopathy, chiropractics, chiropody, or naturopathy, or in the business of opticians or of vendors of dental or surgical instruments, apparatus and appliances.

(b) The name "physician," "surgeon," "physician and surgeon," or similar title, shall be used to designate a doctor of medicine and surgery, or either, who shall affix the initials M. D. to his name whenever used in a professional capacity. Any person using the name "physician," "surgeon," "physician and surgeon," or any other title or abbreviation to indicate or to induce others to believe that he is engaged in the treatment or diagnosis of the diseases, injuries, or defects of human beings, shall affix suitable words and abbreviations to his name, whenever used on signs or displays, clearly designating the particular type of practice for which such person is licensed to practice. Any person failing to so identify his practice shall be guilty of a misdemeanor.

Sec. 3. Section 67-1103, Arizona Code of 1939, is amended to read:

67-1103. CERTIFICATES TO PRACTICE. (a) Three forms of certificates to practice medicine and surgery shall be issued by the board of medical examiners, under the seal thereof, and signed by a majority of members: 1. a certificate to practice as authorized by examination; 2. a reciprocity certificate, and, 3. a temporary license or permit to practice medicine and surgery in the event of an emergency.

(b) As used in this Act, an emergency shall be the inability of the local physicians and surgeons in any community to meet conditions affecting the public health that may arise suddenly and unexpectedly by reason of fire, flood, explosion, epidemic, pestilence, or like disaster, or through some unusual occur-

rence or condition which in the judgment of a majority of the board constitutes an emergency.

(c) A certificate issued upon examination or reciprocity, when recorded in the office of the county recorder as provided in this Act, shall constitute the holder thereof a duly licensed practitioner in accordance with the provisions of his certificate. To procure a license to practice medicine and surgery, the applicant shall be a citizen of the United States, or have declared his intention, in accordance with the laws of the United States, to become a citizen, but if such declarant fails to obtain admission to citizenship within the time prescribed by law, such license shall immediately become void and his certificate cancelled, and, shall file with the board, at least two weeks prior to a regular meeting thereof: 1. satisfactory testimonials of good moral character; 2. a diploma issued by a legally chartered college or school of medicine, the requirements of which, at the time of granting such diploma, were not less than those prescribed by the association of American medical colleges for that year, or certified proof of having possessed such a diploma, and, 3. proof that he has served an internship of at least one year in an accredited hospital. The applicant must also file a verified application, upon blanks furnished by the board, stating that he is the person named in such diploma; that he is the lawful holder thereof; that it was procured in the regular course of instruction and examination, without fraud or misrepresentation, and that at no time has his license to practice medicine and surgery been revoked in any state or territory of the United States.

(d) The examination to practice medicine and surgery shall be conducted in the english language, shall be practical in character, and in whole or in part in writing on the following subjects: anatomy, histology, gynecology, pathology, bacteriology, chemistry and toxicology, physiology, obstetrics, surgery, general diagnosis, hygiene, and such other subjects pertaining to medicine and surgery as the board may determine. Examination in each subject shall consist of not less than ten questions, answers to which shall be marked upon a scale of zero to ten. An applicant must obtain not less than a general average of seventy-five (75) per cent, and not less than sixty (60) per cent in any one subject. Applicants who can show five (5) years of reputable practice shall be allowed a credit of five (5) per cent on the general average, and five (5) per cent additional for each subsequent ten (10) years of reputable practice, but must receive not less than fifty (50) per cent on any one subject. If an applicant fails in not more than two subjects, he may be re-examined in the subject or subjects in which he failed at any subsequent examination within one year without further application or payment of

additional examination fee and, upon attaining the proper credit therein, shall receive a certificate to practice medicine and surgery as in this Act provided. The examination papers shall form a part of the records of the board and shall be kept on file by the secretary-treasurer for at least one year after such examinations. In the event of oral examinations, questions and answers shall be taken verbatim by a stenographer or steno-typist and a transcript thereof made and duly filed in accordance with the provisions for the filing of papers for written examinations. In the written examinations, the applicants shall be known and designated by numbers only, and the names attached to the numbers shall be kept secret until after the board has finally passed upon the applications. The secretary-treasurer of the board shall not participate as an examiner in the examinations.

(e) An applicant for a certificate to practice medicine and surgery may be granted a reciprocity certificate without such examination, if he shall file with the board the testimonials, diploma and application, and a certificate or license to practice medicine and surgery, or certified evidence of the same, issued by any state or territory in the United States where the requirements are at least equal to those set forth in this Act. The board shall have the right to give an oral examination to an applicant for a reciprocity certificate whose graduation from a college or school of medicine was five years or more prior to the filing of his application. An applicant may be issued a reciprocity certificate to practice medicine and surgery upon filing a certificate or license or a diploma issued by the national board of medical examiners, or certified evidence thereof, and, except in the case of an applicant who files a diploma of the national board of medical examiners or evidence thereof, certified evidence that at the time of the issuance of such certificate or license he was an ethical practitioner and had been engaged in the active practice of medicine and surgery for not less than three years. An applicant for a reciprocity certificate or license, who shall otherwise comply with the provisions of this Act, and who shall file with the board proper evidence of honorable discharge from any branch of the military service of the United States, shall not be required to furnish character testimonials or file the certificate of three years of ethical practice.

(f) Whenever the services of an applicant are needed as an emergency in any community, the board may grant to a graduate of any college or school of medicine and surgery approved by the association of American medical colleges, a temporary license or permit to practice medicine and surgery in such community. A temporary permit or license shall be valid only until the next regular meeting of the board, when the appli-

cant must appear for regular examination. One renewal of a temporary license may be granted provided the renewal immediately follows the quarter for which the temporary license was issued. Only one temporary license and one renewal shall be issued to any person. A temporary license shall not be filed with the county recorder.

(g) A graduate of a college or school of medicine of any foreign country, the requirements of which were in the opinion of the board, at the time of such graduation, equal to the requirements prescribed by this Act, may, at the discretion of the board, be examined for a license and issued a certificate to practice medicine and surgery.

(h) The board shall keep a register of applicants and the result of each examination.

Sec. 4. Section 67-1104, Arizona Code of 1939, is amended to read:

67-1104. FEES. The board shall charge the following fees:

1. For application for certification by examination, twenty-five dollars (\$25.00), of which fifteen dollars (\$15.00) shall be returned to the applicant in the event his credentials are found insufficient or he withdraws his application before taking the examination.

2. For a reciprocity certificate, one hundred dollars (\$100.00), of which seventy-five dollars (\$75.00) shall be returned to the applicant in the event his credentials are found insufficient or he withdraws his application before a certificate is issued.

3. For a temporary license or permit, twenty-five dollars (\$25.00).

Sec. 5. Section 67-1105, Arizona Code of 1939, is amended to read:

67-1105. RECORDING CERTIFICATE. A certificate to practice medicine and surgery shall be recorded in the office of the county recorder of the county in which the licensee is practicing his profession, and, on any change of residence, of the county to which he shall have removed. The county recorder shall keep a complete list of certificates to practice medicine and surgery recorded by him, with the date on which each is placed of record.

Sec. 6. Section 67-1106, Arizona Code of 1939, is amended to read:

67-1106. REFUSAL OF CERTIFICATE FOR UNPROFESSIONAL CONDUCT. (a) The board shall refuse a certificate to any applicant guilty of unprofessional conduct, but before such refusal the applicant shall be cited upon a sworn complaint filed with the board, charging the applicant with having been guilty of unprofessional conduct, and setting forth the particular acts constituting such conduct. The citation shall be returnable at a meeting of the board not less than thirty (30) days thereafter and the board shall notify the applicant when and where the matter will be heard, the conduct with which the applicant is charged, and that the applicant shall file his written answer, under oath, within twenty (20) days after service of said citation, or default will be taken against him, and his application refused. The citation and subpoenas for witnesses, issued by the secretary-treasurer, shall be served as provided by law for the service of subpoenas. If any person refuses to obey a subpoena such refusal shall be certified by the board to the superior court of the county in which the service was had, and proceedings had as for contempt. If the charges on their face be deemed sufficient by the board, and issue be joined thereon by answer, the board shall determine the charges upon oral testimony or depositions. No certificate shall be refused on the ground of unprofessional conduct unless the applicant has been guilty of such conduct within two years next preceding his application.

(b) When a holder of a certificate is guilty of unprofessional conduct, or a certificate has been procured by fraud or misrepresentation, or issued by mistake, the board shall revoke the same after citation and hearing thereon. The secretary-treasurer shall certify the fact of revocation, under the seal of the board, to the county recorder of the county in which the revoked certificate is recorded, and the recorder shall indorse upon the margin or across the face of the recordation of such certificate the fact of its revocation. Upon the revocation of a certificate the holder thereof shall be disqualified from practicing medicine and surgery.

(c) For the purposes of this Act "unprofessional conduct" includes: 1. procuring, or aiding or abetting in procuring, a criminal abortion; 2. wilful betrayal of a professional secret; 3. advertising of medical business which is intended, or has a tendency, to deceive the public or impose upon credulous or ignorant persons, and so be harmful or injurious to the public morals or safety; 4. advertising of any medicine or of any means whereby the monthly periods of women can be reg-

ulated or the menses reestablished if suppressed; 5. conviction of an offense involving moral turpitude, in which case the record of such conviction shall be conclusive evidence; 6. giving or receiving rebates; 7. habitual intemperance in the use of alcohol or narcotic drugs, and, 8. personation of another licensed practitioner of medicine and surgery of a like or different name.

Sec. 7. Section 67-1107, Arizona Code of 1939, is amended to read:

67-1107. PENAL PROVISIONS. (a) Any person holding a certificate to practice medicine and surgery who shall practice without first having filed his certificate to practice is guilty of a misdemeanor.

(b) Any person who practices, or attempts to practice medicine or surgery, without having a valid recorded license to so practice issued by the state board of medical examiners, is guilty of a felony.

(c) Any person who files or attempts to file for record, a license issued to another, claiming himself to be the person entitled to the same, is guilty of a felony and upon conviction shall be punished as provided by law for the crime of forgery.

(d) Any person who assumes to act as a member of the state board of medical examiners, who is not a member thereof, and who signs, issues or seals a license authorizing a person to practice medicine or surgery as provided in this Act, is guilty of a felony, and upon conviction shall be imprisoned in the state prison not more than five (5) years.

(e) The attorney general, a county attorney, the state board of medical examiners, or any citizen of a county where any person shall engage in the practice of medicine or surgery, defined in this Act, without having first obtained a license so to do, may, in accordance with the laws governing injunctions, maintain in the name of the state an action in the county in which the offense is committed to enjoin such person from so engaging until a license therefor be secured. Any person so enjoined who violates the injunction shall be punished as for contempt of court. Such injunction shall not relieve a person practicing medicine or surgery without a license from criminal prosecution, but shall be in addition to any remedy provided for the criminal prosecution of the offender. In charging any person, in a complaint for injunction, or in an affidavit, information or indictment, with a violation of this Act by practicing medicine or surgery without a license, it shall be sufficient to charge that he did upon a certain day

and in a certain county engage in the practice of medicine or surgery, he not having any license so to do, without averring any further or more particular facts concerning the same.

Sec. 8. Section 67-1108, Arizona Code of 1939, is amended to read:

67-1108. BUREAU OF LICENSE. (a) Any person practicing medicine or surgery under the provisions of this Act shall pay to the board of medical examiners on or before the first day of January of each year after a license is issued a renewal fee of five dollars (\$5.00). Not less than thirty (30) days prior to such date the secretary-treasurer shall mail to every practitioner of medicine and surgery in the state a notice requiring the payment of the renewal fee, which notice shall quote the provisions of this subsection. Not later than the tenth day of January a second notice shall be mailed to any such person who fails to pay the license renewal fee by the first day of January, and if the renewal fee is not paid by the first day of February, a penalty of twenty-five dollars (\$25.00) shall be added. A delinquent licensee who fails to pay such fee and penalty before the first day of May shall be cited to appear before the board at a date certain, not less than ten (10) days from the date of the citation, and show cause why his license should not be revoked.

Sec. 9. Article 11, chapter 67, Arizona Code of 1939, is amended by adding section 67-1108a, to read:

67-1108a. DISPOSAL OF MONEYS. Ten (10) per cent of all moneys collected under the provisions of this Act shall be deposited in the state general fund, and ninety (90) per cent shall be placed by the state treasurer in a fund to be known as the board of medical examiners fund. All moneys in the board of medical examiners fund are appropriated for the use of the board of medical examiners for the payment of salaries, office and travel expense, and otherwise in carrying out the purposes of this Act. Any unexpended and unencumbered balance of funds remaining in the board of medical examiners fund at the end of a fiscal year shall not revert to the general fund.

Sec. 10. Section 67-1109, Arizona Code of 1939, is amended to read:

67-1109. EXCEPTIONS TO APPLICATION. Nothing in this Act shall inhibit: 1. service in an emergency; 2. the domestic administration of family remedies, nor, 3. the practice of religion or treatment by prayer exclusively; nor shall it apply to any commissioned medical officer in the military service of the United States or public health service, in the dis-

charge of his official duties, nor to any licensed practitioner from another state when in actual consultation with a licensed practitioner of medicine and surgery of this state.

Sec. 11. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 17, 1949.

Filed in the Office of the Secretary of State—March 17, 1949.

CHAPTER 43

(House Bill No. 174)

AN ACT

RELATING TO FISH AND GAME AND WILDLIFE RESTORATION; REPEALING SECTION 57-123; AMENDING SECTIONS 57-101, 57-105, 57-113, 57-115, 57-116, 57-117, 57-119 AND 57-306, ARIZONA CODE OF 1939, AND AMENDING ARTICLE 1, CHAPTER 57, ARIZONA CODE OF 1939, AS AMENDED, BY ADDING NEW SECTIONS 57-103a, 57-109a, AND 57-109b, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 57-101, Arizona Code of 1939, is amended to read:

57-101. DEFINITIONS. Terms as used herein shall mean:

To "take" birds, animals, or fish, or birds' nests or eggs, or spawn or eggs of fish, shall mean the pursuit, hunting, capture, or killing of birds, animals, including amphibians, or fish, or collection of birds' nests or eggs, or spawn or eggs of fish, and shall include pursuing, shooting, hunting, killing, capturing, taking, snaring, netting, placing or using any net or other device, and all lesser acts such as disturbing or annoying;

"trap or trapping" shall mean taking in any manner except with gun or implement in hand;

“angling” shall mean the taking of game fish by one line and one hook; or by one line and one artificial lure which may have attached more than one hook; or by one line and not to exceed two artificial flies or lures. The line may be held in hand or attached to a rod but in either case must be constantly attended. Each person shall be limited to one line or one rod and one line. In every case said hook, hooks, flies or lures are to be used in such manner that the fish voluntarily take it or attempt to take it in their mouths.

“open season” is the time during which game birds, game animals, including amphibians, or game fish may be lawfully taken, and includes the first and last days thereof.

“closed season” is the time during which game bird, game animals, including amphibians, or game fish may not be taken.

The commission may define any species of wild animals as being game animals, big game, fur-bearing animals, predatory animals, nongame animals, and define birds as upland game birds, nongame birds, and define fish as game fish and non-game fish.

“guide” means any person who shall for pay, aid or assist any person or persons in locating, pursuing, hunting or killing any of the game birds, animals or fish mentioned in this Act.

Whenever or wherever used in this Act, unless contrary intention is evident from the context, the word “person” shall include individuals, copartnerships, associations and corporations; the singular shall include the plural; and the masculine shall include the feminine and neuter.

Whenever or wherever used in this Act, the words “he”, “him” and “his” shall include individuals of either sex, copartnerships, associations and corporations and the singular shall include the plural.

“preceding license year” shall mean the last year, preceding the present in which any person held a valid license to hunt, fish, trap, guide or engage in the business of fur dealer;

“license year” shall mean the twelvemonth period between July 1 and June 30, both dates inclusive.

Sec. 2. Article 1, chapter 57, Arizona Code of 1939, as amended, is amended by adding thereto section 57-103a, to read as follows:

57-103a. SPECIAL POWERS AND DUTIES OF THE COMMISSION. The commission may close a stream or any part of a stream immediately after planting fish and may keep such stream closed until such time as the fish have had an opportunity to establish themselves. The commission may close and open these fish planting areas without complying with the clause providing for thirty days notice, provided, however, that signs be posted designating the length of time a particular section of stream shall be closed to fishing.

Any funds received by the commission from the sale of any capital asset originally purchased with license funds shall be paid into the game and fish protection fund.

The commission may expend funds for membership dues in organizations dealing directly with fish and game management in the United States.

Sec. 3. Sec. 57-105, Arizona Code of 1939, is amended to read:

57-105. STATE GAME AND FISH DIRECTORS; OTHER EMPLOYEES; SALARY. The commission shall appoint a state game and fish director who shall be the general manager for the game and fish commission and who shall possess a thorough knowledge of animals, birds and fish, and the requirements for their conservation. The state game and fish director shall act as secretary to the commission, and shall serve for a term of four years, unless removed by the commission, after hearing, for inefficiency, neglect of duty or misconduct in office. If removed, the commission shall file in the office of the secretary of state a complete statement of all charges made against him and its findings thereon, together with a complete record of the proceedings. The state game and fish director shall not hold any other office, and shall devote his entire time to the duties of his office.

The state game and fish director may appoint, with the approval of the commission, game rangers, for the payment of whose salary money is available in the game and fish protection fund. The game rangers shall be located in the different sections of the state where their services are most needed.

The commission shall fix the salaries of the game rangers and shall provide that the state game and fish director and commission personnel shall be paid their actual and necessary traveling expenses as prescribed by law for other state employees and, provided further, that the compensation for

the state game and fish director shall not exceed six thousand dollars per annum.

Sec. 4. Article 1, chapter 57, Arizona Code of 1939, as amended, is amended by adding thereto section 57-109a, which shall read:

57-109a. LAND OWNER OR LESSEE PERMITTED TO TAKE BEAR. Any landowner or lessee who is a legitimate livestock operator may authorize the taking of stock killing bear, provided, however, that a witnessed statement, describing in detail the facts of such stock killing, shall be signed by the stockman and filed within thirty days after the bear has been taken with the Phoenix office of the commission, or local game ranger.

Sec. 5. Article 1, chapter 57, Arizona Code of 1939, as amended, is amended by adding thereto section 57-109b, which shall read:

57-109b. UNLAWFUL CAMPING. It shall be unlawful for any person or persons to camp in the environs of a water-hole in such a manner that wildlife and/or domestic stocks will be denied access to the only reasonably available water.

Sec. 6. Sec. 57-113, Arizona Code of 1939, is amended to read:

57-113. POSSESSION, STORAGE, TRANSPORTATION, IMPORTATION, PURCHASE OR SALE OF ANIMALS, INCLUDING AMPHIBIANS AND BIRDS. Where the possession, transportation, purchase or sale of any wild animal, including amphibians, wild birds, or fish, or any part thereof, is restricted or unlawful, the possession, transportation, purchase or sale of such animal, including amphibians, birds or fish, or any part thereof coming from or taken without the state, whether belonging to the same or a different species from that native to this state, but belonging to the same family as those protected by this Act, is, unless otherwise herein provided, unlawful.

Game animals, including amphibians, and fur-bearing animals, game fish and game birds (excepting migratory birds or parts thereof) lawfully taken without the state may be transported into this state when accompanied by evidence, issued by the state or country where taken, showing that such game animals, including amphibians and fur-bearing animals, game fish and game birds (except migratory birds) were lawfully taken.

Migratory game birds may be possessed and transported into this state only in accordance with the Migratory Bird Treaty Act (U. S. C., tit. 16, pars. 703-711; 5 F. C. A., tit. 16, pars. 703-711) and regulations thereunder.

Fur or fur-bearing animals lawfully taken, nongame animals, nongame amphibians, fish and birds for which no closed season or protection is provided may be possessed or transported at any time.

Any person holding a valid license may transport during the open season therefor, game animals, including amphibians, game birds and game fish, or parts thereof, lawfully taken, but not to exceed one day's bag or possession limit, within the state or from a point within to a point without the state, otherwise than by parcel post, but he shall not transport out of the state more than the bag limit of big game or more than one day's bag or possession limit in any one calendar week, of other game animals, including amphibians, game birds or game fish.

The heads, antlers, hides, feet or skin of game animals, including amphibians, game birds or game fish, lawfully taken, may be transported and mounted specimens of the same bought or sold, except that the skins of migratory birds may be sold or transported only in accordance with the United States Migratory Bird Treaty Act (U. S. C., tit. 16, pars. 703-711; 5 F. C. A., tit. 16, pars. 703-711) and regulations thereunder.

Game animals, including amphibians, game birds, excepting migratory birds, and game fish and parts thereof lawfully taken during the open season, may be possessed during the open season therefor and for sixty days thereafter without a permit.

Persons desiring to keep lawfully taken and possessed game and fish, including amphibians, indefinitely by placing any game animal or game bird or game fish, including amphibians, or parts thereof, in a commercial frozen food locker or home freezer of any type or description, must have said game animals, game birds, game fish or parts thereof stamped with a vegetable dye by an authorized agent of the commission. A fee of fifty cents shall be collected for the stamping of each legal bag limit. Possession of game animals and game birds unstamped by the official seal of the Arizona game and fish commission in a commercial frozen food locker or home freezer of any type or description after sixty days from the close of the open season therefor shall be illegal.

The commission shall determine and apply such regula-

tions as it may deem necessary covering the storage of game in any public cold storage warehouse, home freezer or other facility for the prevention of spoilage of food and, provided further, that the commission may bond and appoint frozen food locker operators or other agents of the commission and authorize them to stamp game animals, birds and fish according to the provisions of this Act.

Any package in which any game animal, including amphibians, game bird, or game fish, or part thereof, or egg or nest of any wild bird, nongame animal, fish or bird, or fur-bearing animal, is transported shall have clearly and conspicuously marked on the outside thereof, the names and addresses of the consignor and the consignee, together with an accurate statement of its contents, and the number of the shipping permit where such permit is required.

Any package or shipment of any game animals, including amphibians, fur-bearing animals, game birds, or game fish, or parts thereof, offered to or in the possession of any common carrier shall be construed to be and remain in the possession of the consignor until delivered to the consignee; provided, that if or when any common carrier is not able, or refuses or neglects to show from whom any consignment or shipment of game animals, including amphibians, fur-bearing animals, game birds or game fish, or parts thereof, was received, the consignment or shipment is hereby declared to be in the possession of the common carrier having same in transit.

No person shall take any wild bird, wild animal, including amphibians or fish, or the nest or egg of any wild bird, or the spawn or eggs of fish, or possess, buy, sell, offer or expose for sale, or transport, or receive from another, any such bird, animal, including amphibian, or fish, or part thereof, or any bird's nest or egg, or any spawn or eggs of fish, or amphibians, except as expressly permitted by this Act. The possession of any game animal, including amphibians, game bird, or game fish or part thereof, in any hotel, restaurant, cafe, market or store, shall be prima facie evidence of the possession thereof for the purpose of sale in violation of this Act, but this provision shall not prohibit a person lawfully obtaining such game animal, game amphibian, game bird, or game fish from having it prepared in a public eating place and served to himself and guests or placed in storage in accordance with the provisions of this Act.

Sec. 7. Sec. 57-115, Arizona Code of 1939, is amended to read:

57-115. LICENSE FEES. Licenses shall be divided into

classes and fees paid therefor as follows, except that when, at the discretion of the commission, it becomes necessary to limit or further regulate the taking of any game fish, game bird, or game animal, including amphibians, it may order the issuance of an additional license or permit and fix fees therefor.

Class A, resident warm water fishing license	\$ 1.50
Class B, nonresident warm water fishing license	5.00
Class C, resident trout license	2.50
Class D, nonresident trout license	10.00
Class E, combination resident warm water and trout license	3.50
Class F, resident general hunting license	4.00
Class H, nonresident small game license	20.00
Class I, resident deer tag	1.00
Class J, combination resident general fishing and hunting license	7.00
Class K, nonresident deer license and tag	50.00
Class L, resident elk license and tag	15.00
Class M, nonresident elk license and tag	75.00
Class N, resident antelope license and tag	10.00
Class O, nonresident antelope license and tag	50.00
Class P, resident turkey tag50
Class Q, nonresident turkey license and tag	10.00
Class R, resident bighorn license and tag	50.00
Class S, nonresident bighorn license and tag	150.00
Class T, resident javelina license and tag	1.00
Class U, nonresident javelina license and tag	5.00

Class V, nonresident fishing license (5 day warm water only)	3.00
Class W, nonresident fishing license (5 day trout)....	5.00
Class X, resident guide license	10.00
Class Z, nonresident trappers license	100.00
Class Z1, resident trappers license	1.00
Class Z2, taxidermist license	10.00
Class Z3, fur dealers license	10.00
Class Z4, nonresident bear license	10.00

The license fees herein set are the maximum amounts that may be charged, but the Arizona game and fish commission may, at its discretion, reduce the license fees any amount deemed necessary.

The commission shall cause to be dispensed with each license issued a full and complete copy of all rules and regulations adopted by the commission then in force and effect.

Bear may be taken in season by anyone possessing a resident deer or elk license.

The commission may issue an alien a hunting or fishing license, provided a fee of one hundred dollars is charged for the hunting of each big game animal and a fee of twenty-five dollars for a general alien fishing license.

A resident for the purpose of this Act is defined to be a citizen of the United States who has been a bona fide resident of this state for one year immediately preceding the date of application for license. A complimentary license may be issued by the commission to a pioneer seventy years of age or older who has been a resident of this state for twenty-five or more consecutive years. It shall be unlawful for any person to obtain by fraud or misrepresentation a license to take game or fish and such license so fraudulently obtained shall be void and of no effect from the date of issuance thereof. Provided further, that this section shall take effect on July 1, 1949.

Sec. 8. Section 57-116, Arizona Code of 1939, is amended to read:

57-116. SOLDIERS HUNTING AND FISHING LICENSES.

In addition to the classes of hunting and fishing licenses now provided by law, there shall be a special hunting and fishing license, issued only to members of the armed forces on active duty with the United States and stationed in the state of Arizona. The license shall entitle the holder thereof, in season and subject to the bag limits, to take small game and fish in the state of Arizona. Such license shall be valid for the same period as other licenses and the fee for such license shall be seven dollars, provided, however, that this form of license shall be terminated and this section inoperative on July 1 following that year in which a state of war no longer exists between the United States and any foreign nation.

Sec. 9. Sec. 57-117, Arizona Code of 1939, is amended to read:

57-117. LICENSE REQUIRED; MINORS; FORM AND CONTENTS OF LICENSE; SALE OF LICENSES; DISPOSITION OF FEES; REPORT OF LICENSING AGENTS. No person shall take fish, birds or animals in this state, unless, at the time of such taking, he shall have proper license on his person and shall exhibit the same upon request for inspection to any person, except that it shall be lawful for a resident of this state under the age of sixteen years to fish during the open season, and when accompanied by a person holding a valid license, to take small game during open season, even though such resident child has no license, provided that not more than two such resident children shall accompany such person holding a valid license; but no child, either resident or nonresident shall take any big game without first obtaining a license as herein provided, and provided further, that a license to take big game shall not be issued to any child under twelve years of age.

Form and contents of license; shipping coupons. The form of license shall be determined and the license blanks prepared by the commission and by it furnished and charged to the person authorized to issue licenses. Each license shall be accompanied by a shipping permit, authorizing the licensee to ship either within or out of the state not to exceed the possession limit of game or fish, which permit or coupon thereof must be attached to the shipment. If a resident desires, and is entitled to make an additional shipment either within or out of the state, or a nonresident desires, and is entitled to make an additional shipment either within or out of the state, he shall first secure from the commission, an additional permit or tag authorizing the shipment, which permit or tag shall be attached to the shipment. The commission shall provide the state game and fish director with shipping permit blanks or

tags which shall be issued by him, in accordance with the provisions of this section, upon payment of a fee of fifty cents each. The license shall be issued in the name of the commission, sealed with its seal and countersigned by the officer issuing the same. Each license shall be signed by the licensee in ink on the face thereof and any license not so signed is invalid.

With each license authorizing the killing or taking of big game, the commission shall provide suitable forms or tags which are to be immediately attached to the horns, feet or skin of such big game when killed or taken.

It shall be unlawful for any person to apply for and sign as licensee in any one license year more than one original license permitting the taking of big game. Provided, however, that a duplicate of such license may be obtained by the licensee upon affirming in writing that the original license has been lost and including therewith a statement as to which, if any, big game stubs or tags have been used. All duplicate licenses must be obtained from the person or agent who issued the original license or from the office of the commission. To be valid each duplicate license must carry in ink in all spaces provided therefor the number of the original license. The commission shall assess and collect a fee of one dollar for each duplicate license issued.

Effective on and after July 1, 1949, all licenses issued, except any special license set by the commission and licenses Class V, W and pioneer shall be for the license year and shall expire on the thirtieth day of June following date of issuance.

Sale of licenses. Hunting, fishing and trapping licenses or other license forms so ordered by the commission, shall be issued by such persons as may be designated for that purpose by the commission.

When required by the commission, persons so designated or empowered shall pay the premiums for and give to the state a bond in the sum of one thousand dollars and such person is to continue under such bond during the entire time he is designated or empowered to issue licenses; provided further, however, that the commission may require the larger license dealers to furnish the state a bond in whatever sum is deemed necessary to protect the interest of the state of Arizona.

Disposition of fees. All persons issuing licenses shall on the first Tuesday of each month, transmit to the commission all license fees, with a legible statement setting forth the name and residence of each licensee, the serial number and class of

and the amount paid for each license issued during the previous month. Persons issuing licenses other than the state game and fish director, shall retain as their compensation, five per cent of all license fees collected.

Report of licensing agent. On the thirtieth day of June of each year or on demand of the commission, all persons authorized to issue licenses shall return to the commission all duplicate stubs, unused licenses and big game tags furnished such persons during the entire license year, together with a final report recapitulating and tabulating the total number of licenses issued and the total amount of license money received. The commission shall enforce the making of such return and any person failing to comply with the provisions of this section shall be deemed guilty of a misdemeanor.

Sec. 10. Sec. 57-119, Arizona Code of 1939, is amended to read:

57-119. GUIDES; LICENSES; FEE; REPORTS. No person shall act as a guide as defined herein without first satisfying the commission of his reliability and without having procured proper license therefor, which license must be carried on his person while he is acting. No guide license shall be granted except to a citizen of the United States twenty-one years of age or over and a bona fide resident of this state. Each licensed guide shall act without pay as a game ranger with all the powers and duties of that office, provided, however, that if a licensed guide fails or neglects to enforce the provisions of this Act his license shall be revoked by the commission and he also shall be liable to punishment as for a violation of this Act.

At the end of each license year or earlier at the request of the commission, all persons acting as guide shall report to the commission on forms provided therefor the name and address of each person guided by him, number of days he has been so employed by such person and as nearly as practicable the number of game animals, birds and fish taken by such person during the current license year.

No license to guide shall be issued to any person who has failed to supply such report to the commission for his "preceding license year".

No person acting as guide shall carry firearms other than revolver or pistol while so acting.

Sec. 11. Sec. 57-123, Arizona Code of 1939, is hereby repealed.

Sec. 12. Sec. 57-306, Arizona Code of 1939, is amended to read:

57-306. FINANCIAL PROVISIONS. (a) In the event the commission desires to avail itself of moneys apportioned to this state for any fiscal year pursuant to the wildlife-restoration Act of Congress, it shall notify the secretary of the interior to that effect not later than sixty days after receipt of certification by the secretary of the estimated amount, to be apportioned to this state for such year.

(b) Upon receipt of final certification by the secretary of the interior of the amount apportioned to this state for any fiscal year pursuant to the wildlife-restoration Act of Congress, the state treasurer shall transfer this state's one-third share of the amount so apportioned from any moneys appropriated by the legislature of this state for the specific purpose of carrying out the provisions of this Act, and if said moneys be insufficient, then the commission may transfer from the state game and fish protection fund such sum as it may deem advisable to further match such federal apportionment. Moneys received from the federal aid to wildlife-restoration fund of the United States established and maintained pursuant to the wildlife-restoration Act of Congress shall be deposited in said wildlife-restoration account. Claims against said account shall be made and paid in the manner provided by law for payment of claims against the state game and fish protection fund.

(c) Moneys in the wildlife-restoration account shall be expended solely for work allowable under the provisions of the wildlife-restoration Act of Congress and for which the secretary of the interior agrees to contribute seventy-five per cent of the cost from the federal aid to wildlife-restoration fund.

Sec. 13. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 17, 1949.

Filed in the Office of the Secretary of State—March 17, 1949.

CHAPTER 44

(House Bill No. 55)

AN ACT

RELATING TO EDUCATION; PROVIDING FOR THE ES-

TABLISHMENT OF COMMUNITY RECREATION
CENTERS IN PUBLIC SCHOOLS, AND DECLARING
AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. SCHOOL RECREATION CENTERS. Any board of school trustees or city board of education shall have power to operate school buildings and grounds for the purpose of providing a public play and recreation center, and to organize and conduct therein such community recreation activities as will contribute to the physical, mental and moral welfare of the youth residing in the vicinity. A school recreation center may be open at such times as the board deems advisable, including evening hours and vacation days, and shall be conducted in accordance with rules prescribed by the board.

Sec. 2. COOPERATION WITH OTHER AGENCIES. Any board of school trustees or city board of education shall have power to cooperate and enter into contracts with other public recreation boards and agencies in carrying out the purposes of this Act.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 17, 1949.

Filed in the Office of the Secretary of State—March 17, 1949.

CHAPTER 45

(Senate Bill No. 136)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE
ATTORNEY GENERAL, AND DECLARING AN EMER-
GENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appro-

priation made under the provisions of subdivision 1, section 1, chapter 142, Laws of 1947, and other appropriations made for the 36th and 37th fiscal years, the sum of twenty-five hundred dollars is hereby appropriated to the attorney general.

Sec. 2. PURPOSE. The appropriation made in section 1 is for the following purpose: To pay special counsel fees and expenses for services rendered in connection with the state of Arizona's appearance before the secretary of the United States department of the interior to protect the rights of the state of Arizona in and to the control of the use and appropriation of nonnavigable waters on public lands, which appearance became necessary as a result of a decision by the solicitor of the United States department of the interior, rendered in the Jack A. Medd case, Departmental No. A23951, wherein the solicitor held in his decision that the state of Arizona had no authority or control over the use and appropriation of the nonnavigable waters located on public lands.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 17, 1949.

Filed in the Office of the Secretary of State—March 17, 1949.

CHAPTER 46

(Senate Bill No. 118)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE PRISON.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to all other appropriations for the thirty-seventh fiscal year, the sum of thirty-five thousand dollars is appropriated to the state prison, to be available during the thirty-seventh fiscal year, for current expenditures, operation and maintenance.

Sec. 2. EMERGENCY. To preserve the public peace,

health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 17, 1949.

Filed in the Office of the Secretary of State—March 17, 1949.

CHAPTER 47

(Senate Bill No. 87)

AN ACT

RELATING TO THE STATE VETERINARIAN, AND
AMENDING SECTION 50-103, ARIZONA CODE OF 1939,
AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 50-103, Arizona Code of 1939, is amended to read:

50-103. STATE VETERINARIAN. The governor shall appoint, with the consent of the senate, a skilled veterinarian, who shall be a graduate in good standing of a recognized school of veterinary medicine, shall hold his office at the pleasure of the board, and whose salary, to be fixed by the board, shall not exceed six thousand dollars (\$6,000.00) per annum, and the mileage and traveling expenses allowed public officers. He shall execute a bond to the state in the sum of five thousand (\$5,000.00) dollars. He shall devote his entire time to the office of state veterinarian and shall not engage in private practice.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 17, 1949.

Filed in the Office of the Secretary of State—March 17, 1949.

CHAPTER 48

(Senate Bill No. 56)

AN ACT

MAKING A DEFICIENCY APPROPRIATION TO THE SUPREME COURT, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of subdivision 9, section 1, chapter 142, Laws of 1947, regular session, the sum of five thousand dollars is appropriated to the supreme court, for other current expenditures, to be available during the remainder of the thirty-seventh fiscal year.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 17, 1949.

Filed in the Office of the Secretary of State—March 17, 1949.

CHAPTER 49

(Senate Bill No. 79)

AN ACT

RELATING TO THE STATE PRISON; PROVIDING FOR THE ESTABLISHMENT OF A FACTORY FOR THE CANNING OF PRODUCE, AND MAKING AN APPROPRIATION.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. CANNING PLANT AUTHORIZED. A plant shall be established at the state prison for the canning of produce for the use of the prison. For such purpose an industrial yard shall be constructed as an annex to the prison, to-

gether with such remodeling as may be deemed necessary, and a cannery building erected and equipped.

Sec. 2. EXCHANGE OR SALE OF PRODUCTS. The superintendent of the prison may exchange or sell to other state institutions any canned produce in excess of the prison's needs.

Sec. 3. REVOLVING FUND. A revolving fund to be known as the prison cannery revolving fund shall be established by the state treasurer, to consist of the proceeds remaining of the appropriation made by this Act after all obligations incurred under the provisions of section 1 have been satisfied. All expenses of upkeep, maintenance and operation of the prison cannery shall be paid out of the prison cannery revolving fund, and reimbursed by receipts from the products of the cannery. Any proceeds of the revolving fund in excess of thirty thousand dollars shall be placed in the general fund.

Sec. 4. OPERATION WITH PRISON LABOR. The canning plant authorized by this Act shall be operated with prison labor, but the superintendent of the prison may employ such assistants as he shall deem necessary to effectuate the proper management and operation of the plant.

Sec. 5. APPROPRIATION. The sum of seventy-five thousand dollars is appropriated to the governor, for the purpose of carrying out the provisions of this Act, and shall be exempt from the provisions of the budget and financial administration Act of 1943 relating to lapsing appropriations.

Sec. 6. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 17, 1949.

Filed in the Office of the Secretary of State—March 17, 1949.

CHAPTER 50

(Senate Bill No. 93)

AN ACT

RELATING TO THE STATE PRISON; PROVIDING FOR

THE ESTABLISHMENT OF A KNITTING MILL, AND
MAKING AN APPROPRIATION.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. KNITTING MILL AUTHORIZED. A mill shall be established at the state prison for the knitting of garments for the use of the prison. For such purpose an industrial yard shall be constructed as an annex to the prison, together with such remodeling as may be deemed necessary, and a knitting mill erected and equipped.

Sec. 2. EXCHANGE OR SALE OF PRODUCTS. The superintendent of the prison may exchange or sell to other state institutions any garment or other product of the knitting mill in excess of the prison's needs, but no such garment or product shall be sold in the open market or for resale therein.

Sec. 3. REVOLVING FUND. A revolving fund to be known as the prison knitting mill revolving fund shall be established by the state treasurer, to consist of the proceeds remaining of the appropriation made by this Act after all obligations incurred under the provisions of section 1 have been satisfied. All expenses of upkeep, maintenance and operation of the prison knitting mill shall be paid out of the prison knitting mill revolving fund, and reimbursed by receipts from the garments and products of the mill. Any proceeds of the revolving fund in excess of ten thousand dollars shall be placed in the general fund.

Sec. 4. OPERATION WITH PRISON LABOR. The knitting mill authorized by this Act shall be operated with prison labor, but the superintendent of the prison may employ such assistants as he shall deem necessary to effectuate the proper management and operation of the mill.

Sec. 5. APPROPRIATION. The sum of fifty thousand dollars is appropriated to the governor, for the purpose of carrying out the provisions of this Act, and shall be exempt from the provisions of the budget and financial administration Act of 1943 relating to lapsing appropriations.

Sec. 6. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 17, 1949.

Filed in the Office of the Secretary of State—March 17, 1949.

CHAPTER 51

(House Bill No. 151)

AN ACT

RELATING TO LIBRARY SERVICE; DECLARING THE DEPARTMENT OF LIBRARY AND ARCHIVES THE STATE LIBRARY ADMINISTRATIVE AGENCY; AMENDING SECTION 2-503, ARIZONA CODE OF 1939, AND AMENDING ARTICLE 5, CHAPTER 2, ARIZONA CODE OF 1939, BY ADDING SECTION 2-514.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Section 2-503, Arizona Code of 1939, is amended to read:

2-503. LIBRARY DIVISION. (a) The library division shall include:

1a. A law library, for the use of the supreme court, departments of the state government, and attorneys.

2a. A government section, containing works on political science, economics, sociology, and all subjects pertaining to the theory and practice of government.

3a. An American history and biography section.

4a. A minerology and geology section.

5a. A genealogy section.

6a. A documents section containing reports and other publications of the federal and state governments.

7a. A general reference section.

8a. A library extension section: And such other sections as the director may deem advisable.

(b) The library extension section shall: 1b. Prepare a plan for statewide public library service, including a supple-

mentary service to libraries of books, other printed materials and audio visual materials, and a direct service to individuals and groups of books, pamphlets and visual materials, and shall put such plan into effect as and to the extent made practicable by available facilities; 2b. encourage and assist the development of library services in state institutions; 3b. compile statistics and other data relating to libraries and library services, and disseminate the same by newspaper, radio, bulletins or other means; 4b. give professional advice and assistance in the establishment of county free libraries, and to any municipal library requesting the same, and, 5b. perform all other duties deemed necessary or appropriate to the development of statewide library service.

Sec. 2. Article 5, chapter 2, Arizona Code of 1939, is amended by adding section 2-514, to read:

2-514. STATE LIBRARY ADMINISTRATIVE AGENCY. The department of library and archives is declared to be the state library administrative agency, and the director is authorized to accept, on behalf of the state, any allocation of money or materials made by the federal government for library purposes, any appropriation of state funds for the extension and improvement of statewide library service, and any bequests, grants or gifts to the department for such purpose, and to administer the same under such rules and regulations as he may prescribe, not inconsistent with the conditions of any such allocation, appropriation, bequest, grant or gift. All monies received as provided by this section shall be deposited in the state treasury, and disbursed in the manner prescribed for the disbursement of state funds, but shall not be subject to the provisions of section 10-930, Arizona Code of 1939, relating to lapsing appropriations.

Approved by the Governor—March 17, 1949.

Filed in the Office of the Secretary of State—March 17, 1949.

CHAPTER 52

(House Bill No. 58)

AN ACT

RELATING TO EDUCATION; PROVIDING FOR CONTINUING CONTRACTS FOR TEACHERS, AND REPEALING

ALL ACTS IN CONFLICT HEREWITH.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. DEFINITIONS. In this Act, unless the context otherwise requires:

“certificated teacher” means any person holding a certificate from the state board of education to teach in the schools of this state;

“continuing teacher” means any certificated teacher who is employed under contract in a school district as a full time classroom teacher, school principal devoting not less than 50% of his time to classroom teaching, or supervisor of school children’s activities, and whose contract has been renewed for the school year commencing in September, 1950, for his fourth consecutive year of such employment in said district, or for any school year thereafter, for his fourth consecutive year of such employment in said district;

“probationary teacher” means any certificated teacher who is employed under contract by a school district as a full time classroom teacher, school principal devoting not less than 50% of his time to classroom teaching, or supervisor of school children’s activities, and who is not a continuing teacher;

“school board” means the board of trustees of an elementary school district or the board of education of a high school district;

“superintendent” means the superintendent of schools of a school district.

Sec. 2. NOTICE TO TEACHERS. Subject to the provisions of Section 7 of this Act, the contract of employment of any probationary teacher or continuing teacher for any school year commencing after June 30, 1950, shall be deemed automatically renewed for the next ensuing school year, unless, on or before the 15th day of March immediately preceding such ensuing school year, the school board, a member thereof acting on behalf of such board, or the superintendent of the school district, gives notice to such teacher of termination thereof.

Sec. 3. DISMISSAL OF CONTINUING TEACHER. No continuing teacher shall be dismissed or his contract of employment terminated unless written notice specifying the cause or causes therefor is first given to such teacher by the

school board, a member thereof acting on behalf of such board, or the superintendent.

Sec. 4. HEARING. Within fifteen days after receipt of notice of dismissal or termination, a continuing teacher may serve upon a member of the school board, or upon the superintendent, a written request for either a public or private hearing before said board, which hearing must be held by the school board not less than ten days nor more than fifteen days after such request is served, and notice of the time and place for the hearing shall be given such teacher not less than three days prior to the date of hearing. At such hearing the teacher shall have the right to appear in person and by counsel, if desired, and to present any testimony, evidence or statements, either oral or in writing, in his behalf. Within ten days following such hearing the board shall determine whether there existed good and just cause for such notice of dismissal, which cause shall not include religious or political beliefs or affiliations unless in violation of the oath of such teacher, and shall render its decision accordingly, either affirming or withdrawing the notice of dismissal or termination.

Sec. 5. APPEAL. The decision of the board shall be final in the matter unless the teacher aggrieved, within 10 days after the date of the decision, files an appeal with the superior court of the county within which he or she was employed. In such appeal, the court shall hear and determine the matter de novo, not less than 20 or more than 40 days after the date of filing of the appeal. Pending determination of the appeal, the decision of the board shall remain in full force and effect, and may not be superseded.

Sec. 6. SUSPENSION. The school board or the superintendent when a majority of such board concurs may, in cases in which they deem such action justified suspend a teacher by written notice specifying the grounds therefor, from the further performance of the duties of his employment. A teacher so suspended shall have the right to a hearing before such board in the manner prescribed in Section 4 hereof for continuing teachers upon receipt of a notice of dismissal or termination, and shall be paid his full salary for the balance of the school term in which such suspension was made. If the suspension is made permanent the contract of the teacher in question shall be deemed terminated.

Sec. 7. REDUCTION OF SALARIES OR PERSONNEL. Nothing in this Act shall be interpreted to prevent a school board from reducing salaries or eliminating teachers in a school district in order to effectuate economies in the operation of such school district, or to improve the efficient conduct

and administration of the schools of such district, but no reduction in the salary of any continuing teacher shall be made except in accordance with a general salary reduction in the school district by which he is employed, and in such case the reduction shall be applied equitably among all such teachers. Notice of such reduction shall be given each teacher affected thereby not later than May 1 of the calendar year in which such reduction is to take effect. A teacher dismissed for reasons of economy or lack of pupils shall have a preferred right of reappointment in the order of original employment by the board in the event of an increase in the number of teachers or the reestablishment of services within a period of three years.

Sec. 8. RESIGNATIONS. A probationary or continuing teacher may not resign during a school term, or during a period of thirty days immediately preceding the commencement of a school term, unless such resignation is first approved by the school board. A teacher who resigns contrary to the provisions of this Section shall be deemed to have committed an unprofessional act, and upon request of the school board, shall be subject to such disciplinary action, including suspension or revocation of his certificate, as the state board of education deems appropriate.

Sec. 9. PROBATIONARY TEACHERS. The provisions of Sections 3 and 4 of this Act shall not be applicable to probationary teachers, but the school board or superintendent shall, in cases where notice of dismissal or termination is given, incorporate in such notice a statement of the reasons therefor.

Sec. 10. VESTED RIGHTS. The provisions of this Act shall be subject to modification, amendment or repeal at any time, and no person shall be deemed to have acquired any vested right to continuing employment under or by virtue of any provision hereof.

Sec. 11. REPEAL. All Acts, or parts of Acts, in conflict herewith are hereby repealed.

Approved by the Governor—March 17, 1949.

Filed in the Office of the Secretary of State—March 17, 1949.

CHAPTER 53

(Senate Bill No. 95)

AN ACT

RELATING TO FOREIGN CORPORATIONS, AMENDING SECTION 53-801, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 53-801, Arizona Code of 1939, is amended to read:

53-801. REQUIREMENTS TO DO BUSINESS IN THIS STATE; CORPORATIONS EXCEPTED. Any foreign corporation, before entering upon, doing, or transacting any business, enterprise, or occupation, in this state shall:

File a certified and authenticated copy of its articles of incorporation or charter with the corporation commission of this state.

Appoint in writing, over the hand of its president or other chief officer, attested by its secretary, a statutory agent in each county in this state in which such corporation proposes to carry on any business as required of domestic corporations.

Pay a license fee of fifteen dollars to the corporation commission.

Upon the filing of the certified and authenticated copy of the articles of incorporation or charter, appointment of an agent or agents, and payment of the license fee as hereinbefore provided, the corporation commission shall issue to the corporation a license to do business in this state and it may thereupon commence business. The articles shall be published as required of domestic corporations and the corporation's acts shall be valid from the date of issuance of its license to do business in this state if the publication of its articles is made and affidavit thereof filed within three months after the filing of the certified and authenticated copy of its articles with the corporation commission of this state.

This section, however, shall not apply to insurance corporations, nor to any foreign corporation, the only business transaction of which, within the state, shall be the loaning of funds to religious, social or benevolent associations or cor-

porations organized for purposes other than profit.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

(Passed the House of Representatives without emergency clause.)

Approved by the Governor—March 17, 1949.

Filed in the Office of the Secretary of State—March 17, 1949.

CHAPTER 54

(House Bill No. 195)

AN ACT

RELATING TO DAIRIES AND DAIRY PRODUCTS; RE-ENACTING AND AMENDING SECTION 50-902; AMENDING SECTIONS 50-906, 50-907, AND 50-908, ARIZONA CODE OF 1939, AND REPEALING SECTIONS 50-902a AND 50-902b, SUPPLEMENT TO ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 50-902, Arizona Code of 1939, is reenacted and amended to read:

50-902. STATE DAIRY COMMISSIONER. The state dairy commissioner shall be appointed by the governor, with the advice and consent of the senate, for a term coterminous with that of the governor; shall receive a salary of four thousand two hundred dollars per annum, and shall execute a surety bond in the amount of five thousand dollars. The commissioner shall appoint one deputy, who shall receive a salary of three thousand dollars per annum, and such additional deputies as he may deem necessary, within the limitations of appropriations therefor. Each deputy shall execute a surety bond in the amount of two thousand five hundred dollars. The form of all bonds shall be as prescribed by the attorney general, and premiums for such bonds shall be paid by the state.

Sec. 2. Sec. 50-906, Arizona Code of 1939, is amended to read:

50-906. DAIRY PRODUCTS DISTRIBUTOR'S LICENSE.

(a) Any person desiring to operate a dairy products distributing plant or business shall make written application to the commissioner for a license. The application shall be accompanied by a fee of fifty dollars and shall be in such form as the commissioner may prescribe. Upon the filing of the application, the commissioner shall examine the same and if it appears that the applicant has complied with all provisions of law, a temporary license for a period of not to exceed one hundred twenty days shall be issued, which temporary license shall entitle the applicant to operate a dairy products distributing plant or business until such time as the commissioner shall have made an inspection as provided by subsection (b).

(b) The commissioner shall within one hundred twenty days after the receipt of the application cause the premises and equipment of the proposed dairy products distributing plant or business to be inspected and if found to meet all requirements of law, shall issue without further charge, a license entitling the applicant to operate a dairy products distributing plant or business for the period ending December 31 next succeeding. During such period of time the premises and equipment shall be maintained in such manner as to continuously comply with all laws. The license shall not be transferable, and shall terminate in the event of discontinuance of operations for a period of sixty days. After the first license is issued, an annual license may, upon application and payment of a fee of fifty dollars, be issued for a period beginning January 1 and ending December 31 of each year.

Sec. 3. Sec. 50-907, Arizona Code of 1939, is amended to read:

50-907. MILK PRODUCTS MANUFACTURER. (a) Any person desiring to engage in the manufacture of milk products shall make written application to the commissioner for a license. The application shall be accompanied by a fee of fifty dollars, and shall be in such form as the commissioner may prescribe. Upon the filing of the application the commissioner shall examine the same and if it appears that the applicant has complied with all provisions of law, a temporary license for a period of not to exceed one hundred and twenty days shall be issued, which temporary license shall entitle the applicant to engage in the manufacture of milk products until such time as the commissioner shall have made an inspection as provided by subsection (b).

(b) The commissioner shall within one hundred twenty

days after the receipt of the application cause the premises and equipment of the proposed milk products manufacturing plant to be inspected and if found to meet all requirements of law, shall issue, without further charge, a license entitling the applicant to manufacture milk products for the period ending December 31 next succeeding. During such period of time the premises and equipment shall be maintained in such manner as to continuously comply with all laws. The license shall not be transferable, and shall terminate in the event of discontinuance of operations for a period of sixty days. After the first license is issued, an annual license may, upon application and payment of a fee of fifty dollars, be issued for a period beginning January 1 and ending December 31 of each year.

Sec. 4. Sec. 50-908, Arizona Code of 1939, is amended to read:

50-908. PRODUCER-DISTRIBUTOR AND PRODUCER-MANUFACTURER. A producer of market milk handling his own products exclusively and distributing the same, or manufacturing milk products therefrom and distributing the same, shall obtain a license as a dairy products distributor and as a manufacturer of milk products in the same manner as provided for a dairy products distributor and manufacturer of milk products. The application shall be accompanied by a fee of twenty-five dollars which shall be the full fee for issuing a temporary license and the first regular license. Thereafter a license fee of twenty-five dollars shall be paid annually with the application.

Sec. 5. REPEAL. Sections 50-902a and 50-902b, supplement to Arizona Code of 1939, are repealed.

Sec. 6. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1949.

Filed in the Office of the Secretary of State—March 18, 1949.

CHAPTER 55

(House Bill No. 131)

AN ACT

RELATING TO MINE INSPECTOR AND OPERATION OF MINES; AMENDING SECTIONS 65-202 AND 65-232, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 65-202, Arizona Code of 1939, is amended to read:

65-202. DEPUTY INSPECTORS. (a) The state mine inspector shall appoint three deputies having the same qualifications as the mine inspector. Beginning July 1, 1949, they shall each receive a salary of not to exceed four thousand two hundred dollars per annum and necessary traveling expenses as allowed for state officials.

(b) The mine inspector shall have a seal bearing the words: "Mine Inspector, State of Arizona", which shall be affixed to official documents.

Sec. 2. Section 65-232, Arizona Code of 1939, is amended to read:

65-232. STATE MINE DUST ENGINEER. In addition to the deputies provided for in section 65-202, the state mine inspector shall appoint a deputy to be known as the state mine dust engineer, who shall be a mining engineer, graduated from an accredited school of mining or geology, and who has had not less than three years actual experience in mining, of which not less than one year shall have been in mine ventilation and dust control work and who is experienced in the making of mine dust surveys. Beginning July 1, 1949, the state mine dust engineer shall receive a salary of not to exceed four thousand two hundred dollars per annum, and necessary travel expenses as provided for state officials.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1949.

Filed in the Office of the Secretary of State—March 18, 1949.

CHAPTER 56

(House Bill No. 76)

AN ACT

TO AMEND SECTIONS 69-102, 69-103 AND 69-113 OF ARIZONA CODE OF 1939, RELATING TO ARTICLES OF INCORPORATION AND CONSOLIDATION OF RAILROAD CORPORATIONS, AND PROVIDING FOR PERMANENT EXISTENCE THEREOF.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 69-102, Arizona Code of 1939, is amended to read:

69-102. ARTICLES OF INCORPORATION. The articles must contain:

The name of the corporation;

Its duration, whether permanent or for a stated term of years;

The amount of the capital stock, which shall be divided into shares of one hundred dollars (\$100) each, and which shall be sufficient for the contemplated cost of construction, right of way and rolling stock as estimated by the engineers;

The names and number of the first directors;

The time and place of the annual stockholders' meeting; the place from and to which the proposed road is to be constructed, and the counties into and through which it is intended to pass, and its length, as near as may be.

Each subscriber to such articles shall personally, or by his attorney in fact, thereto subscribe his name, place of residence and the number of shares of stock taken by him in such company.

Sec.2. Sec. 69-103, Arizona Code of 1939, is amended to read:

69-103. FILING, RECORDING, AMENDMENT, AND RE-NEWAL OF ARTICLES. The articles shall be filed, published and recorded, and a certificate of incorporation issued, as of corporations in general. The incorporation shall be deemed completed and the corporation may commence business upon the issuance of the certificate of incorporation. Articles of incorporation or consolidation of railroad corporations whether incorporated or consolidated under the laws of this state or under the laws of this state and any other state or states, or any such articles which have heretofore been amended, may be amended or further amended by removing any provision limiting the term of its existence and providing for the permanent existence thereof. Such amendment shall be made in the same manner as is prescribed for corporations in general to amend their articles of incorporation, provided that the adoption of such amendment shall require, in addition: 1. three-fourths of the votes cast at a stockholders' meeting duly called and held for that purpose; 2. the agreement by the corporation, upon affirmation by three-fourths of the votes cast at such stockholders' meeting, that in consideration of the right granted by the legislature to so amend its articles, it shall be subject to, and be bound by, the constitution and laws of Arizona existing on the date of the adoption of such amendment; and 3. the filing, recording and publishing of such agreement in the manner required of amendments.

Sec. 3. Sec. 69-113, Arizona Code of 1939, is amended to read:

69-113. PURCHASE, SALE, LEASE OF PROPERTY—CONSOLIDATION—COMPETING LINES. Any railroad corporation of this state, may extend its line of railroad into or through any other state or foreign country, and may purchase or lease the property of any railroad company incorporated under the laws of this state, or of any other state or foreign country, with all the rights, privileges or franchises thereto appertaining, or may buy the stocks and bonds, or either, of any such company. Any railroad company of this state, may, with the consent of the holders of two-thirds of its entire capital stock, given by a vote at a meeting, or consented to in writing, sell or lease its railroad, franchises and appurtenances to any other railroad corporation. No purchase or lease under this section shall be entered into, unless the line of railroad so purchased or leased, or the railroad of the company whose stock shall be purchased, shall, when constructed, form a branch of, or a continuous line with the railroad of such purchasing company, either by direct connection therewith, or through an intermediate line or lines, constructed or to be constructed, which such first mentioned railroad company shall own, lease or have the right by contract or other-

wise to use or operate; provided, that upon the purchase of any railroad the corporation purchasing the same shall assume all the liabilities and obligations existing at the time of the purchase against the railroad so purchased; provided, also, that when a railroad is purchased under or by virtue of any sale under an execution, or by virtue of any decree of any court, such purchase shall be subject to such obligations as may be provided for by the judgment or decree of the court, and no other, and at such judicial sale a railroad corporation incorporated in any state may become the purchaser.

Railroad corporations may consolidate their capital stock, properties, liabilities, and assets of every kind upon such terms and in such manner as may be agreed upon by their respective boards of directors; provided, no such consolidation shall take effect until the same shall have been ratified and confirmed in writing by stockholders of the respective corporations representing three-fourths of the subscribed capital stock of their corporations. In case of such consolidation, articles of incorporation and consolidation must be prepared, setting forth the name of the new corporation; the purpose for which it is formed; the place where its principal business is to be transacted; the term for which it is to exist, whether permanent or for a stated term of years; the number of its directors, which shall not be less than five (5) nor more than thirteen (13), and the names and residences of the persons appointed to act as such until their successors are elected and qualified; the amount of its capital stock, which shall not exceed the amount actually required for the purposes of the new corporation, as estimated by competent engineers, and the number of shares into which it is divided; the amount of stock actually subscribed, and by whom; the termini of its road or roads and branches; the estimated length of its road or roads and branches; that at least ten (10) per cent of its subscribed capital stock has been paid in; and the names of the constituent corporations and the terms and conditions of consolidation in full. The articles of incorporation and consolidation must be signed and countersigned by the presidents and secretaries of the constituent corporations and sealed with their corporate seals. There must be annexed thereto memoranda of the ratification and confirmation thereof by the stockholders of each corporation, signed by stockholders representing at least three-fourths of the capital stock of their respective corporations. Said articles must be filed and recorded as other railroad corporation articles, and thereupon the constituent corporations named therein shall become extinct, and the new corporation shall be deemed to have succeeded to all their several capital stocks and properties, and be entitled to possess, enjoy and enforce the same as fully and completely as either constituent might have done had no consolidation taken place, and be subrogated to its several constituents to all their contracts and all

their liabilities. This section shall not apply to competing lines of railroads starting from and terminating at the same points within the boundaries of this state.

Approved by the Governor—March 18, 1949.

Filed in the Office of the Secretary of State—March 18, 1949.

CHAPTER 57

(House Bill No. 265)

AN ACT

RELATING TO JUNIOR COLLEGE DISTRICTS; PROVIDING STATE AID FOR PUBLIC JUNIOR COLLEGES, AND AMENDING SECTION 54-711, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Section 54-711, Arizona Code of 1939, is amended to read:

54-711. APPROPRIATION FOR STATE AID. (a) The cost of maintaining any public junior college possessing the qualifications hereinafter prescribed, not to exceed seventy-five thousand dollars (\$75,000.00) per annum, shall be paid by the state. This subsection shall constitute a continuing appropriation.

(b) To be eligible for state aid a public junior college shall be equipped with suitable buildings, equipment and campus, approved by the superintendent of public instruction; shall have had an average daily attendance of not less than one hundred (100) students taking courses of college grade for at least two (2) academic years immediately preceding an application for state aid, and its academic courses shall have been substantially approved and accepted by the university of Arizona for a period of three (3) years.

(c) Not later than January 1 of each odd-numbered year the board of education of any public junior college qualified to receive state aid shall submit to the state superintendent of

public instruction a budget for the ensuing fiscal biennium, and the superintendent shall transmit the same to the legislature, with his certificate as to the eligibility of the said public junior college and his recommendation concerning the amount of state aid to be extended. No part of said state aid shall be expended for the construction or repair of buildings, or the purchase of grounds or equipment.

Approved by the Governor—March 18, 1949.

Filed in the Office of the Secretary of State—March 18, 1949.

CHAPTER 58

(House Bill No. 35)

AN ACT

RELATING TO COUNTY PLANNING AND ZONING; PROVIDING FOR A COUNTY PLANNING AND ZONING COMMISSION, PRESCRIBING ITS POWERS AND DUTIES; AUTHORIZING OFFICIAL PLANS AND PRESCRIBING THE MANNER OF ADOPTING SAID PLANS, PORTIONS THEREOF, AMENDMENTS THERETO AND THE COMPOSITION AND EFFECT THEREOF; PROVIDING FOR THE ESTABLISHMENT OF ZONING DISTRICTS AS A PART OF SAID PLANS, THE ADOPTION OF A COUNTY ZONING ORDINANCE, THE INITIATION OF ZONING WITHIN ZONING AREAS BY LOCAL OPTION UNDER SAID ORDINANCE BY PETITION AND ELECTION AND PRESCRIBING THE LIMITATION ON AREAS UNDER LOCAL OPTION; PROVIDING FOR THE SUPPORT OF PLANNING AND ZONING COMMISSIONS AND FOR THE ADMINISTRATION AND ENFORCEMENT OF ZONING ORDINANCES FROM TAX FUNDS; PROVIDING FOR AMENDMENTS, APPEALS AND ENFORCEMENT OF ORDINANCES, THE CREATION OF ZONING BOARDS OF ADJUSTMENT AND APPEALS, AND MAKING CERTAIN ACTS MISDEMEANORS.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. SHORT TITLE. This Act may be cited as "The County Planning and Zoning Act of 1949".

Sec. 2. DEFINITIONS. In this Act, unless the context otherwise requires:

“commission” means the county planning and zoning commission.

“board” means board of supervisors.

“inspector” means the county zoning inspector.

“area of jurisdiction” means that part of the county without the corporate limits of any municipality.

“zoning regulations” means provisions governing the use of land and/or buildings; the height and location of buildings; the size of yards, courts, and open spaces; the establishment of setback lines; and such other matters as may otherwise be authorized under this Act and which the board may deem suitable and proper.

“zoning ordinance” means an ordinance adopted by the board of supervisors, which ordinance shall contain zoning regulations together with a map or maps setting forth the precise boundaries of zoning districts within which the various zoning regulations shall be effective.

“zoning district” means any portion of a county in which the same set of zoning regulations shall apply.

“zoning area” means any portion of any county in which the local option plan of zoning has been adopted as provided in section 11 herein, within which the county zoning ordinance is sought to be applied, or has been applied in conformity with the provisions of section 12 herein.

“newspaper of general circulation in the county seat” shall be deemed to mean a daily newspaper if one is published in the county seat; if no daily newspaper is published, a weekly newspaper may be used.

Sec. 3. COUNTY PLANNING AND ZONING AUTHORIZED. The board of supervisors of any county in order to conserve and promote the public health, safety and general welfare, and in accordance with the provisions hereof, is hereby authorized to plan and provide for the future growth and improvement of the area under its jurisdiction, and to coordinate all public improvements in accordance therewith, to form a planning and zoning commission to consult with and advise it regarding matters of planning and zoning, and in

the manner provided herein, to adopt and enforce such rules, regulations, ordinances and plans as may apply to the development of the area under its jurisdiction.

Sec. 4. COUNTY PLANNING AND ZONING COMMISSION. The county planning and zoning commission shall consist of nine members who shall be qualified electors, residents and real property owners. Three members shall be appointed from each supervisorial district; not more than one of the three shall be a resident of any incorporated municipality. Members of the commission shall serve as such without compensation, except reasonable travel expenses.

The county assessor, county engineer and county attorney shall serve in an advisory capacity to the commission and to the zoning board of adjustment and appeals.

The terms of the members of the commission first appointed from each supervisorial district shall be two, three and four years. Thereafter, each term shall be four years. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired portion of the term. Members of the commission may be removed by the board for cause.

Sec. 5. ORGANIZATION OF THE COMMISSION AND FINANCES. The commission shall: 1. elect a chairman from among its members for a term of one year, and such other officers as it may determine; 2. by resolution fix the time and place of regular meetings, and hold at least one regular meeting each month, and such additional meetings as the chairman or a majority of the commission may deem necessary, within the district, and, 3. adopt rules for the transaction of business, and keep a record of its resolutions, transactions, findings, and determinations, which records shall be kept in the office of the clerk of the board, and be open to public inspection. A majority of the commission shall constitute a quorum for the transaction of business and a majority vote of the commission shall be required for any official action.

The board may contract with consultants for such services as may be required, employ such persons and provide such funds as it deems necessary to carry on the work of the commission and the enforcement of this Act.

When and after a consultant and/or employees are provided to carry on county planning work as set forth herein, the regularly appointed planning and zoning commission of any incorporated town within said county may request the services of such consultant and/or staff for work within the

boundaries of said incorporated town and the board, if it shall think proper after consultation with the commission, may make such services available.

Sec. 6. POWERS AND DUTIES OF THE COMMISSION. The commission shall act in an advisory capacity to the board, and may from time to time, and shall, when requested by the board, make a report or recommendation in connection with any matter relating to the development of the county under the jurisdiction of the board. The commission shall make such investigations, maps, reports and recommendations in connection therewith as seems desirable within the limits of the funds available therefor.

Sec. 7. COUNTY PLAN. The commission shall formulate and adopt a comprehensive long term county plan for the development of the area of jurisdiction. The county plan, with accompanying maps, plats, charts and descriptive matter, shall show the commission's recommendations for the development of the area of jurisdiction together with general zoning regulations. The county plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the area of jurisdiction. In the preparation of the county plan the commission shall make surveys and studies of present conditions and prospective future growth of the area of jurisdiction.

The county plan shall provide for zoning, and shall show the zoning districts designated as appropriate for various classes of residential, business and industrial uses, and provide for the establishment of set-back lines and other plans providing for adequate light, air and parking facilities, and which will expedite traffic within said districts. Said plan may establish the percentage of a lot or parcel which may be covered by buildings, and the size of yards, courts and other open spaces.

Nothing in this Act shall be construed as a delegation of authority to regulate in any manner the quality or type of materials, workmanship and other structural details commonly found in building codes.

Sec. 8. ADOPTION OF COUNTY PLAN BY COMMISSION. The commission may adopt the county plan as a whole, or by successive actions adopt separate parts of the plan, corresponding with functional divisions of the subject matter and from time to time, subject to the limitations herein, amend, extend or add to the county plan. Before the adoption of the plan or any part, amendment, extension or addition, the commission shall hold at least one public hearing thereon, after

giving at least fifteen days notice thereof by publication in a newspaper of general circulation in the county seat; in addition, said notice shall be published in a newspaper of general circulation in the area to be affected, or adjacent thereto, if the area affected be other than the county seat. Adoption of the plan or any part thereof shall be by resolution, and shall require the affirmative votes of a majority of the members.

Sec. 9. SUBMISSION OF COUNTY PLAN TO BOARD OF SUPERVISORS. After adoption of the county plan or any section thereof by the commission the plan shall be submitted to the board for its consideration and official action. The board shall hold at least one public hearing at which residents of the county shall be heard concerning the matters contained in the plan. At least fifteen days notice of the hearing shall be given by publication in a newspaper of general circulation in the county seat. The board shall consider protests and objections to the plan and may change or alter any portion of the county plan including the zoning regulations. However, before any change is made, that portion of the plan proposed to be changed shall be re-referred to the commission for their recommendation, which may be accepted or rejected by the board.

Sec. 10. ADOPTION OF COUNTY PLAN. The board may adopt the county plan as a whole, or by successive actions adopt separate parts of the plan. Upon adoption, the plan, or any part thereof, shall be the official guide for the development of the area of jurisdiction. Any change, amendment, extension or addition of the county plan may be made only in accordance with the provisions hereof.

Sec. 11. ALTERNATE METHODS FOR INITIATING ZONING. Upon the formal adoption of a zoning ordinance by the board as a part of the county plan, and within ninety days thereafter, ten percentum of the qualified electors of said county may, by a referendum petition as provided in article 4, part 1, section 1, constitution of Arizona, and chapter 60, article 1, Arizona Code of 1939, request an election within said county to determine whether zoning should be initiated by local option within said county, or any part thereof, by zoning areas. If such a referendum petition is filed according to law, and is found by said board to be sufficient, the board shall order an election on said question within ninety days thereafter, but it shall not be necessary for the board to issue publicity pamphlets on said question, and notice of said election shall be given by the board of supervisors in the same manner as is provided by law for the publicizing of a primary election in said county as more fully set forth in section 55-1002, Arizona Code of 1939. Said election shall be held and conducted,

ballots therefor prepared, boards of election appointed, and the votes canvassed and returned as provided by law for general elections, except as herein otherwise provided. Persons entitled to vote at said election shall be record owners of real property located outside the corporate limits of any incorporated city or town, but within said county, and who are also qualified electors of said county. Said persons shall be required by election officials to sign affidavits as to their qualifications before being permitted to vote in such an election. If no such referendum petition is filed within said ninety-day period, the zoning ordinance as previously adopted shall become effective, and it shall not again be subject to a referendum as to the method of initiation.

If it appear that the majority of the votes cast in any election provided for in this section favor the initiation of zoning by local option within said county, the board, after canvassing returns at its next regular meeting, shall cause an entry of that fact to be made upon its minutes. If the proposition submitted fails to receive a majority of the votes cast, a like order shall be made, and said ordinance, as previously adopted, shall become immediately effective.

Sec. 12. ESTABLISHMENT OF ZONING AREAS BY LOCAL OPTION. If, after an election as provided for in the previous section, the board of any county determines that zoning shall be initiated within its jurisdiction by local option, five or more real property taxpayers of said county residing within a proposed zoning area, may file a petition with the clerk of said board, which said petition shall define the boundaries of said proposed area, and shall pray that said board call an election within said boundaries to decide whether or not zoning shall be initiated within said area. Said petition shall contain a certificate by said taxpayers stating that on their information and belief said petition contains the signatures of not less than twenty-five percentum of the owners of real property, by area and number, within said proposed area. The board shall determine the sufficiency thereof and, if found sufficient, the board shall order the commission to prepare a zoning map for the area and shall set forth a time not less than sixty nor more than ninety days from the date of such order at which time the commission shall submit such proposed map to the board, provided that when the commission shall petition the board for an extension of the time limit and give its reasons for such request, the board may extend the time limit as it sees fit. The commission shall thereupon make such studies and investigations of the area as it shall deem necessary and shall prepare a proposed zoning map setting forth the exact boundaries of districts within which the zoning regulations shall be applicable. The commission shall

hold at least one public hearing thereon, at least fifteen days notice of which shall be given by publication in a newspaper of general circulation in the county seat, and by posting in the zoning area. After having held such hearing or hearings the commission shall by resolution adopt said proposed zoning map and transmit it to the board. Upon receipt of the proposed zoning map the board shall order that an election be held within the proposed zoning area not less than sixty nor more than ninety days after its receipt thereof. The order of the board calling said election shall be posted in three public places within the said district for not less than thirty days prior to the date of said election, and by publication in a newspaper of general circulation in the county seat, three weeks prior to such election. Such order shall contain the text of the zoning regulations and the proposed map, the names of three suitable persons as judges to conduct the same, and the hours during the day, not less than ten, when the polls will be open. The ballot shall contain a description of the zoning area and make reference to the zoning regulations and map. The question to be voted on shall be substantially: "Shall the zoning ordinance be adopted for this area? Yes No." The matter of conducting and voting at such election, and contesting the same, of keeping the poll lists thereat, canvassing the votes and certifying the returns, shall be the same, as nearly as may be, as in the election of county officers. Persons shall be entitled to vote at said election who, at the time of said election, are record owners of real property within the boundaries of such area and had been such owners continuously for a period of six months immediately prior to said election, and are twenty-one years of age or over. The board when ordering such election, shall by resolution provide and require a registration of all persons entitled to vote thereat. The registration shall begin at least thirty days before, and close ten days prior to the date of such election, and shall be made by, or under direction of the clerk of said board who shall, not less than five days prior to the date of such election, file with the board and deliver to each of the judges named in the said order for the election, a certified list of the persons qualified to vote.

At the next regular meeting of the board, after said election, the board shall canvass the returns, and if it appears that a majority of the votes cast at said election were in favor of the proposition submitted, then the board shall cause an entry of that fact to be made upon its minutes. If the proposition submitted fails to receive a majority of the votes cast, a like order shall be made. Elections within a proposed area or part of an area shall be held not oftener than once in any two year period.

Sec. 13. ADOPTION OR EXTENSION OF ORDINANCE FOR ZONING AREA. The board shall, for the first zoning

area in which the proposition of the adoption of the zoning ordinance carries, adopt the county zoning ordinance, incorporating the zoning regulations previously adopted by the board and the zoning map recommended by the commission and approved by the voters. For each subsequent zoning area in which the proposition of the adoption of the zoning ordinance carries the board shall amend the ordinance first passed, or as amended, by adopting the zoning map recommended by the commission and approved by the voters as an amendment to the zoning ordinance.

Sec. 14. LIMITATION ON ZONING AREA. No zoning area shall be created by petition which contains an area of less than one hundred sixty acres, provided that should any area of less than one hundred sixty acres be contiguous on one or more sides to zoning areas previously established under the terms of this ordinance, such area shall be entitled to form itself as a zoning area as provided herein, provided further that any area of less than one hundred sixty acres which is completely surrounded by a zoned area or areas, may be included in a contiguous area by a resolution of the board of supervisors if it appear to said board that the public health, safety and general welfare of said county would be best served by such inclusion, and further provided that should it appear to the commission upon its receipt of a zoning petition from the board that the territory included in the proposed area is insufficient to constitute a comprehensive zoning district or if the same may contain portions that cannot properly be included in a plan for the rest of the area, the commission may return said petition via the board to the proponents with directions to obtain signatures sufficient to include the additional territory required, or may reject from the boundaries of the proposed zoning area any territory that in their discretion is not properly included, provided that this shall not authorize the commission to require the formation of a district larger than twelve hundred eighty acres.

Sec. 15. AMENDMENT WITHIN ZONING AREA. Any person or persons desiring an amendment or change in the zoning ordinance changing the zoning district boundaries within an area previously zoned, shall file a petition in favor of such change and shall also file the written consents of at least fifty-one percent of the owners by number and area of all other properties any part of which is within three hundred feet of the proposed change. Provided, however, that if the petition is for a change of classification, there shall not be counted, either in numbers or area, the owners of land of the same classification as sought by the petitioners. Upon receipt of such petition the board shall submit the same to the commission for a report. Prior to reporting to the board, the commission shall hold at least one public hearing thereon after

giving at least fifteen days notice thereof by publication in a newspaper of general circulation in the county seat and by posting of the area included in said proposed change. Upon receipt of the commission's recommendation the board shall hold a public hearing thereon at least fifteen days notice of which shall be given by publication in a newspaper of general circulation in the county seat and by posting of the area included in said proposed change. After holding such hearing the board may adopt such amendment provided that if twenty per cent of the owners of property by area and number within the zoning area file a protest to such proposed change, the change shall not be made except by the unanimous vote of all members of the board. The planning commission may on its own motion propose any amendment to the zoning ordinance and may after holding a public hearing as required herein transmit such proposal to the board which shall thereupon proceed as set forth herein for any other amendment.

Sec. 16. RESTRICTION ON REGULATION. Nothing contained in any ordinance authorized by this Act shall (1) affect existing uses of property or the right to its continued use or the reasonable repair or alteration thereof for the purpose for which used at the time the ordinance affecting such property takes effect. (2) prevent, restrict, or otherwise regulate the use or occupation of land or improvements for railroad, mining, metallurgical, grazing or general agricultural purposes, provided the tract is not less than two contiguous commercial acres. A non-conforming business use within a district shall have the right to expansion providing the same does not exceed one hundred per cent of the area of the original business.

Sec. 17. BOARD OF ADJUSTMENT AND APPEALS. There shall be one or more boards of adjustment, of not less than three nor more than five members each, one of which shall be appointed in and shall have jurisdiction in each supervisorial district in which the zoning ordinance has been applied. The members of each board shall be appointed for staggered terms of four years each. They shall be residents and taxpayers of the unincorporated area of the district from which appointed. The board of adjustment shall have the following powers: 1. to interpret the zoning ordinance when the meaning of any word or phrase or section is in doubt, when there is dispute between the appellant and enforcing officer, or when the location of a district boundary is in doubt; 2. to allow a variance from the terms of the ordinance when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, providing that in granting such variance the general intent and purposes of the zoning ordinance will be preserved. Appeals to an adjustment board may be

taken by any person who shall feel that there is error or doubt in the interpretation of the ordinance or that due to unusual circumstances attaching to his property an unnecessary hardship is being inflicted on him. The appeal shall state whether it is a plea for an interpretation or a variance and the grounds for such appeal. Any person aggrieved in any manner by any action of a board of adjustment may within thirty days appeal to the superior court, and the matter shall be heard de novo as appeals from the justices of the peace court.

Sec. 18. ENFORCEMENT. The county zoning ordinance shall provide for its enforcement within any zoned territory by means of withholding of building permits, and for such purposes, may establish the position of county zoning inspector, and such deputy inspectors as may be required, who shall be appointed by the board. From and after the establishment of such position and the filling of the same, it shall be unlawful to erect, construct, reconstruct, alter or use any building or other structure within any zoning district covered by such ordinance without first obtaining a building permit from such inspector and for such purpose the applicant shall provide the zoning inspector with a sketch of the proposed construction containing sufficient information for the enforcement of the zoning ordinance. Provided, that no such permit shall be required for repairs or improvements to a value not to exceed five hundred dollars. Reasonable fees may be charged for the issuance of any permit. The inspector shall recognize the limitations placed on his authority by section 7 herein, and shall issue such permit when it appears that the proposed erection, construction, reconstruction, alteration or use fully conforms to the zoning ordinance. In any other case he shall withhold such permit. It shall be unlawful to erect, construct, reconstruct, maintain or use any land in any zoning district in violation of any regulation in or of any provision of any ordinance pertaining thereto. Any person, firm or corporation violating any such ordinance, or any part thereof, shall be deemed guilty of a misdemeanor. Each and every day during which such illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used or any land is or is proposed to be used in violation of this Act or any ordinance, regulation or provision enacted or adopted by any board under the authority granted by this Act, such board, the county attorney, the inspector or any adjacent or neighboring property owner who shall be specially damaged by such violation, in addition to the other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, proceeding or proceedings to prevent or abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

Approved by the Governor—March 18, 1949.

Filed in the Office of the Secretary of State—March 18, 1949.

CHAPTER 59

(House Bill No. 18)

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF I. PERLE McBRIDE, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of nine hundred seventy-two dollars twenty cents is appropriated for the relief of I. Perle McBride.

Sec. 2. BASIS OF CLAIM. Payment of the sum appropriated shall be in full satisfaction of the claim of I. Perle McBride for two months and ten days services rendered during the months of April, May and June, 1942, as acting member of the industrial commission of Arizona under an appointment thereafter declared by the supreme court to be invalid.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Disapproved by the Governor—March 17, 1949.

Passed the House and Senate, the governor's veto, notwithstanding—March 18, 1949.

Filed in the Office of the Secretary of State—March 19, 1949.

CHAPTER 60

(Senate Bill No. 2)

AN ACT

RELATING TO COUNTY OFFICERS; PRESCRIBING THE

OFFICE HOURS THEREOF, AND AMENDING SECTION
17-507, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 17-507, Arizona Code of 1939, is amended to read:

17-507. OFFICE HOURS. Every county officer in counties of the first and second class, except the sheriff, shall, except on legal holidays, keep his office open for the transaction of business from nine o'clock a.m. to five o'clock p.m., each day from Monday through Friday, and from nine o'clock a.m. to one o'clock p.m. on Saturday. The criminal division of the sheriff's office shall be open at all times. In counties of the third and fourth class, every county officer shall, except on legal holidays, keep his office open for the transaction of business from nine o'clock a.m. to twelve o'clock noon, and from one o'clock p.m. to five o'clock p.m. each day from Monday through Friday, and from nine o'clock a.m. to one o'clock p.m. on Saturday.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1949.

Filed in the Office of the Secretary of State—March 19, 1949.

CHAPTER 61

(House Bill No. 112)

AN ACT

RELATING TO RACING MEETINGS; CREATING THE ARIZONA RACING COMMISSION; PRESCRIBING THE POWERS AND DUTIES THEREOF; LEGALIZING PARI-MUTUEL WAGERING AND PROVIDING FOR THE COLLECTION OF REVENUE THEREFROM, AND REPEALING ARTICLE 16, CHAPTER 73, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. DEFINITIONS. In this Act, unless the context otherwise requires:

“commission” means the Arizona racing commission;

“secretary” means the secretary of the commission;

“horse racing” means the form of horse racing in which the horses are mounted by jockeys;

“harness racing” means the form of horse racing in which the horses are harnessed to a sulky, carriage or similar vehicle;

“dog racing” means the form of racing in which dogs compete instead of horses;

“permit” means a permit for a racing meeting issued under the provisions of this Act.

Sec. 2. ARIZONA RACING COMMISSION. The Arizona racing commission shall consist of five members, who shall be appointed by the governor with the advice and consent of the senate. Of the members first appointed one shall serve for a term of two years and two each for a term of four and six years respectively. Thereafter appointment shall be for a term of six years. Appointment to fill a vacancy caused otherwise than by expiration of term shall be for the unexpired portion thereof.

Sec. 3. QUALIFICATIONS. (a) A member of the commission shall have been a resident of the state, a qualified elector and an owner of real property therein for not less than five years next preceding his appointment.

(b) Before entering upon the discharge of his duties, each appointee shall take the official oath and file an official bond running to the state of Arizona, conditioned upon the faithful performance of his duties, in the principal sum of five thousand dollars.

(c) No person who has a financial interest in a race track or the operation of licensed wagering on the results of races, is qualified for membership on the commission or appointment or employment by the commission, but this provision shall not be construed to affect the entrance into a race of a horse or dog belonging to a member, or the winning of a purse or award by any such horse or dog.

(d) Members of the commission shall serve without compensation, but shall be reimbursed for necessary travel ex-

penses as provided for state officers.

Sec. 4. POWERS AND DUTIES OF THE COMMISSION.

(a) The commission shall have jurisdiction and supervision of all horse, harness and dog races held or conducted in the state on which there is wagering, and all powers necessary to fully and effectually carry out the purpose of this Act, including the adoption of rules and regulations not in conflict with this Act.

(b) The commission may visit and investigate the offices, tracks or places of business of any permittee, and place therein expert accountants and such other persons as it may deem necessary for the purpose of satisfying itself that the rules and regulations are being complied with.

(c) The commission is hereby charged with the duty of collecting the fees payable under any permit or license issued by it, and of supervising the pari-mutuel departments of all tracks.

(d) Upon application in writing by an objector to any decision of track stewards, made within three days after the official notification of such objector of the decision complained of, the commission shall review the same. The appeal to the commission shall not affect the decision of the stewards until the appeal has been sustained or dismissed by the commission.

(e) The commission may summon witnesses and administer oaths whenever in the judgment of the commission it may be necessary. Any person failing to obey the summons of the commission, or refusing to testify, shall be guilty of a misdemeanor.

(f) The commission shall employ a qualified chemist for the purpose of making a chemical or other analysis of saliva, urine, blood or other excretions or body fluids taken from any horse or dog entered in a race. Procedures therefor and any action taken on positive reports shall be in conformity with the standards of the National Association of State Racing Commissioners, the New York Jockey Club, the United States trotting association, or such other procedures or standards as the commission may prescribe.

(g) The commission shall appoint a secretary, who shall give bond, running to the state, for the faithful performance of his duties, in such amount as the commission may determine, and such other employees as may be necessary to carry out the provisions of this Act. The compensation of the secretary, which shall not exceed six thousand dollars per year,

and other employees shall be fixed by the commission, subject to legislative appropriation. The secretary shall keep a record of all proceedings, preserve all books, documents and papers of the commission, and perform such other duties as the commission may prescribe.

Sec. 5. APPLICATION FOR PERMIT. Application for a racing permit shall be made on a form prescribed by the commission, shall contain such information as the commission may require, and shall be accompanied by a cash deposit in such amount, not to exceed five thousand dollars, as the commission may deem necessary to insure payment of fees. Upon the termination of any meet, the deposit shall be returned to the applicant, less such fees or charges as may remain unpaid.

Sec. 6. PERMIT AND LICENSE. (a) If the commission, after investigation, determines that the reputation of an applicant for honesty, integrity and fair dealing, is good, and that the plan submitted for a proposed racing meeting is in conformity with the provisions of this Act and the rules and regulations of the commission, it shall grant the permit applied for. All permits shall be for the fiscal year July 1 to June 30 inclusive, and nontransferable.

(b) The commission shall give fifteen days notice of hearing on any application for a racing permit under this Act. Such notice shall be given to all permittees holding a permit during the preceding fiscal year, and they may appear and be heard as parties in interest upon the hearing of any such application.

(c) Such officials and persons connected with any racing meetings as the commission may deem proper, shall be licensed for a period of one year from July 1 of such year, and no permit or license shall be revoked except for cause and after hearing.

(d) The decisions of the commission shall be final, except in the event an aggrieved person, within ten days after the date on which the decision complained of is served upon such person, files an appeal with the superior court of the county in which the place, enclosure or track for racing for which a permit is sought or has been granted, is located. Such decision shall be served promptly in person or by registered mail on all parties or their attorneys. Upon such appeal the superior court shall determine the matter de novo, not more than ten days after the date of filing the same. Pending determination of the appeal, the decision and order of the commission shall remain in full force and effect, and may not be superseded.

(e) The commission shall not issue a permit to conduct a horse racing, harness racing or dog racing meeting at any place, enclosure or track not used for racing purposes pursuant to permits actually issued as authorized by law prior to March 15, 1949, unless before the beginning of construction or preparation of such place, enclosure or track the commission shall by such means as it deems sufficient, determine that the conducting of horse, harness or dog meetings at such place will be in the public interest, and unless the place, enclosure or track is situated at least twenty miles distant from any other such place, enclosure or track at which, during the period of two years next preceding the filing of the application, one or more horse, harness or dog racing meetings shall have been conducted with wagering as authorized by law, but nothing in this subsection shall be construed to permit the use of any place, enclosure or track used for dog racing on or before March 15, 1949, to be used for horse or harness racing, or to permit any place, enclosure or track used for horse or harness racing on or before March 15, 1949, to be used for dog racing meetings.

(f) In the event the owner of any place, enclosure or track used for racing purposes pursuant to permits issued as authorized by law on or before March 15, 1949, is obliged for any reason to abandon the use of such place, enclosure or track for such purposes, he may transfer the use and rights to use such premises for racing purposes to another location in the same county.

Sec. 7. IDENTIFICATION. No horse or dog shall take part in any race conducted under the provisions of this Act unless satisfactorily identified and registered by an association recognized by the commission.

Sec. 8. RACING DAYS. (a) In counties of the first class permits issued under the provisions of this Act shall be limited in any one year to a total of one hundred twenty days of horse racing and harness racing, and one hundred twenty days of dog racing.

(b) In counties of the second class permits issued under the provisions of this Act shall be limited in any one year to sixty racing days; provided that the commission shall reserve a total of thirty days for horse racing and harness racing and thirty days for dog racing.

(c) In counties of the third class permits issued under the provisions of this Act shall be limited in any one year to thirty racing days.

(d) For the purposes of this Act, counties are classified according to population as shown by the last United States census; first class, one hundred eighty thousand or more; second class, fifty thousand or more but less than one hundred eighty thousand; third class, less than fifty thousand.

(e) For the purpose of this Act a meeting may consist of a number of continuous days of racing or of one or more days of racing per week over a period of months. Racing shall be permissible in either the daytime or nighttime. The application for a permit shall state the exact days on which racing will be held.

(f) A race meeting in connection with a state fair, when it is operated by the state fair commission or under lease during the state fair to any individual, corporation or association, shall not come under the limitation placed on days of racing in this section.

(g) A race meeting in connection with any county fair, when operated by such county fair commission or under lease during the county fair to any individual, corporation or association, shall not come under the limitation placed on days of racing in this section but may be issued a permit for not to exceed three additional days of racing.

(h) The commission shall be the judge of whether a state, or county fair is being operated in accordance with the provisions of this section. A racing meeting held in connection with a state or county fair, and conducted by an individual, corporation or association other than the properly authorized state or county fair commission, shall come under the general provisions of this Act the same as if the racing meeting were conducted on a privately owned track.

(i) The commission may allow a permittee, in addition to the days specified in his permit, not to exceed three racing days during any one meeting, to be known as charity days. From the amount deducted from the total handled in the pari-mutuel pool on charity days, the permittee shall deduct the fees owed to the state and an amount equal to the purses and cost of conducting racing on such days, and shall donate the balance to non-profit organizations and corporations engaged in charitable, benevolent and other like work selected by the permittee and approved by the commission.

Sec. 9. WAGERING. (a) The commission shall prescribe rules and regulations governing wagering on races under the system known as the pari-mutuel method of wagering. Wagering shall be conducted by a permittee only by the pari-mutuel

method, and only within the enclosure and on the dates for which racing has been authorized by the commission.

(b) During the period of any permit for racing, a permittee shall receive nine per cent of the gross amount of money handled in a pari-mutuel pool during the period of the permit, plus the odd cents by which the amount payable on each dollar wagered exceeds a multiple of ten cents. The state shall receive five per cent of all money handled in the pari-mutuel pool operated by the permittee, to be paid daily during the racing meeting. No fees shall be collected from any state or county fair for a racing meeting held in connection with a fair and operated in such manner that all profits accrue to the fair association, which profit shall not exceed fourteen per cent of the total amount of money handled in the pari-mutuel pool.

Sec. 10. WAGERING LEGALIZED. Any person within the enclosure of a racing meeting held pursuant to the provisions of this Act may wager on the result of a race held at such meeting by contributing his money to a pari-mutuel pool operated by the permittee as provided by this Act. Such wagering shall not be unlawful, but a permittee shall not knowingly permit any minor to be a patron of the pari-mutuel system of wagering. All forms of wagering or betting on the results of a race, except as provided by this Act, whether conducted in this state or elsewhere, shall be illegal. Any person directly or indirectly involved in bookmaking or in wagering or betting other than by the pari-mutuel system of wagering shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment for a period of not more than six months, or by both such fine and imprisonment.

Sec. 11. REVENUE AND EXPENSE. (a) All revenue derived from permits and licenses as provided by this Act, shall be paid to the state treasurer for inclusion in the general fund.

Sec. 12. PENALTIES. (a) At any racing meeting conducted under the provisions of this Act any person who shall: 1. influence or have any understanding or connivance with an owner, jockey, trainer, groom or other person associated with a stable or race in which any horse or dog participates, to predetermine the result thereof; 2. give or offer a bribe in any form to an official, owner, trainer, jockey, driver or groom, or accept or solicit a bribe in any form; 3. administer a drug, narcotic or hypnotic to a horse or dog in an attempt to affect the result of a horse, harness or dog race; 4. have in his possession or use, while riding or driving in any horse race, any

mechanical or electric device other than an ordinary whip, or, 5. commit any other corrupt or fraudulent practice in relation to racing which affects or may affect the result of a race, is guilty of a felony, punishable upon conviction by a fine of not more than five thousand dollars, imprisonment in the state penitentiary for not less than one nor more than ten years, or both.

(b) Any person who holds, conducts or assists, or aids and abets the holding or conducting of any racing meeting without first complying with the provisions of this Act, or any person who violates any provision of this Act for which no other penalty is prescribed, is guilty of a misdemeanor, punishable upon conviction by a fine of not less than one hundred nor more than one thousand dollars, imprisonment for not more than six months, or both.

(c) A member of the commission who at any time, directly or indirectly, receives any money, bribe, tip or other thing of value or service from any person connected with racing, shall be guilty of a felony, punishable upon conviction by a fine of not more than five thousand dollars, imprisonment in the state penitentiary not less than one nor more than ten years, or both.

Sec. 13. APPROPRIATION. The sum of thirty-five thousand dollars is hereby appropriated for the thirty-eighth and thirty-ninth fiscal years to the Arizona racing commission for the purpose of carrying out the provisions of this Act.

Sec. 14. 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.

Sec. 15. REPEAL. Article 16, chapter 73, Arizona Code of 1939, is repealed. This section does not negative an implied repeal of any statute which conflicts with this Act.

Sec. 16. EFFECTIVE DATE. This Act shall take effect on July 1, 1949.

Approved by the Governor—March 19, 1949.

Filed in the Office of the Secretary of State—March 19, 1949.

CHAPTER 62

(Senate Bill No. 55)

AN ACT

RELATING TO SOCIAL SECURITY AND PUBLIC WELFARE; AMENDING SECTIONS 70-101, 70-202, 70-203, 70-205, 70-302, 70-303, 70-403, 70-602 AND 70-603, AND REPEALING SECTION 70-206, ARIZONA CODE OF 1939, AS AMENDED BY CHAPTER 20, LAWS OF 1948, SEVENTH SPECIAL SESSION.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Section 70-101, Arizona Code of 1939, as amended by chapter 20, Laws of 1948, seventh special session, is amended to read:

70-101. DEFINITIONS. As used in this Act, unless the context otherwise requires:

“state department” means the Arizona state department of public welfare;

“county department” means the county department of public welfare;

“state board” means the Arizona state board of public welfare;

“county board” means the county board of public welfare;

“commissioner” means the commissioner of the Arizona state department of public welfare;

“applicant” means a person who has applied for assistance or services under the terms of this Act, or a person who has applied for assistance or services under the terms of this Act who has custody of a dependent child;

“recipient” means any person who has received assistance or services under the terms of this Act, or a person with whom a dependent child is living while receiving assistance under the terms of this Act;

“assistance” means money payments to a person or persons in need as provided for in this Act;

“services” means aid, other than money payments, rendered to a person or persons in need as provided for in this Act;

“dependent child” means a needy child under the age of sixteen, or under the age of eighteen if regularly attending schools, who has been deprived or parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and whose relatives liable under the law for his support are not able to provide adequate care and support of such child without public assistance, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, or aunt, in a place of residence maintained by one or more of such relatives as his or their own home;

“child welfare agency” or “agency” means any agency or institution maintained by a municipality, county, person, firm, corporation, association, or organization to receive dependent, neglected, delinquent, or mentally or physically handicapped children for care and maintenance or for placement in a family home or any institution that provides care for unmarried mothers and their children;

“homestead property” means a home owned and occupied by applicant or recipient or his spouse.

Sec. 2. Section 70-202, Arizona Code of 1939, as amended by chapter 20, Laws of 1948, seventh special session, is amended to read:

70-202. ELIGIBILITY FOR ASSISTANCE. Assistance shall be granted under the provisions of this article to any person who meets and maintains the following requirements:

1. Is not less than sixty-five years of age.
2. Is a citizen of the United States or a resident of the United States continuously for ten years immediately preceding date of application.
3. Has resided in the state for not less than five years within the nine years, and continuously for not less than one year immediately preceding the date of application for assistance, and the applicant shall be required to prove that he meets the residence requirements.
4. Is not an inmate of or being maintained by any municipal, state or federal institution at the time of receiving as-

sistance except as a guest of the home for aged and infirm Arizona pioneers or in any hospital for treatment for injury or illness. An inmate of any such institution, except a penal institution, may make application for assistance, but the assistance, if granted, shall not begin until after he ceases to be an inmate. This paragraph shall not be construed to prohibit the granting of assistance to a person temporarily confined in an institution for medical or surgical care.

5. If employable, shall not refuse to accept employment available to him; but if the conditions involved in the employment available to such person are not satisfactory to him, the county department after making thorough investigation and upon written finding of fact in each case, shall determine whether or not the acceptance of such employment shall be required as a condition of eligibility for assistance.

6. Does not own an interest or equity the value of which has not been measured in terms of a true approximate cash market value, in any property, business enterprise, association, company, estate or any holdings of whatever nature.

7. Has not, within five years prior to the receipt of assistance, or if a recipient of assistance, at any time subsequent to the effective date of this provision, made an assignment or transfer of property without a fair consideration, either with the intent of rendering himself eligible for assistance or of increasing his need for assistance. A person found to be ineligible under this provision shall be ineligible for such time as the state department shall determine, with due consideration of the facts in the case and the recipient's current need for assistance.

8. Does not have resources in excess of the following:

8a. Household furnishings used by the recipient and his family in his usual place of residence.

8b. Wearing apparel and necessary personal effects.

8c. A dwelling house in which such person resides and the contiguous land upon which it is situated.

8d. Livestock used primarily for domestic purposes.

8e. One automobile.

8f. A burial lot in a cemetery.

8g. Other property or assets of the total approximate mar-

ket value of one thousand dollars (\$1,000.00).

Sec. 3. Section 70-203, Arizona Code Annotated, 1939, as amended, is amended to read:

70-203. INELIGIBILITY FOR OTHER PUBLIC ASSISTANCE. No person receiving assistance under this article shall at the same time receive any other public assistance by virtue of any provision of this Act, except by authorization of the state department.

Sec. 4. Section 70-205, Arizona Code of 1939, as amended by chapter 20, Laws of 1948, seventh special session, is amended to read:

70-205. CLAIM FOR ASSISTANCE GRANTED. 1. Claim against the estate. Upon the death of any recipient of old age assistance the state of Arizona shall have a claim against his estate for the total amount of assistance paid to such recipient subsequent to the effective date of this Act, which claim shall be that of a general creditor. Provided, however, that no claim shall be filed against the estate of any recipient leaving a surviving spouse, a minor child, or any unmarried mentally handicapped child who is not confined in any public institution. Provided further, that no claim shall be filed against the first one thousand dollars valuation of any estate as valued by the inventory and appraisal in the probate of said estate.

2. Disposition of funds recovered. It shall be the duty of the state department or its authorized representatives to pursue the legal procedure necessary to collect the claims heretofore provided for.

The federal government shall be entitled to that percentage of any indebtedness recovered computed according to the rate of federal participation in the payments to the recipient or under any agreement entered into between the state department and the federal government upon which is dependent federal grants-in-aid extended to the state of Arizona, and this amount shall be determined by the state department and in no case shall exceed the amount contributed by the federal government to such person.

The state department shall forward all moneys so recovered to the treasurer of Arizona for deposit in the proper account. The state department shall certify to the state auditor a statement of the amount so received from the recipient or the estate of such recipient to which the federal government is entitled pursuant to any agreement entered into between the

state department and the federal government or any agency thereof, upon which is dependent federal grants-in-aid extended to the state of Arizona for the purposes of this Act, and the state department shall certify to the federal security agency the amount of their proportion of such recovery which may be deducted from subsequent grants made by the federal security agency to the state department for each category of assistance.

3. Duty to report change in status. If at any time during the continuance of assistance the recipient thereof becomes or is possessed of or entitled to, or receives, any property or income in excess of the amount stated in the application, or becomes ineligible for assistance under this Act, it shall be the duty of the recipient to notify the county department within thirty days of such fact, and the department shall after investigation either terminate the assistance or alter the amount thereof in accordance with the circumstances; and any excess assistance theretofore paid may be recovered by action at law.

If it is found that a recipient has obtained assistance by willful misrepresentation, he shall be liable for the amount of the assistance paid in excess of the amount to which the recipient was legally entitled and an additional equal amount as liquidated damages.

Sec. 5. Section 70-302, Arizona Code of 1939, as amended by chapter 20, Laws of 1948, seventh special session, is amended to read:

70-302. ELIGIBILITY FOR BLIND ASSISTANCE. Assistance shall be granted under the provisions of this article to any person who meets and maintains the following requirements:

1. Has no vision, or whose vision, with correcting glasses, is so defective as to prevent the performance of ordinary activities for which his eyesight is essential.

2. Is sixteen years of age, or older, except that any person irrespective of age shall be eligible for medical treatment to restore sight or prevent blindness.

3. Lost his eyesight while a resident of the state or shall have resided in the state for not less than five years within the nine years and continuously for not less than one year, immediately preceding the date of application for assistance. The applicant shall be required to prove that he meets the residence requirements.

4. Has not sufficient income or other resources to provide a reasonable subsistence compatible with the mode of life to which the applicant is accustomed.

5. Does not have or own cash or other personal property, the fair value of which exceeds one thousand dollars (\$1,000.00), exclusive of household furniture, wearing apparel and necessary personal effects, one automobile, and livestock used primarily for domestic purposes.

6. Is not an inmate of or being maintained by any municipal, state or federal institution at the time of receiving assistance. An inmate of an institution may make application for assistance, but the assistance, if granted, shall not begin until after he ceases to be an inmate. This paragraph shall not be construed to prohibit the granting of assistance to a person temporarily confined in an institution for medical or surgical care.

7. Has not within five years prior to the receipt of assistance, or, if a recipient of assistance, at any time subsequent to the effective date of this provision, during the continuance of assistance, made an assignment or transfer of property without a fair consideration, either with the intent of rendering himself eligible for assistance or of increasing his need for assistance. A person found to be ineligible under this provision shall be ineligible for such time as the state department shall determine, with due consideration of the facts in the case and the recipient's current need for assistance.

8. Does not, during the period of receiving assistance, solicit alms.

9. Is not receiving old age assistance; but benefits, as authorized by section 70-310 of this article, may be extended to any person currently receiving old age assistance.

Sec. 6. Section 70-303, Arizona Code Annotated, 1939, as amended, is amended to read:

70-303. INELIGIBILITY FOR OTHER PUBLIC ASSISTANCE. No person receiving assistance under this article shall at the same time receive any other public assistance by virtue of any provision of this Act, except by authorization of the state department.

Sec. 7. Section 70-403, Arizona Code Annotated, 1939, as amended, is amended to read:

70-403. INELIGIBILITY FOR OTHER PUBLIC ASSIST-

ANCE. No person receiving assistance under this article shall at the same time receive any other public assistance by virtue of any provision of this Act, except by authorization of the state department.

Sec. 8. Section 70-602, Arizona Code of 1939, as amended by chapter 20, Laws of 1948, seventh special session, is amended to read:

70-602. ELIGIBILITY FOR GENERAL ASSISTANCE. No person shall be entitled to general assistance, or to receive employment relief, from any agency supported in whole or in part by the state or any political subdivision thereof who does not meet and maintain the following requirements:

1. Has resided in the state continuously for a period of at least three years immediately preceding the date of application for such relief, but temporary absence from the state for a total of not to exceed one year during the said three year period shall not render the applicant ineligible for assistance. The applicant shall be required to prove that he meets the residence requirements.

2. Nothing in this section shall be construed to prevent the granting of assistance in emergency cases.

3. Is not an inmate of or being maintained by any municipal, state or federal institution at the time of receiving assistance. An inmate of any such institution, except a penal institution, may make application for assistance, but the assistance, if granted, shall not begin until after he ceases to be an inmate. This paragraph shall not be construed to prohibit the granting of assistance to a person temporarily confined in an institution for medical or surgical care.

4. Has not, within five years prior to the receipt of assistance, or, if a recipient of assistance, at any time subsequent to the effective date of this provision, made an assignment or transfer of property without a fair consideration, either with the intent of rendering himself eligible for assistance or of increasing his need for assistance. Any person found to be ineligible under this provision shall be ineligible for such time as the state department shall determine, with due consideration of the facts in the case and the recipient's current need for assistance.

5. Does not own an interest or equity, the value of which has not been measured in terms of a true approximate cash market value, in any property, business enterprise, association, company, estate or any holdings of whatever nature.

6. Does not have resources in excess of the following:

6a. Household furnishings used by the recipient and his family in his usual place of residence.

6b. Wearing apparel and necessary personal effects.

6c. A burial lot in a cemetery.

6d. Homestead property, whether of the applicant or recipient or the spouse thereof, of an assessed valuation of four thousand dollars (\$4,000.00).

7. If employable, shall accept employment if such employment is available to him. If the conditions involved in the employment available to such person are not satisfactory to him, the county board after making thorough investigation and upon written findings of fact in each case, shall determine whether or not the acceptance of such employment shall be required as a condition of eligibility for assistance. In the event of a recipient receiving, or an applicant for, assistance because of physical or mental unemployability it shall be the duty of the county department, in all cases where such unemployability is not obvious, to cause such recipient or applicant to submit to an examination, or examinations, before a medical doctor, or medical doctors, of the county department's own choosing, to determine whether or not such applicant or recipient is unemployable and if upon such examination it is determined that the recipient or applicant is not unemployable, no assistance shall be granted because of alleged physical or mental unemployability. The state department is given authority to pay from the proper account any costs involved in such examination, but the state department shall not pay the cost of an examination for an applicant for assistance who has not otherwise established his eligibility.

8. Owns no real or personal property outside the state.

Sec. 9. Section 70-603, Arizona Code Annotated, 1939, as amended, is amended to read:

70-603. INELIGIBILITY FOR OTHER PUBLIC ASSISTANCE. No person receiving assistance under this article shall at the same time receive any other public assistance by virtue of any provision of this Act, except by authorization of the state department.

Sec. 10. **REPEAL.** Section 70-206, Arizona Code of 1939, is repealed. This section does not negative an implied

repeal of any statute which conflicts with this Act.

Sec. 11. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 21, 1949.

Filed in the Office of the Secretary of State—March 21, 1949.

CHAPTER 63

(Senate Bill No. 114)

AN ACT

RELATING TO A DEPARTMENTAL SURVEY OF THE STATE OF ARIZONA, CREATING A JOINT COMMITTEE TO INVESTIGATE THE AFFAIRS THEREOF AND MAKING AN APPROPRIATION.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPOINTMENT AND DUTIES OF COMMITTEE. A joint legislative committee, to be known as the special legislative committee on state operations, is hereby created. Said committee shall consist of three members of the senate, and three members of the house who shall be appointed by the president of the senate and the speaker of the house, and shall be charged with the duty of making a thorough investigation of the affairs and operations of the various departments and institutions of the state of Arizona. The survey shall cover all phases of operation; such as purchases, travel, personnel and administrative functions. When the survey is completed the committee shall prepare a report to be submitted to the next regular or special session of the legislature and make such recommendations for consolidation, curtailment of operation or elimination of departments as will effect the greatest efficiency and economies in the conducting of the affairs of the state. It shall be the special duty of the committee to consult with the departments or officers of the state who shall be engaged in carrying out construction programs authorized by the legislature for the 38th and 39th fiscal years and to investigate the conduct of such programs, with particular reference to the plans for and type of construction,

the methods of letting bids, and all other matters pertaining to the construction programs so authorized during the 38th and 39th fiscal years.

Sec. 2. EMPLOYMENT OF ASSISTANTS. The committee shall have the authority to employ such assistants, auditors, accountants and clerks as may be necessary for the proper conduct of the survey, and to incur all proper expense incident thereto.

Sec. 3. APPROPRIATION. The sum of twenty-five thousand dollars (\$25,000.00), or as much thereof as may be necessary, is hereby appropriated out of the general fund of the state for the expense of said committee.

Approved by the Governor—March 21, 1949.

Filed in the Office of the Secretary of State—March 22, 1949.

CHAPTER 64

(House Bill No. 182)

AN ACT

RELATING TO TAXATION; PRESCRIBING THE DUTIES OF THE STATE TAX COMMISSION; PROVIDING FOR BONDS OF OFFICIALS AND EMPLOYEES; AMENDING SECTION 73-103, ARIZONA CODE OF 1939, AS AMENDED; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Section 73-103, Arizona Code of 1939, as amended, is amended to read:

73-103. DUTIES OF COMMISSION. (a) The commission shall keep a record of its official proceedings, and a seal, which bear the impression "State Tax Commission of Arizona" and the design of a pair of scales, representing equality. Every process of or certification by the commission shall be attested by its seal. The offices of the commission shall be at the capitol.

(b) The commission may employ and fix the compensation

of a secretary and a clerk, who shall hold their positions at the will of the commission, and such other assistants, experts and attorneys as may be necessary to perform the duties of the commission.

(c) The secretary shall keep full and correct minutes of all hearings and proceedings and shall be the custodian of and affix the seal in all proper cases. The commission may incur such travel or other expenses as may be necessary for the proper discharge of its duties, to be paid on claims approved by the chairman or any two members of the commission.

(d) A bond, in the sum to be fixed by the commission, shall be required from each official and employee having the custody of funds or property belonging to the state.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 22, 1949.

Filed in the Office of the Secretary of State—March 22, 1949.

CHAPTER 65

(Senate Bill No. 64)

AN ACT

MAKING AN APPROPRIATION TO THE MERIT SYSTEM
COUNCIL OF THE ARIZONA HIGHWAY PATROL, AND
DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of five thousand dollars (\$5,000.00) is appropriated to the merit system council of the Arizona highway patrol, out of the highway fund.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the purpose of providing for the maintenance and operation of the merit system council of the Ari-

zona highway patrol during the remainder of the thirty-seventh fiscal year, and shall be available for the payment of personal services, other current expenditures and capital outlay.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 22, 1949.

Filed in the Office of the Secretary of State—March 22, 1949.

CHAPTER 66

(House Bill No. 166)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE ARIZONA STATE SCHOOL FOR THE DEAF AND THE BLIND, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appropriation made by subdivision 37, section 1, chapter 142, Laws of 1947, regular session, the sum of twelve thousand dollars (\$12,000.00) is appropriated to the Arizona state school for the deaf and the blind, for the thirty-seventh (37th) fiscal year, and for the purpose of other current expenditures.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 22, 1949.

Filed in the Office of the Secretary of State—March 22, 1949.

CHAPTER 67

(Senate Bill No. 139)

AN ACT

RELATING TO FORT HUACHUCA, ARIZONA, AND PROVIDING FOR THE OPERATION AND MAINTENANCE OF THAT PORTION ALLOCATED TO THE NATIONAL GUARD OF ARIZONA UNDER THE PROVISIONS OF PUBLIC LAWS 537 AND 829, EIGHTIETH CONGRESS, MAKING AN APPROPRIATION THEREFOR, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. ACCEPTANCE OF GRANTS. The governor of the state of Arizona is hereby authorized to accept the property, real and personal, granted by the United States of America, Office of Real Property Disposal, War Assets Administration, under Public Laws 537 and 829, by deeds dated January 14, 1949 and March 2, 1949, and by bills of sale, wherein the state of Arizona was named as grantee and the property transferred thereunder being for the use and benefit of the Arizona game and fish commission and the Arizona national guard. The acceptance of said property shall be subject to all terms and conditions contained in agreements of transfer executed by said War Assets Administration and the terms and conditions of the deeds to the state of Arizona.

Sec. 2. DISPOSAL OF PROPERTY. The Arizona national guard is hereby granted authority to sell, lease or otherwise dispose of all the property received under deed dated March 2, 1949, subject to the terms of said transfer agreement and deed, provided, however, that any such sale, lease or disposal of the property shall be done in the same manner relative to advertising and public auction as provided in sections 4-318 and 4-319, Arizona Code of 1939, as amended, with the exception that the proceeds received from such sales, leases and other disposal shall be placed to the credit of a special fund as herein provided.

Sec. 3. NATIONAL GUARD FORT HUACHUCA FUND. All moneys and proceeds received from the sale, lease or disposal of any of the property received herein for the use of the Arizona national guard shall be used solely for the operation and maintenance of Fort Huachuca, subject to the terms contained in the transfer agreement and deed. The Adjutant General of the state of Arizona shall, on or before the last

Tuesday of each month, pay to the state treasurer all moneys received from leases, rentals, sales, or from any other sources incident to the operation of the property herein accepted, and the state treasurer shall deposit all of such moneys in a special fund to be known as the National Guard Fort Huachuca Fund, and such fund shall be for the sole use of the national guard of Arizona in the operation and maintenance of Fort Huachuca as set forth in the transfer agreement and deed. The National Guard Fort Huachuca Fund is hereby set aside, appropriated, and made available to the national guard of Arizona for the purpose of carrying out the provisions of the transfer agreement and deed in so far as they pertain to the operation and maintenance of Fort Huachuca and such fund shall not be used for any other purpose. Warrants shall be drawn on said fund as other state charges and paid in accordance with existing law.

Sec. 4. APPROPRIATION. The sum of sixty-four thousand two hundred dollars is appropriated to the national guard of Arizona out of the fund consisting of income received from the leasing of grazing lands, rentals, operation of utilities, and sale of surplus items of the Fort Huachuca areas, assigned to the state of Arizona for the use of the national guard, under the provisions of Public Law 829. Thirty-two thousand one hundred dollars of such appropriation shall be available for use during the thirty-eighth fiscal year and thirty-two thousand one hundred dollars during the thirty-ninth fiscal year.

Sec. 5. PURPOSE. The purpose of the appropriation made under the terms of section 4 is for the operation and maintenance of the Fort Huachuca areas, and in the following specific maximum amounts for each of the thirty-eighth and thirty-ninth fiscal years:

1. Personal services: supervisor, three thousand six hundred dollars; chief guard, three thousand dollars; six guards at two thousand four hundred dollars each, fourteen thousand four hundred dollars; maintenance man, three thousand dollars; helper, one thousand eight hundred dollars.

2. Operation: automobile upkeep and supplies, one thousand two hundred dollars; telegraph and telephone, three hundred dollars; miscellaneous operation and maintenance expense, four thousand eight hundred dollars.

Sec. 6. PROHIBITION. No moneys shall be appropriated out of the general fund of the state of Arizona to the Arizona national guard for the operation and maintenance of Fort Huachuca.

Sec. 7. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect on its passage as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 68

(Senate Bill No. 25)

AN ACT

RELATING TO PUBLIC OFFICERS, AND AMENDING
ARTICLE 1, CHAPTER 12, ARIZONA CODE OF 1939, BY
ADDING SECTION 12-110.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Article 1, chapter 12, Arizona Code of 1939, is amended by adding section 12-110, to read:

12-110. INCUMBENT FILING FOR ELECTION. (a) No person shall hold more than one office at the same time, nor shall any incumbent of an elective office, whether holding by election or appointment, be eligible for nomination or election to any office other than the office being so held, nor shall the nomination papers of any such person be accepted for filing. This section shall not be construed to prohibit a person whose resignation from office has become effective, from qualifying as a candidate for another office during the unexpired portion of the term affected by such resignation. The resignation of any such person, duly filed in writing with the officer, board or commission having jurisdiction of the same, shall, if not accepted within ten days, be deemed to have become effective. This section shall not apply to any incumbent elective office holder who shall seek reelection to the same office or to any other public office, during the final year of the term to which he shall have been so elected.

(b) Any person violating this section shall be guilty of mis-

feasance in office, and the office held by such person shall be declared vacant.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 69

(Senate Bill No. 89)

AN ACT

RELATING TO ARBOR DAY, AND AMENDING SECTION 54-810, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 54-810, Arizona Code of 1939, is amended to read:

54-810. ARBOR DAY. (a) In the counties of Apache, Navajo, Coconino, Mohave and Yavapai the Friday following the first day of April, and in all other counties the Friday following the first day of February, in each year, shall be known as Arbor Day. The governor shall make proclamation thereof and recommend that Arbor Day be observed by the people of the state in the planting of trees, shrubs and vines, in the promotion of forest and orchard growth and culture, in the adornment of public and private grounds, places and ways and in such other efforts and undertakings as shall be in harmony with the character of the day.

(b) The authorities in every public school shall assemble the pupils in their charge on Arbor Day and provide for and conduct, under the general supervision of the state superintendent of public instruction, such exercises as tend to encourage the planting, protection and preservation of trees and shrubs, and an acquaintance with the best methods to be

adopted to accomplish such results, and cause trees to be planted around the school buildings with appropriate and attractive ceremonies. Arbor Day shall be considered a day of observance, but shall not be considered a legal holiday.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 70

(Senate Bill No. 96)

AN ACT

RELATING TO NONSUPPORT, AND AMENDING SECTION 43-201, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 43-201, Arizona Code of 1939, is amended to read:

43-201. FAILURE OF PARENT TO PROVIDE FOR MINOR CHILD. A parent who willfully omits, without lawful excuse, to furnish necessary food, clothing, shelter or medical attention for his or her minor child is guilty of a misdemeanor, and upon conviction punishable by imprisonment in the county jail not to exceed six months. In any prosecution under the provisions of this section, the court may direct that a person so convicted shall be compelled to work upon the public roads, streets or highways, or any other public work in the county or city where the conviction is had during the term of such sentence. It shall be the duty of the board of supervisors, when a conviction is had under this section and sentence is imposed requiring the defendant to perform work as herein prescribed, to allow and order the payment, out of any funds available, to the wife, guardian or custodian of the child or children of the person imprisoned, or to an organization or individual appointed by the court as trustee for the support of

such children, of not to exceed two dollars for each day's work of such person while serving a sentence as provided by this section. No person convicted under the provisions of this Act shall be permitted to work alongside free labor, but shall be placed in a separate and distinct group.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 71

(Senate Bill No. 135)

AN ACT

FOR THE RELIEF OF MILDRED BRAMM HAFKER ET AL.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of three thousand five hundred eighty dollars is appropriated for the relief of Mildred Bramm Hafker.

Sec. 2. BASIS OF CLAIM. Payment of the sum appropriated shall be in full satisfaction of the claim of Mildred Bramm Hafker, Helen Ruth Bramm Popper, Robert Henry Bramm, Shirley Marguerite Bramm, Raymond LeRoy Bramm and Harriet Elizabeth Prudden, heirs at law of William T. Mesler, to the amount remaining in the hands of the state treasurer of the estate of said William T. Mesler, and adjudged by the superior court of Pima county, in a judgment rendered on February 26, 1949, in cause no. 27873, entitled Mildred Bramm Hafker et al vs. J. W. Kelly, state treasurer of Arizona, to be the property of such heirs.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 72

(Senate Bill No. 62)

AN ACT

RELATING TO ERECTION OF BUILDINGS FOR WHICH BONDS VOTED; AND AMENDING ARTICLE 6, SECTION 10-610, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Section 10-610, article 6, Arizona Code of 1939, is amended to read:

10-610. ERECTION OF BUILDINGS FOR WHICH BONDS VOTED; METHOD OF PAYMENT. If such bonds are issued for the purpose of erecting and furnishing any public building, the board of supervisors, for a county or school district, and the governing body of a city, town, or other municipal corporation, shall adopt plans and specifications for such building, and as soon as practicable thereafter, advertise for bids for the erection and furnishing of said building, stating a day and hour, not less than forty days from the date of such notice, when said bids shall be received and opened. The governing body or board shall award the contract to the lowest and most responsible bidder, but any and all bids submitted may be rejected. If a bid be accepted, said body or board shall require the successful bidder to enter into a written contract for the erection and completion of said buildings and the furnishing thereof, and require from him a bond in the amount of the contract, conditioned upon the faithful performance of the contract, such bond to be approved by the body or board. Such body or board may agree to pay the contractor in semimonthly or monthly payments as may be authorized by law or by mutual agreement, to be due and paid to the contractor upon a basis of seventy-five (75) per cent of the value of the work actually performed as estimated by the architect or superintendent up to and including the fifteenth or last day of each calendar month; twenty-five (25) per cent of all estimates shall be retained by the agent as guarantee of the complete performance of the contract, to be paid to the contractor within sixty-five days after completion, or filing of notice of completion, of the contract, provided the contractor has duly furnished the agent satisfactory receipts for all labor and material bills and waivers of liens from any and all persons holding claims against the work. Such contract shall be signed by the agent and the contractor. If it is necessary to

purchase a building site, the call for the election shall state the amount to be expended therefor.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 73

(Senate Bill No. 101)

AN ACT

FOR THE RELIEF OF THE CITY OF PRESCOTT.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of four thousand eighty-five dollars and nineteen cents plus interest at the rate of five per cent per annum from October 7, 1948, to the date of payment, is appropriated out of the state highway fund, for the relief of the city of Prescott.

Sec. 2. BASIS OF CLAIM. Payment of the sum appropriated shall be in full satisfaction of the claim of the city of Prescott for the state's share of expenditures made by the city of Prescott for improvements, consisting of sewer, water, and fire alarm systems, to the tract of land owned by the state known as outlot 1, Tritle title tract, and land contiguous thereto occupied by the state highway department, which expenditures in behalf of the state were authorized by the state highway commission, in accordance with the provisions of section 16-2308, Arizona Code of 1939, by resolution adopted August 13, 1948, and for which no appropriation is available.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the office of the Secretary of State—March 28, 1949.

CHAPTER 74

(Senate Bill No. 4)

AN ACT

RELATING TO WORKMEN'S COMPENSATION; PROVIDING FOR THE DETERMINATION OF THE EARNING CAPACITY OF MINORS, AND AMENDING ARTICLE 9, CHAPTER 56, ARIZONA CODE OF 1939, BY ADDING SECTION 56-952a.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Article 9, chapter 56, Arizona Code of 1939, is amended by adding section 56-952a, to read:

56-952a. WAGES OF MINOR. If it be established by competent evidence that an injured employee is under twenty-one years of age, and his incapacity is permanent, his average monthly earning capacity shall be deemed, within the limits fixed by sections 56-952 and 56-953, to be the monthly sum which under ordinary circumstances he would probably be able to earn at the age of twenty-one years, in the occupation in which he was employed at the time of injury, or in any occupation to which he would reasonably have been promoted if he had not been injured. In the event such probable earnings at the age of twenty-one years cannot be reasonably determined, his average earnings shall be based upon four dollars per day for a six-day week.

Sec. 2. SEVERABILITY. Should any section, paragraph, sentence, clause, or phrase of this Act be declared unconstitutional or invalid for any reason, the remainder of said Act shall not be affected thereby.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 75

(Senate Bill No. 81)

AN ACT

MAKING AN APPROPRIATION TO THE STATE PRISON.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of five thousand dollars is appropriated to the state prison.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the purpose of purchasing and installing frequency modulation radio equipment for mobile units of the state prison, to conform to the state and counties radio hookup.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 76

(Senate Bill No. 7)

AN ACT

RELATING TO WORKMEN'S COMPENSATION; DEFINING THE TERMS "EMPLOYEE," "WORKMAN," AND "OPERATIVE," AND AMENDING SECTION 56-929, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 56-929, Arizona Code of 1939, is amended to read:

56-929. DEFINITIONS. (a) In this article, unless the context otherwise requires, the terms "employee," "workman," and "operative" mean: 1. every person in the service of the state, or of a county, city, town, municipal corporation or school district, including regular members of lawfully constituted police and fire departments of cities and towns, whether under election, appointment or contract of hire, and, 2. every person in the service of any employer subject to the provisions of this article, including aliens and minors legally or illegally permitted to work for hire, but not including a person whose employment is casual and is not in the usual course of trade, business or occupation of the employer.

(b) Lessees of mining property and their employees and contractors, engaged in the performance of work which is a part of the business conducted by the lessor and over which the lessor retains supervision or control, are within the meaning of this section employees of the lessor, and deemed to be drawing such wages as are usually paid employees for similar work, and the lessor may deduct from the proceeds of ores mined by the lessees the premium required by this article to be paid for such employees.

(c) Regular members of volunteer fire departments organized pursuant to the provisions of article 20, chapter 16, are deemed to be employees; but for the purposes of this article, the basis for computing wages for premium payments and compensation benefits for a volunteer fireman shall be three hundred dollars per month.

Sec. 2. SEVERABILITY. Should any section, paragraph, sentence, clause, or phrase of this Act be declared unconstitutional or invalid for any reason, the remainder of said Act shall not be affected thereby.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 77

(Senate Bill No. 117)

AN ACT

RELATING TO THE STATE PRISON, AND AMENDING
SECTION 47-120, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 47-120, Arizona Code of 1939, is amended to read:

47-120. EQUIPPING DISCHARGED PRISONER. When a prisoner is discharged from the prison there shall be returned to him everything of value taken from him upon entering, or thereafter received by him. He shall be furnished twelve dollars and fifty cents in cash, clothing not to exceed fifteen dollars in cost, and an untransferable ticket on any railroad or bus adjacent to the place of discharge to the first railroad, bus station, or ticket office beyond the limits of the state, in any direction. If the ticket is not used within three days of the date of discharge, unless in case of inability caused by illness, it shall be void. At any time within three months prior to the date of discharge of a prisoner, he shall be permitted to allow his hair, beard and mustache to grow.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 78

(Senate Bill No. 137)

AN ACT

RELATING TO THE INDUSTRIAL SCHOOL AND AMENDING
CHAPTER 142, SUBDIVISION 29, LAWS OF 1947,
REGULAR SESSION.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Chapter 142, subdivision 29, Laws of 1947, regular session, is amended to read:

For the 37th
Fiscal Year

Subdivision 29. INDUSTRIAL SCHOOL

Salary of Superintendent	\$ 4,000.00
Chaplains:	
1 Catholic & 1 Protestant @ \$1,500.00	3,000.00
Other Personal Services	61,000.00
State Travel	2,000.00
Out of State Travel	250.00
Subscriptions & Organization Dues	50.00
Other Current Expenditures	62,800.00
Capital Outlay:	
Household, Kitchen & Sanitary Equipment	2,000.00
Educational & Recreational Equipment	500.00
Agricultural & Horticultural Equipment	1,000.00
Automobiles, Trucks, Trailers & Other Con- veying Equipment	5,000.00
Construction, Repairing, Wrecking & Mainte- nance Equipment	250.00
Electrical Power & Water Pumping Equipment	5,000.00
Well drilling, testing, pumps and pipe neces- sary to complete well and install line to stor- age tanks	25,000.00*
Total Appropriation	\$171,850.00

*This appropriation is exempt from the provisions of Public Buildings Law—Chapter 9, Arizona Code of 1939.

Earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 79

(Senate Bill No. 3)

AN ACT

RELATING TO WORKMEN'S COMPENSATION; PROVIDING FOR GUARDIANS AD LITEM FOR MINORS, AND AMENDING ARTICLE 9, CHAPTER 56, ARIZONA CODE OF 1939, BY ADDING SECTION 56-907a.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Article 9, chapter 56, Arizona Code of 1939, is amended by adding section 56-907a, to read:

56-907a. GUARDIAN AD LITEM. When it shall be made to appear to the commission that a claimant for compensation or death benefits is incompetent by reason of minority to prosecute his claim, the commission may, upon motion of any party to the proceedings or upon its own motion, appoint a trustee or guardian ad litem, to appear for and represent said minor, upon such terms and conditions as it deems proper under this article or the rules of the commission made pursuant thereto. If required by the commission, such trustee or guardian shall give bond in the form and of the character required by law from a guardian appointed by a superior court, and in such amount as the commission determines. The bond shall be approved by the commission, and the trustee or guardian shall not be discharged from liability until he files an account with the commission or with the superior court in the county in which the minor resides, and the account, after due notice, is approved. The trustee or guardian shall receive the compensation for his services fixed and allowed by the commission or by a superior court.

Sec. 2. SEVERABILITY. Should any section, paragraph, sentence, clause, or phrase of this Act be declared unconstitutional or invalid for any reason, the remainder of said Act shall not be affected thereby.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 80

(Senate Bill No. 12)

AN ACT

RELATING TO EMPLOYMENT SECURITY; AMENDING ARTICLE 10, CHAPTER 56, ARIZONA CODE OF 1939, BY ADDING SECTION 56-1003e.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Article 10, chapter 56, Arizona Code of 1939, as amended, is amended by adding section 56-1003e, to read:

56-1003e. DEPENDENCY ALLOWANCES. (a) Each individual who is unemployed in any week, in addition to his weekly benefit for unemployment, shall be paid a dependency allowance of two dollars for the first dependent and two dollars for each additional dependency, but not more than six dollars shall be paid to an individual as dependents' allowance with respect to any one week of unemployment. No dependency allowances shall be paid to an individual for any dependent who is being paid unemployment benefits under this Act.

(b) As used in this Act, unless the context otherwise requires, "dependent" means a claimant's unmarried child (including stepchild and adopted child, whether or not legally adopted) who is under eighteen years of age and is living with

the claimant or receiving regular support from the claimant; a claimant's wife or husband who is living with the claimant or receiving regular support from the claimant and who is not regularly engaged in rendering services for remuneration or in any occupation for profit; a claimant's parent, stepparent, and parent-in-law, who is wholly or mainly supported by the claimant.

Sec. 2. EFFECTIVE DATE. Unless otherwise specifically provided herein, provisions of this Act shall become effective from and after June 30, 1949.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 81

(Senate Bill No. 69)

AN ACT

RELATING TO POWER IN THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA TO ACCEPT GRANTS OF MONEY; MAKING APPROPRIATIONS FOR THE CONSTRUCTION AND IMPROVEMENT OF BUILDINGS AT THE UNIVERSITY OF ARIZONA, WITH SERVICE FACILITIES AND EQUIPMENT THEREFOR; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. POWER TO ACCEPT GRANTS OF MONEY. The board of regents of the university and state colleges of Arizona shall have the power to accept grants of money from the United States of America or any of its officers or agencies designated or created to make grants for public construction work; or from any individual, group of individuals, corporation or association.

Sec. 2. APPROPRIATIONS. The following sums are appropriated to the board of regents of the university and state colleges of Arizona:

1. For the thirty-eighth fiscal year, the sum of one million eight hundred forty-three thousand dollars, for some or all of the following projects at the university of Arizona at Tucson:

a liberal arts building, a dormitory addition to the stadium, together with the extension of the heating, lighting and other service facilities in connection with all such projects, and a part or all of the equipment therefor, which shall not however negative the powers of the board of regents to purchase such equipment with other funds; and the erection, improvement, extension, repair, replacement, additions to and equipment of such other buildings as the board of regents shall deem necessary.

2. For the thirty-ninth fiscal year, the sum of seven hundred twenty thousand dollars, for some or all of the following projects at the university of Arizona at Tucson: an addition to the library building, relocation of the power plant, relocation of service shops together with the extension of heating, lighting and all other service utilities in connection with relocation of the power plant and all other projects enumerated in this Act, and a part or all of the equipment for the foregoing buildings, which shall not however negative the powers of the board of regents to purchase such equipment with other funds; and the erection, improvement, extension, repair, replacement, additions to and equipment of, such other buildings as the board of regents shall deem necessary.

Sec. 3. LAPSING OF APPROPRIATIONS. The appropriations made in section 2 shall not lapse until the purposes for which the appropriations are made shall have been accomplished or abandoned unless the appropriations shall have stood until January 1, 1954 without an expenditure therefrom or encumbrance thereon.

Sec. 4. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 82

(Senate Bill No. 71)

AN ACT

RELATING TO AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COL-

LEGES OF ARIZONA FOR A STUDENT UNION MEMORIAL BUILDING AT THE UNIVERSITY OF ARIZONA, INCREASING SAME AND OTHERWISE AMENDING SECTIONS 1 AND 4, AND REPEALING SECTION 3, OF CHAPTER 28, 1947 SESSION LAWS OF ARIZONA, REGULAR SESSION; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 1, chapter 28, 1947 Session Laws of Arizona, regular session, is amended to read:

Sec. 1. APPROPRIATION. The sum of three hundred thousand dollars is appropriated from the general fund of the state of Arizona to the board of regents of the university and state colleges of Arizona.

Sec. 2. REPEAL. Sec. 3, chapter 28, 1947 Session Laws of Arizona, regular session, is repealed.

Sec. 3. Sec. 4, chapter 28, 1947 Session Laws of Arizona, regular session, is amended to read:

Sec. 3. LAPSING OF APPROPRIATION. This appropriation shall not lapse until the purpose for which it is made shall have been accomplished or abandoned, unless it shall have stood until January 1, 1954 without an expenditure therefrom or encumbrance thereon.

Sec. 4. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 83

(Senate Bill No. 68)

AN ACT

RELATING TO POWER IN THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARI-

ZONA TO ACCEPT GRANTS OF MONEY; MAKING APPROPRIATIONS FOR THE CONSTRUCTION AND IMPROVEMENT OF BUILDINGS, PHYSICAL PLANT AND PAVEMENT AT THE ARIZONA STATE COLLEGE AT FLAGSTAFF, WITH SERVICE FACILITIES AND EQUIPMENT THEREFOR; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. POWER TO ACCEPT GRANTS OF MONEY. The board of regents of the university and state colleges of Arizona shall have the power to accept grants of money from the United States of America or any of its officers or agencies designated or created to make grants for public construction work; or from any individual, group of individuals, corporation or association.

Sec. 2. APPROPRIATIONS. The following sums are appropriated to the board of regents of the university and state colleges of Arizona:

1. For the thirty-eighth fiscal year, the sum of nine hundred sixty-five thousand dollars, for some or all of the following projects at the Arizona state college at Flagstaff: construction of a heating plant together with distribution system and tunnels, construction and surfacing of campus streets, remodeling and redecorating of library building and equipment therefor with purchase of additional books and reference materials, supplemental funds for construction of a physical education building, together with the extension of the heating, lighting and other service facilities in connection with all such projects, and a part or all of the equipment therefor, which shall not however negative the powers of the board of regents to purchase such equipment with other funds; and the erection, improvement, extension, repair, replacement, additions to and equipment of such other buildings as the board of regents shall deem necessary.

2. For the thirty-ninth fiscal year, the sum of two hundred fifty-seven thousand dollars for some or all of the following projects at the Arizona state college at Flagstaff: remodeling of old science building into a dormitory, remodeling of gymnasium, together with the extension of heating, lighting and other service facilities in connection with all such projects, and a part or all of the equipment for the foregoing projects, which shall not however negative the powers of the board of regents to purchase such equipment with other funds; and the erection, improvement, extension, repair, replacement, addi-

tions to and equipment of, such other buildings as the board of regents shall deem necessary.

Sec. 3. LAPSING OF APPROPRIATIONS. The appropriations made in section 2 shall not lapse until the purposes for which the appropriations are made shall have been accomplished or abandoned unless the appropriations shall have stood until January 1, 1954 without an expenditure therefrom or encumbrance thereon.

Sec. 4. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 84

(Senate Bill No. 110)

AN ACT

RELATING TO CITIES AND TOWNS, AND PROVIDING FOR THE SALE OF LAND ACQUIRED UNDER THE ACT OF CONGRESS, APPROVED MARCH 2, 1867; AMENDING SECTIONS 16-804 AND 16-805, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 16-804, Arizona Code of 1939, as amended, is amended to read:

16-804. SALE OF LANDS. Every trustee, of lands acquired prior to February 14, 1912, under the Act of congress entitled "An Act for the relief of inhabitants of cities and towns upon the public lands," approved March 2, 1867 (14 Stats. 541), or his successor in office, may sell at public auction to the highest bidder for cash, any parcel of said lands undisposed of within the townsite, the title to which remains in the trustee or his successor in office, whenever he shall deem it advisable to sell any such parcel of land. He shall appoint

three disinterested persons to appraise such parcel or parcels as he may desire to sell and they shall faithfully and impartially appraise the value of such parcel or parcels and shall certify their appraisal under oath to the trustee. Each of said appraisers shall receive five dollars per day for each day actually spent in making such appraisal. Upon the making of such appraisal, the trustee shall give notice of the sale by publication for not less than once each week for two successive weeks in a newspaper of general circulation within the city or town, or if there be none, then in the newspaper of general circulation published nearest the land to be sold, which notice shall describe the parcel or parcels of land to be sold and the time, place and condition of sale. At the time and place specified in such notice, the trustee shall offer the said parcels of land for sale separately to the highest bidder, but for not less than the appraised value thereof. The trustee shall execute a deed to the highest bidder at such sale upon the payment of the purchase price.

Sec. 2. Sec. 16-805, Arizona Code of 1939, as amended, is amended to read:

16-805. PREFERENCE RIGHT. (a) Notwithstanding any other provision of law, any person who, together with his predecessors interest, has for a period of five years immediately preceding the application hereinafter provided for been in actual or constructive possession of and paid the taxes on a parcel of land included within a townsite entered prior to February 14, 1912, may purchase all title or claim thereto which the trustee could, at the time of such application assert or convey under any other provision of law by making an application therefor to the trustee. The application shall contain a detailed sworn statement as to the possession of the parcel and the payment of taxes thereon and shall be accompanied by a filing fee of one dollar for the application and an additional five dollars as the purchase price for each parcel of land covered by the application which shall be returned in the event of final determination that the applicant is not entitled to a deed. All contiguous lots or portions of lots included in a single application shall be deemed to be one parcel of land.

(b) Upon the filing of the application, the trustee shall set the same for hearing and shall give notice thereof by publication in the same manner as provided in section 1 hereof, and upon the hearing the trustee shall take evidence on the applicant's right of preference and if he shall find the applicant and his predecessors in interest have held possession of said land for five years immediately prior to the filing of the application and have paid taxes thereon for a period of five years immediately prior to the filing of the application, he

shall execute and deliver his deed to the applicant, conveying the parcel or parcels described in the application, upon the applicant's paying to the trustee his proportionate share of the cost of advertising as determined by the trustee. If the application be denied or if conflicting applications be filed with the trustee on or before the date of the hearing, the trustee shall proceed no further and any such applicant may, within ten days after such denial or the date set for the hearing, bring an action in the superior court against the trustee and any other applicant to determine his right to a deed, and no parcel of land embraced in any such action shall be sold until such action is determined.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 85

(Senate Bill No. 88)

AN ACT

RELATING TO CERTIFIED PUBLIC ACCOUNTANTS AND PUBLIC ACCOUNTANCY; AMENDING SECTIONS 67-601, 67-602, 67-603, 67-604, 67-605, 67-606, AND 67-607, ARIZONA CODE OF 1939, AND AMENDING ARTICLE 6, CHAPTER 67, ARIZONA CODE OF 1939, BY ADDING SECTION 67-612.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 67-601, Arizona Code of 1939, is hereby amended to read:

67-601. BOARD OF ACCOUNTANCY. There is hereby established a state board of accountancy, to consist of five members to be appointed by the governor within thirty days after the taking effect of this Act, the persons so appointed to hold office for one, two, three, four and five years respectively,

the term of each member to be designated by the governor in his appointment. All members of the board shall be citizens and residents of this state, and shall be certified public accountants under the provisions of this Act. Upon the expiration of each of the terms aforementioned, a successor shall be appointed by the governor in the same manner except that all succeeding appointments after the first shall be for a term of five years in each and every instance. No member shall be eligible for reappointment on the board within three years next following the expiration of his term. Any vacancies which may occur, from any cause shall be filled by appointment by the governor for the unexpired term, in the same manner as the regular appointments.

Sec. 2. Sec. 67-602, Arizona Code of 1939, is hereby amended to read:

67-602. CERTIFIED PUBLIC ACCOUNTANT. The certificate of certified public accountant shall be issued by the board to any person who:

(a) Has attained the age of twenty-one years, is of good moral character, has established residence in the state of Arizona, and is a citizen of the United States or has duly declared his or her intention of becoming such citizen; and

(b) Has not been convicted of a violation of any of the provisions of this Act; and

(c) Has met the requirements provided in section 67-603; or

(d) Has applied for a certificate as a certified public accountant in reciprocity with a certificate issued by another state or foreign country as provided in subdivision (a) of section 67-604; or

(e) Has been actively engaged in the practice of public accounting for a continuous period of ten years after the issuance to him by the Arizona state board of accountancy of a certificate of authority to practice as a public accountant as provided in subdivision (b) of section 67-604.

Sec. 3. Sec. 67-603, Arizona Code of 1939, is hereby amended to read:

67-603. EXAMINATION OF APPLICANTS. Examination of persons applying for certificates under this Act shall be held, in Phoenix, or elsewhere within the state as the board

may elect, at least once in each year. The subjects in which applicants may be examined are: (1) theory of accounts; (2) practical accounting; (3) auditing; (4) commercial laws; and (5) business, finance, and federal and state taxation. No person shall be permitted to take such examination unless he shall have met the requirements set out in subdivisions (a) and (b) of section 67-602 and shall have presented satisfactory evidence that he has successfully completed a course of studies and instruction in any state or country which is equivalent to the requirements for graduation from the highest grade offered by the high schools in this state, and,

(a) shall have been practicing continuously on his own account as a public accountant of this state for at least two years; or

(b) shall have been continuously employed in the office of a certified public accountant or public accountant as an assistant for at least two years; or

(c) shall present an academic record showing the successful completion of the work required for a bachelor's degree from the university or state colleges of the state of Arizona or from a college or university maintaining standards comparable to those of the university or state colleges, or the equivalent thereof, or equally satisfactory evidence of academic work as required by the board; or

(d) shall have attained the equivalent of the requirements of subdivision (c) of this section in the form of at least ten years of practical accounting experience acceptable to the board.

All examinations herein provided for shall be in writing upon forms provided by the board and may be held under the joint auspices and control of the board and the American Institute of Accountants. All examination papers shall be graded by a majority of the board or by the board of examiners of the American Institute of Accountants. The time and place for holding examination shall be duly advertised for not less than three consecutive days not less than thirty days prior to the date of such examination, in at least one daily newspaper published in each of three cities of the state. The questions propounded for said examination may be compiled by the board or may be questions compiled by the board of examiners of the American Institute of Accountants. Such questions shall be submitted to the board before being adopted, and shall be certified by a majority of the board as a reasonable and fair test of the applicant's qualifications. Each subject

shall be graded separately, and every applicant shall be required to obtain a grade of seventy-five per cent, in each subject upon which he is examined. The board may make all needful rules and regulations regarding the scope of the examinations, the method and time of filing applications for examinations, and all other rules and regulations necessary to carry into effect the purposes of this section. Within a reasonable time after the examination the board shall notify each candidate of his grading. All examination papers shall be preserved for a period of one year after the candidates have been notified as to their grading and any candidate shall, upon written request to the board, have access to his examination papers and be entitled to a statement of the reasons for the gradings given.

Sec. 4. Sec. 67-604, Arizona Code of 1939, is hereby amended to read:

67-604. WAIVER OF EXAMINATION. The board may waive the examination required in section 67-603 of any person possessing the qualifications stated in subdivisions (a) and (b) of section 67-602 and may issue certificate as a certified public accountant to any applicant who:

(a) Is the holder of a valid and unrevoked certificate as a certified public accountant issued under the laws of any state or foreign country which extends the same privilege of reciprocity under similar circumstances to certified public accountants of this state, provided that the standards under which the applicant received such certificate were in the opinion of the board as high as the standards required by this state; or

(b) Has been actively engaged in the practice of public accounting for a continuous period of ten years after the issuance to him by the Arizona state board of accountancy of a certificate of authority to practice as a public accountant.

A public accountant within the meaning of this Act is a person to whom a certificate of authority to practice as a public accountant has been issued by the Arizona state board of accountancy pursuant to the provisions of subdivision (c) of section 4, chapter 45, Laws of Arizona, 1933.

Any person who has filed an application under subdivision (a) of this section for a certificate as a certified public accountant may, with the knowledge and written approval of the board, engage in the practice of public accountancy in this state as a certified public accountant until such time as his or her application for a certificate may be approved or rejected.

Nothing herein contained shall be construed as invalidating the certificate to practice as a certified public accountant or the certificates of authority to practice as a public accountant which have been issued under prior laws of this state.

Sec. 5. Sec. 67-605, Arizona Code of 1939, is hereby amended to read:

67-605. REVOCATION OF CERTIFICATE; HEARING.

The board shall revoke any certificate issued under this or prior laws if the holder thereof shall be convicted of a felony, or convicted of any crime, an essential element of which is dishonesty or fraud, or shall be adjudged by any court or commission of competent jurisdiction to be insane or otherwise incompetent. The board may suspend or may revoke any certificate issued under this or prior laws if the holder thereof shall be found by the board to be guilty of violating this Act, or guilty of any act or default or a general course of conduct discreditable to the profession; provided, that written notice of the cause of such contemplated action and the date of the hearing thereon by the board shall have been mailed to the holder of such certificate at his last known address at least thirty days prior to such hearing. At all such hearings the attorney general of this state, or one of his assistants designated by him, shall sit with the board to act as legal counsel or advisor to the board. The board shall have power to issue subpoenas and to compel the attendance of witnesses and the production of books, papers, records and documents pertaining to the hearing. All testimony before the board shall be recorded stenographically and all exhibits considered by the board shall be introduced and marked in evidence by the board.

Written notice of the board's decision upon such hearing shall be mailed to the respondent at his last known address and respondent may, within thirty days after the mailing of such notice, appeal to the superior court of the county in which he resides by filing in the superior court a written notice of appeal and delivering a copy of the notice of appeal to the board. Within thirty days after the filing and service of the notice of appeal, or within such additional time as the superior court may allow, the board shall file in the superior court a transcript of the proceedings had before it, including a copy of the reporter's transcript and the originals of all exhibits introduced in evidence before the board.

The court shall inquire into the cause of such denial, suspension, revocation or other order or decision, and if in the opinion of the court, the denial, suspension, revocation or other order or decision was made without just cause, the court may

afford such relief as it may deem advisable. The appeal shall be determined upon the transcript, records and files of the board and upon such further evidence as may be adduced by the parties.

Sec. 6. Sec. 67-606, Arizona Code of 1939, is hereby amended to read:

67-606. FEES; OFFICERS TO BE ELECTED BY THE BOARD; EXECUTION OF CERTIFICATES; REGISTRATION BY SECRETARY OF STATE. The board shall establish and collect a uniform fee of not less than twenty-five dollars nor more than fifty dollars from each applicant for each examination held pursuant to section 67-603 and from each applicant for a certificate to be issued under the provisions of section 67-604. No additional fee shall be required from an applicant who is entitled to receive a certificate as a result of having successfully passed the examination. Should an applicant for examination be refused permission to sit therefor, or should an application for a certificate in reciprocity be rejected by the board, the fee shall be returned to the applicant.

All fees received by the board shall be remitted to the state treasurer in the manner provided by law. All money now on deposit with the state treasurer to the credit of the board of accountancy, and all money hereafter received by the state treasurer for credit to the board as provided by law, is hereby appropriated to the board to carry out the provisions of this Act; and such appropriation is not subject to the provisions of sections 10-925 and 10-930, Arizona Code of 1939, relating to quarterly allotments of funds and lapsing appropriations. The board shall annually elect from its members a president, a secretary and a treasurer and all such officers, or any of them, are hereby authorized and empowered to sign and approve claims filed against the state board of accountancy fund for payment of all expenses incident under this Act. The remuneration of the members of the board shall not exceed ten dollars per day to each member for time actually spent in attending all regular and special meetings and in supervising examinations conducted by the board, exclusive of all necessary traveling and other expenses incurred in the performance of their duties as member of the board. The secretary shall be entitled to receive remuneration not to exceed ten dollars per day for the time actually spent in the performance of the duties of the secretary and may also employ, at reasonable compensation with the consent of the board, other persons to assist him in his duties at such times as may be required to properly administer the board's affairs. All certificates required to be executed for and on behalf of the board shall be

certified over the signature of the president and secretary. The president and secretary of the board shall certify to the secretary of state the name and address of each person entitled to a certificate as provided for under this Act, and it shall thereupon be the duty of the secretary of state to register such persons as certified public accountants. The secretary of state shall be entitled to receive two dollars and fifty cents for each registration and certificate issued, to be paid out of the state board of accountancy fund. In the event the board shall waive the examination of any person as provided for in this Act, the secretary of state shall likewise register such person and issue such certificate upon the payment of the fees required hereunder.

Sec. 7. Sec. 67-607, Arizona Code of 1939, is hereby amended to read:

67-607. ANNUAL REGISTRATION AND LICENSE FEE. The board shall in December of each year require every certified public accountant and every public accountant who holds a certificate of authority to practice, to register with the board and pay a license fee of not less than five dollars nor more than twenty-five dollars for the privilege of practicing in this state for the year next following. This license shall be issued only to certified public accountants and public accountants qualifying under this or prior laws of Arizona. Certified public accountants, registered public accountants, and licensed public accountants of other states entering this state in pursuance of any engagement originating from without this state shall formally register with the board and shall limit such engagement to the subjects covered in the registration filed. The registration fee for each such engagement shall be fixed by the board and shall not exceed twenty-five dollars.

Sec. 8. Article 6, chapter 67, Arizona Code of 1939, is hereby amended by adding thereto a new section numbered 67-612, to read:

67-612. ACTS DECLARED UNLAWFUL. Any person who has received from the board a certificate to practice as certified public accountant, or who has received a certificate of authority to practice as public accountant issued under the laws of this state, shall be styled and known as a "Certified Public Accountant" or "Public Accountant", in accordance with his certificate, and may also use the abbreviation CPA or PA, in accordance with his certificate; but no other person, corporation or partnership shall assume or use that title,

designation or abbreviation or any other title, designation, sign, card or device tending to indicate that the person, corporation, partnership or firm using it is authorized to engage in the practice of public accounting or is a certified public accountant or is a public accountant.

No person or partnership shall assume or use the title or designation "Chartered Accountant", "Certified Accountant", "Enrolled Accountant", "Registered Accountant", "Licensed Accountant", "Certified Tax Accountant", "Certified Tax Consultant", or any other title or designation likely to be confused with or intended to be confused with "Certified Public Accountant" or "Public Accountant", nor shall any person or partnership assume or use any of the abbreviations "C.A.", "E.A.", "R.A.", "C.T.A.", "C.T.C.", or "L.A.", or similar abbreviations likely to be confused with or intended to be confused with "C.P.A." or "P.A."; provided that any person qualified as a certified public accountant under the laws of this state who also holds a comparable title under the laws of another country may use such title in conjunction with the title of "Certified Public Accountant" or "C.P.A."

Nothing contained herein shall apply to, or affect or limit the right to the continuous use of a partnership name, or any modification thereof, by successor firms formed by the remaining partner or partners or added partner or partners even though the persons whose names are included in the partnership name are not partners, provided, however, that such successor firm shall conform to all other provisions of this Act.

If, after the effective date of this Act, any person or firm violates any of the provisions of this Act or if any person or firm represents himself, herself, or itself to the public as having received a certificate of authority to practice after such certificate of authority has been revoked, such person or firm shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than three hundred dollars, or by imprisonment in the county jail for not less than one month nor more than six months, or both in the discretion of the court, and each day such person or firm shall offend shall be deemed a separate offense.

The display or uttering by a person of a card, sign, advertisement or other printed, engraved or written instrument or device, bearing a person's name or a firm name intended to be confused with the words "Certified Public Accountant" or any abbreviation thereof, or "Public Accountant" or any ab-

breviation thereof, shall be prima facie evidence in any prosecution, proceeding or hearing brought under this section that the person or firm whose name is so displayed caused or procured the display or uttering of such card, sign, advertisement, or other printed, engraved or written instrument or device.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 86

(House Bill No. 130)

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF THE DEPARTMENT OF LIQUOR LICENSES AND CONTROL, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. One thousand two hundred sixty-six dollars and sixty cents (\$1,266.60) is hereby appropriated from the general fund of the state of Arizona for the relief of the department of liquor licenses and control.

Sec. 2. PURPOSE. Seven hundred sixty-six dollars and sixty cents (\$766.60) is appropriated from the general fund to the department of liquor licenses and control to pay certificates of indebtedness (No. 50 in the amount of \$66.60; No. 51 in the amount of \$100.00; No. 52 in the amount of \$100.00; No. 53 in the amount of \$100.00; No. 54 in the amount of \$100.00; No. 55 in the amount of \$50.00; No. 56 in the amount of \$50.00; No. 57 in the amount of \$50.00; No. 58 in the amount of \$50.00; No. 59 in the amount of \$50.00; No. 60 in the amount of \$50.00) for salary increase granted the superintendent for the period from June 11, 1948 to January 31, 1949, as authorized by Section 72-102, Arizona Code Annotated, 1939, as amended by Chapter 45, Session Laws of 1948, Fifth Special Session.

Five hundred and no/100 dollars (\$500.00) is appropriated from the general fund to the department of liquor licenses and control to pay salary increase of the superintendent from the period from February 1, 1949, to June 30, 1949, as author-

ized by section 72-102, Arizona Code Annotated, 1939, as amended by Chapter 46, Session Laws of 1948, Fifth Special Session.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 87

(House Bill No. 192)

AN ACT

RELATING TO FISH AND GAME AND WILD LIFE RESTORATION, AMENDING SECTION 57-307, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 57-307, Arizona Code of 1939, is amended to read:

57-307. APPROPRIATION. For the thirty-eighth and thirty-ninth fiscal years, there is appropriated out of the general fund of the state to the Arizona game and fish commission, to be used in carrying out the provisions of this article, seventy-five thousand dollars per fiscal year, a sum equal to one-third of the amount apportioned to this state during such years pursuant to the wild life restoration Act of congress, but not to exceed one hundred fifty thousand dollars for the biennium.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 88

(House Bill No. 108)

AN ACT

RELATING TO EDUCATION; AMENDING SECTIONS 54-1102 AND 54-1105; REPEALING SECTION 54-1106, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 54-1102, Arizona Code of 1939, is amended to read:

54-1102. TEXTBOOKS. (a) The state shall furnish free textbooks for the common schools, and for all state welfare institutions maintaining educational facilities. The cost of such textbooks and the contingent expense incurred in complying with the provisions of this article shall be appropriated for the use of the state board of education. The several county superintendents of schools shall furnish to the secretary of the state board of education, on or before the first day of April in each year, a list of textbooks necessary for the schools of their respective counties, and the governor shall furnish a list of textbooks necessary for state welfare institutions. It shall be the duty of the state board of education to supply the books requested.

(b) The state board of education shall annually prepare lists of approved supplementary books, from which lists the board of trustees of a school district may purchase such books only with the approval of the office of the state superintendent of public instruction.

Sec. 2. Sec. 54-1105, Arizona Code of 1939, is amended to read:

54-1105. DISTRIBUTION AND ACCOUNTING. The state board of education shall adopt and enforce rules and regulations governing the distribution of and accounting for textbooks required for use in each county, including the return of all surplus textbooks held by any district or school.

Sec. 3. REPEAL. Sec. 54-1106, Arizona Code of 1939, is hereby repealed.

Sec. 4. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 89

(House Bill No. 283)

AN ACT

MAKING AN APPROPRIATION TO THE INDUSTRIAL SCHOOL FOR BOYS AT FORT GRANT.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of two hundred fifty thousand dollars (\$250,000.00) is appropriated to the industrial school for boys at Fort Grant.

Sec. 2. PURPOSE. The purpose of said appropriation is for construction of buildings. No funds shall be expended until plans of construction have been approved by the legislature.

Sec. 3. EXEMPTION. This Act shall be exempt from the provisions of section 10-930, Arizona Code of 1939, as amended, relating to lapsing appropriations.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 90

(House Bill No. 280)

AN ACT

MAKING AN APPROPRIATION TO THE GOVERNOR, FOR AN ADDITION TO THE ARIZONA STATE BUILDING, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of five hundred thousand dollars (\$500,000.00) is appropriated to the governor.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the purpose of acquiring property for and the construction of an addition to the Arizona state building.

Sec. 3. CONDITIONS. Any building, addition or improvement constructed under the provisions of this Act shall be subject to the provisions of article 1, chapter 9, Arizona Code of 1939.

Sec. 4. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 91

(House Bill No. 232)

AN ACT

RELATING TO TOWNSITES; EMPOWERING A TRUSTEE TO DEED LAND FOR CEMETERY PURPOSES, AND AMENDING ARTICLE 18, CHAPTER 17, ARIZONA CODE OF 1939, BY ADDING SECTION 17-1808a.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Article 18, chapter 17, Arizona Code of 1939, is amended by adding section 17-1808a, to read:

17-1808a. TOWN CEMETERY. The townsite trustee may deed to a cemetery association, organized as provided by law for the incorporation of nonprofit corporations, such amount of land, not exceeding two blocks, as may be necessary for the

purposes of the association. The deed shall be executed upon petition of the officers of the cemetery association, which petition shall describe the land, and be accompanied by proof satisfactory to the trustee that it has been and is being used for cemetery purposes; that no discrimination is practiced in granting permits for burial therein, and that there is no conflicting claim to the land.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 92

(House Bill No. 78)

AN ACT

RELATING TO JUVENILE DELINQUENTS; PRESCRIBING SALARIES OF PROBATION OFFICERS AND EMPLOYEES, AMENDING SECTION 46-123a, SUPPLEMENT TO ARIZONA CODE OF 1939, SECTION 1, CHAPTER 15, LAWS OF 1946, THIRD SPECIAL SESSION; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 46-123a, supplement to Arizona Code of 1939, Laws of 1946, third special session, is amended to read:

46-123a. SALARIES OF JUVENILE PROBATION OFFICERS AND EMPLOYEES. The salaries of the chief probation officer of the juvenile court in each county, his deputies, assistants, and all other employees, shall be fixed by the judge presiding in the juvenile court, with the approval of the board of supervisors, and shall be a county charge.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 93

(House Bill No. 17)

AN ACT

MAKING AN APPROPRIATION TO THE GOVERNOR, FOR REMODELING EXISTING QUARTERS AND FOR THE CONSTRUCTION OF ADDITIONAL OFFICE SPACE FOR THE SUPREME COURT; FOR THE PURCHASE OF LAW LIBRARY, FURNITURE, AND FIXTURES FOR THE SUPREME COURT, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of twenty thousand dollars is appropriated to the governor.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is to provide for additional office space for the Supreme Court; remodeling existing quarters, for furnishings, furniture, and fixtures, laws books and office equipment, made necessary by the enlargement of the Supreme Court.

Sec. 3. PROHIBITION. The terms of this Act shall not apply to quarters occupied by the Department of Library and Archives.

Sec. 4. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 94

(House Bill No. 282)

AN ACT

MAKING AN APPROPRIATION TO THE STATE HOSPITAL.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of four hundred thousand dollars (\$400,000.00) is appropriated to the state hospital.

Sec. 2. PURPOSE. The purpose of said appropriation is for construction of buildings. No funds shall be expended until plans of construction have been approved by the legislature.

Sec. 3. EXEMPTION. This Act shall be exempt from the provisions of section 10-930, Arizona Code of 1939, as amended, relating to lapsing appropriations.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 95

(House Bill No. 281)

AN ACT**MAKING AN APPROPRIATION TO THE ARIZONA STATE PRISON.****Be it Enacted by the Legislature of the State of Arizona:**

Section. 1. APPROPRIATION. The sum of three hundred fifty thousand dollars (\$350,000.00) is appropriated to the Arizona state prison.

Sec. 2. PURPOSE. The purpose of said appropriation is for the purchase of land and construction of buildings. No funds shall be expended from said appropriation until approved by the legislature.

Sec. 3. EXEMPTION. This Act shall be exempt from the provisions of section 10-930, Arizona Code of 1939, as amended, relating to lapsing appropriations.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 96

(House Bill No. 264)

AN ACT

RELATING TO EMERGENCIES; PROVIDING A FUND FOR USE BY THE GOVERNOR WHEN NECESSARY; AMENDING SECTION 10-931, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 10-931, Arizona Code of 1939, is amended to read:

10-931. EMERGENCY FUND. The governor may authorize the incurring of liabilities and expenses to be paid as other claims against the state, from the general fund, in the amount necessary, when the emergency justifies and the aggregate amount of the debt so incurred shall not exceed thirty thousand dollars, to meet contingencies and emergencies arising from invasions, riots or insurrections, epidemics of disease, plagues of insects, acts of God resulting in damage or disaster to the works, buildings or property of the state or which menace the health, lives or property of any considerable number of persons in any community of the state, and for which no appropriation is available, or the appropriation is insufficient to meet the emergency, or federal funds available for the emergency require matching by state funds.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 97

(House Bill No. 133)

AN ACT

MAKING A DEFICIENCY APPROPRIATION TO THE ARIZONA TEACHERS' RETIREMENT SYSTEM, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of eight thousand seven hundred twenty-four dollars thirty-six cents is appropriated to the Arizona teachers' retirement system out of the state general school fund, to be available during the remainder of the thirty-seventh fiscal year.

Sec. 2. PURPOSE. The purpose of the appropriation made in section 1 is to supplement the state's contribution, as authorized by item 3, subsection (b) 54-1730, Arizona Code of 1939, to the Arizona teachers' retirement system.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

 CHAPTER 98

(House Bill No. 95)

AN ACT

MAKING AN ADDITIONAL APPROPRIATION TO THE STATE TAX COMMISSION, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appropriation made by subdivision 10, chapter 142, Laws of 1947, regular session, the sum of seventy-three thousand, three hundred sixty-seven dollars is appropriated to the State Tax Commission, to be available during the thirty-seventh fiscal year.

Sec. 2. PURPOSE. The appropriation made under the provision of section 1 shall be divided as follows:

Purchase of luxury stamps	\$32,867.00
Moving and remodeling offices	6,500.00

Salaries	30,000.00
Travel	3,000.00
Capital outlay	1,000.00

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 99

(House Bill No. 258)

AN ACT

RELATING TO CITIES AND TOWNS, AND AMENDING ARTICLE 2, CHAPTER 16, ARIZONA CODE OF 1939, BY ADDING SECTION 16-232.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Article 2, chapter 16, Arizona Code of 1939, is amended by adding section 16-232, to read:

16-232. LIABILITY FOR UNLAWFUL ACTS OF OFFICER OR EMPLOYEE. No member of the common council of a town incorporated under the provisions of this article shall be personally liable in damages or otherwise for an unlawful act of any officer or employee of such town, unless the act is committed by the authority of such member, or he has notice or knowledge of the same or unless the act is committed under circumstances which would cause, or would have caused, a reasonable or prudent person to have knowledge of the same.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 100

(House Bill No. 46)

AN ACT

RELATING TO BANKS AND OTHER FINANCIAL INSTITUTIONS; AMENDING ARTICLE 5, CHAPTER 51, ARIZONA CODE OF 1939, BY ADDING SECTIONS 51-527 TO 51-536 INCLUSIVE, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Article 5, Chapter 51, Arizona Code of 1939, is amended by adding section 51-527, to read:

51-527. NON-PAYMENT OF CHECK THROUGH ERROR—LIMITATIONS ON LIABILITY. No bank doing business in this state shall be liable to a depositor because of the non-payment through mistake or error and without malice of a check which should have been paid, unless the depositor shall allege and prove actual damage by reason of such non-payment and in such event the liability shall not exceed the amount of damage so proved.

Sec. 2. Article 5, chapter 51, Arizona Code of 1939, is amended by adding section 51-528, to read:

51-528. TIME LIMIT ON STOP-PAYMENT ORDERS ON CHECKS. A revocation, countermand, or stop-payment order relating to the payment of any check or draft against the account of a depositor in any bank doing business in this state shall not be effective unless made in writing and shall not remain in effect for more than six months after the service thereof on the bank, unless the same be renewed, which renewals shall be in writing and which renewals shall be in effect for not more than six months from date of service thereof on the bank, but such renewals may be made from time to time.

No notice affecting a check upon which revocation, countermand or stop-payment order has been made at the time of taking effect of this Act, shall be deemed to continue for a period of more than six months thereafter.

Sec. 3. Article 5, chapter 51, Arizona Code of 1939, is amended by adding section 51-529, to read:

51-529. LIMITATION ON TIME FOR PRESENTMENT OF STALE CHECK FOR PAYMENT. Where a check or other instrument payable on demand at any bank doing business in this state is presented for payment more than six months from its date, such bank may, unless expressly instructed by the drawer or maker to pay the same, refuse payment thereof and no liability shall thereby be incurred to the drawer or maker for dishonoring the instrument by non-payment.

Sec. 4. Article 5, chapter 51, Arizona Code of 1939, is amended by adding section 51-530, to read:

51-530. FINAL ADJUSTMENT OF BANK STATEMENTS OF ACCOUNT. When a statement of account has been rendered by a bank to a depositor, accompanied by vouchers, if any, which are the basis for debit entries in such account, or the depositor's passbook has been written up by the bank showing the condition of the depositor's account and delivered to such depositor with like accompaniment of vouchers, if any, such account shall, after the period of six months from the date of its rendition, in the event no objection thereto has been theretofore made by the depositor, be deemed finally adjusted and settled and its correctness conclusively presumed, and such depositor shall thereafter be barred from questioning the correctness of such account for any cause.

Sec. 5. Article 5, chapter 51, Arizona Code of 1939, is amended by adding section 51-531, to read:

51-531. PAYMENT OF CHECK AFTER DEATH OR INCOMPETENCY OF MAKER OR DRAWER. Any bank, doing business in this state, may pay any check, draft or order notwithstanding the death or the incompetency of the maker or drawer thereof; provided that no such check, draft or order shall be paid by any bank after it has received notice of the death of the maker or drawer of such instrument, or notice of the appointment of an administrator or executor for such maker or drawer, and that no such payment shall be made after such bank has received actual notice of the incompetency of the maker or drawer of the check, draft or order or that the maker or drawer thereof has been adjudged incompetent.

Sec. 6. Article 5, chapter 51, Arizona Code of 1939, is amended by adding section 51-532, to read:

51-532. COMPETENCY OF BANK AND CORPORATION NOTARIES. It shall be lawful for any notary public who is a stockholder, director, officer or employee of a bank or other

corporation to take the acknowledgement of any party to any written instrument executed to or by such corporation, or to administer an oath to any other stockholder, director, officer, employee or agent of such corporation, or to protest for non-acceptance or non-payment of bills of exchange, drafts, checks, notes and other negotiable instruments which may be owned or held for collection by such corporation; provided, it shall be unlawful for any notary public to take the acknowledgement of an instrument executed by or to a bank or other corporation of which he is a stockholder, director, officer, or employee, where such notary is a party to such instrument, either individually or as a representative of such corporation, or to protest any negotiable instrument owned or held for collection by such corporation, where such notary is individually a party to such instrument.

Sec. 7. Article 5, chapter 51, Arizona Code of 1939, is amended by adding section 51-533, to read:

51-533. PAYMENT OF DEPOSITS IN TRUST. Whenever any deposit shall be made in any bank, doing business in this state, by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to the bank, in the event of the death of the trustee, the same, or any part thereof, together with the dividends or interest thereon, may be paid to the person for whom said deposit was made.

Sec. 8. Article 5, chapter 51, Arizona Code of 1939, is amended by adding section 51-534, to read:

51-534. BANK LIABILITY FOR PAYMENT OF FORGED, ALTERED OR RAISED CHECKS. No bank, doing business in this state, which has paid and charged to the account of a depositor any money on a forged, altered or raised check issued in the name of said depositor shall be liable to said depositor for the amount paid thereon, unless either, (1) within six months after notice to said depositor that the vouchers representing payment charged to the account of said depositor for the period during which such payment was made are ready for delivery, or (2) in case no such notice has been given, within six months after return to said depositor of the voucher representing such payment, said depositor shall notify the bank that the check so paid is forged, altered or raised. The notice referred to in this Section may be given by mail to the depositor at his last known address with postage prepaid.

Sec. 9. Article 5, chapter 51, Arizona Code of 1939, is amended by adding section 51-535, to read:

51-535. ADVERSE CLAIM TO BANK DEPOSIT—PROCEDURE FOR RECOGNITION OF ADVERSE CLAIMANT.

Notice to any bank, doing business in this state, of an adverse claim to a deposit standing on its books to the credit of any person shall not be effectual to cause said bank to recognize said adverse claimant unless said adverse claimant shall also either procure a restraining order, injunction or other appropriate process against said bank from a court of competent jurisdiction in a cause therein instituted by him wherein the person to whose credit the deposit stands is made a party and served with summons, or shall execute to said bank, in form and with sureties acceptable to said bank, a bond, indemnifying said bank from any and all liability, loss, damage, costs and expenses, for and on account of the payment of such adverse claim or the dishonor of the check or other order of the person to whose credit the deposit stands on the books of said bank; provided, that this section shall not apply in any instance where the person to whose credit the deposit stands is a fiduciary for such adverse claimant, and the facts constituting such relationship and also the facts showing reasonable cause of belief on the part of the said claimant that the said fiduciary is about to misappropriate said deposit, are made to appear by the affidavit of such claimant.

Sec. 10. Article 5, chapter 51, Arizona Code of 1939, is amended by adding section 51-536, to read:

51-536. DEFERRED POSTING. In any case in which a bank receives, other than for immediate payment over the counter, a demand item payable by, at or through such bank and gives credit therefor before midnight of the day of receipt, the bank may have until midnight of its next business day after receipt within which to honor or refuse payment of such item. Any credit so given together with all related entries on the receiving bank's books, may be revoked by returning the item, or if the item is held for protest or at the time is lost or is not in the possession of the bank, by giving written notice of dishonor, non-payment, or revocation; provided that such item or notice is dispatched in the mails or by other expeditious means not later than midnight of the bank's next business day after the item was received. For the purpose of determining when notice of dishonor must be given or protest made under the law relative to negotiable instruments, an item duly presented which is dishonored or credit for which is revoked as authorized by this Section, shall be deemed dishonored on the day the item or notice is dispatched. A bank, revoking credit pursuant to the authority of this Section is entitled to refund of, or credit for, the amount of the item.

For the purposes of this Section: (a) An item received by a

bank on a day other than its business day, or received on a business day after its regular business hours or during afternoon or evening periods when it has reopened or remained open for limited functions, shall be deemed to have been received at the opening of its next business day; (b) The term "credit" includes payment, remittance, advice of credit or authorization to charge and, in cases where the item is received for deposit as well as for payment, also includes the passing of appropriate entries to the receiving bank's general ledger without regard to whether the item is posted to individual customers' ledgers; and (c) Each branch or office of a bank shall be deemed a separate bank.

Sec. 11. EMERGENCY. To preserve the public peace, health, and safety, it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 101

(House Bill No. 49)

AN ACT

RELATING TO BANKS; PROVIDING FOR THE DETERMINATION OF OPENING AND CLOSING HOURS AND BANK HOLIDAYS; AMENDING ARTICLE 5, CHAPTER 51, ARIZONA CODE OF 1939, BY ADDING SECTION 51-537, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Article 5, chapter 51, Arizona Code of 1939, is amended by adding section 51-537, to read:

51-537. SATURDAY HALF HOLIDAY—SATURDAY AFTERNOON BANK TRANSACTIONS—BANK MAY REMAIN CLOSED ONE DAY EACH WEEK, EXCLUSIVE OF LEGAL HOLIDAYS. The board of directors of each of the banks doing business in this state shall have full power and

authority to fix the hours of opening and closing of said banks, and may provide that on Saturday of each week such hour of closing be as early as twelve o'clock noon.

Nothing in any law of this state shall in any manner whatsoever affect the validity of, or render void or voidable, the payment, certification or acceptance of, a check or other negotiable instrument or any transaction by a bank, or branch thereof, doing business in this state, because done or performed on any Saturday between twelve o'clock noon and midnight, provided such payment, certification, acceptance, or other transaction would be valid if done or performed before twelve o'clock noon on such Saturday; provided further that nothing herein shall be construed to compel any bank, or branch thereof, doing business in this state, which by law or custom is entitled to close at twelve o'clock noon on any Saturday, to keep open for the transaction of business or to perform any of the acts or transactions aforesaid, on any Saturday after such hour except at its own option.

Any bank, or branch thereof, doing business in this state may, exclusive of legal holidays, remain closed on any one day of the week fixed at least fifteen (15) days in advance by the adoption of a resolution to such effect by a majority vote of the board of directors thereof, provided further that any bank closing any week day other than a legal holiday shall remain open Saturday afternoon, and notice thereof posted in the bank or branch thereof for the same time. Any day on which such bank, or branch thereof, shall, pursuant to such vote and notice, remain closed, shall, with respect to such bank or branch thereof, be deemed a legal bank holiday, and no such bank or branch thereof shall be required to permit access to its safe deposit vaults on such day. Where a contract by its terms requires the payment of money or the performance of a condition on any such day by or at such bank, or branch thereof, such payment may be made or condition performed on the next business day succeeding such day when such bank or branch thereof shall so remain closed, with the same force and effect as if made or performed in accordance with the terms of the contract.

Nothing in any law of this state shall in any manner whatsoever affect the validity of, or render void or voidable, the payment, the certification or acceptance of a check or other negotiable instrument or any other transaction by a bank or branch thereof doing business in this state, because done or performed during any time other than regular banking hours.

Sec. 2. EMERGENCY. To preserve the public peace, health and safety, it is necessary that this Act become im-

mediately operative. It is therefore declared to be an emergency measure to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 102

(House Bill No. 256)

AN ACT

EMPOWERING AND DIRECTING THE GOVERNOR TO CONVEY CERTAIN LAND TO THE COUNTY OF MARI- COPA, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. **AUTHORITY TO DEED.** The governor is empowered and directed to execute, in the name and on behalf of the state, to the county of Maricopa, for the purposes of a highway, a quitclaim deed to that tract of land belonging to the state and heretofore employed for the use and benefit of the state hospital for the insane, described as the west thirty-three feet of the northeast quarter of section one, township 1 north, range 3 east, Gila and Salt river base and meridian, and the west thirty-three feet of that portion of the southeast quarter of section one, township 1 north, range 3 east, Gila and Salt river base and meridian, lying north of the Grand Canal. Such conveyance shall be subject to any existing valid right-of-way for canal or other purposes of convenience and necessity, in or across the land described.

Sec. 2. **EMERGENCY.** To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 103

(House Bill No. 254)

AN ACT

RELATING TO FLOOD CONTROL; EMPOWERING MARICOPA AND YUMA COUNTIES TO TAKE SUCH ACTION AS MAY BE NECESSARY TO COOPERATE WITH THE UNITED STATES IN THE CONSTRUCTION OF FLOOD CONTROL WORKS, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. POWER TO COOPERATE IN FLOOD CONTROL PROJECTS. In addition to the general powers vested in counties, the counties of Maricopa and Yuma and the governing bodies thereof are empowered to cooperate with the United States or any instrumentality, department or agency thereof for the construction, at the expense of the United States, as now or hereafter authorized by any Act of Congress, of a project or projects on the Salt and Gila Rivers and tributaries thereof, in Maricopa and Yuma Counties for local flood protection.

Sec. 2. LIMITATION OF POWERS. Pursuant to the powers granted by the provisions of section 1:

1. The County of Maricopa is authorized in relation to any channel improvement or channel rectification project in Maricopa County on the Salt and Gila Rivers and the tributaries thereof to:

(a) Acquire and provide, without cost to the United States, land, easements and rights of way necessary for the construction of flood control projects;

(b) hold and save the United States or any instrumentality, department or agency thereof, free from any claim for damages arising from the construction, maintenance and operation of such flood control projects;

(c) maintain and operate, upon completion, all such works in accordance with regulations prescribed by the secretary of the army, or any authorized agent of the United States; and

(d) establish and enforce flood-channel limits and regula-

tions, if any, satisfactory to the secretary of the army for the protection of the flood-carrying capacity of the channel.

2. The County of Yuma is authorized, in relation to any dam and reservoir project on the Gila River to:

(a) to keep free from encroachment the flood channel of the Gila River down stream from the proposed Painted Rock dam and reservoir;

(b) to procure without cost to the United States the adjustment of water rights claims, if any, that might result from the improvement.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 104

(Senate Bill No. 74)

AN ACT

AUTHORIZING THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA TO CONSTRUCT, EQUIP, FURNISH, AND MAINTAIN A STADIUM AT THE ARIZONA STATE COLLEGE AT TEMPE, AND FOR THAT PURPOSE TO ACCEPT GIFTS, TO BORROW MONEY AND ISSUE BONDS, AND TO PERFORM NECESSARY OR CONVENIENT ACTS IN CONNECTION WITH SUCH PROJECTS; SUPERSEDING INCONSISTENT PROVISIONS OF ALL OTHER LAWS; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. DEFINITIONS. The following terms, wherever used or referred to in this Act, shall have the following mean-

ing unless a different meaning clearly appears from the context:

“institution” means the Arizona state college at Tempe;

“board” means the board or regents of the university and state colleges of Arizona, or other governing body of the institution;

“bonds” means any bonds issued pursuant to this Act;

“project” means any stadium constructed at the institution and the equipment and furnishings therefor;

“acquire” includes to purchase, erect, build, construct, reconstruct, repair, replace, extend, better, furnish, equip, develop, improve, and embellish a project.

Sec. 2. POWERS. The board shall have power in its proper name:

(a) To acquire any project, and to own, operate, and maintain the same;

(b) To accept gifts of money and personal property intended solely toward the construction, equipping and furnishing of such project;

(c) To borrow money and issue bonds and to provide for the payment of same and for the rights of the holders thereof;

(d) To perform all acts and to do all things necessary or convenient to carry out the powers herein granted.

Sec. 3. ISSUANCE OF BONDS. The board shall have power and is hereby authorized from time to time to issue negotiable bonds in various amounts, but not exceeding in the aggregate principal amount the sum of seven hundred fifty thousand dollars, for the purpose of acquiring a project in the form of a stadium at the institution with equipment and furnishings therefor. The bonds shall be authorized by resolution of the board. The bonds may be issued in one or more series, bear such date or dates, be in such denomination or denominations, mature at such time or times not exceeding thirty years from the respective dates thereof, mature in such amount or amounts, be callable at such time or times, bear interest payable semi-annually at such rate or rates, be in such form either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, be subject to such

terms of redemption with or without premium, as such resolution or other resolutions may provide. The bonds may be sold at not less than par. The bonds shall be fully negotiable within the meaning and for all the purposes of chapter 52 of the Arizona Code of 1939.

Sec. 4. POWERS TO SECURE BONDS. The board in connection with the issuance of the bonds, or in order to secure the payment of such bonds and interest thereon, shall have power by resolution:

(a) To fix and maintain fees, admissions, rentals, and other charges pertaining to the stadium project;

(b) To provide that bonds issued hereunder shall be secured by a first, exclusive, and closed lien on certain parts or all of the income and revenue derived from such project;

(c) To pledge and assign to, or in trust for the benefit of, the holder or holders of the bonds issued hereunder all or a portion of the revenues and incomes derived from such project;

(d) To covenant with or for the benefit of the holder or holders of bonds issued hereunder to acquire such project that so long as any such bonds shall remain outstanding and unpaid, the institution will fix, maintain and collect in such installments as may be agreed upon an amount of the fees, admissions, rentals and other charges resulting from the operation of such project from students, faculty members and others using or being served by, or having the right to use, or having the right to be served by, such project, which shall be sufficient to pay when due the bonds issued hereunder to acquire such project, and interest thereon, and to create and maintain reasonable reserves therefor, and to pay the costs of operation and maintenance of such project, including, but not limited to, reserves for extraordinary repairs, insurance and maintenance, which costs of operation and maintenance shall be determined by the board in its absolute discretion;

(e) To make and enforce and agree to make and enforce parietal rules that shall insure the use of such project by all students attending the institution, faculty members thereof, and others using or being served by, or having the right to be served by, such project to the maximum extent to which it is capable of serving them;

(f) To covenant that so long as any of the bonds issued hereunder shall remain outstanding and unpaid, it will not, except upon such terms and conditions as may be determined:

1. voluntarily create or cause to be created any debt, lien, pledge, assignment, encumbrance or other charge having priority to or being on a parity with the lien of the bonds issued hereunder upon any of the income and revenues derived from fees, admissions, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or having the right to be served by, such project, or 2. convey or otherwise alienate the project to acquire which such bonds shall have been issued, or the real estate upon which such project shall be located, except at a price sufficient to pay all the bonds then outstanding issued hereunder to acquire such project and interest accrued thereon, and then only in accordance with any agreements with the holder or holders of such bonds, or 3. mortgage or otherwise voluntarily create or cause to be created any encumbrance on the project to acquire which such bonds shall have been issued or the real estate upon which it shall be located;

(g) To covenant as to the procedure by which the terms of any contract with a holder or holders of such bonds may be amended or abrogated, the amount or percentage of bonds the holder or holders of which must consent thereto, and the manner in which such consent may be given;

(h) To vest in a trustee or trustees the right to receive all or any part of the income and revenue pledged and assigned to, or for the benefit of, the holder or holders of bonds issued hereunder, and to hold, apply and dispose of the same and the right to enforce any covenant made to secure or pay or in relation to the bonds; to execute and deliver a trust agreement or trust agreements which may set forth the powers and duties and the remedies available to such trustee or trustees and limiting the liabilities thereof, and describing what occurrences shall constitute events of default and prescribing the terms and conditions upon which such trustee or trustees or the holder or holders of bonds of any specified amount or percentage of such bonds may exercise such rights and enforce any and all such covenants and resort to such remedies as may be appropriate;

(i) To vest in a trustee or trustees or the holder or holders of any specified amount or percentage of bonds the right to apply to any court of competent jurisdiction for and have granted the appointment of a receiver or receivers of the income and revenue pledged and assigned to or for the benefit of the holder or holders of such bonds, which receiver or receivers may have and be granted such powers and duties as such court may order or decree for the protection of the bondholders;

(j) To make all covenants and to do any and all such things as may be necessary or convenient or desirable in order to secure its bonds, or as may in the judgment of the board tend to make the bonds more marketable, notwithstanding that such acts or things may not be enumerated herein, it being the intention to give the board, in the issuance of bonds pursuant to the Act, power to do all acts and things not inconsistent with the constitution of the state of Arizona.

Sec. 5. MONEYS OF BOARD. (a) No moneys derived from the sale of bonds of the board or otherwise borrowed by the board under the provisions of this Act, shall be required to be paid into the state treasury but shall be deposited by the treasurer or other fiscal officer of the board in a separate bank account or accounts in such bank or banks or trust company or trust companies as may be designated by the board and all deposits of such moneys shall, if required by the board, be secured by obligations of the United States of America, of a market value equal at all times to the amount of the deposit; and all banks and trust companies are hereby authorized to give such security. Such money shall be disbursed as may be directed by the board and in accordance with the terms of any agreements with the holder or holders of any bonds. This section shall not be construed as limiting the power of the board to agree in connection with the issuance of any of its bonds as to the custody and disposition of the moneys received from the sale of such bonds or the income and revenue of the board of institution pledged and assigned to or in trust for the benefit of the holder or holders thereof.

(b) No moneys derived by the board by way of gift intended solely toward the construction, equipping and furnishing of such project shall be required to be paid into the state treasury but shall be deposited by the treasurer or other fiscal officer of the board in a separate bank account or accounts, in such bank or banks or trust company or trust companies as may be designated by the board and all deposits of such moneys shall, if required by the board, be secured by obligations of the United States of America, of a market value equal at all times to the amount of the deposit; and all banks and trust companies are hereby authorized to give such security. Such money shall be disbursed as may be directed by the board toward costs of constructing, equipping and furnishing such project.

Sec. 6. VALIDITY OF BONDS. The bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor, any or all

the persons whose signatures appear thereon, shall have ceased to be officers of the board issuing the same. The validity of the bonds shall not be dependent on nor affected by the validity or regularity of any proceedings to acquire the project financed by the bonds or taken in connection therewith.

Sec. 7. PROHIBITIONS AGAINST OBLIGATING STATE OF ARIZONA. Nothing in this Act contained shall be construed to authorize the board to contract a debt on behalf of, or in any way to obligate, the state of Arizona, or to pledge, assign or encumber in any way, or to permit the pledging, assigning or encumbering in any way of, appropriations made by the Legislature, or revenue derived from the investment of the proceeds of the sale, and from the rental of such lands as have been set aside by the Enabling Act approved June 20, 1910, or other legislative enactments of the United States, for the use and benefit of the board or institution.

Sec. 8. BONDS OBLIGATIONS OF BOARD. All bonds issued pursuant to this Act shall be obligations of the board issuing such bonds payable only in accordance with the terms thereof and shall not be obligations general, special or otherwise of the state of Arizona. Such bonds shall not constitute a debt, legal or moral, of the state of Arizona, and shall not be enforceable against the state, nor shall payment thereof be enforceable out of any funds of the board or institution issuing said bonds other than the income and revenue pledged and assigned to, or in trust for the benefit of, the holder or holders of such bonds.

Sec. 9. CERTIFICATION OF BONDS BY ATTORNEY GENERAL. The board may submit to the attorney general of the state of Arizona any bonds to be issued hereunder after all proceedings for the issuance of such bonds have been taken. Upon the submission of such proceedings to the attorney general, it shall be the duty of the attorney general to examine into and pass upon the validity of such bonds and the regularity of all proceedings in connection therewith. If such proceedings conform to the provisions of this Act, and such bonds when delivered and paid for will constitute binding and legal obligations of the board enforceable according to the terms thereof, the attorney general shall certify in substance upon the back of each of said bonds that it is issued in accordance with the constitution and laws of the state of Arizona.

Sec. 10. EXCISION OF UNCONSTITUTIONAL OR INEFFECTIVE PARTS OF ACT. It is hereby declared that the sections, clauses, sentences and parts of this Act are severable, are not matters of mutual essential inducement, and any

of them may be excided by any court of competent jurisdiction if this Act would otherwise be unconstitutional or ineffective; it is the intention hereof to confer upon the board the whole or any part of the powers in this Act provided for, and if any one or more sections, clauses, sentences and parts of this Act shall for any reason be questioned in any court of competent jurisdiction and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause, sentence or part of this Act in any one or more instances shall not be taken to affect or prejudice its applicability or validity in any other instance.

Sec. 11. SUPPLEMENTAL NATURE OF ACT, CONSTRUCTION AND PURPOSE. The powers conferred by this Act shall be in addition to and supplemental to the powers conferred by any other law, general or special, and bonds may be issued hereunder notwithstanding the provisions of any other such law and without regard to the procedure required by any other such law. In so far as the provisions of the Act are inconsistent with the provisions of any other law, general or special, the provisions of this Act shall be controlling. Except in pursuance of any contract or agreement theretofore entered into by the board, the board shall not borrow any money or issue any bonds pursuant to the provisions of this Act after January 1, 1954.

Sec. 12. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 28, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 105

(Senate Bill No. 72)

AN ACT

RELATING TO POWER IN THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA TO ACCEPT GRANTS OF MONEY; MAKING APPROPRIATIONS FOR THE CONSTRUCTION AND

IMPROVEMENT OF BUILDINGS AT THE ARIZONA STATE COLLEGE AT TEMPE, WITH SERVICE FACILITIES AND EQUIPMENT THEREFOR; AND DECLARING AN EMERGENCY:

Be it Enacted by the Legislature of the State of Arizona:

Section 1. POWER TO ACCEPT GRANTS OF MONEY. The board of regents of the university and state colleges of Arizona shall have the power to accept grants of money from the United States of America or any of its officers or agencies designated or created to make grants for public construction work; or from any individual, group of individuals, corporation or association.

Sec. 2. APPROPRIATIONS. The following sums are appropriated to the board of regents of the university and state colleges of Arizona:

1. For the thirty-eighth fiscal year, the sum of one million eight hundred sixty-eight thousand dollars, for some or all of the following projects at the Arizona state college at Tempe: an addition to the library building, an addition to the heating plant building with additional boiler facilities, a campus shop, tennis courts, a building to house agriculture, business administration and administrative offices, and for renovation and readaption of old science building, together with the extension of the heating, lighting and other service facilities in connection with all such projects and a part or all of the equipment therefor, which shall not however negative the powers of the board of regents to purchase such equipment with other funds; and the erection, improvement, extension, repair, replacement, additions to and equipment of such other buildings as the board of regents shall deem necessary.

2. For the thirty-ninth fiscal year, the sum of two hundred and fifty thousand dollars, for a home economics classroom building at the Arizona state college at Tempe, together with the extension of the heating, lighting and other service facilities in connection with such projects and a part or all of the equipment therefor, which shall not however negative the powers of the board of regents to purchase such equipment with other funds; and the erection, improvement, extension, repair, replacement, additions to and equipment of such other buildings as the board of regents shall deem necessary.

Sec. 3. LAPSING OF APPROPRIATIONS. The appropriations made in section 2 shall not lapse until the purposes for which the appropriations are made shall have been accom-

plished or abandoned unless the appropriations shall have stood until January 1, 1954 without an expenditure therefrom or encumbrance thereon.

Sec. 4. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 28, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 106

(House Bill No. 135)

AN ACT

RELATING TO PUBLIC HIGHWAY TRANSPORTATION;
AMENDING SECTION 66-507, ARIZONA CODE OF 1939;
AMENDING ARTICLE 5, CHAPTER 66, ARIZONA CODE
OF 1939, BY ADDING SECTIONS 66-513a, 66-513b, 66-
513c AND 66-513d; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 66-507, Arizona Code of 1939, is amended to read:

66-507. CONTRACT MOTOR CARRIER; EXTENT OF REGULATIONS; PERMITS; APPLICATION THEREFOR. No contract motor carrier shall operate within this state as such carrier, without first having obtained from the commission a permit authorizing such operation. Application for such permit shall be made to the commission in duplicate, in writing, shall be verified and shall contain the name and address of applicant, and the names and addresses of its officers, if any; the principal place of business of applicant; the public highways over which applicant desires to operate; the kind of transportation, whether for property or passengers, together with the description and character of the vehicles which applicant proposes to use, including the seating capacity thereof, if for passenger transportation or the tonnage

thereof, if for property transportation, and such other information as the commission may require; and shall be on such forms as the commission may prescribe.

The commission, upon the filing of an application for such permit, shall fix the time and place for hearing thereon, and which said time shall not be less than ten days after such filing. Notice of said hearing shall be given by the applicant at least three full days prior to said hearing, by publication in a newspaper of general circulation in the county in which said hearing is to be held. Any interested person may attend such hearing and offer testimony for or against the granting of such permit. If, after a hearing on the application, the commission finds that the privilege sought will not endanger the safety of the public or interfere with the public use of the public highways, or impair the condition or maintenance of such highways, directly or indirectly, and the applicant is a fit and proper person to receive such permit, the permit may be granted upon such limitations, terms and conditions as the commission may prescribe.

Sec. 2. Article 5, chapter 66, Arizona Code of 1939, is amended by adding section 66-513a, to read:

66-513a. A. C. C. PLATES. Every motor vehicle, trailer or semi-trailer operated in the business of a motor carrier shall annually be registered with the commission. The commission shall furnish to every motor carrier licensed by it one number plate for each motorcycle, trailer or semi-trailer registered, and two number plates for every other motor vehicle registered. Such number plate shall have displayed upon it the number assigned to the vehicle, the year for which it is issued, and the letters "A.C.C.". Such plates shall not be used upon any vehicle except that for which issued. The Arizona highway department shall provide such plates for the commission. The commission may require the return of all plates upon termination of the lawful use thereof. If any plates shall be mutilated or become illegible, a new plate or plates may be issued in lieu thereof.

Sec. 3. Article 5, chapter 66, Arizona Code of 1939, is amended by adding section 66-513b, to read:

66-513b. FEES; DISPOSITION. The following fees shall be paid to the commission:

1. Twenty-five dollars upon the filing of each application for a certificate of convenience and necessity or permit.

2. Twenty-five dollars for registering I. C. C. certificate.
3. Two dollars for each plate or set of A. C. C. plates issued by the commission.
4. One dollar for each plate or set of plates to replace lost, destroyed or mutilated plates.
5. Twenty-five dollars upon filing application for transfer of certificate or permit issued by the commission.
6. Two dollars for filing lease applications.
7. Five dollars for renewal of any certificate or permit.

All fees paid to the commission under the provisions of this article shall forthwith, upon the receipt thereof, be deposited with the state treasurer.

Sec. 4. Article 5, chapter 66, Arizona Code of 1939, is amended by adding section 66-513c, to read:

66-513c. INSPECTORS. Within the limits of the funds available therefor, the commission shall employ and pay the salaries and the actual and necessary expenses of inspectors and assistants whose duties shall be to enforce the provisions of this chapter, the orders, rules and regulations of the commission, and the other laws of this state relating to public highway transportation, the enforcement of which is vested in the commission. Such inspectors shall operate at large throughout the state, shall not be confined to any particular site or location, and shall, in the discharge of their duties, have the authority of peace officers throughout the state, and the power to administer oaths, acknowledge signatures, and serve any subpoena or other process. Such inspectors shall be experienced in matters of highway transportation.

Sec. 5. Article 5, chapter 66, Arizona Code of 1939, is amended by adding section 66-513d, to read:

66-513d. CANCELLATION OF REGISTRATION. The registration of any motor vehicle, trailer or semi-trailer operated in the business of a motor carrier contrary to the provisions of this chapter, or any order, rule or regulation of the commission, or of any other law of the state of Arizona relating to public highway transportation, the enforcement of which is vested in the commission, shall be cancelled by the Arizona highway department upon direction from the commission and shall be renewed only upon compliance with law

by the owner thereof, and upon payment of the fees prescribed for registration and the full amount of any fees or fines due to be paid to the commission, if any.

Sec. 6. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 28, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 107

(House Bill No. 47)

AN ACT

RELATING TO BANKS AND OTHER FINANCIAL INSTITUTIONS; AMENDING SECTION 51-222, ARIZONA CODE OF 1939, AND AMENDING ARTICLE 2, CHAPTER 51, ARIZONA CODE OF 1939, BY ADDING SECTION 51-222a, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Section 51-222, Arizona Code of 1939, is amended to read:

51-222. LOAN COMMITTEE. A bank may have a loan committee which shall consist of not less than three members, two of whom shall not be active officers of the bank but shall be directors thereof. The loan committee shall have authority to pass on all loans, except loans to officers and directors of the bank, and shall maintain and keep a permanent record of its actions.

Sec. 2. Article 2, chapter 51, Arizona Code of 1939, is amended by adding section 51-222a, to read:

51-222a. MEETINGS OF DIRECTORS. Not less than a majority of the members of the board of directors of a bank shall meet at least once in each month and shall, at such meeting, examine the loans and investments made by the officers

of the bank since the last meeting of the board, and review the other transactions of the officers of the bank. The board shall cause to be spread upon the records of the bank, in a book kept for that purpose, the minutes of each meeting and all actions of the board, including the approval of loans required to be approved by the board. The minutes shall be signed by the presiding officer and the secretary of the meeting. If any director shall fail for a period of six months to meet as prescribed by this Section his term shall thereupon terminate; the office of such director shall become vacant and the vacancy shall be filled as prescribed by the articles of incorporation or by-laws of the corporation.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 28, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 108

(House Bill No. 143)

AN ACT

RELATING TO BANKS AND OTHER FINANCIAL INSTITUTIONS; PROVIDING FOR THE SUCCESSION OF FIDUCIARY RIGHTS, POWERS, DUTIES AND OBLIGATIONS UPON CONVERSION, CONSOLIDATION OR MERGER; PROVIDING FOR THE RECORDING OF A CERTIFICATE; AMENDING ARTICLE 5, CHAPTER 51, ARIZONA CODE OF 1939, BY ADDING SECTION 51-538, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Article 5, chapter 51, Arizona Code of 1939, is amended by adding section 51-538, to read:

51-538. EFFECT OF ABSORPTION, CONSOLIDATION OR MERGER OF STATE AND NATIONAL BANKS HAVING TRUST DEPARTMENTS; CERTIFICATE OF OFFI-

..... of....., being duly sworn, each for himself, certifies as follows: Whereas, the..... of..... a (.....) is authorized and qualified under the laws of (the United States and of) the state of Arizona, to conduct in this state the business of acting as executor, administrator, guardian of estates, assignee, receiver, depository or trustee; and whereas, said (.....) was created by the conversion (or consolidation, merger, sale or transfer) of....., of....., a (.....) likewise authorized and qualified; and whereas, said association (or bank) has received from the comptroller of the currency (or superintendent of banks) his approval of such conversion (or consolidation, merger, sale or transfer), and his authorization for the conduct of said business under the name of.....of which authorization the following is a full, true and correct copy: (Insert copy of authorization); Now, therefore, it is hereby certified that the.....business formerly conducted by..... of....., a....., has been acquired or succeeded to by conversion (or consolidation, merger, sale or transfer) and is now being conducted by.....of....., a (.....).”

Such certificate shall be sworn to and duly acknowledged before a notary public by the persons executing the same.

The recording of such certificate in the office of the recorder of any county shall be, to all persons in such county, constructive notice that all of the rights, benefits, privileges, duties and obligations of whatsoever kind or nature held or possessed by or imposed upon the bank so converted or consolidated or merged are retained by and imposed upon the successor bank.

Any such certificate shall be prima facie evidence in all courts and places of the regularity of the proceedings taken and of the fact of such conversion or consolidation or merger.

Sec. 2. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 28, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 109

(House Bill No. 66)

AN ACT

RELATING TO THE DEPARTMENT OF MINERAL RESOURCES; AMENDING SECTION 65-303, ARIZONA CODE 1939, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 65-303, Arizona Code of 1939, is amended to read:

65-303. DIRECTOR. (a) The director of the department shall be appointed by the board. He shall be a mining engineer, graduated from an accredited school of mines, and qualified by education and experience and possess a certificate of registration, issued by the state board of technical registration, as a mining engineer.

(b) The director shall give a bond to the state for the faithful performance of his duties, in such amount as the board may prescribe, and shall receive such salary as the board may determine, not to exceed six thousand dollars (\$6,000.00) per annum, and his necessary subsistence and travel expenses as provided by law for state officers.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 28, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 110

(Senate Bill No. 113)

AN ACT

RELATING TO EDUCATION, AND AMENDING SECTION 54-416, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 54-416, Arizona Code of 1939, is amended to read:

54-416. BOARD OF TRUSTEES, POWERS AND DUTIES. The powers and duties of the board of trustees of school districts are as follows:

1. The trustees, any two of whom constitute a quorum for the transaction of business, shall meet at the most convenient place in the district, not earlier than the second day, nor later than the second Saturday of January next following the election and organize, electing one of their number president and one of their number clerk, and on the same day, notify the county school superintendent thereof; provided, that no meeting for organization shall be held unless each member has received three days' written notice of the same, such notice to be signed by any two members of the board.

2. The board shall prescribe and enforce rules not inconsistent with law or those prescribed by the state board of education for their own government and the government of the schools. They shall segregate pupils of the African race from pupils of the Caucasian race in all schools other than high schools, and provide all accommodations made necessary by such segregation.

3. The board shall manage and control the school property within their districts; purchase school furniture, apparatus, equipment, library books, and supplies for the use of the schools; rent, furnish, repair and insure the school property of the district; when directed to do so by a vote of the district, construct school buildings, or purchase or sell school sites; make, in the name of the district, conveyances of all property belonging to the district and sold by them, and employ under written contract, all employees of the schools. The board may, at any time after the annual election and qualification of the new members, enter into contracts with teachers, principals, janitors, attendance officers, school physician, school dentist, nurses, and other employees necessary for the succeeding year, and fix their salaries. No relative by affinity or consanguinity within the second degree of any trustee, or the husband or wife of a trustee, shall be employed in the district where he is trustee, except by the unanimous consent of the board, nor shall any teacher be employed who has not received a certificate of qualification therefor, granted by the proper authorities.

Boards of trustees of districts having an average daily at-

tendance of three hundred or more may employ a certificated superintendent or principal; two or more districts having an average daily attendance of three hundred or more may jointly employ a principal or superintendent whose salary shall be prorated among the districts employing him in accordance with the number of children enrolled in each district. The employment of superintendents of schools or principals may be for any term not exceeding four years. Special teachers in drawing, music, domestic science, manual training, kindergarten, commercial work, agriculture and other special subjects may be employed.

4. The board may expel pupils for misconduct and exclude from the primary grades children under six years of age; shall enforce in school the course of study and the use of textbooks prescribed and adopted by the state board; may appoint district librarians and enforce the rules prescribed for the government of school libraries and shall exclude from schools and school libraries all books, publications or papers of a sectarian, partisan or denominational character.

5. The board of trustees may admit pupils from any other district upon a certificate of educational convenience issued by the county school superintendent. Such attendance, when certified to the county superintendent by the official in charge of the school attended shall be deemed, for the purpose of determining average daily attendance, to be attendance in the common or high school of the county or district of the student's residence. In the event tuition is charged for nonresidence attendance by the school attended, the county school superintendent shall draw his warrant on the county treasurer in favor of such school for the amount so charged, but not to exceed the per capita allocation of common or high school fund to the district or county of the student's residence, and shall charge the amount against the fund of the district or county in which the student resides.

6. The board shall make an annual report on or before the first day of July to the county school superintendent, in the manner and form, and on the blanks prescribed by the state or county superintendent; make a report whenever required, directly to the superintendent of public instruction, or to the county school superintendent; visit every school in the district, and examine carefully into its management, condition and needs, and provide transportation for any child or children when they deem it for the best interest of the district.

7. Boards of trustees may call meetings of the qualified school electors of the district for consultation in regard to any

litigation in which the district may be engaged or likely to become engaged, or in regard to any other affairs of the district not otherwise provided for, and upon a petition of fifteen per cent of the qualified electors of their district, as shown by the last annual school election, must call such meeting.

8. Boards of trustees may establish kindergartens when, in their opinion, such kindergartens will not interfere with the work of, or maintenance of the efficiency of the grades; and, in the event of the establishment of any such kindergartens, may secure funds for their maintenance as other school funds are secured.

9. The board may establish departments of manual training and household economics; organize, by and with the consent of the county superintendent, intermediate schools composed of the seventh, eighth, and ninth grades of the schools under their jurisdiction; or in union high school districts, organize the seventh and eighth grades as such intermediate schools; and, in the event of the organization of any such intermediate schools, shall secure and receive all funds necessary for the maintenance thereof, in the manner provided by law.

10. The board may include in their annual budget items for the purchase of sites or for erecting or purchasing school buildings, which items the county superintendent shall include in his estimate to the board of supervisors, and the board of supervisors may, in its discretion make a sufficient levy on the property of said district to produce the amount asked for; provided, that said levy for such purpose shall not exceed ten cents on each one hundred dollars of valuation of such property.

11. The board may permit the use, under its direction, and subject to such conditions, rules and regulations as it may prescribe, of the school house or houses within the district as a civic center for such district, where the citizens, parent teachers' association, Camp Fire girls, Boy Scout troops, clubs and associations formed for recreational, educational, political, economic, artistic or moral activities of the district may engage in supervised recreational activities and where they may meet and discuss, from time to time, as they may desire, any and all subjects and questions which, in their judgment, may appertain to the educational, political, economic, artistic and moral interests of the citizens of the respective communities in which they reside; provided that such use of said public school houses and grounds for said meetings shall in no wise interfere with such use and occupancy of said public school house and grounds, as is now, or hereafter may be, required

for the purpose of said public schools of the state of Arizona.

12. The board may employ such professional personnel as may be deemed necessary for the purpose of making surveys of and recommendations relating to the curricula, physical plant and other requirements of the district.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 28, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 111

(Senate Bill No. 37)

AN ACT

RELATING TO CITIES AND TOWNS; PRESCRIBING THE POWERS OF COMMON COUNCILS, AND AMENDING SECTION 16-207, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 16-207, Arizona Code of 1939, is amended to read:

16-207. GENERAL POWERS OF COMMON COUNCIL ENUMERATED. The common council of such town shall have control of the finances, and of the property of the corporation; and shall likewise have power within the limits of the town:

1. To erect, purchase or lease necessary buildings for the purposes of the corporation;

2. To appropriate money and provide for the payment of its debts and expenses;

3. To exercise exclusive control over the streets, alleys, avenues and sidewalks of the town and to give and change the

names thereof; to prevent and punish for the encumbering thereof, and to abate and remove all encumbrances and obstructions thereon; to widen, extend, straighten, regulate, grade, clean or otherwise improve the same; to open, lay out and improve new streets, avenues and alleys; to vacate any street, avenue, alley or sidewalk in such town and to abolish the same; and to protect the same from encroachment and injury;

4. To erect and maintain bridges, culverts, sidewalks and crossways, and prevent and punish for injuries thereto or obstructions thereon;

5. To construct and maintain sewers and drains, and prevent and punish for any obstruction thereof, or thereto; to change the channels of natural water-courses, to wall the same and cover them over, and regulate the same as sewers; to prevent and punish for the filling up, altering or changing of natural water-courses by private persons; to regulate the bridging of all mill-races, irrigating and other ditches at the crossings of public highways, by the owners of such mill-races and ditches, and after such bridges or ford is built according to the street commissioner's instructions, said crossing shall be thereafter a public charge;

6. To provide the town with water, to construct public wells, cisterns and reservoirs in the streets and other public and private places within the town, or beyond the limits thereof, and supply the same with pumps and conducting pipes or ditches;

7. To provide regulations for the prevention and extinguishment of fires; to prevent the erection of wooden buildings within prescribed limits; to regulate the construction of chimneys, furnaces and fireplaces; to regulate the storage of explosives, tar, pitch, resin and other combustible or inflammable materials, and to prescribe the places and manner of storing the same;

8. To provide for lighting the streets and other public places of the town; to exclusively regulate and control the laying and repairing of gas pipes and other appurtenances therein;

9. To provide for inclosing, improving and protecting the public grounds and cemeteries of the town, and to direct and regulate the planting of ornamental and shade trees therein and in the streets of the town;

10. To establish markets and market places for the town and to regulate the same;

11. To establish and maintain necessary cemeteries and burial places for the town, beyond the limits thereof; to regulate the burial of the dead; to require a registration of the deaths and births, and to impose penalties upon physicians and surgeons for any default in the premises;

12. To establish and regulate the police of the town, to appoint watchmen and policemen, and to remove the same, and to prescribe their powers and duties;

13. To prevent, suppress and punish any riot, rout, affray, disorderly noise or disturbance in any public or private place within the town;

14. To prevent, suppress and punish racing or immoderate riding or driving through the streets;

15. To prohibit and punish any amusements or practice tending to annoy or obstruct persons passing upon the streets or sidewalks, to frighten horses or other animals being ridden or driven thereon; to restrain and punish the ringing of bells, blowing of horns, crying of goods or other noises, performances and practices tending to the collection of persons upon the streets or sidewalks to the obstruction thereof;

16. To prohibit the roaming at large of animals within the town; to authorize the impounding and summary sale thereof when found roaming at large contrary to ordinance; to impose penalties upon the owners thereof for a violation of any ordinance in relation thereto; to regulate, restrain and prohibit the running at large of dogs and to authorize their destruction when at large contrary to any ordinance of the town, and to impose penalties upon the owners thereof;

17. To suppress and prohibit prostitution and unlawful sexual intercourse and to punish persons guilty thereof; to suppress and prohibit the operation of disorderly houses and to punish the owners, managers, lessees, agents, keepers and inmates thereof; to suppress and prohibit gambling and the operating of gambling-houses and to punish the owners, managers and employees thereof and players at such games;

18. To fix the amount of license taxes to be paid by any person, firm, corporation or association for carrying on any business, game or amusement, calling, profession or occupa-

tion, and prescribe the method of collection or payment of the same, for a stated period in advance, and fix penalties by fine, imprisonment, or both. Nothing in this Act shall be construed as authorizing any town or city to levy an occupational license or fee on any activity where the general law of the state precludes the levying of such a license or fee.

19. To authorize the town clerk to issue licenses, to direct the manner of issuing and registering the same, and the fees of the clerk therefor, but no license shall be granted for more than one year, and not less than ten dollars nor more than five thousand dollars shall be charged for any license issued in pursuance hereof;

20. To provide regulations to prevent the introduction or spread of contagious, loathsome or infectious diseases within the town; to make quarantine laws and enforce the same within the town and within two miles thereof, and to provide pest houses and hospitals necessary therefor;

21. To abate and remove nuisances, and punish the authors thereof; to compel the owner or any occupant of any house or premises, to cleanse the grounds, stables, alleys, streets and walks appurtenant and adjacent thereto; to prohibit within the town and within two miles beyond the limits thereof, slaughterhouses, tanneries, soap factories, establishments for the steaming or rendering of tallow, lard or offal, and all other establishments and places where any nauseous, offensive or unwholesome business may be carried on;

22. To do all other acts, and prescribe all other regulations, which may be necessary or expedient for the prevention or suppression of disease;

23. To establish and maintain a workhouse or houses of correction, make regulations for the government thereof and to appoint the officers and keepers thereof;

24. To authorize the arrest and punishment of vagrants, stragglers and idle and disorderly persons found loitering or strolling about in public places, leading an immoral or profligate life, and to authorize the confinement of any such person, and of persons who fail to pay any fine, in the workhouse or house of correction for a period not exceeding three months;

25. To direct and control the laying and construction of railroad tracks, bridges, switches and sidetracks in the streets, alleys and other public places of the town; to require the same

to be so laid and constructed as to interfere as little as possible with the ordinary travel and use of the streets, and other public places; to authorize the construction of tramways, electric, steam or cable roads and railways in the town, and to regulate the operation thereof, and the fares to be charged thereon and to require the owners thereof to keep in repair the streets wherein the same may be laid, and to construct and keep in repair all bridges, culverts, crossways, ditches and sewers; to regulate the speed of locomotive engines within the limits of the town;

26. To levy taxes as hereinafter mentioned;

27. To apply any surplus money in the treasury of the town, to the extinguishment of the debt of the town, or to the creation of a sinking fund for that purpose;

28. To make, amend or repeal, all ordinances necessary or proper for the carrying into effect of the powers vested in the corporation, or any department or officer thereof; to enforce the observance of such ordinances, and to punish violations thereof by fine or imprisonment or both, and by confinement at hard labor, in the discretion of the magistrate or court before whom a conviction may be had;

29. To adopt ordinances for the government of the corporation, its officers and all people within its corporate limits needful for the good government and order of the municipalities, and to provide the manner of prosecution and define the punishment for the violation of any such ordinance.

Approved by the Governor—March 28, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 112

(Senate Bill No. 104)

AN ACT

TO AMEND SECTION 20-101, ARIZONA CODE OF 1939, RELATING TO THE TERM OF OFFICE OF JUSTICES OF THE PEACE; AND TO AMEND SECTION 20-205, ARIZONA CODE OF 1939, RELATING TO JUSTICES OF THE PEACE AND THEIR AUTHORITY; AND RE-

PEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT THEREWITH.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 20-101, Arizona Code of 1939, is hereby amended to read:

20-101. ELECTION AND TERM OF OFFICE. In each justice precinct there shall be elected by the qualified electors of such precinct, at the general election one justice of the peace, who shall hold his office for the term of four years from the first day of January following his election.

Sec. 2. Sec. 20-205, Arizona Code of 1939, is hereby amended to read:

20-205. COUNTY-WIDE AUTHORITY. Every justice of the peace within a county may preside in any other precinct within the county in the absence, illness, inability to act or upon the request of the justice of such other precinct. Each justice of the peace while in attendance at the justice court in another precinct within the same county shall have the authority to execute all process, preside over the trial of all cases, and otherwise perform each and all of the duties of the justice of the peace of such other precinct, even though the same be not an adjoining precinct, and the expense of travel to perform such functions outside of the precinct for which the justice of the peace is qualified shall be a county charge. Whenever the physical location of two or more justice courts is within the same city, the justice of the peace of one precinct may perform for and on behalf of the justice of the peace of the other precinct without the necessity of the physical presence of the performing justice of the peace within the precinct of the other justice of the peace, and in such cases no travel expense shall be paid.

Sec. 3. REPEAL. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved by the Governor—March 28, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 113

(Senate Bill No. 103)

AN ACT

TO AMEND SECTION 34-107, ARIZONA CODE OF 1939, RELATING TO FEES TO BE PAID TO JUSTICES OF THE PEACE IN CIVIL ACTIONS AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT THEREWITH.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 34-107, Arizona Code of 1939, is hereby amended to read:

34-107. FEES OF JUSTICES OF THE PEACE IN CIVIL ACTIONS. Justices of the peace shall receive the following fees in civil actions:

Except as herein otherwise specifically provided, for all services required of and rendered by the justice of the peace including, but not limited to, the issuance of process, the issuance of writs before and after judgment, the summoning of a jury, the administration of oaths and the filing and recording of judgments in connection with any civil action, where the amount in controversy exclusive of interest and costs exceeds the sum of fifty dollars, and such services are rendered on behalf of the plaintiff, the sum of\$3.00

Except as herein otherwise specifically provided, for all such services required of and rendered on behalf of the defendant, or those defendants appearing by one attorney, the sum of\$2.00

For all such services required of and rendered by the justice of the peace in connection with any civil action, whether for the plaintiff or for the defendant, where the amount in controversy, exclusive of interest and costs, is fifty dollars or less, the sum of\$1.00

For making and certifying a transcript of the entries on his docket, and filing the same, together with the original papers in the case in the proper court in each case of appeal or certiorari\$2.00

For making copies of any papers or records in his office for any person applying for the same, for each one hundred words, excluding the certificate, and excluding the signature of the justice of the peace\$0.20

For certifying copies of papers or records in his office, exclusive of the cost of making such copies, but including the preparation of the certificate and the signature of the justice of the peace\$0.50

Nothing herein provided shall deprive the parties to the action of the privilege of depositing sums with the justice of the peace, in addition to those hereinbefore set forth, for use in connection with the payment of constable fees and sheriff's fees for the service of process, the levying of writs and other services for which fees are otherwise provided by law.

Sec. 2. REPEAL. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved by the Governor—March 28, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 114

(Senate Bill No. 61)

AN ACT

RELATING TO PUBLIC BUILDINGS; AND AMENDING CHAPTER 9, SECTIONS 9-104, 9-105, AND 9-106, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Section 9-104, chapter 9, Arizona Code of 1939, is amended to read:

9-104. BIDS BY CONTRACTORS; ESTIMATES IF WORK NOT DONE BY CONTRACT. Every proposal for the construction of buildings shall be by bids for all of the proposed work, signed by a responsible contractor and accompanied by a certified check, cashier's check, or surety bond, or if the proposed work be not done by contract, the accepted, com-

pleted plans and specifications shall be estimated by a person qualified as "quantity surveyor", public estimator, or a person specially appointed.

Sec. 2. Section 9-105, chapter 9, Arizona Code of 1939, is amended to read:

9-105. NOTICE TO CONTRACTORS TO SUBMIT BIDS. Every agent shall, upon acceptance and approval of the working drawings and specifications, cause to be published a notice to contractors of intent to receive bids and to contract for the erection of the proposed structure, and stating:

1. The nature of the work required and the type, purpose and location of the proposed building and where the plans, specifications and full information as to the proposed work are on file or may be obtained.

2. That contractors desiring to submit proposals may obtain copies of full or partial sets of plans and specifications for estimate on request or by appointment. The return of such plans and specifications must be guaranteed by a deposit of a designated amount, which deposit will be refunded on the return of the plans and specifications in good order.

3. That every proposal must be accompanied by a certified check, cashier's check, or a surety bond for five per cent of the amount of the bid included in the proposal, as a guarantee of the intent of the contractor to enter into a contract to perform all the matters included in the said proposal in accordance with the plans and specifications, or as liquidated damages in event of failure or refusal of the contractor to enter into such contract, to be returned to the contractors whose proposals are not accepted, and to the successful contractor upon the execution of a satisfactory bond and contract as hereinafter provided.

4. That the right is reserved to reject any or all proposals or to withhold the award if for any reason it may be determined.

If the agent believes the work can be done more advantageously, any building, structure, addition, or alteration not exceeding twenty-five hundred dollars in total cost, may be constructed by days work or force account and advertisement for bids dispensed with.

Sec. 3. Section 9-106, chapter 9, Arizona Code of 1939, is amended to read:

9-106. **CONTRACT WITH SUCCESSFUL BIDDER; TERMS; BOND.** The agent shall enter into a contract with the lowest responsible bidder, whose proposal has been found satisfactory, the terms of which shall include the following items: A surety company bond for not less than one hundred per cent of the full amount of the proposal shall be filed with and become a part of the contract, to be approved by an authorized or appointed attorney at law of the agent; semi-monthly, or monthly payments as may be authorized by law or by mutual agreement, to be due and paid to the contractor upon a basis of seventy-five per cent of the value of the work actually performed as estimated by the architect or superintendent up to and including the fifteenth or last day of each calendar month; twenty-five per cent of all estimates shall be retained by the agent as guarantee of the complete performance of the contract, to be paid to the contractor within sixty-five days after completion, or filing of notice of completion, of the contract, provided the contractor has duly furnished the agent satisfactory receipts for all labor and material bills and waivers of liens from any and all persons holding claims against the work. Such contract shall be signed by the agent and the contractor.

Approved by the Governor—March 28, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 115

(Senate Bill No. 60)

AN ACT

RELATING TO CORPORATIONS; PROVIDING FOR THE CONTINUED EXISTENCE OF CORPORATIONS FOR THE PURPOSE OF SUITS, AND AMENDING SECTION 53-309, SUPPLEMENT TO ARIZONA CODE OF 1939 (CHAPTER 109, LAWS OF 1947, REGULAR SESSION).

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 53-309, supplement to Arizona Code of 1939 (chapter 109, Laws of 1947, regular session), is amended to read:

53-309. **CONTINUED EXISTENCE FOR PURPOSES OF SUIT.** (a) As used in this section: "dissolved corporation"

means a domestic or foreign corporation having or claiming an interest in property in this state which has ceased to exist for all purposes except those hereinafter set forth; "suit" means a proceeding by which a legal or equitable remedy is pursued in a court of record.

(b) A dissolved corporation shall continue in existence for the purpose of suit and may be sued in its corporate name upon any cause of action which, but for such dissolution, would have accrued against it. No suit, action or proceeding in which a dissolved corporation is a party at the time of dissolution shall abate or be discontinued by reason of such dissolution. Execution or process may issue against a dissolved corporation and any order, judgment or decree of court may be enforced against it.

(c) Service or process against a dissolved corporation may be made as follows:

1. By delivering a copy of the summons and complaint to: Any one of the last acting officers or directors residing in the state; or a receiver having charge of the assets; or the person who was at the time of dissolution the duly appointed agent for the service of process.

2. If none of the persons referred to in paragraph (c) 1., above, can be found in the state, copies of the summons and complaint may be served upon the corporation commission as prescribed by section 21-314.

3. In all cases a copy of the summons shall be published in the places and for the periods provided by section 21-306.

(d) When there is no officer or agent competent to execute on behalf of a dissolved corporation a deed or other instrument relating to property either real or personal, or when a dissolved corporation or its officers do not comply with a judgment or decree of court, or when a court deems it proper, a judgment or decree shall contain a self-executing provision which shall have the effect of the deed or instrument ordered to be executed, or the court may appoint a master to execute the same in the name of the dissolved corporation.

(e) This section shall not be construed to terminate the authority of persons appointed under the provisions of sections 53-306 or 53-307, or to terminate the powers set forth in section 53-308.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 28, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 116

(House Bill No. 84)

AN ACT

RELATING TO INSURANCE COMPANIES AND THE CLASSIFICATION, INCORPORATION AND REGULATION THEREOF; AMENDING SECTIONS 61-102, 61-201, 61-202, 61-207, 61-301b, 61-303, 61-310, 61-332, AND 61-704, ARIZONA CODE OF 1939; AMENDING ARTICLE 3, CHAPTER 61, ARIZONA CODE OF 1939, BY ADDING SECTIONS 61-302a, AND 61-310a TO 61-310f INCLUSIVE; AND AMENDING ARTICLE 7, CHAPTER 61, ARIZONA CODE OF 1939, BY ADDING SECTION 61-711.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 61-102, Arizona Code of 1939, is amended to read:

61-102. CLASSIFICATION OF INSURANCE. Insurance business in this state shall be divided into the following classes:

1. Fire and allied lines, marine and inland marine insurance, which includes insurance against: 1a. loss or damage to real or personal property and any interest therein resulting from fire, lightning, windstorm, cyclone, tornado, hail, earthquake, flood, water damage, riot and civil commotion, and explosion, and against loss consequential upon such loss or damage; 1b. accidental injury to sprinklers, pumps, and other apparatus erected for extinguishing fires, and water pipes; 1c. physical damage to and theft of motor vehicles and aircraft and their equipment, and, 1d. all kinds of loss or damage to vessels, boats, cargoes, goods, merchandise, freight, effects

and all other kinds of property, in respect to or in connection with any and all risks or perils of navigation, transit or transportation, and all personal property floater risks.

2. Life insurance, which includes insurance upon the lives of persons or appertaining thereto, and the granting, purchasing, or disposing of annuities.

3. Disability insurance, which includes insurance appertaining to injury, disablement or death resulting to the insured from accidents, and appertaining to disablements resulting to the insured from sickness.

4. Fidelity and surety insurance, which includes guaranteeing the behavior of any person; the performance of contracts other than insurance policies, and guaranteeing or executing bonds, undertakings and contracts of suretyship.

5. Liability insurance, which includes: 5a. insurance against legal liability for the death, injury or disability of any person or for damage to property; 5b. medical, hospital, surgical and funeral benefits to persons injured, other than the insured, irrespective of legal liability to the insured, when issued with or supplemental to insurance against legal liability for the death, injury or disability of any person, and, 5c. the obligations accepted by, imposed upon, or assumed by employers under a law for workmen's compensation.

6. Plate glass insurance, which includes insurance against breakage of glass.

7. Boiler and machinery insurance, which includes insurance against loss of property and liability for damage to persons or property from explosion of or accident to steam boilers and pipes, engines and machinery connected therewith and operated thereby.

8. Burglary insurance, which includes insurance: 8a. against loss or damage by burglary, theft, larceny, robbery, forgery, fraud, vandalism, malicious mischief, confiscation or wrongful conversion, disposal or concealment, or from any attempt of any of the foregoing; 8b. against loss of or damage to moneys, coins, bullion, securities, notes, drafts, acceptances or any other valuable papers or documents, resulting from any cause, except while in the custody or possession of and being transported by any carrier for hire or in the mail, and, 8c. of individuals by means of an all-risk policy of the type known as the personal property floater.

9. Leakage insurance, including insurance against loss or damage to any property caused by the breakage or leakage of sprinklers, water pipes and containers or by water entering through leaks or openings in buildings.

10. Credit insurance; insurance or guaranty either by agreement to purchase uncollectable debts, or otherwise to insure against loss or damage from the failure of persons indebted to or to become indebted to the insured, or to meet existing or contemplated liabilities.

11. Title insurance; insuring or guaranteeing owners of property or others interested therein against loss by encumbrance or defective titles or adverse claim to title, and furnishing information relative thereto.

12. Vehicle insurance, includes insurance against: 12a. loss or damage resulting from any cause to any land vehicle except railroad rolling stock, or aircraft or any draft or riding animal and its equipment, and against any loss or liability resulting from or incidental to ownership, maintenance or use of such vehicle, aircraft or animal; 12b. if issued as part of insurance thereon, accidental death or injury to individuals while in, entering, alighting from, adjusting, repairing, cranking, or caused by being struck by a vehicle, aircraft, or draft or riding animal.

13. Miscellaneous insurance; insurance upon any risk not included under any of the foregoing classes, and which is a proper subject of insurance, not prohibited by law or contrary to sound public policy.

Sec. 2. Sec. 61-201, Arizona Code of 1939, is amended to read:

61-201. INCORPORATION OF COMPANIES. (a) The number of citizens of the United States, two-thirds of whom shall be residents of the state, who may incorporate a company, are: for a stock company, not less than five; for a mutual company, not less than ten. The company shall incorporate as required by law for other corporations. The articles shall state: 1a. names and addresses of the incorporators, name of the company and the time of its existence; 2a. object for which the company is formed; 3a. whether it is a stock or mutual company, and if a mutual company, whether it will insure on the cash premium or assessment plan, and the class or classes of risks in which it will make insurance; 4a. if a stock company, the amount of the capital stock and the number of

shares and the par value of each share; 5a. if a mutual company, the minimum and maximum liability of its members or policyholders for the payment of losses occurring under its policies, which liabilities shall be not less than two nor more than six times the amount of the premium charged; 6a. number of trustees and directors, which shall not be less than five nor more than fifteen, and their names and addresses, and, 7a. name of the city or town in which the principal place of business of the company is to be located in this state, and in which counties it intends to transact business.

(b) The articles of incorporation of a stock or mutual insurance company may be amended by a majority vote of the trustees or directors thereof and a vote and written consent of two-thirds of the capital stock of the company, or, if a mutual company, of its members or policyholders. In the event written consent of two-thirds of the capital stock of a company, or members or policyholders of a mutual company, has not been obtained, the vote may be taken at any regular meeting of the stockholders or members called for that purpose in the manner provided in the by-laws of such company for special meetings of stockholders or members. The president and secretary of the company shall certify in triplicate under the seal of the company, such amendments to be correct, and shall file and keep them as in the case of original articles of incorporation. From the time of filing such amendments the company shall have the same powers, and the stockholders thereof subject to the same liabilities as if the amendments had been embraced in the original articles of incorporation.

(c) No such company shall take the name of a domestic insurance company heretofore organized, nor that of an alien or foreign insurance company admitted to this state, nor one so nearly resembling that of either as to be misleading. The expenses of incorporation and organization, including the placing of the capital stock of any company shall not exceed fifteen per cent of the selling price of the stock actually sold, nor shall the cost of placing the stock actually sold exceed ten per cent of the selling price.

(d) A policyholder in a mutual insurance company has the same character of interest and occupies the same relation to the company as the stockholder has and occupies to a stock insurance company.

Sec. 3. Sec. 61-202, Arizona Code of 1939, is amended to read:

61-202. CAPITAL STOCK REQUIREMENTS OF

CLASSES. (a) An insurance company may be licensed by the corporation commission to make insurance in this state in the classes specified in section 61-102, subject to the following requirements:

1. To make insurance in class one, a stock insurance company shall have a capital stock fully paid of not less than two hundred thousand dollars and a surplus of not less than fifty thousand dollars. Such company may also make insurance in class twelve when it has additional capital of not less than fifty thousand dollars. Such company may also make insurance in class thirteen.

2. To make insurance in class two or class three, or both, a stock life insurance company shall have a capital stock fully paid of not less than one hundred thousand dollars and a surplus of not less than fifty thousand dollars, and no such company shall make insurance for any single assured in class two or class three, or a combination thereof, under which the maximum possible benefits exceed ten per cent of the surplus of the company. The corporation commission may exempt from this provision any life insurance company doing a bona fide business in this state on January 1, 1913, and having an unimpaired capital and surplus of not less than one hundred fifty thousand dollars. Any such company the articles of which permit it to make life, accident, health and liability insurance, and which has a capital of not less than three hundred fifty thousand dollars and a surplus of one hundred fifty thousand dollars shall be permitted to transact such kinds of business.

3. To issue contracts of guaranty or title insurance in class eleven a title insurance company shall have a capital stock fully paid of not less than one hundred thousand dollars and shall maintain on deposit with the state treasurer through the commission a guarantee fund in authorized securities of not less than fifty thousand dollars. This paragraph shall not apply to persons engaged in preparing and issuing abstracts of, but not guaranteeing or insuring, title to property and certifying the correctness thereof.

4. To make insurance in class four a fidelity and surety stock insurance company shall have capital stock fully paid of not less than two hundred thousand dollars and a surplus of not less than fifty thousand dollars. Such company may also make insurance in class five when it has an additional capital of not less than one hundred thousand dollars, and, in classes three, six, seven, eight, nine, twelve and thirteen when it has additional capital of not less than fifty thousand dollars.

Such company may also make insurance in class ten, but shall not make insurance in any other class.

5. To make insurance in class five a liability stock insurance company shall have a capital stock fully paid of not less than two hundred thousand dollars and a surplus of not less than fifty thousand dollars. Such company may also make insurance in class four when it has an additional capital of not less than one hundred thousand dollars, and in classes three, six, seven, eight, nine, ten, twelve and thirteen when it has additional capital of not less than fifty thousand dollars, but shall not make insurance in any other class.

6. To make insurance in any of classes three, six, seven, eight, nine, ten, twelve and thirteen a stock insurance company shall have a capital stock fully paid of not less than one hundred thousand dollars and a surplus of not less than fifty thousand dollars. Such company may make insurance in more than one of said classes when it has an additional capital of not less than fifty thousand dollars.

(b) The provisions of this section shall not apply to life or fire insurance companies operating on the mutual, assessment or fraternal plan nor to workmen's compensation insurance.

(c) An insurance company licensed to do business in the state at the time this section takes effect shall have not to exceed two years in which to meet the requirements hereof.

Sec. 4. Sec. 61-207, Arizona Code of 1939, is amended to read:

61-207. INCREASE IN CAPITAL STOCK. (a) A domestic insurance company desiring to increase the amount of its capital stock shall give notice thereof by publication not less than once each week for four consecutive weeks in a newspaper of general circulation in the county in which the company is located, and by filing with the corporation commission a copy of such advertisement, together with proof of publication and a declaration of the intent to increase the capital stock. The declaration of intent to increase the capital stock shall be under the seal of the company, signed by the president and two-thirds of the board of directors, and by the stockholders representing two-thirds of the capital stock of such company. The company shall file one copy of the advertisement, proof of publication and declaration of intent in the office of the county recorder of the county in which the principal office of the company is located, and shall retain, at its principal office, one copy of each such paper.

(b) Not less than twelve months, and as soon thereafter as convenient, from the date of filing the papers requesting an increase in capital stock, the corporation commission shall examine the stock selling records and books of the company and ascertain the manner in which the sale of stock has been conducted. At the request of the company the corporation commission may, if satisfied with the manner in which the sale of stock has been conducted, extend for an additional twelve month period the time in which the company may increase its capital stock. Such twelve month period of extension shall not be granted more than three times. Stock sold during any such twelve month period may be issued and collected for in full by the company and shall be deemed valid and in effect as of the date of issue. At the end of each such twelve month period of extension the president and secretary of the company shall make and verify a certificate, under the seal of the company, stating the amount of stock subscribed and paid in cash. The certificate shall be filed with the corporation commission, one copy thereof retained by the company at its principal office, and one copy filed in the office of the county recorder of the county in which the principal office of the company is located.

(c) The cost of placing such capital stock issued under the provisions of this section shall not exceed fifteen per cent of the selling price thereof.

Sec. 5. Sec. 61-301b, Arizona Code of 1939, is amended to read:

61-301b. DEPUTIES AND ASSISTANTS. (a) The commission shall appoint a supervisor of insurance rates, who shall also serve as chief deputy director of insurance. He shall be subject to removal for cause, and shall receive a salary of not to exceed six thousand dollars per annum, and be reimbursed for expenses incurred in making or participating in examinations pertaining to rating matters. The supervisor of insurance shall be a person versed in insurance rating procedure and familiar with the operation of insurance companies and rating organizations, and shall have supervision, under the commission and the director, of the administration of laws pertaining to insurance rates and rating organizations.

(b) The commission shall appoint an actuary, who shall be a graduate in actuarial science of an accredited university. He shall be subject to removal for cause and shall receive a salary of not to exceed five thousand dollars per annum.

The commission shall appoint such other deputies and

assistants, examiners and clerks at salaries to be fixed by the commission, as may be necessary to properly discharge the duties imposed upon the insurance division.

Sec. 6. Article 3, chapter 61, Arizona Code of 1939, is amended by adding section 61-302a, to read:

61-302a. ACCEPTANCE OF OTHER EXAMINATION. The corporation commission may, in lieu of the examination prescribed by section 61-302, accept an examination of a foreign insurance company made under the authority of the national association of insurance commissioners or by the proper authority of the state in which such foreign company is domiciled.

Sec. 7. Sec. 61-303, Arizona Code of 1939, is amended to read:

61-303. EXPENSE OF EXAMINATIONS. (a) Upon presentation of an itemized statement thereof, a company examined under the provisions of this Act shall pay to the examiners and other persons making the examination the necessary expenses incurred in the performance of their duties and such compensation as the corporation commission may prescribe.

(b) No insurance company or officer or director thereof shall, directly or indirectly, pay, give or loan any money or thing of value to a member of the corporation commission or person engaged in such examination other than the compensation provided by subsection (a). An insurance company violating any provision of this section shall be subject to a fine not to exceed one thousand dollars. The violation of any provision of this section by an officer, director, agent or person acting for or on behalf of such company is a felony, punishable upon conviction as provided by law.

Sec. 8. Sec. 61-310, Arizona Code of 1939, is amended to read:

61-310. LOSS RESERVE FOR LIABILITY INSURANCE. (a) The loss reserve for outstanding losses and loss expenses under personal injury and employer's liability insurance policies, written not less than three years prior to the date of determination, shall be computed in the following manner: For all liability suits being defended under policies written: 1a. Not less than ten years prior to the date of determination, one thousand five hundred dollars; 2a. not less than five nor more than ten years prior to the date of determination, one thousand dollars, and, 3a. not less than three nor more than

five years prior to the date of determination, eight hundred fifty dollars for each suit, but the total loss and loss expense reserve for all such liability insurance policies shall not be less than the aggregate of the estimated unpaid losses and loss expenses of claims incurred under such policies computed on an individual case basis.

(b) The loss reserves for outstanding losses and loss expenses under personal injury and employer's liability insurance policies, written during the three years next preceding the date of determination shall be the sum of the reserves for each year. The reserve for each year shall be an amount equal to sixty per cent of the earned premiums on liability policies written during that year less all loss and expense payments made thereunder, but shall not be less than the aggregate of the estimated unpaid losses and loss expenses for claims incurred under liability policies written in that year computed on an individual case basis.

Sec. 9. Article 3, chapter 61, Arizona Code of 1939, is amended by adding section 61-310a, to read:

61-310a. UNALLOCATED LIABILITY LOSS EXPENSES.

(a) Unallocated liability loss expense payments shall, if made in a calendar year subsequent to the first four years in which an insurer has been issuing liability policies, be charged to the policies in the following manner: a1. thirty-five per cent to the policies written in such year; a2. forty per cent to the policies written in the year next preceding; a3. ten per cent to the policies written in the second and third years preceding, and, a4. five per cent to the policies written in the fourth year preceding.

(b) Unallocated liability loss expense payments shall, if made in each of the first four calendar years in which an insurer issues liability policies, be charged to the policies in the following manner: b1. to the policies written in the first calendar year, one hundred per cent; b2. to policies written in the second calendar year, fifty per cent, and fifty per cent to policies written in the first calendar year; b3. to policies written in the third calendar year, forty per cent, and to policies written in the second and first calendar years, forty and twenty per cent respectively, and, b4. to policies written in the fourth calendar year, thirty-five per cent, and to policies written in the third, second and first calendar years, forty, fifteen and ten per cent respectively.

Sec. 10. Article 3, chapter 61, Arizona Code of 1939, is amended by adding section 61-310b, to read:

61-310b. SCHEDULE OF EXPERIENCE. An insurer issuing liability or workmen's compensation insurance shall include in the annual statement, in such form as the commission may prescribe, a schedule of its experience thereunder, and a schedule showing the distribution of unallocated compensation loss expense payments.

Sec. 11. Article 3, chapter 61, Arizona Code of 1939, is amended by adding section 61-310c, to read:

61-310c. LOSS RESERVE ON WORKMEN'S COMPENSATION INSURANCE. The loss reserve for claims under policies of workmen's compensation insurance written not less than three years prior to the date on which the statement is made, shall be the present value at four per cent interest of the determined and estimated future payments, and, for claims under such policies written in the three years next preceding the date on which the statement is made, sixty-five per cent of the earned compensation premium for each such year less all loss and loss expense payments made in connection with such claims under policies written in the corresponding year. In no event shall such reserves be less than the present value at three and one-half per cent interest of the determined and estimated unpaid compensation claims under policies written during each such year.

Sec. 12. Article 3, chapter 61, Arizona Code of 1939, is amended by adding section 61-310d, to read:

61-310d. UNALLOCATED WORKMEN'S COMPENSATION LOSS EXPENSE. (a) Unallocated workmen's compensation loss expense payments shall, if made in a calendar year subsequent to the first three years in which an insurer has been issuing compensation policies, be charged in the following manner: a1. forty per cent to the policies written in such year; a2. forty-five per cent to the policies written in the year next preceding; a3. ten per cent to the policies written in the second year preceding, and, a4. five per cent to the policies written in the third year preceding.

(b) Unallocated workmen's compensation loss expense payments shall, if made in each of the first three calendar years in which an insurer issues compensation policies, be charged to the policies in the following manner: b1. to policies written in the first calendar year, one hundred per cent; b2. to policies written in the second calendar year, fifty per cent, and fifty per cent to policies written in the first calendar year, and, b3. to policies written in the third calendar year, forty-five per

cent, and to policies written in the second and first calendar years, forty-five and ten per cent respectively.

Sec. 13. Article 3, chapter 61, Arizona Code of 1939, is amended by adding section 61-310e, to read:

61-310e. DEFINITIONS. The terms "loss payments" and "loss expense payments" when used with reference to liability and workmen's compensation insurances, include all payments to claimants, payments for medical and surgical attendance, legal expenses, salaries and expenses of investigators, adjusters and claims field men, rents, stationery, telegraph and telephone charges, postage, salaries and expenses of office employees, home office expenses and all other payments made on account of claims, whether such payments are allocated to specific claims or are unallocated.

Sec. 14. Article 3, chapter 61, Arizona Code of 1939, is amended by adding section 61-310f, to read:

61-310f. LIABILITIES AND RESERVES. (a) In estimating the condition of any domestic company which makes insurance, except life insurance including endowments and annuities, the commission shall allow as assets only such investments as are authorized by the laws of this state at the date of the investigation. Unpaid premiums on policies or renewals written within three months shall be admitted as available resources. The commission shall, in addition to all other outstanding indebtedness of the company, charge as liabilities the capital stock and: a1. the premium reserve on policies in force equal to fifty per cent of the gross premiums charged for covering risks, less the reserve, computed by the same method, on reinsurance in force, but the commission may, in its discretion, charge a premium reserve equal to the unearned portions of the gross premium charged by computing on each respective risk from the date of the issuance of the policy, less the reserve, computed by the same method, on reinsurance in force, and, a2. the reserve for outstanding losses other than for insurance of compensation and liability at least equal to the aggregate estimated accounts due or to become due on account of all losses or claims of which the company has received notice, but such loss reserves shall also include the estimated liability on any notices received by the company of the occurrence of any event which may result in a loss and the estimated liability for all losses which have occurred but on which no notice has been received. For the purpose of such reserves the company shall keep a complete and itemized record showing all losses and claims on which it has received

notice, including all notices received by it of the occurrence of any event which may result in a loss.

(b) In the event the commission deems the loss reserves calculated as provided in this section inadequate, it may require such company to maintain additional reserves.

Sec. 15. Sec. 61-332, Arizona Code of 1939, is amended to read:

61-332. RESIDENT AGENT. (a) No domestic, foreign or alien company shall make, write, place, or cause to be made, written or placed in this state an insurance policy or contract unless through its duly authorized agent, a resident of this state. A life insurance agent, a resident of and duly licensed by another state, may be licensed as a nonresident agent to transact business in Arizona. Application for a license for a nonresident shall be made in writing by a duly authorized officer of the company for which the nonresident agent is to be licensed.

(b) Any company violating this section shall have its certificate of authority suspended for not less than one year, to be renewed only upon a written pledge from the directors or executive body in authority over its officers that this section will be fully observed. In the event an agent or solicitor of a company doing business in this state accepts an application for insurance from any person not holding a valid agent's or solicitor's license, and in any way compensates or promises to compensate such person for soliciting the application, the commission, upon due proof and notice, shall suspend or revoke the license of the agent or solicitor. If it appears to the commission that the company for which such agent or solicitor is acting is guilty of participation, the commission shall suspend its certificate of authority for not less than one nor more than three month for each offense.

Sec. 16. Sec. 61-704, Arizona Code of 1939, is amended to read:

61-704. APPROVAL OF FORMS. (a) No insurance company shall issue, deliver or use any: 1. policy of life or endowment insurance; 2. policy of insurance against loss or damage from disease, bodily injury or accident; 3. application form where written application for such insurance is required and is to be attached to the policy, or, 4. printed life or disability rider or endorsement, unless the form thereof has been filed with and approved by the commission. The commission may

also require that all advertising matter for use in the sale of any such policy of insurance shall be filed with and approved by the commission. Within thirty days after the filing thereof the commission shall approve or reject any such form, and advertising matter. In the event approval of a form is granted prior to the termination of the thirty day period, the commission may waive the unexpired portion thereof. Failure of the commission to act within the period prescribed by this section shall be deemed approval of the form.

(b) The commission may at any time withdraw its approval of any form and shall reject any form required to be filed by the provisions of this section, which: b1. is in violation of or does not comply with the provisions of this Act; b2. does not comply with any controlling filing theretofore made and approved; b3. contains or incorporates by reference an inconsistent, ambiguous or misleading classes or exceptions and conditions which unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the contract; b4. has any title, heading or other indication of its provisions which is misleading; b5. provides unreasonable benefits in relation to the premiums charged, or, b6. under which purchase of insurance is being solicited by deceptive advertising.

(c) The commission may exempt from the provisions of this section an insurance form to which, in the opinion of the commission, the provisions of this section may not be practically applied or the filing an approval of which are not deemed desirable or necessary for the protection of the public. Such exemption shall be made by order, which shall specify the form or class of forms to be exempted, and the period of time for which the exemption shall be in effect.

Sec. 17. Article 7, chapter 61, Arizona Code of 1939, is amended by adding section 61-711, to read:

61-711. CLASSIFICATION OF POLICIES UPON CONVERSION OR ASSUMPTION. Whenever a benefit insurance corporation or a benefit insurance stock corporation shall have been converted into a life insurance company, or sickness and accident insurance company, operating under the provisions of chapter 61, Arizona Code of 1939, or whenever the policy or certificate liability of a benefit insurance corporation or benefit insurance stock corporation shall have been assumed by a life insurance company, or sickness and accident insurance company, operating under such chapter, such company shall divide its policyholders into two classifications, (a) benefit policyholders, and (b) legal reserve policyholders. All

holders of policies or certificates issued prior to such conversion or assumption shall be classified as benefit policyholders, and all holders of policies issued after such conversion or assumption shall be classified as legal reserve policyholders. The rights and liabilities of the benefit policyholders shall be fixed and determined by their several contracts of insurance and the statutes relating thereto in effect when such conversion or assumption took place, and the rights and liabilities of the legal reserve policyholders shall be fixed and determined by their several contracts of insurance and the statutes relating thereto in effect on and after the date of such conversion or assumption. The funds and business of the two classes of policyholders shall be kept separate.

Approved by the Governor—March 28, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 117

(House Bill No. 144)

AN ACT

RELATING TO INSURANCE; PROVIDING FOR THE EXAMINATION AND LICENSING OF AGENTS, SOLICITORS AND BROKERS; FIXING FEES FOR SUCH EXAMINATIONS; FIXING PENALTY FOR VIOLATIONS; AMENDING SECTION 61-404, AND AMENDING CHAPTER 61, ARIZONA CODE ANNOTATED, 1939, BY ADDING SECTIONS 61-406, 61-407 AND 61-408.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Section 61-404, Arizona Code Annotated, 1939, is amended to read:

61-404. INSURANCE BROKER DEFINED. An insurance broker is defined to be a person who, on behalf of an insured, other than himself, or an applicant for insurance, as an independent contractor for a commission or fee, solicits, negotiates or procures insurance or re-insurance, or the renewal or continuance thereof, or in any manner aids therein, and who is not then an agent of the insurer or employed or otherwise compensated by an insurer or operates as a managing general agent of an insurer.

Sec. 2. Chapter 61, Arizona Code Annotated, 1939, is amended by adding Section 61-406, to read:

61-406. LICENSE REQUIRED—QUALIFICATIONS—APPLICATION FOR LICENSE. 1. License required. No person shall in this state act as or hold himself out to be an agent, broker, or solicitor, unless then licensed therefor by this state.

No agent, solicitor, or broker shall solicit or take applications for, procure or place for others any kind of insurance for which he is not then licensed.

Any person violating this section shall be subject to a fine of not to exceed two hundred dollars (\$200.00) or imprisonment for not to exceed sixty days for each instance of such violation.

2. General Qualifications for license. For the protection of the people of this state the corporation commission shall not issue or renew any such license except in compliance with this article, nor to be exercised by, any person found by it to be untrustworthy or who has not established that he is qualified therefor in accordance with this article.

3. Application for license. Application for any such license shall be made to the corporation commission upon forms as prescribed and furnished by it. As a part of or in connection with any such application the applicant shall furnish information concerning his identity, personal history, experience, business record, purposes, and such other pertinent facts as the corporation commission may reasonably require in order to carry out the provisions of this article.

Any person wilfully misrepresenting any fact required to be disclosed in any such application shall be liable to penalties as provided by this code.

4. Agent's and broker's qualifications. To qualify for an agent's or broker's license an applicant must otherwise comply with this code therefor and must:

(a) Be twenty-one (21) years of age or over;

(b) be a bona fide resident of and actually reside in this state;

(c) successfully pass any examination as required under section 61-407;

(d) be a person of good moral character;

(e) if for an agent's license, be appointed as its agent by one or more authorized insurers, subject to issuance of the license;

(f) if for broker's license, have had experience either as an agent, general agent, broker, or as an employee of insurance or representatives of insurers, or have had special education or training of sufficient duration and extent reasonably to satisfy the corporation commission that he possesses the qualifications necessary to fulfill the responsibilities of broker.

Sec. 3. Chapter 61, Arizona Code Annotated, 1939, is amended by adding Section 61-407, to read:

61-407. EXAMINATION OF APPLICANT—ISSUANCE OF LICENSE—TERM—FEES. 1. Examination for license. Each applicant for license as agent, solicitor or broker shall, prior to the issuance of any such license, personally take and pass to the satisfaction of the corporation commission an examination given by the corporation commission as a test of his qualifications and competence; but this requirement shall not apply to:

(a) Applicants for license as a non-resident broker who have fulfilled qualification requirements in their state of residence and who are deemed by the corporation commission to be fully qualified and competent;

(b) applicants for the renewal of licenses in force on the effective date of this code;

(c) applicants for limited licenses as travel insurance agents only. The commission may issue limited licenses as travel insurance agents to persons selling transportation tickets of a common carrier of persons or property who shall act as such agents only as to transportation ticket policies of disability insurance or baggage insurance on personal effects. Such licenses when issued shall be designated as such.

2. Grouping of insurance. The corporation commission may from time to time make reasonable grouping of the kinds of insurance that may lawfully be written in this state for the purpose of prescribing reasonable examinations for agent's solicitor's, or broker's licenses for each group respectively. For the purposes of this Act such groupings shall be, accident and health, automobile, fire, and casualty insurance; provided

that if an agent is appointed by an insurer, whose certificate of compliance is more restricted to lines of insurance than is included in one of the above groupings, an examination may be prescribed which in the opinion of the commission covers the subject for which the applicant is appointed by insurer.

3. Examinations—form, time and place. (a) The answers of the applicant to any such examination shall be written by the applicant under the commission's supervision, and any such written examination may be supplemented by oral examination at the discretion of the commission.

(b) Examination of applicants shall be conducted at the office of the corporation commission, or such other places as the commission may determine, at least twice each year.

(c) Such examinations shall cover subjects which will test the applicant's familiarity with the insurance laws of this state, and with the provisions, terms, conditions and effect of the policies or contracts he is proposing to solicit, negotiate or place in effect. The commission may designate a different examination for each license.

(d) All examination papers shall be kept by the commission and open to inspection at reasonable times by the applicant, or an authorized agent, or by a court of competent jurisdiction in a proceeding in which the question of the contents of such papers is properly involved, for a period of ninety days from the date on which the results of the examinations are given, and may then be destroyed.

4. Fees. (a) Examination. The fee to be paid by the applicant at the time of filing application for each examination, shall be as follows: agent or solicitor, five dollars (\$5.00) per classification, not exceeding ten dollars (\$10.00) for all classifications, as set forth in paragraph 2 of this section; brokers, ten dollars (\$10.00) for all classifications;

(b) Licenses. The fee to be paid to the corporation commission for each license issued shall be paid annually by the licensee and shall be as follows:

Agent	\$ 5.00
Solicitor	2.50
Resident broker	5.00
Non-resident broker	10.00

These fees shall be in lieu of all other license fees and taxes for conducting the business of an insurance agent in the state of Arizona, except those provided in section 61-340, Arizona Code of 1939. It shall be unlawful for any insurer, directly or indirectly, to pay these fees.

5. Scope of broker's license. A broker's license shall be issued to cover all classifications.

6. Broker's bond. (a) Every applicant for a broker's license shall file with the application, and shall thereafter maintain in force while so licensed, a bond in favor of the people of the state of Arizona, executed by an authorized corporate surety approved by the corporation commission, in the amount of one thousand dollars (\$1,000.00). The bond may be continuous in form, and total aggregate liability on the bond may be limited to the payment of one thousand dollars (\$1,000.00). The bond shall be contingent on the accounting by the broker to any person requesting the broker to obtain insurance, for moneys or premiums collected in connection therewith.

(b) Any such bond shall remain in force until the surety is released from liability by the corporation commission, or until the bond is cancelled by the surety. Without prejudice to any liability accrued prior to such cancellation, the surety may cancel the bond upon thirty days' advance notice in writing filed with the corporation commission.

7. Broker's authority and commissions. (a) A broker, as such, is not an agent or other representative of an insurer, and does not have power, by his own acts, to bind the insurer upon any risk or with reference to any insurance contract.

(b) An insurer or agent shall have the right to pay to a broker licensed under this article, and such broker shall have the right to receive from the insurer or agent the customary commissions upon insurances placed in the insurer by the broker.

8. Agent, broker license combinations. A licensed agent may be licensed as a broker and be a broker as to insurers for which he is not then licensed as agent. A licensed broker may be licensed as and be an agent as to insurers appointing him as agent. The sole relationship between a broker and an insurer as to which he is licensed as an agent shall, as to transactions arising during the existence of such agency appointment, be that of insurer and agent.

9. Non-resident brokers. (a) The corporation commission may license as a broker, a person who is otherwise qualified therefor under this code but who is not a resident of this state, if by the laws of the state of his residence a similar privilege is extended to residents of this state.

(b) Any such license shall be subject to the same obligations and limitations, and to the commission's supervision as though resident in this state.

(c) The corporation commission may introduce a reciprocal arrangement with the officer having jurisdiction over insurance business in any other state, to accept in lieu of examination of such an applicant residing therein, a certificate of such officer to the effect that the applicant is licensed in such state and has complied with its qualification standards.

Sec. 4. Chapter 61, Arizona Code of 1939, is amended by adding Section 61-408, to read:

61-408. SOLICITORS—QUALIFICATIONS—LICENSE—CUSTODY—LIMITATIONS—RESPONSIBILITY OF EMPLOYER. 1. Qualifications. The corporation commission shall license as a solicitor an individual only who meets the following requirements:

(a) is a resident of this state;

(b) is to represent and be employed by but one (1) licensed agent;

(c) has passed any examination as required under this article;

(d) is otherwise qualified under this code.

2. Application. The corporation commission shall issue a solicitor's license only upon application by the applicant and the request of the agent to be represented, upon such forms as the commissioner shall prescribe and furnish.

3. License fee, and custody. (a) The fee for issuance or renewal of a solicitor's license shall be paid by the agent by whom the solicitor is employed.

(b) The solicitor's license shall be delivered to and shall remain in the possession of the employing agent. Upon termination of such employment, the license shall likewise termi-

nate and shall be returned to the corporation commission for cancellation.

4. Limitations. (a) A solicitor's license shall not cover any kind of insurance for which the agent by whom he is employed is not then licensed.

(b) A solicitor shall not have power to bind an insurer upon or with reference to any risk or insurance contract, or to countersign insurance contracts.

(c) Any individual while licensed as a solicitor shall not be licensed as an agent or broker.

5. Responsibility of employer. All business transacted by a solicitor under his license shall be in the name of the agent by whom he is employed and the agent shall be responsible for all acts or omissions of the solicitor within the scope of such employment.

Approved by the Governor—March 28, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 118

(House Bill No. 113)

AN ACT

RELATING TO AGRICULTURE AND HORTICULTURE;
MAKING A REAPPROPRIATION TO THE COMMISSION OF AGRICULTURE AND HORTICULTURE;
AMENDING SECTION 2, CHAPTER 15, LAWS OF 1947,
SECOND SPECIAL SESSION, AND DECLARING AN
EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 2, chapter 15, Laws of 1947, second special session, is amended to read:

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the following purposes: 1. thirty-sixth

fiscal year: 1a. travel, two thousand dollars; 1b. salaries and wages, twenty thousand dollars; 1c. construction and equipment of one or more inspection stations at such point or points in Mohave County as the commission of agriculture and horticulture shall deem advisable, thirty-one thousand dollars; 2. thirty-seventh fiscal year: 2a. salaries and wages, twenty thousand dollars; 2b. travel, two thousand dollars.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 28, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 119

(Senate Bill No. 109)

AN ACT

AUTHORIZING THE MAKING OF INDEMNITY OR PERFORMANCE BONDS AND OR ALTERNATIVELY THE FURNISHING OF COLLATERAL SECURITY TO THE UNITED STATES AND OR STATE OF ARIZONA IN LIEU OF INDEMNITY OR PERFORMANCE BONDS BY DISTRICTS, STATE AGENCIES AND MUNICIPALITIES; PROVIDING FOR OFFICIAL PROCEDURE IN RELATION THERETO AND FOR THE MAKING OF ANNUAL AUDITS OF OPERATION INCOME IN CERTAIN CASES, BY OPERATING UNITS.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. SHORT TITLE. This Act may be cited as "bond and lieu collateral Act of 1949".

Sec. 2. BOND OR LIEU COLLATERAL. Operating units, including districts, state agencies and municipalities as defined by chapter 75, article 19, paragraph 75-1901, Arizona Code of 1939, Arizona power authority Act of 1944 as amended, may execute and deliver such indemnity or performance bonds as may be required by the United States of America or the

state of Arizona or either of them as security or assurance for performance of or indemnity for liability under any contract made with them or either of them; or said operating units may at their election, establish, tender and deliver collateral security in lieu of any such indemnity or performance bond required as aforesaid. The amount or penalty of any indemnity or performance bond or pledge shall be the amount determined by the pledgee as sufficient for and proportionate to any contract undertaking involved. Such bond or pledge shall be in appropriate and effective form as the circumstances may require and any such pledge may consist of any uncommitted or unencumbered fund on hand or to be received or to be thereafter created; proceeds of any uncommitted or unencumbered district assessment; the income or proceeds from any district, state agency or municipal operation not otherwise committed or encumbered; revenue bonds; real or personal property; and or any other valuable right or thing satisfactory to said pledgees or either of them.

Sec. 3. AUTHORIZATION. The governing or administrative body of any such operating units, if it finds the making of such bond or pledge, or either or both, necessary or advisable and for the best public interest, at any regular or special meeting may by two-thirds vote of its members, pass and adopt a resolution or by other appropriate action, authorize the making and delivery of said bond and or pledge, or both, as circumstances may indicate. The findings of said governing body and its determination respecting said bond and or pledge shall be final and conclusive. Thereupon, the authorized officers of said district, state agency or municipality may execute and deliver said bond or pledge on its behalf.

Sec. 4. SUPPORTING PROVISIONS. Indemnity or performance bonds and or pledges may be in such form and contain such terms, conditions and agreements as may be required by the pledgees to fulfill the purposes thereof within the broadest scope of this Act. The governing bodies of such operating units shall have power and authority to enact, pass and adopt any and all necessary by-laws, ordinances, resolutions and rules and regulations not in conflict herewith for effectuating and carrying out of the provisions and purposes of this Act.

Sec. 5. ANNUAL AUDITS OF OPERATION INCOME AND OR ACCUMULATING FUNDS. Districts and or state agencies authorized to issue revenue bonds subject to approval of the state certification board of the state of Arizona shall cause an annual audit to be made of their respective operation funds; and districts, state agencies and or municipalities pledg-

ing any assessments, funds or property presently owned or to be thereafter provided, accumulated or acquired shall similarly cause an audit to be made of their respective collateral deposits. Said audits shall be made by a certified public accountant, within thirty days after the close of the respective fiscal years of such districts, state agencies and municipalities and each shall file a certified copy thereof with the state examiner. The state examiner may, if he deems it advisable and at the expense of the district, state agency or municipality concerned, make such further audits and examinations as he may deem necessary and or take appropriate action and steps in relation thereto as provided by chapter 6, paragraph 6-102, Arizona Code of 1939. Unless the state examiner shall take official action within thirty days after filing of such audit, the same shall be deemed sufficient. Said audits as herein set forth shall be in lieu of all other official audits of all operation funds and or collateral deposits of such districts, state agencies and municipalities, except as ordered by a court of competent jurisdiction.

Sec. 6. SEVERABILITY OF PROVISIONS. The invalidity of any provision of this Act or its application to any set of circumstances, shall not invalidate any other provision hereof or the application of this Act, or any part hereof to any other set of circumstances, and each and all of the provisions of this Act shall be deemed severable.

Sec. 7. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 28, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 120

(House Bill No. 45)

AN ACT

RELATING TO ELECTRIC, COOPERATIVE, NON-PROFIT
MEMBERSHIP CORPORATIONS; PROHIBITING SER-
VICE TO FACILITIES ALREADY SERVED; AMEND-

ING SECTIONS 53-454 AND 53-480, ARIZONA CODE OF 1939, AS AMENDED.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Section 53-454, Arizona Code of 1939, is amended to read:

53-454. POWERS. A cooperative shall have power:

- (a) To sue and be sued in its corporate name;
- (b) to have existence for a period of twenty-five (25) years with the privilege of extension as provided by law;
- (c) to adopt a corporate seal and alter the same;
- (d) to generate, manufacture, purchase, acquire, accumulate and transmit electric energy, and to distribute, sell, supply and dispose of electric energy to its members;
- (e) to assist persons to whom electric energy is or will be supplied by the cooperative in wiring their premises and in acquiring and installing electrical and plumbing appliances, equipment, fixtures and apparatus by the financing thereof;
- (f) to assist persons to whom electric energy is or will be supplied by the cooperative in constructing, equipping, maintaining and operating electric cold storage or processing plants, by the financing thereof;
- (g) to construct, purchase, lease as lessee, or otherwise acquire, and to equip, maintain, and operate, and to sell, assign, convey, lease as lessor, mortgage, pledge, or otherwise dispose of or encumber, electric transmission and distribution lines or systems, electric generating plants, lands, buildings, structures, dams, plants and equipment, and any other real or personal property, tangible or intangible, which shall be deemed necessary, convenient or appropriate to accomplish the purpose for which the cooperative is organized;
- (h) to purchase, lease as lessee, or otherwise acquire, and to use, and exercise and to sell, assign, convey, mortgage, pledge or otherwise dispose of or encumber, franchises, rights, privileges, licenses and easements;
- (i) to borrow money and otherwise contract indebtedness, and to issue notes, bonds, and other evidences of indebtedness, and to secure the payment thereof by mortgage, pledge, or

deed of trust of, or any other encumbrance upon, any or all of its then owned or after-acquired real or personal property, assets, franchises, or revenues;

(j) to construct, maintain and operate electric transmission and distribution lines along, upon, under and across publicly owned lands and public thoroughfares, including, without limitation, all roads, highways, streets, alleys, bridges and causeways; and to acquire for such purposes, franchises, licenses, permits, easements, rights of way and all similar rights and privileges relating to such purposes;

(k) to exercise the power of eminent domain in the manner and to the extent provided by the laws of this state for the exercise of such power by other corporations constructing or operating electric transmission and distribution lines or systems;

(l) to become a member of other cooperatives or corporations or to own stock therein;

(m) to conduct its business and exercise its powers within or without this state;

(n) to adopt, amend and repeal by-laws; and

(o) to do and perform any other acts and things, and to have and exercise any other powers which may be necessary, convenient, or appropriate to accomplish the purpose for which the cooperative is organized.

Sec. 2. Section 53-480, Arizona Code of 1939 (Section 30, Chapter 118, Session Laws of 1947, regular session) is amended to read:

53-480. FACILITIES ALREADY SERVED — PROHIBITIONS. A cooperative organized pursuant to this Act is hereby expressly prohibited from constructing electric distribution lines that duplicate existing electric facilities of any other person, and is hereby expressly prohibited from supplying electric energy to any structure, home, well, building, or consumer which (1) is already receiving central station service, or (2) has been connected to the lines of any other distributor of electric energy, or (3) is located within one-half mile of the lines of any distributor of electricity, provided, however, that any cooperative may also serve electric energy to any facilities mentioned herein with the written consent of such other distributor of electric energy or where such other distributor does not furnish connected service within ninety

(90) days from the time of mailing or filing a written request for such service. Subject to the provisions and limitations of Section 1 (Par. 53-454) of this Act, nothing in this section shall be interpreted, construed or applied as a prohibition against, or a limitation upon the power of cooperatives for, the making of acquisitions of electric facilities in rural areas or the supplying of electric energy to persons in rural areas who may have been receiving electric energy from electric facilities that may be acquired by such cooperatives in rural areas.

Approved by the Governor—March 28, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

CHAPTER 121

(Senate Bill No. 100)

AN ACT

RELATING TO THE PRACTICE OF MEDICINE AND SURGERY AS OSTEOPATHIC PHYSICIANS AND SURGEONS, TO PROVIDE FOR LICENSES AND REGULATIONS THEREFOR AND TO REPEAL ALL ACTS OR PARTS OF ACTS IN CONFLICT THERETO.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. **SHORT TITLE.** This Act shall be known as the "medical practice Act for osteopathic physicians and surgeons".

Sec. 2. **CREATION OF BOARD; QUALIFICATIONS; TERM OF OFFICE.** There is hereby created, a state osteopathic board of registration and examination in medicine and surgery, to be composed of five members appointed by the governor, and wherever the word "board" is used herein it shall be deemed to mean the said board herein created. Within thirty days after this Act shall take effect the governor shall appoint five board members, one of whom shall hold office for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. Upon the expiration of the term of each member so appointed, the governor shall appoint a successor for a term of five years and thereafter the term of each board member to be appointed shall be five years. One member of

the board shall be a member of the lay public not in any manner connected with, or having an interest in, any school of medicine or any person practicing any form of healing or treatment of bodily or mental ailments and who shall have demonstrated an interest in the health problems of the state. The other four members shall be members in good standing of the state association of osteopathic physicians and surgeons and shall have engaged in the practice of medicine as an osteopathic physician in this state for at least two years preceding their appointments, each of whom shall be appointed from a panel of five qualified persons whose names shall have been submitted to the governor by the said association. Members of the board appointed under this Act shall continue in office until their successors are appointed and qualified. Vacancies occurring on the board shall be filled by the governor for the unexpired term of any member whose office has been vacated, in the same manner as an original appointment. Each board member, prior to entering upon his duties shall take oath prescribed by law and in addition thereto shall make oath as to his qualifications as prescribed herein. Board members may be removed by the governor for neglect of duty, malfeasance, or misfeasance, in their office, or any duty thereof.

Sec. 3. POWERS AND DUTIES OF THE BOARD. The board shall conduct all examinations for applicants for a license hereunder, issue licenses, conduct hearings, revoke or suspend licenses, and administer and enforce all provisions of this Act and shall have full power and authority to make and adopt rules and regulations necessary or proper for the administration thereof. The board shall designate which hospitals are approved for interne training and which osteopathic schools, or colleges, are approved, provided an approved school, college or hospital shall have at least the minimum educational and training standards established by the American Osteopathic Association. The board is charged with and shall enforce within the osteopathic profession in this state the standards of practice prescribed by this Act and the rules and regulations adopted by the board pursuant to the authority granted by this Act. It shall collect and account for all fees provided hereunder and cause same to be paid to the state treasurer. The board shall maintain a record of its acts and proceedings, including, but not limited to, the issuance, refusal, renewal, suspension or revocation of licenses to practice according to the terms hereof and shall maintain a roster of all osteopathic physicians and surgeons registered under this Act, which roster shall indicate the name of the licensed physician, his current place of business and residence, the date and number of the certificate issued to him under this Act and whether the license is in good standing. The records of the board shall

be open to public inspection at all reasonable times. The board shall adopt and use a seal, the imprint of which, together with the signatures of the president or vice-president of the board and the secretary-treasurer shall evidence its official acts.

Sec. 4. MEETINGS OF THE BOARD. The board shall hold its first meeting on call of the governor within sixty days after this Act shall take effect and shall thereafter hold annual meetings on the fifteenth day of January of each year in the city of Phoenix and may hold other meetings at such times and places as may be determined upon by a majority of the board upon giving to each member thereof a ten days' written notice thereof. A majority of the members of the board shall constitute a quorum and a majority vote of any quorum present at any meeting shall govern all actions taken except that licenses shall be issued hereunder only upon the vote of a majority of the full board. At the first, and each annual meeting of the board thereafter, it shall select from among its members a president and vice-president who shall serve until their successors are chosen. Each board member shall receive the sum of ten dollars for each full day actually engaged in carrying out his duties as an officer or member of the board, together with all expenses necessarily and properly incurred in attending meetings or in performing his duties, all of which shall be paid from the osteopathic board fund created under this Act.

Sec. 5. SECRETARY-TREASURER; APPOINTMENT; DUTIES. The board shall appoint a secretary-treasurer, not a member of the board, who shall serve at the pleasure of the board and who shall receive an annual salary to be paid from the osteopathic board fund, payable in monthly installments, in an amount to be fixed by the board but not in excess of twelve hundred dollars. The secretary-treasurer shall be charged with the following duties and authority:

- (1) Serve as administrative assistant to the board.
- (2) Collect all monies due and payable to the board.
- (3) Pay to the state treasurer any monies received by the board.
- (4) Prepare bills for authorized expenditures of the board and obtain warrants from the state auditor for payment of bills certified by the president or vice-president and secretary-treasurer of the board.
- (5) Administer oaths.

(6) Act as custodian of the seal, books, records, minutes and proceedings.

(7) Do and perform any other duty prescribed for him elsewhere in this Act. The secretary-treasurer shall, before entering upon his duties, give a bond for the faithful performance of his duties, in such a reasonable amount and with such surety or sureties, as the board shall deem proper, the premium for which shall be paid by the board.

Sec. 6. OSTEOPATHIC BOARD FUND CREATED; DISBURSEMENTS. All monies received by the board, from whatever source, shall be paid to the secretary-treasurer who shall before the end of each calendar month deposit said monies with the state treasurer, who shall transfer ninety per cent to an osteopathic board fund, which is hereby created and deposit ten per cent in the general fund. All such monies so deposited to the osteopathic board fund shall be held for the use of the board for the administration and enforcement of this Act and all monies expended by the board hereunder shall be paid from said fund. All sums paid from said fund shall be on warrants drawn on the state auditor upon presentation of a proper claim or voucher by the board, approved and signed by the president or vice-president and secretary-treasurer thereof. Upon this Act taking effect there shall be transferred to the osteopathic board fund herein created all sums of money in the hands of the state treasurer at that time credited to the osteopathic board fund created under article 6, chapter 33, Laws of 1941.

Sec. 7. LICENSE; QUALIFICATIONS; REQUIREMENTS. No person shall practice medicine and surgery as an osteopathic physician and surgeon without holding a license issued by the board under the provisions of this Act. Licenses shall be granted only to applicants who possess the following qualifications and comply with the following requirements:

(1) Be a citizen of the United States, or has declared his intention to become such under the laws of the United States.

(2) Be a person of good moral character over twenty-one years of age and a graduate from an osteopathic college or school having the approval of the American Osteopathic Association.

(3) Hold a certificate of registration of applicant in the basic sciences issued by the Arizona state board of examiners in basic sciences.

(4) Submit a verified application for a license on forms prepared by the board, accompanied by affidavits from three

reputable osteopathic physicians and surgeons attesting to the good moral character of applicant and to his fitness to practice medicine and surgery as an osteopathic physician and surgeon.

(5) Successfully pass an examination as provided in this Act, provided, however, that the board shall have authority to waive any such examination in its discretion if the applicant possesses a certificate from the National Board of Examiners for Osteopathic Physicians and Surgeons, indicating he has been examined by questions approved by the board, or possesses a license to practice as an osteopathic physician and surgeon issued under the authority of any other state, territory or District of Columbia, whose standards are comparable to those provided in this Act, as determined by the board.

(6) Pay to the board a fee of twenty-five dollars at the time application is made and pay an additional fee of twenty-five dollars to the board at the time the license is issued, provided, however, if a license is issued without an examination the fee to be paid by applicant at the time the license is issued shall be seventy-five dollars.

(7) Submit to a personal interview at such reasonable time and place as prescribed by the board.

Sec. 8. EXAMINATIONS. Examination for a license to practice under this Act shall include all such subjects as are generally accepted as necessary to a thorough knowledge of the practice of medicine and surgery as osteopathic physicians and surgeons. The board shall prescribe rules and regulations under which the examination shall be given and set the passing grade indicating successful completion of the examination. Examinations shall be conducted at times and places to be designated by the board no less than twice in any one year. Written notice of the date and place of examination shall be mailed to all applicants not less than thirty days prior to the date of the examination. The board shall review the examination of any applicant upon his request, and any mark on an examination re-examined by the board can be changed only by the majority vote of the members of the board. A person failing to pass an examination may be re-examined at any subsequent examination times, within one year without further payment of fees. Persons examined in writing shall be known and designated by numbers only and the corresponding names shall be kept secret until after the grading of such examinations.

Sec. 9. PRACTICE OF MEDICINE AND SURGERY AS OSTEOPATHIC PHYSICIANS AND SURGEONS. Any person holding a license under this Act, to practice medicine and

surgery as an osteopathic physician and surgeon, shall be subject to all state and municipal laws and regulations pertaining to public health and in diagnosing or prognosticating any human ills and treating same, as an osteopathic physician and surgeon, shall be subjected to all the same duties and obligations and authorized to exercise all the same rights and privileges possessed by physicians and surgeons of other complete schools of medicine in the practice of their profession except that no osteopathic physician or surgeon shall perform major surgery unless he has had two years of surgical training in a hospital approved for such training by the board or shall demonstrate to the board equivalent training, and the board shall certify in writing to the applicant his right to perform major surgery before engaging in any such duties.

Sec. 10. RENEWAL OF CERTIFICATES. Every person holding a license under this Act shall renew same prior to the first day of January in each year. No less than thirty days prior to January 1 of each year the secretary-treasurer of the board shall notify each license holder of the necessity of renewing his license. The license holder shall furnish to the secretary-treasurer evidence of having attended, within the year, a refresher course approved by the board of at least two days duration and pay to the board the renewal fee of not more than ten dollars as prescribed by the Board and the secretary-treasurer shall issue a proper renewal receipt to the license holder. The failure to renew a certificate shall operate to suspend the rights and privileges granted hereunder. Any certificate may be reinstated by complying with the conditions necessary to renew a license and the payment of a fee of twenty-five dollars.

Sec. 11. REVOCATION; SUSPENSION. The board shall have the power to revoke, or to suspend for a limited period, any license issued under this Act where the license holder is guilty of any of the following:

- (1) Conviction of a felony.
- (2) Conviction of a misdemeanor involving moral turpitude.
- (3) Violation of any of the provisions of this Act.
- (4) Fraud or deceit in securing a license or renewal hereunder.
- (5) Unprofessional conduct, which shall be deemed to include (a) intentional or wilful betrayal of a professional secret, (b) procuring, or aiding or abetting in the procurement of, a

criminal abortion, (c) receiving or giving of any rebates of professional fees, (d) gross inefficiency, or (e) habitual intemperence or gross immorality.

The board shall have authority to make investigations, employ investigators and attorneys and conduct hearings to determine whether any license issued pursuant to the provisions of this Act should be revoked or suspended. Any board member, or the attorney general, or any county attorney who has cause to believe any person holding a license under this Act is guilty of any conduct above enumerated as grounds for revocation or suspension of a license may file with the board a complaint against such person, setting forth the alleged wrongful conduct, a copy of which complaint shall be forwarded within five days after filing with the board, by United States registered mail, to the person charged with wrongful conduct. The board shall promptly set a date for hearing and notify the accused of the time and place for hearing said complaint, which notice shall be sent no less than thirty days prior to the date of such hearing. Within ten days after receipt of the copy of the complaint, the person charged shall file with the board an answer, specifically admitting or denying each material allegations of the complaint. The attorney general shall represent the board and the board may employ other counsel, and pay reasonable fees therefor, which authority so to do is hereby granted. The accused shall be entitled to be represented by his own counsel. The board shall have the authority to take depositions and to compel the attendance of witnesses and to issue subpoenas, which may be served by any person authorized by law to serve subpoenas issued out of the superior court and make due return thereof. Witnesses attending any hearing of the board shall be entitled to receive from the board, or other party requiring such attendance, fees and mileage as provided by law for attendance in the superior court of this state. Upon the conclusion of any hearing, as provided for herein, the board shall have the duty to make and enter upon its records a finding, suspending, revoking, or continuing in effect the license under inquiry.

Sec. 12. APPEAL FROM RULING OF BOARD. In the event any person whose license has been ordered revoked or suspended by the board feels aggrieved by any such ruling of the board, he may appeal to the superior court of the state of Arizona in and for the county of Maricopa by filing with the clerk of said court, within thirty days after the ruling appealed from, his verified petition to review the action of the board, setting forth therein the reasons therefor, a copy of which petition shall be sent by registered mail to the board by the person so appealing. The petition shall be docketed as a civil cause in the name of the board as plaintiff and in the name

of the person taking the appeal as defendant. The board shall, within thirty days after the receipt of the copy of such petition, cause to be filed in said superior court a transcript of the evidence taken at the hearing along with all exhibits received in evidence and a copy of the ruling of the board. In the discretion of the court the time for filing such transcript may be extended for a period of not more than thirty days. If no transcript be filed as provided herein, the court shall enter an order vacating the ruling of the board in revoking or suspending any license, and reinstate said license.

Sec. 13. HEARING ON APPEAL. The superior court shall set for hearing the appeal taken by the said aggrieved person as soon as practicable after the transcript is filed. The court shall review the record and may permit introduction of additional evidence by either party and shall enter an order either affirming or vacating the action of the board, which order shall be considered a final judgment of such court from which an appeal may be taken by either party to the supreme court as in other civil cases. Pending an appeal from the ruling of the board to superior court, license holder appealing may continue his practice under his license until final judgment of the superior court.

Sec. 14. RECORDING OF LICENSES. Every person holding a license to practice under this Act shall cause same to be recorded in the office of the recorder of the county of his residence, and said county recorder shall keep a record of same in a book to be kept by him for that purpose. Such license shall be displayed in the office of all persons holding a license under this Act.

Sec. 15. INTERNE TRAINING AUTHORIZED. Any person who is a graduate from any approved college or school may be permitted by the board in its discretion to serve as an interne in any approved hospital in the state for any designated period of time not to exceed one year. No license for such internship as otherwise contemplated by and provided for in this Act shall be required, but the board shall issue an appropriate permit authorizing any such internship.

Sec. 16. HOLDERS OF EXISTING LICENSES. The license of any person to practice as an osteopathic physician and surgeon in this state in good standing at the time this Act takes effect shall continue in force and effect the same as though issued hereunder until time for renewal thereof, which shall be accomplished under the renewal provisions hereof and there shall then be issued to such license holder a new license under this Act, and thereafter all persons affected by this Act shall be subject to the provisions hereof.

Sec. 17. DESIGNATION. Any person practicing under this Act shall designate himself and sign his name, wherever required, in any capacity as "Osteopathic Physician and Surgeon", "Osteopathic Physician", "Doctor of Osteopathy" or by using and affixing the initials "D.O." after his name.

Sec. 18. SAVINGS CLAUSE. Nothing in the Medical Practice Act for osteopathic physicians and surgeons shall be construed to prevent:

(1) A duly licensed physician and surgeon of any other state, district or territory from meeting a person registered under this Act within this state for consultation.

(2) Any physician and surgeon duly licensed in a neighboring state from extending his practice into this state, provided that he does not open an office or appoint a place of meeting or receive calls in this state.

(3) The practice of any other method, system or science of healing by a person duly licensed therefor under the laws of this state.

(4) The practice by physicians and surgeons discharging their duties while members of the armed forces of the United States, or other federal agencies.

Sec. 19. VIOLATION OF ACT PUNISHED. Any person who practices, or attempts to practice medicine and surgery as an osteopathic physician and surgeon without compliance with the provisions of this Act, or any person who violates any of the provisions hereof, shall be guilty of a misdemeanor, punishable on conviction, by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment in the county jail for a period not to exceed ninety days, or by both.

Sec. 20. SEPARABILITY CLAUSE. The terms of this Act are declared to be separable, and should any word, phrase, sentence or section hereof be declared unconstitutional or otherwise invalid, the remainder of this Act shall not thereby be affected but remain in full force and effect for all intents and purposes.

Sec. 21. REPEAL. Chapter 33, Laws 1941, and all other Acts and parts of Acts inconsistent with this Act are hereby repealed except for prosecutions commenced or penalties incurred thereunder, and any amendments thereto.

Sec. 22. EMERGENCY. To preserve the public peace,

health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 29, 1949.

Filed in the Office of the Secretary of State—March 29, 1949.

CHAPTER 122

(House Bill No. 109)

AN ACT

RELATING TO REFUNDING INDEBTEDNESS; PROHIBITING THE ISSUANCE OF CERTAIN REFUNDING BONDS, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. LIMITATION ON ISSUANCE OF REFUNDING BONDS. Any provision of law to the contrary notwithstanding, no bonds shall be issued by or on behalf of any county, city, town, school district or other municipal corporation or political subdivision of the state for the purpose of refunding outstanding bonds which have not matured or which are not callable for redemption under the express provisions of the proceedings authorizing such bonds.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 28, 1949.

Filed in the Office of the Secretary of State—March 29, 1949.

CHAPTER 123

(House Bill No. 111)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE

CORPORATION COMMISSION, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appropriation made under the terms of subdivision 46, section 1, chapter 142, Laws of 1947, regular session, the sum of five thousand one hundred ninety-two dollars fifty-four cents (\$5,192.54) is appropriated to the corporation commission, for the remainder of the thirty-seventh (37th) fiscal year and for the following purposes: personal services, three thousand three hundred ninety-two dollars fifty-four cents (\$3,392.54); other current expenditures, one thousand eight hundred dollars (\$1,800.00).

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 31, 1949.

Filed in the Office of the Secretary of State—March 31, 1949.

CHAPTER 124

(House Bill No. 284)

AN ACT

MAKING APPROPRIATIONS FOR THE DIFFERENT DEPARTMENTS OF THE STATE, FOR PUBLIC SCHOOLS, AND FOR INTEREST ON THE PUBLIC DEBT.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Subject to applicable state laws, the sums or sources of revenue herein set forth are appropriated for the 38th and 39th fiscal years for the purposes and objects herein specified:

For the 38th	For the 39th
Fiscal Year	Fiscal Year

Subdivision 1. ATTORNEY GENERAL

Salary of Attorney General	6,000.00	6,000.00
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LAWS OF ARIZONA

	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
Other Personal Services	50,150.00	50,150.00
State Travel	1,500.00	1,500.00
Out of State Travel	750.00	750.00
Subscriptions and Organization Dues	200.00	200.00
Other Current Expenditures	3,895.00	3,895.00
Capital Outlay:		
Office Furniture, Equipment and Library Books	500.00	500.00
Total Appropriation	<u>62,995.00</u>	<u>62,995.00</u>
	<u>125,990.00</u>	
Subdivision 2. AUDITOR		
Salary of State Auditor	6,000.00	6,000.00
Other Personal Services	122,540.00	122,540.00
State Travel	6,000.00	6,000.00
Out of State Travel	600.00	600.00
Subscriptions and Organization Dues	150.00	150.00
Other Current Expenditures	26,710.00	27,710.00
Capital Outlay:		
Office Furniture and Equipment	3,000.00	2,000.00
Total Appropriation	<u>165,000.00</u>	<u>165,000.00</u>
	<u>330,000.00</u>	

	<u>For the 38th</u> <u>Fiscal Year</u>	<u>For the 39th</u> <u>Fiscal Year</u>
Subdivision 3. CAPITOL BUILDING AND GROUNDS		
Personal Services		
Custodian	3,000.00	3,000.00
Engineer and Maintenance, 2 @ 2,220.00	4,440.00	4,440.00
Elevator Operators, 2 @ 1,800.00	3,600.00	3,600.00
Watchmen, 4 @ 1,500.00	6,000.00	6,000.00
Maid	1,200.00	1,200.00
Gardener	1,920.00	1,920.00
Head Janitor	1,920.00	1,920.00
Janitors (9)	13,500.00	13,500.00
Yardmen (4)	6,000.00	6,000.00
Maintenance Man	2,400.00	2,400.00
Periodic Wages (Per Diem)	250.00	250.00
	<hr/>	<hr/>
Total Personal Services	44,230.00	44,230.00
Other Current Expenditures.....	15,300.00	15,300.00
Capital Outlay:		
Metal Awnings and Blinds	9,000.00	
	<hr/>	<hr/>
Total Appropriation	68,530.00	59,530.00
	<hr/>	
	128,060.00	
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Subdivision 4. DEPARTMENT OF
LIBRARY AND ARCHIVES

Salary of Director	5,000.00	5,000.00
Other Personal Services	21,840.00	21,840.00

	For the 38th Fiscal Year	For the 39th Fiscal Year
Other Current Expenditures	4,350.00	4,350.00
Travel—In or Out of State	400.00	400.00
Capital Outlay	8,750.00	8,750.00
Total Appropriation	40,340.00	40,340.00
	<u>80,680.00</u>	

Subdivision 5. ESTATE TAX COLLECTOR

Salary of Estate Tax Collector	4,000.00	4,000.00
Salary of Deputy Estate Tax Collector	2,700.00	2,700.00
Other Personal Services	900.00	900.00
State Travel	100.00	100.00
Other Current Expenditures.....	1,285.00	1,276.50
Capital Outlay: Office Equipment	150.00	150.00
Total Appropriation	9,135.00	9,126.50
		<u>18,261.50</u>

Subdivision 6. GOVERNOR

Salary of Governor	10,000.00	10,000.00
Other Personal Services	26,300.00	26,300.00
Travel and Other Current Expenditures	6,000.00	6,000.00
Subscriptions and Organization Dues	250.00	250.00
Council of State Governments	1,000.00	1,000.00
Entertainment	500.00	500.00
Insurance	11,500.00	11,500.00

	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
Bonds—Institutional Employees ..	500.00	500.00
Capital Outlay:		
Office Furniture and Equipment	2,500.00	500.00
Total Appropriation	<u>58,550.00</u>	<u>56,550.00</u>
	<u>115,100.00</u>	

Subdivision 7. NINETEENTH AND TWENTIETH LEGISLATURES

Senate	75,000.00*
House of Representatives	175,000.00*
	<u>250,000.00</u>

*This appropriation is not subject to the provisions in Section 10-930, A.C. 1939, relating to lapsing appropriations.

Subdivision 8. SECRETARY OF STATE

Salary of Secretary of State	6,000.00	6,000.00
Other Personal Services	18,000.00	18,000.00
Other Current Expenditures	4,275.00	2,775.00
Subscriptions and Organization		
Dues	50.00	50.00
Travel—In or Out of State	400.00	400.00
Distributing, Preparing and Printing Publicity Pamphlets		7,000.00
Distributing, Preparing and Printing Session Laws	6,000.00	
Purchasing Supplements to Code ..	5,000.00	

LAWS OF ARIZONA

	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
Capital Outlay: Office Equipment	1,000.00	150.00
Total Appropriation	<u>40,725.00</u>	<u>34,375.00</u>
	<u>75,100.00</u>	

Subdivision 9. STATE EXAMINER

Salary of State Examiner	4,200.00	4,200.00
Other Personal Services	32,000.00	32,000.00
State Travel	10,000.00	10,000.00
Other Current Expenditures	1,250.00	1,250.00
Total Appropriation	<u>47,450.00</u>	<u>47,450.00</u>
	<u>94,900.00</u>	

Subdivision 10. SUPERIOR COURTS

Salary of Judges	75,000.00	75,000.00
Periodic Court Commissioners	500.00	500.00
Total Appropriation	<u>75,500.00</u>	<u>75,500.00</u>
	<u>151,000.00</u>	

Subdivision 11. SUPREME COURT

Salary of Judges	42,500.00	42,500.00
Salary of Clerk	3,900.00	3,900.00
Other Personal Services	15,000.00	15,000.00
State Travel	900.00	900.00
Other Current Expenditures	1,500.00	1,500.00
Publishing Arizona Report	11,500.00*	
Total Appropriation	<u>75,300.00</u>	<u>63,800.00</u>
	<u>139,100.00</u>	

	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
*This appropriation is not subject to the provisions in Section 10-930, A.C. 1939, relating to lapsing appropriations.		
Subdivision 12. STATE TAX COMMISSION		
Salary of Commissioners	18,000.00	18,000.00
Other Personal Services:		
Property Tax Division	12,000.00	12,000.00
Income Tax Division	97,360.00	97,360.00
Luxury Tax Division	9,000.00	9,000.00
Sales Tax Division	117,950.00	117,950.00
Tucson Branch	21,300.00	21,300.00
Total Personal Services	<u>275,610.00</u>	<u>275,610.00</u>
Travel—State		
Tax Auditors	25,000.00	15,000.00
Other	2,000.00	1,000.00
Travel—Out of State		
Income Tax Auditors	5,000.00	2,000.00
Other Auditors	5,000.00	2,000.00
Luxury Tax Stamps	15,000.00	15,000.00
Subscriptions and Organization		
Dues	150.00	150.00
Other Current Expenditures	58,250.00	58,750.00
Capital Outlay:		
Office Furniture and Equipment....	5,000.00	5,000.00
Total Appropriation	<u>391,010.00</u>	<u>374,510.00</u>
	<u>765,520.00</u>	

	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
Subdivision 13. STATE TREASURER		
Salary of State Treasurer	5,500.00	5,500.00
Other Personal Services	13,620.00	13,620.00
Other Current Expenditures	2,955.00	2,955.00
Capital Outlay: Office Equipment	250.00	150.00
Total Appropriation	22,325.00	22,225.00
	<u>44,550.00</u>	

Subdivision 14. BOARD OF BARBER EXAMINERS

From the Board of Barber Examiners Fund the following is appropriated:

Personal Services	7,400.00	7,400.00
State Travel	2,400.00	2,400.00
Other Current Expenditures	1,445.00	1,445.00
Capital Outlay: Equipment	150.00	150.00
Total Appropriation	11,395.00	11,395.00
	<u>22,790.00</u>	

Subdivision 15. BOARD OF BEAUTY
CULTURIST EXAMINERS

From the Board of Beauty Culturist Examiners Fund the following is appropriated:

Personal Services	12,900.00	12,900.00
State Travel	2,000.00	2,000.00
Subscriptions and Organization Dues	25.00	25.00
Other Current Expenditures	3,272.50	3,272.50

	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
Capital Outlay: Equipment	75.00	75.00
	<hr/>	<hr/>
Total Appropriation	18,272.50	18,272.50
	<hr/>	<hr/>
	<u>36,545.00</u>	

Subdivision 16. STATE BOARD OF
CHIROPRACTIC EXAMINERS

From the State Board of Chiropractic Examiners Fund the following is appropriated:

Personal Services	1,280.00	1,280.00
Other Current Expenditures	285.00	285.00
	<hr/>	<hr/>
Total Appropriation	1,565.00	1,565.00
	<hr/>	<hr/>
	<u>3,130.00</u>	

Subdivision 17. ARIZONA STATE DENTAL BOARD

From the Arizona State Dental Board Fund the following is appropriated:

Personal Services	1,610.00	1,610.00
State Travel	350.00	350.00
Subscriptions and Organization Dues	10.00	10.00
Other Current Expenditures	920.00	720.00
	<hr/>	<hr/>
Total Appropriation	2,890.00	2,690.00
	<hr/>	<hr/>
	<u>5,580.00</u>	

Subdivision 18. STATE BOARD OF FUNERAL
DIRECTORS AND EMBALMERS

From the State Board of Funeral Directors and Embalmers Fund the following is appropriated:

LAWS OF ARIZONA

	For the 38th Fiscal Year	For the 39th Fiscal Year
Personal Services	1,400.00	1,400.00
State Travel	300.00	300.00
Subscriptions and Organization Dues	100.00	100.00
Other Current Expenditures	440.00	440.00
Total Appropriation	2,240.00	2,240.00
	<u>4,480.00</u>	

Subdivision 19. STATE DEPARTMENT OF HEALTH

Salary of Director	7,200.00	7,200.00
Other Personal Services	78,900.00	78,900.00
State Travel	3,000.00	3,000.00
Subscriptions and Organization Dues	50.00	50.00
Other Current Expenditures	11,025.00	11,025.00
Capital Outlay:		
Equipment	1,500.00	1,500.00
Building Improvements	1,000.00	
Total Appropriation	102,675.00	101,675.00
	<u>204,350.00</u>	

Subdivision 20. BOARD OF MEDICAL EXAMINERS

From the Board of Medical Examiners Fund the following is appropriated:

Personal Services	9,390.00	9,390.00
State Travel	500.00	500.00

	<u>For the 38th</u> <u>Fiscal Year</u>	<u>For the 39th</u> <u>Fiscal Year</u>
Other Current Expenditures	2,542.00	2,542.00
Total Appropriation	12,432.00	12,432.00
	<u>24,864.00</u>	

Subdivision 21. NATUROPATHIC BOARD
OF EXAMINERS

From the Naturopathic Board of Examiners Fund the following is appropriated:

Personal Services	640.00	640.00
State Travel	56.50	56.50
Other Current Expenditures	35.00	35.00
Capital Outlay	50.00	50.00
Total Appropriation	781.50	781.50
	<u>1,563.00</u>	

Subdivision 22. STATE BOARD OF
NURSE EXAMINERS

From the State Board of Nurse Examiners Fund the following is appropriated:

Personal Services	10,920.00	10,920.00
State Travel	500.00	500.00
Out of State Travel	500.00	500.00
Other Current Expenditures	3,930.00	3,930.00
Capital Outlay: Equipment	300.00	300.00
Total Appropriation	16,150.00	16,150.00
	<u>32,300.00</u>	

	<u>For the 38th</u> <u>Fiscal Year</u>	<u>For the 39th</u> <u>Fiscal Year</u>
Subdivision 23. STATE BOARD OF OPTOMETRY		
From the State Board of Optometry Fund the following is appropriated:		
Personal Services	900.00	900.00
State Travel	90.00	90.00
Other Current Expenditures	65.00	65.00
Capital Outlay: Equipment	45.00	45.00
	<hr/>	<hr/>
Total Appropriation	1,100.00	1,100.00
	<hr/>	<hr/>
	2,200.00	

Subdivision 24. ARIZONA STATE BOARD
OF PHARMACY

From the Arizona State Board of Pharmacy Fund the following is appropriated:

Personal Services	9,975.00	9,975.00
State Travel	2,000.00	2,000.00
Subscriptions and Organization Dues	25.00	25.00
Other Current Expenditures	2,485.00	2,485.00
Capital Outlay: Equipment	350.00	350.00
	<hr/>	<hr/>
Total Appropriation	14,835.00	14,835.00
	<hr/>	<hr/>
	29,670.00	

Subdivision 25. STATE BOARD OF
CHIROPODY EXAMINERS

From the State Board of Chiropraxy Examiners Fund the following is appropriated:

Personal Services	120.00	120.00
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	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
Other Current Expenditures	5.00	5.00
Total Appropriation	125.00	125.00
	<u>250.00</u>	

Subdivision 26. DAIRY COMMISSION

Salary of Dairy Commissioner ..	4,200.00	4,200.00
Deputy Dairy Commissioner	3,600.00	3,600.00
Other Personal Services	6,000.00	6,000.00
State Travel	3,000.00	3,000.00
Other Current Expenditures	523.00	523.00
Total Appropriation	17,323.00	17,323.00
	<u>34,646.00</u>	

Subdivision 27. STATE BOARD OF
OSTEOPATHIC EXAMINERS

From the State Board of Osteopathic Examiners the following is appropriated:

Personal Services	1,200.00	1,200.00
State Travel	60.00	60.00
Other Current Expenditures	170.00	170.00
Total Appropriation	1,430.00	1,430.00
	<u>2,860.00</u>	

Subdivision 28. BOARD OF DIRECTORS OF STATE
INSTITUTIONS FOR JUVENILES

BOARD EXPENSE

Personal Services	1,800.00	1,800.00
State Travel	200.00	200.00

	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
Other Current Expenditures	150.00	150.00
Capital Outlay: Equipment	500.00	
	<hr/>	<hr/>
Total Appropriation	2,650.00	2,150.00
	<hr/>	<hr/>
	4,800.00	

CARE OF GIRL JUVENILE OFFENDERS

Care of Institutional Wards—		
Outside Services	136,875.00	136,875.00
		273,750.00
Grand Total,—Board of Directors of State Institutions for Juveniles	139,525.00	139,025.00
		<hr/>
		278,550.00

Subdivision 29. ARIZONA CHILDREN'S
COLONY BOARD.

Personal Services	9,800.00	9,800.00
State Travel	1,025.00	1,025.00
Other Current Expenditures	920.00	920.00
	<hr/>	<hr/>
Total Appropriation	11,745.00	11,745.00
		<hr/>
		23,490.00

Subdivision 30. BOARD OF PARDONS AND PAROLES

Salary of Chairman	70.00	70.00
Salary of Supervisor of Paroles	4,350.00	4,350.00
Other Personal Services	2,100.00	2,100.00
State Travel	600.00	600.00

	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
Other Current Expenditures	550.00	550.00
Total Appropriation	7,670.00	7,670.00
	<u>15,340.00</u>	

Subdivision 31. ARIZONA STATE DEPARTMENT
OF PUBLIC WELFARE

ADMINISTRATION—STATE OFFICE

Salary of Commissioner	6,000.00	6,000.00
Salary of Attorney	5,400.00	5,400.00
Other Personal Services	67,020.00	67,020.00
State Travel	4,000.00	4,000.00
Subscriptions and Organization Dues	50.00	50.00
Merit System Council	6,000.00	6,000.00
Other Current Expenditures	19,300.00	19,300.00
Total Appropriation— State Office	107,770.00	107,770.00
	<u>215,540.00</u>	

ADMINISTRATION—COUNTIES

Apache	7,099.15	7,099.15
Cochise	27,742.44	27,742.44
Coconino	12,670.16	12,670.16
Gila	14,385.96	14,385.96
Graham	9,361.87	9,361.87
Greenlee	8,975.81	8,975.81
Maricopa	127,473.68	127,473.68

LAWS OF ARIZONA

	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
Mohave	6,750.62	6,750.62
Navajo	9,828.35	9,828.35
Pima	44,535.90	44,535.90
Pinal	14,493.20	14,493.20
Santa Cruz	9,265.35	9,265.35
Yavapai	21,093.69	21,093.69
Yuma	13,983.82	13,983.82
Total Appropriation—		
County Offices	327,660.00	327,660.00
	655,320.00	
Total Administration	435,430.00	435,430.00
	870,860.00	
AID TO THE BLIND	365,000.00	365,000.00
	730,000.00	
AID TO DEPENDENT CHILDREN	1,950,000.00	1,950,000.00
	3,900,000.00	
CHILD WELFARE SERVICE		
Lump Sum Appropriation	51,560.00	51,560.00
	103,120.00	
OLD AGE ASSISTANCE	3,430,000.00	3,430,000.00
	6,860,000.00	
CRIPPLED CHILDREN'S SERVICE		
Lump Sum Appropriation	153,100.00	153,100.00
	306,200.00	

	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
DIRECT RELIEF	625,000.00	625,000.00
	1,250,000.00	
FOSTER HOMES	225,000.00	225,000.00
	450,000.00	
Total Appropriation—Arizona State		
Department of Public Welfare	7,235,090.00	7,235,090.00
	<u>14,470,180.00</u>	

The foregoing total appropriation, with the exception of Administration, is in addition to funds granted to the state by the federal government for the same purposes, but shall be deemed to include the sums deposited in the state treasury to the credit of the state board of social security and welfare pursuant to the provisions of section 73-1322, Arizona Code, 1939, as amended by initiative measure of 1942.

Administration is the total appropriation and is deemed to include the sums paid the state by the federal government for administration under Public Laws 719—79th Congress, Title 5.

Subdivision 32. INDUSTRIAL SCHOOL

Salary of Superintendent	4,000.00	4,000.00
Other Personal Services	66,900.00	66,900.00
State Travel	2,000.00	2,000.00
Out of State Travel	250.00	250.00
Boys Merit Allowances	750.00	750.00
Subscriptions and Organization Dues	50.00	50.00
Other Current Expenditures	72,488.20	82,488.20
Capital Outlay: Purchase and Installation of water tank	25,000.00	
Equipment	5,000.00	5,000.00

	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
Livestock	400.00	400.00
Total Appropriation	176,838.20	161,838.20
	<u>338,676.40</u>	

Earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 33. PIONEERS' HOME

Salary of Superintendent	3,600.00	3,600.00
Other Personal Services	38,200.00	38,200.00
State Travel	250.00	250.00
Subscriptions and Organization Dues	350.00	350.00
Other Current Expenditures	84,662.00	84,662.00
Total Appropriation	127,062.00	127,062.00
	<u>254,124.00</u>	

Earnings on state lands and interest on the investment of the permanent land funds of the Pioneers' Home and the Hospital for Disabled Miners are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 34. PRISON

Salary of Superintendent	4,800.00	4,800.00
Other Personal Services	186,442.00	186,442.00
State Travel	300.00	300.00
Out of State Travel	500.00	500.00
Subscriptions and Organization Dues	100.00	100.00
Discharge Money	2,500.00	2,500.00

	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
Other Current Expenditures	167,808.00	167,808.00
Capital Outlay:		
Farm Equipment	45,000.00	45,000.00
Gas Chamber	9,500.00	
Buildings and Improvements ..	10,000.00	10,000.00
Live Stock	750.00	750.00
Renovation	10,000.00	10,000.00
Total Appropriation	<u>441,200.00</u>	<u>431,700.00</u>
	<u>872,900.00</u>	

Earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 35. INSTITUTE OF EDUCATIONAL
REHABILITATION

Personal Services	108,726.00	108,726.00
State Travel	300.00	300.00
Out of State Travel	250.00	250.00
Subscriptions and Organization Dues	25.00	25.00
Discharge Money	2,500.00	2,500.00
Other Current Expenditures	68,199.00	68,199.00
Capital Outlay:		
Equipment	10,000.00	10,000.00
Buildings and Improvements ..	5,000.00	5,000.00
Renovation	5,000.00	5,000.00
Total Appropriation	<u>200,000.00</u>	<u>200,000.00</u>
	<u>400,000.00</u>	

LAWS OF ARIZONA

	<u>For the 38th</u> <u>Fiscal Year</u>	<u>For the 39th</u> <u>Fiscal Year</u>
Subdivision 36. STATE DEPARTMENT OF HEALTH— RELIEF COMPENSATION		
Fixed Charges	2,000.00	2,000.00
	<u>4,000.00</u>	
Subdivision 37. STATE DEPARTMENT OF HEALTH— ARIZONA STATE TUBERCULOSIS SANATORIUM		
Personal Services	113,540.00	113,540.00
Other Current Expenditures	75,000.00	75,000.00
Capital Outlay: Equipment	3,000.00	3,000.00
Total Appropriation	<u>191,540.00</u>	<u>191,540.00</u>
	<u>383,080.00</u>	
Subdivision 38. STATE HOSPITALS FOR THE INSANE		
Salary of Superintendent	7,200.00	7,200.00
Other Personal Services	537,160.00	537,160.00
State Travel	1,000.00	1,000.00
Out of State Travel	500.00	500.00
Travel—Transportation of Patients	2,000.00	2,000.00
Other Current Expenditures	376,000.00	376,000.00
Advanced Curative Treatment..	150,000.00*	
Capital Outlay:		
Equipment	10,000.00	10,000.00
Live Stock	400.00	400.00
Total Appropriation	<u>1,084,260.00</u>	<u>934,260.00</u>
	<u>2,018,520.00</u>	

	<u>For the 38th</u> <u>Fiscal Year</u>	<u>For the 39th</u> <u>Fiscal Year</u>
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*This appropriation is not subject to the provisions in Section 10-930, A.C. 1939, relating to lapsing appropriations.

In conformity with Section 8-209, Arizona Code, 1939, as amended, collections received during the fiscal year for maintenance of patients when paid into the State Treasury are hereby appropriated for current expenditures; earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 39. VETERANS' SERVICE OFFICER

Salary of Veterans' Service Officer	3,000.00	3,000.00
Other Personal Services	6,960.00	6,960.00
State Travel	300.00	300.00
Other Current Expenditures	610.00	610.00
Capital Outlay: Equipment	100.00	100.00
Total Appropriation	<u>10,970.00</u>	<u>10,970.00</u>
	21,940.00	

VETERANS' RELIEF COMMISSION

Fixed Charges	5,000.00	5,000.00
	10,000.00	
Grand Total—		
Veterans' Service Officer	15,970.00	15,970.00
	<u>31,940.00</u>	

Subdivision 40. ARIZONA STATE COLLEGE AT FLAGSTAFF

Lump Sum Appropriation	461,776.00	478,533.00
	<u>940,309.00</u>	

	For the 38th Fiscal Year	For the 39th Fiscal Year
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Any unencumbered balance remaining in the Collections Account on June 30, 1949, and June 30, 1950, and all collections received by the college during the said fiscal years when paid into the state treasury are hereby appropriated for personal services, current expenditures, capital outlay, and fixed charges; earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 41. ARIZONA STATE COLLEGE
AT TEMPE

Lump Sum Appropriation	827,599.00	957,706.00
		1,785,305.00

Any unencumbered balance remaining in the Collections Account on June 30, 1949, and June 30, 1950, and all collections received by the college during the said fiscal years when paid into the state treasury are hereby appropriated for personal services, current expenditures, capital outlay, and fixed charges; earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 42. ARIZONA STATE SCHOOL
FOR THE DEAF AND BLIND

Salary of Superintendent	4,000.00	4,000.00
Other Personal Services	119,000.00	119,000.00
State Travel	250.00	250.00
Out of State Travel	250.00	250.00
Subscriptions and Organization Dues	250.00	250.00
Teachers' Retirement	2,804.78	2,804.78
Other Current Expenditures	69,000.00	69,000.00
Capital Outlay:		
Equipment	5,000.00	5,000.00

	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
Classroom and Primary Dormitory Building	225,000.00*	
Total Appropriation	425,554.78	200,554.78
	<u>626,109.56</u>	

*This appropriation is not subject to the provisions in Section 10-930, A.C. 1939, relating to lapsing appropriations.

In conformity with the Educational Institution Act of 1934, collections received during the fiscal year when paid into the State Treasury are hereby appropriated for fixed charges; earnings on lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 43. SUPERINTENDENT OF PUBLIC INSTRUCTION AND COMMON SCHOOLS

For the board of education; for the support of the primary, elementary, grammar, four-year high school grades of the public schools and vocational education, that the sum of money which shall be equal to \$95.00 per capita for common school education and \$95.00 per capita for high school education per annum, computed according to average daily attendance in common and high schools during the previous year as shown by the records of the superintendent of public instruction, which shall constitute the aggregate sum to be raised by state taxation for the support of common and high school education. This amount shall include the following items:

VOCATIONAL EDUCATION

Personal Services	29,750.00	29,750.00
State Travel	3,500.00	3,500.00
Out of State Travel	500.00	500.00
Subscriptions and Organization Dues	100.00	100.00
Other Current Expenditures	3,455.00	3,455.00

	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
Reimbursement for Vocational Training	75,000.00	75,000.00
Capital Outlay: Equipment	700.00	800.00
Total Appropriation	113,005.00	113,105.00
	226,110.00	

(The above appropriation is made to enable the state to cooperate with the federal government in carrying out the provisions of an Act of Congress approved February 23, 1917, and Acts amendatory or supplementary thereto, providing for the promotion and development of cooperative vocational education.)

VOCATIONAL REHABILITATION

Lump Sum Appropriation	25,000.00	25,000.00
	50,000.00	

(The above appropriation is made to enable the state to cooperate with the federal government in carrying out the provisions of an Act of Congress approved June 20, 1920, and subsequent amendments, providing for vocational rehabilitation.)

FOR THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION AND COMMON SCHOOLS, SCHOOL LUNCH PROGRAM*, AND TEXTBOOKS

Salary of the Superintendent of Public Instruction	5,500.00	5,500.00
Other Personal Services	64,860.00	64,860.00
State Travel	5,000.00	5,000.00
Out of State Travel	600.00	600.00
Subscriptions and Organization Dues	50.00	50.00
Teachers' Retirement	2,028.00	2,028.00
Other Current Expenditures	20,421.50	20,421.50

	For the 38th Fiscal Year	For the 39th Fiscal Year
Textbooks	400,000.00	400,000.00
Capital Outlay: Equipment	1,000.00	1,000.00
Total Appropriation	499,459.50	499,459.50
	998,919.00	

*(To carry out provisions of section 54-305, Arizona Code, 1939, annotated.)

ARIZONA TEACHERS' RETIREMENT SYSTEM

Fixed charges (For carrying out the provisions of section 54-1730, Arizona Code of 1939, as amended.)	178,083.13	198,862.09
	376,945.22	
Grand Total — Superintendent of Public Instruction and Common Schools	815,547.63	836,426.59
	<u>1,651,974.22</u>	

Subdivision 44. EDUCATION FOR CRIPPLED CHILDREN

Personal Services:

Maricopa County	3,600.00	3,600.00
Pima County	1,800.00	1,800.00
Total Appropriation	5,400.00	5,400.00
	<u>10,800.00</u>	

Subdivision 45. JUNIOR COLLEGES

Phoenix Junior College	75,000.00	75,000.00
Thatcher Junior College	75,000.00	75,000.00

	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
Total Appropriation	150,000.00	150,000.00
	<u>300,000.00</u>	

Subdivision 46. UNIVERSITY OF ARIZONA

Lump Sum Appropriation	1,792,337.00	1,973,321.00
Total Appropriation	<u>3,765,658.00</u>	

All collections received by the University during the said fiscal years when paid into the state treasury are hereby appropriated for personal services, current expenditures, capital outlay and fixed charges; earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 47. APPRENTICESHIP COUNCIL

Lump Sum Appropriation	4,000.00	4,000.00
	<u>8,000.00</u>	

Subdivision 48. ARIZONA FRUIT AND VEGETABLE
STANDARDIZATION ACT

Salary of Supervisor of Inspection	4,000.00	4,000.00
Other Personal Services	1,800.00	1,800.00
Total Appropriation	<u>5,800.00</u>	
	<u>11,600.00</u>	

Subdivision 49. BANKING DEPARTMENT

Salary of Superintendent	5,000.00	5,000.00
Examiner	3,000.00	3,000.00
Examiner—Small Loans	3,000.00	3,000.00
Other Personal Services	2,100.00	2,100.00

	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
State Travel	1,450.00	1,450.00
Subscriptions and Organization Dues	25.00	25.00
Other Current Expenditures	775.00	775.00
Total Appropriation	15,350.00	15,350.00
	<u>30,700.00</u>	

Subdivision 50. BUREAU OF CRIMINAL
IDENTIFICATION

Salary of Superintendent	3,600.00	3,600.00
Salary of Assistant Superintendent	2,400.00	2,400.00
Other Personal Services	500.00	500.00
Other Current Expenditures	365.00	365.00
Capital Outlay: Equipment	615.00	90.00
Total Appropriation	7,480.00	6,955.00
	<u>14,435.00</u>	

Subdivision 51. COMMISSION OF AGRICULTURE
AND HORTICULTURE

Salary of Commissioners	900.00	900.00
Other Personal Services	131,670.00	131,670.00
State Travel	5,000.00	5,000.00
Out of State Travel	250.00	250.00
Subscriptions and Organization Dues	50.00	50.00
Other Current Expenditures	9,240.00	9,240.00

	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
Capital Outlay: Equipment	400.00	
Total Appropriation	147,510.00	147,110.00
	<u>294,620.00</u>	

Subdivision 52. CORPORATION COMMISSION

Salary of Commissioners	18,000.00	18,000.00
Salary of Commission Secretary	4,800.00	4,800.00
Other Personal Services:		
Insurance Department	28,100.00	28,100.00
Utilities Department	8,400.00	8,400.00
Incorporating Department	9,900.00	9,900.00
Investment and Securities De- partment	9,000.00	9,000.00
Motor Carrier Department	26,400.00	26,400.00
Common Carrier Tariff and Rate Department	13,200.00	13,200.00
Accounting and Cashier De- partment	8,400.00	8,400.00
State Travel:		
Motor Carrier Department and Common Carrier Tariff and Rate Department	8,400.00	8,400.00
Other State Travel	2,500.00	2,500.00
Out of State Travel	1,500.00	1,500.00
Subscriptions and Organization Dues	500.00	500.00
Other Current Expenditures	23,400.00	23,400.00

	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
Capital Outlay: Equipment	3,500.00	500.00
Total Appropriation	166,000.00	163,000.00
	<u>329,000.00</u>	

Subdivision 53. DEPARTMENT OF LIQUOR
LICENSES AND CONTROL

Salary of Superintendent	6,000.00	6,000.00
Other Personal Services	55,000.00	55,000.00
State Travel	15,000.00	15,000.00
Subscriptions and Organization Dues	200.00	200.00
Other Current Expenditures	4,295.00	4,295.00
Capital Outlay:		
Radio Equipment	2,500.00	2,500.00
Automobile	1,800.00	
Total Appropriation	84,795.00	82,995.00
	<u>167,790.00</u>	

Subdivision 54. INDUSTRIAL INSURANCE PREMIUMS

Workmen's Compensation Insur- ance (Exclusive of Highway Department)	75,000.00	75,000.00
Occupational Disease (Exclusive of Highway Department)	1,500.00	1,500.00
Total Appropriation	76,500.00	76,500.00
	<u>153,000.00</u>	

Subdivision 55. INDUSTRIAL COMMISSION

Salary of Commissioners	18,000.00	18,000.00
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	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
Enforcement of Labor and Minimum Wage Laws:		
Personal Services	9,120.00	9,120.00
State Travel	1,700.00	1,700.00
Subscriptions and Organiza- tion Dues	90.00	90.00
Other Current Expenditures ..	1,708.00	1,708.00
Total Appropriation	<u>30,618.00</u>	<u>30,618.00</u>
	<u>61,236.00</u>	
Subdivision 56. INSPECTOR OF WEIGHTS AND MEASURES		
Salary of Inspector	3,000.00	3,000.00
Other Personal Services	5,400.00	5,400.00
State Travel	3,500.00	3,500.00
Other Current Expenditures	750.00	750.00
Total Appropriation	<u>12,650.00</u>	<u>12,650.00</u>
	<u>25,300.00</u>	
Subdivision 57. LIVE STOCK SANITARY BOARD STATE VETERINARIAN		
Salary of State Veterinarian	4,800.00	4,800.00
State Travel	500.00	500.00
Other Current Expenditures	545.00	545.00
Capital Outlay: Equipment	50.00	50.00
Total Appropriation	<u>5,895.00</u>	<u>5,895.00</u>
	11,790.00	

	<u>For the 38th</u> <u>Fiscal Year</u>	<u>For the 39th</u> <u>Fiscal Year</u>
FOR THE LIVE STOCK SANITARY BOARD		
Board Members Per Diem	1,000.00	1,000.00
Salary of Inspectors	182,975.00	182,975.00
Other Personal Services	25,280.00	25,280.00
State Travel	500.00	500.00
Subscriptions and Organization Dues	25.00	25.00
Brand Re-recording		10,000.00
Other Current Expenditures	5,980.00	6,080.00
Capital Outlay: Equipment	200.00	
Total Appropriation	215,960.00	225,860.00
	441,820.00	

ANIMAL HUSBANDRY

Lump Sum Appropriation	8,000.00	8,000.00
	16,000.00	

(The above appropriation is made to enable the state to cooperate with the United States bureau of animal industry for the eradication of tuberculosis among cattle.)

PREDATORY ANIMAL CONTROL

Lump Sum Appropriation	15,000.00	15,000.00
	30,000.00	

(The above appropriation is made to enable the state to cooperate with the federal wildlife department for the eradication of predatory animals.)

PREDATORY ANIMAL CONTROL—
PAYMENT OF BOUNTY

Lump Sum Appropriation	10,000.00	10,000.00
	20,000.00	

	<u>For the 38th</u> <u>Fiscal Year</u>	<u>For the 39th</u> <u>Fiscal Year</u>
RODENT CONTROL		
Lump Sum Appropriation	8,000.00	8,000.00
	16,000.00	
(The above appropriation is made to enable the state to cooperate with the federal wildlife department for the control of rodents.)		
VOLUNTARY BANG'S DISEASE		
Lump Sum Appropriation	15,000.00	15,000.00
	30,000.00	
(The above appropriation is made to enable the state to cooperate with the United States bureau of animal industry for the eradication of voluntary bang's disease among animals.)		
Total Live Stock Sanitary Board	279,055.00	288,955.00
	<u>568,010.00</u>	

Subdivision 58. STATE MINE INSPECTOR

Salary of Mine Inspector	5,500.00	5,500.00
Salary of 3 Deputy Mine Inspectors	9,000.00	9,000.00
Salary of Dust Engineer	3,600.00	3,600.00
Other Personal Services	2,400.00	2,400.00
State Travel	5,000.00	5,000.00
Other Current Expenditures	900.00	900.00
Total Appropriation	<u>26,400.00</u>	<u>26,400.00</u>
	<u>52,800.00</u>	

Subdivision 59. NATIONAL GUARD

Salary of Adjutant General	3,600.00	3,600.00
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	<u>For the 38th</u> <u>Fiscal Year</u>	<u>For the 39th</u> <u>Fiscal Year</u>
Other Personal Services	63,216.00	63,216.00
State Travel	2,500.00	2,500.00
Out of State Travel	500.00	500.00
Officers' Clothing Allowance	500.00	500.00
Other Current Expenditures	44,554.00	44,554.00
Capital Outlay:		
Equipment	2,500.00	2,500.00
Buildings and Land	15,000.00	15,000.00
Total Appropriation	<u>132,370.00</u>	<u>132,370.00</u>
	<u>264,740.00</u>	

Subdivision 60. REAL ESTATE BOARD

From the real estate board fund the following is appropriated:

Board Members' Per Diem	750.00	750.00
Real Estate Commissioner	4,800.00	4,800.00
Salary of Deputy Real Estate Commissioner	3,960.00	3,960.00
Salary of Secretary	2,400.00	2,400.00
Other Personal Services	10,540.00	10,540.00
State Travel	2,500.00	2,500.00
Subscriptions and Organization Dues	15.00	15.00
Other Current Expenditures	4,300.00	4,300.00
Capital Outlay: Equipment	1,000.00	500.00
Total Appropriation	<u>30,265.00</u>	<u>29,765.00</u>
	<u>60,030.00</u>	

	For the 38th Fiscal Year	For the 39th Fiscal Year
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Subdivision 61. REGISTRAR OF CONTRACTORS

From the registrar of contractors fund the following is appropriated:

Salary of the Registrar of Contractors	3,600.00	3,600.00
Other Personal Services	22,950.00	22,950.00
State Travel	750.00	750.00
Other Current Expenditures	2,650.00	2,650.00
Capital Outlay: Equipment	250.00	250.00
Total Appropriation	30,200.00	30,200.00
	60,400.00	

Subdivision 62. SHEEP SANITARY COMMISSION

Personal Services	7,700.00	7,700.00
State Travel	2,150.00	2,150.00
Other Current Expenditures	520.00	520.00
Total Appropriation	10,370.00	10,370.00
	20,740.00	

Subdivision 63. STATE EGG INSPECTOR

From the State Egg Inspection Account the following is appropriated:

Salary of State Egg Inspector ..	2,000.00	2,000.00
Other Personal Services	5,460.00	5,460.00
State Travel	2,000.00	2,000.00
Other Current Expenditures	1,315.00	1,315.00

	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
Total Appropriation	10,775.00	10,775.00
	<u>21,550.00</u>	

Subdivision 64. STATE BOARD OF TECHNICAL
REGISTRATION

From the state board of technical registration fund the following is appropriated:

Salary of Clerk	1,980.00	1,980.00
Other Personal Services	1,560.00	1,560.00
State Travel	400.00	400.00
Out of State Travel	400.00	400.00
Subscriptions and Organization Dues	275.00	275.00
Other Current Expenditures	1,655.00	1,655.00
Capital Outlay: Equipment	125.00	125.00
Total Appropriation	<u>6,395.00</u>	<u>6,395.00</u>
	<u>12,790.00</u>	

Subdivision 65. STATE VETERINARY BOARD

From the state veterinary board fund the following is appropriated:

Personal Services	330.00	330.00
State Travel	60.00	60.00
Other Current Expenditures	65.00	65.00
Total Appropriation	<u>455.00</u>	<u>455.00</u>
	<u>910.00</u>	

	For the 38th Fiscal Year	For the 39th Fiscal Year
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Subdivision 66. STATE BOARD OF ACCOUNTANCY

From the State Board of Accountancy Fund the following is appropriated:

Personal Services	1,300.00	1,300.00
State Travel	300.00	300.00
Subscriptions and Organization Dues	25.00	25.00
Other Current Expenditures	960.00	960.00
	<hr/>	<hr/>
Total Appropriation	2,585.00	2,585.00
		<hr/> <u>5,170.00</u>

Subdivision 67. STATE HIGHWAY

From any unencumbered balances remaining in the State Highway Fund as of June 30, 1949, and June 30, 1950, respectively, there is hereby appropriated:

ADMINISTRATION:

Personal Services	180,000.00	180,000.00
Other Current Expenditures	90,000.00	90,000.00
Capital Outlay	55,000.00	55,000.00
	<hr/>	<hr/>
Total Appropriation— Administration	325,000.00	325,000.00
		<hr/> <u>650,000.00</u>

ENGINEERING:

Personal Services	375,000.00	375,000.00
Other Current Expenditures	26,000.00	26,000.00
Capital Outlay	5,000.00	5,000.00
	<hr/>	<hr/>

	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
MOTOR VEHICLE:		
Personal Services	420,000.00	420,000.00
Other Current Expenditures	125,000.00	125,000.00
Capital Outlay	4,000.00	4,000.00
Total Appropriation— Motor Vehicle	549,000.00	549,000.00
	<u>1,098,000.00</u>	

HIGHWAY PATROL:

Salary of Superintendent	5,580.00	5,580.00
Salary of Assistant Superintendent	4,680.00	4,680.00
Salary of Chief Clerk	3,480.00	3,480.00
Salary of Governor's Chauffeur	3,600.00	3,600.00
Salary of Captains, Inspectors, Sergeants and Patrolmen	290,280.00	290,280.00
Other Personal Services	42,000.00	42,000.00
Other Current Expenditures	108,000.00	108,000.00
Capital Outlay	20,000.00	10,000.00
Total Appropriation— Highway Patrol	477,620.00	467,620.00
	<u>945,240.00</u>	

MAINTENANCE AND BETTERMENTS:

Personal Services	1,130,000.00	1,130,000.00
Other Current Expenditures	500,000.00	500,000.00
Capital Outlay	15,000.00	15,000.00

	<u>For the 38th</u> <u>Fiscal Year</u>	<u>For the 39th</u> <u>Fiscal Year</u>
Total Appropriation—Maintenance and Betterments	1,645,000.00	1,645,000.00
	<u>3,290,000.00</u>	
INDUSTRIAL INSURANCE		
PREMIUMS:	93,000.00	93,000.00
Total—Industrial Insurance Premiums	<u>186,000.00</u>	
WAREHOUSE REVOLVING ACCOUNT:		
	80,000.00	80,000.00
Total—Warehouse revolving account	<u>160,000.00</u>	
PATROL MERIT SYSTEM COUNCIL:		
Lump sum appropriation	6,000.00	6,000.00
Total	<u>12,000.00</u>	
HIGHWAY MAGAZINE**	125,000.00	125,000.00
Total—Highway Magazine	<u>250,000.00</u>	
**In addition to the authorization of \$125,000.00 annually for the Highway Magazine, any unencumbered balance remaining in the Highway Magazine Fund on June 30, 1949, and June 30, 1950, and all receipts from subscriptions and sales during the said fiscal years when paid into the State Treasury are hereby appropriated for the purposes stated in Section 59-701, Arizona Code of 1939.		
Grand Total—State Highway Funds		
(Exclusive of Construction)	5,067,220.00	5,004,720.00
	<u>10,071,940.00</u>	

Any balances and collections in the State Highway Fund in excess of the specific amounts set forth above for the purposes designated are hereby appropriated exclusively for construction of state highways, including, (1) state primary system, (2) state secondary system, (3) county secondary (or primary) system, (4) urban area routes; the acquisition of rights-of-way; the cost of field administration, field engineering; and engineering on construction projects.

	<u>For the 38th</u> <u>Fiscal Year</u>	<u>For the 39th</u> <u>Fiscal Year</u>
Subdivision 68. ARIZONA GAME AND FISH COMMISSION—GAME AND FISH PROTECTION:		
From the Arizona Game and Fish Protection Fund the follow- ing is appropriated:		
Salary of Director	4,800.00	4,800.00
Salary of present Employees ...	164,918.00	164,918.00
Other Personal Services— Additional Employees	55,282.00	55,282.00
State Travel	40,000.00	40,000.00
Out of State Travel	750.00	750.00
Subscriptions and Organization Dues	125.00	125.00
Propagation of Fish and Wildlife (Exclusive of Personal Services)	105,000.00	105,000.00
Other Current Expenditures	99,125.00	99,125.00
Capital Outlay: Equipment (Ex- clusive of Passenger Automot- obiles)	25,000.00	25,000.00
Buildings and Improvements	10,000.00	10,000.00
Total Appropriation	505,000.00	505,000.00
	<u>1,010,000.00</u>	

Subdivision 69. DEPARTMENT OF MINERAL
RESOURCES

Personal Services:

Director	4,200.00	4,200.00
Special Assistant (Washington)..	4,200.00	4,200.00
Field Engineer	3,600.00	3,600.00

	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
Office Engineer	3,600.00	3,600.00
Secretary	2,400.00	2,400.00
Land and Mine Law Specialist ..	1,675.00	1,675.00
Janitor	600.00	600.00
Other Personal Services	900.00	900.00
Total Personal Services:	<u>21,175.00</u>	<u>21,175.00</u>
State Travel	1,500.00	1,500.00
Out of State Travel	150.00	150.00
Subscriptions and Organization Dues	10.00	10.00
Other Current Expenditures	2,450.00	2,450.00
Capital Outlay: Equipment	100.00	100.00
Total Appropriation	<u>25,385.00</u>	<u>25,385.00</u>
	<u>50,770.00</u>	

Subdivision 70. STATE DAM AND SUPERVISION

All collections received during the fiscal year when paid into the State Treasury are hereby appropriated for current expenditures and capital outlay.

Subdivision 71. ARIZONA COPPER TARIFF BOARD

Lump Sum Appropriation	4,500.00	3,000.00
	<u>7,500.00</u>	

Subdivision 72. STATE LAND DEPARTMENT
FOR THE STATE LAND DEPARTMENT

Salary of Commissioner	5,000.00	5,000.00
Other Personal Services	63,850.00	63,850.00

LAWS OF ARIZONA

	For the 38th Fiscal Year	For the 39th Fiscal Year
State Travel	3,000.00	3,000.00
Out of State Travel	500.00	500.00
Appraisal of Lands	5,000.00	5,000.00
Subscriptions and Organization Dues	25.00	25.00
Other Current Expenditures	9,750.00	9,750.00
Capital Outlay:		
Equipment	500.00	500.00
Automobile	1,500.00	
Total Appropriation—For the State Land Department	89,125.00	87,625.00
	<u>176,750.00</u>	

STREAM GAUGING

Personal Services	18,225.00	18,225.00
Other Current Expenditures	2,275.00	2,275.00
Total Appropriation—Stream Gauging	20,500.00	20,500.00
	<u>41,000.00</u>	

(This appropriation is made to enable the state to cooperate with the federal government.)

UNDERGROUND WATER DEVELOPMENT

Personal Services	25,000.00	25,000.00
Other Current Expenditures	5,650.00	5,650.00
Capital Outlay: Equipment	1,200.00	1,200.00
Total Appropriation—Under- ground Water Development.....	31,850.00	31,850.00
	<u>63,700.00</u>	

	<u>For the 38th Fiscal Year</u>	<u>For the 39th Fiscal Year</u>
Grand Total—		
State Land Department	141,475.00	139,975.00
	<u>281,450.00</u>	

Subdivision 73. ARIZONA INTERSTATE
STREAM COMMISSION

Personal Services	62,400.00	62,400.00
State Travel	5,000.00	5,000.00
Out of State Travel	7,000.00	7,000.00
Subscriptions and Organization Dues	200.00	200.00
Other Current Expenditures	5,425.00	5,425.00
Total Appropriation	<u>80,025.00</u>	<u>80,025.00</u>
	<u>160,050.00</u>	

Subdivision 74. BOND INTEREST AND
REDEMPTION REQUIREMENTS

Interest on Bonded Debt	1,762.50	1,462.50
Redemption of Debt	10,000.00	10,000.00
Total Appropriation	<u>11,762.50</u>	<u>11,462.50</u>
	<u>23,225.00</u>	

Subdivision 75. GOVERNOR—PIONEER'S
HISTORICAL SOCIETY

Personal Services	4,800.00	4,800.00
Other Current Expenditures	600.00	600.00
Capital Outlay	500.00	500.00
Total Appropriation	<u>5,900.00</u>	<u>5,900.00</u>
	<u>11,800.00</u>	

	For the 38th Fiscal Year	For the 39th Fiscal Year
Subdivision 76. GOVERNOR—PRESCOTT HISTORICAL SOCIETY		
Personal Services	2,500.00	2,500.00
Other Current Expenditures	2,000.00	2,100.00
Capital Outlay: Equipment	1,000.00	400.00
Total Appropriation	5,500.00	5,000.00
	<u>10,500.00</u>	

Subdivision 77. STATE FAIR COMMISSION

From the State Fair Commission Fund the following is appropriated:

Personal Services	60,000.00	60,000.00
State Travel	750.00	750.00
Subscriptions and Organization Dues	225.00	225.00
Other Current Expenditures	146,500.00	146,500.00
Capital Outlay:		
Equipment	2,500.00	
Buildings and Improvements ..	62,500.00	100,000.00
Total Appropriation	272,475.00	307,475.00
	<u>579,950.00</u>	

Subdivision 78. GOVERNOR—ON*THE*JOB TRAINING

Lump Sum Appropriation	2,000.00	2,000.00
	<u>4,000.00</u>	

Section 2. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.

Approved by the Governor—March 31, 1949.

Filed in the Office of the Secretary of State—March 31, 1949.

MEMORIALS



HOUSE JOINT MEMORIAL NO. 1

A JOINT MEMORIAL

RELATING TO THE PROPAGATION OF FISH.
TO THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

Approximately seventy-two per cent of the land area of Arizona is federally owned and controlled, and about thirty per cent of that area consists of Indian reservations on which the tribes charge fees for fishing. Most of the thousand miles of fishing waters and lakes of Arizona are located on federal lands.

The state of Arizona, through the Arizona game and fish commission, operates three trout hatcheries and three sets of rearing ponds and pays the major part of the cost of operating the federal trout hatchery at Williams creek, but its efforts are insufficient to adequately stock the streams. The state does not have the facilities to adequately stock the warm water lakes and streams of the state, all of which would provide excellent large and small mouth bass fishing.

The United States fish and wildlife service has expended or is expending \$141,740 in the construction or improvement of hatcheries in this region and during the past fiscal year expended \$225,149.15 for the hatching, rearing and stocking of fish, but less than \$9,000 of the total amount was spent in the state of Arizona. This expenditure was confined to the Williams creek trout hatchery, on the Fort Apache Indian Reservation, and was and is insufficient to operate even that hatchery without the much greater contributions of the state of Arizona.

A combination trout and pond fish hatchery, to be located in the north central part of Arizona is a service very much needed to relieve the demand for fishing facilities which has been apparent since World War II, caused largely by the settlement in Arizona of approximately one hundred thousand young war veterans.

Wherefore your memorialist, the legislature of the state of Arizona, requests:

1. That the 81st Congress appropriate the sum of \$96,098 for the operation of the Williams creek trout hatchery, and in addition thereto \$258,141.28 for the construction and operation of a combination trout and pond fish hatchery, to be located in the north central part of Arizona.

Passed the House March 10, 1949, by the following vote: 54 Ayes, 0 Nays, 3 absent, 1 Excused.

Passed the Senate March 16, 1949, by the following vote: 17 Ayes, 0 Nays, 2 Not voting.

Approved by the Governor—March 26, 1949.

Filed in the Office of the Secretary of State—March 28, 1949.

HOUSE MEMORIAL NO. 1

A MEMORIAL

REQUESTING CONGRESS TO PROVIDE RECREATIONAL FACILITIES IN THE LAKE MEAD NATIONAL RECREATIONAL AREA.

TO THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

1. Through bureaus of the Department of the Interior, the Lake Mead National Recreational Area, in Arizona and Nevada, has been created, and by the appropriation of moneys for the maintenance and improvement thereof Congress has signified its approval.

2. There are still opportunities and substantial need for additional facilities for recreation in the area thus provided, among which might be mentioned: 1. a road from Pierce Ferry to Fredonia, via Pipe Spring National Monument, connecting with the north rim of Grand Canyon near Tuweep; 2. a paved road from a point on U. S. Highway 93, within the recreational area, to Temple Bar; 3. truck trails along Lake Mead, particularly between the Temple Bar road and Hualapai Wash, to open the area to fishermen, and, 4. sewer, airport and other facilities at Temple Bar and Pierce Ferry.

3. The further opening of this splendid area will not only be of great benefit to Arizona, but will render its beauties and recreational advantages available to the people of the whole United States and cause it to take a high place in the great national park system, which exists for the enjoyment and benefit of the people of the United States.

Wherefore, your memorialist, the House of Representatives of the

State of Arizona, respectfully requests:

1. That the Congress provide for the further development and improvement of the facilities of the Lake Mead National Recreational Area.

Adopted by the House this 22nd day of January, 1949—45 Ayes, 0 Nays, 1 Absent, 12 Excused.

Filed in the Office of the Secretary of State—January 24, 1949.

HOUSE MEMORIAL NO. 2

A MEMORIAL

REQUESTING DECENTRALIZATION OF WAR INDUSTRIES, AND CALLING ATTENTION TO THE ADVANTAGES OF ARIZONA AS A LOCATION FOR WAR INDUSTRIES.

TO THE WAR DEPARTMENT AND THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

The combination of the long range bomber and atomic weapons, coupled with the concentration of our war industries into two comparatively small sections of our country, the east coast and the great lakes areas, render it not only possible but highly probable that, in the event of hostilities, a great percentage of our war industries could be seriously crippled if not totally destroyed in a matter of a few moments by a small enemy striking force.

For the protection of our peoples, and for the maintenance of an impregnable fortress against destroyers of peace and liberty, it behooves us to seriously consider and take immediate action upon decentralization of these war industries as much as conditions will permit. Among the more important considerations are the availability of raw products, power resources, suitable sites, and transportation facilities.

In these and other particulars Arizona offers splendid advantages for the location of war industries. The production of copper, lead, zinc, tungsten, quicksilver and other strategic metals by Arizona industry is a matter of record, and there still remain large undeveloped fields of manganese which could and should be made to produce. In addition to the production of cotton, notably the long staple, tough-fibered American-Egyptian, Arizona lies in the center of a large cotton producing area.

Unlimited power is available at comparatively low cost, transportation facilities are excellent with three transcontinental highways spanning the state, and suitable sites for war industries are available in almost every part of the state, climatic conditions being such that interruptions of work from any climatic cause need not be taken into account.

In addition to these assets, and of prime importance today, Arizona is sufficiently inland to be removed from the greatest dangers of air attacks, and close enough to the Pacific Coast to expeditiously serve that war area.

Wherefore your memorialist, the House of Representatives of the State of Arizona, urgently requests:

1. That immediate action be taken to decentralize the nation's war industries.
2. That serious consideration be given to the numerous advantages offered by the State of Arizona for the location of war industries.

Adopted by the House this 25th day of January, 1949.

Filed in the Office of Secretary of State—January 25, 1949.

HOUSE MEMORIAL NO. 3

A MEMORIAL

PROPOSING DECONTROL OF RENTAL HOUSING IN THE STATE OF ARIZONA.

TO THE HOUSING EXPEDITER OF THE UNITED STATES:

Your memorialist respectfully represents:

More than three and one-half (3½) years have passed since the end of World War II, and during this post-war period the building industry in the State of Arizona has done a magnificent job of providing adequate housing for the inhabitants of the state.

For example an official survey of the Phoenix area discloses that on November 1, 1948, there were twenty seven hundred (2700) vacant housing units, or a percentage of vacancies of seven and seven-tenths (7.7) per cent within the City of Phoenix, compared to six (6) per cent of vacancies as shown by the 1940 report of the Bureau of Census. This is representative of the present housing condition in the state at large.

Now it appears that the demand for rental housing accommodations in the State of Arizona has been reasonably met.

Wherefore your memorialist, the House of Representatives of the State of Arizona, urgently requests:

That as there is no further need for rent control in the State of Arizona, that the office of the Housing Expediter of the United States should, and is urged to take immediate steps to dissolve all defense rental areas heretofore designated within the said State of Arizona, and to decontrol all housing accommodations in said state, and rescind all orders of his office heretofore issued establishing maximum rentals upon housing situated in this state.

Passed the House February 4, 1949 by the following vote: 42 Ayes, 11 Nays, 3 Absent, 2 Excused.

Filed in the Office of the Secretary of State—February 4, 1949.

SENATE MEMORIAL NO. 1

A MEMORIAL

REQUESTING IMMEDIATE ACTION BY THE PRESIDENT AND CONGRESS WITH RESPECT TO SOCIAL SECURITY PAYMENTS TO INDIANS ON RESERVATIONS.

TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

That the Federal Social Security Administration has threatened to withhold federal social security grants to Arizona unless Arizona assumes the obligation of the federal government with respect to the payment of indigent assistance to Indians living on reservations within Arizona.

That Arizona, because of the effect of such threatened action on thousands of its citizens who are now receiving and require assistance, is being bludgeoned into accepting an obligation which it does not have and which it cannot afford to assume.

That there has been introduced in the current session of the Eighty-first Congress legislation (Senate Bill 691) which, if enacted, will afford an equitable solution of the problem for all concerned.

Wherefore, your memorialist, the Senate of the State of Arizona, requests:

1. That the President, as head of the executive department of the federal government, direct the Federal Social Security Administration to cease and desist from withholding federal social security grants to Arizona, pending consideration by the Congress of the problem of assistance to reservation Indians.

2. That the Congress give immediate consideration to, and enact, such legislation as will eliminate the present situation, assure to Indians living on reservations within Arizona the indigent assistance to which they are entitled, remove from worthy and eligible citizens of Arizona the current threat of hardship and distress, and relieve Arizona from the assumption of an unjustified and undue financial burden.

Adopted by the Senate February 9, 1949 by the following vote: 18 Ayes, 0 Nays, 1 Not voting.

Filed in the Office of the Secretary of State—February 10, 1949.

RESOLUTIONS

VOCATIONAL REHABILITATION
DIVISION
STATE BOARD OF VOCATIONAL EDUCATION
106 South 15th Ave. Phoenix, Arizona

HOUSE JOINT RESOLUTION NO. 2

A JOINT RESOLUTION

ON THE DEATH OF HON. WILLIAM G. ROSENBAUM.

Whereas, on January 12, 1949, the soul of William George Rosenbaum was called to the Throne of Grace. The departed was fifty-nine years of age.

William George Rosenbaum, a native of Kentucky, came to Arizona in 1911, to secure relief from a debilitating illness. He remained to gain distinction and honor, and to command the high regard and attachment of a large proportion of Arizona citizens having acquaintance with his attainments and achievements.

Every year of his thirty-seven years of Arizona life was marked by exceptional activity. As a private citizen he became a professional pharmacist, but abandoning that calling, for many years occupied the responsible position of a mine mill foreman at Hayden. During World War I he served his country, and returning to his home at Hayden as a veteran of that conflict became a leading member and service officer of N. E. Griffin Post No. 22 American Legion. He was also an earnest and active member of the Independent Order of Odd Fellows, and occupied in turn every post in his lodge.

In 1927 Mr. Rosenbaum was chosen by the people of the third legislative district of Gila County to serve them in the House of Representatives, and from that time to the day of his death never failed of reelection, accumulating a record which for continuous service has no parallel in the history of the Arizona Legislature, and may be unequalled in the United States.

In the Legislature he was soon known for the qualities which distinguished him in other activities—application, thoroughness, and indefatigable energy. He became an authority on legislative procedure, and was the sponsor and chief proponent of much significant legislation. With two exceptions he was at every session assigned the chairmanship of the important administrative Committee on Printing and Clerks, and on those two exceptional occasions he was the ranking member.

Never aspiring to preside over the House, he was nevertheless chosen as Speaker of a special session of the Eleventh Legislature, as Speaker pro tempore of the Tenth and Eleventh Legislatures, and during many terms was the acknowledged floor leader. For earnestness and devotion to what he conceived to be his duty, "Rosie", as he was universally known to his co-workers, had few rivals.

William George Rosenbaum leaves behind him a record which will be remembered long after the paper on which this tribute is written will have crumbled to dust. Therefore

Be it Resolved by the Legislature of the State of Arizona:

1. The death of Hon. William G. Rosenbaum comes as a major shock to the people of Arizona, and particularly to his fellow legislators.

2. The profound sympathy of the members of this body is extended to the devoted and bereaved wife, to the son and to other surviving relatives.

Passed the House January 17, 1949 by unanimous vote.

Passed the Senate January 18, 1949 by unanimous vote.

Approved by the Governor—January 18, 1949.

Filed in the Office of the Secretary of State—January 18, 1949.

HOUSE JOINT RESOLUTION NO. 3

A JOINT RESOLUTION

AUTHORIZING THE TRANSFER OF AN AUTOMOBILE FROM
THE SECRETARY OF STATE TO THE GOVERNOR.

Whereas, under the provisions of Senate Bill 47, Eighteenth Legislature, fifth special session, passed by the Senate and the House of Representatives the veto of the governor notwithstanding, and filed in the office of the secretary of state on March 11, 1948, appropriation was made to the secretary of state for the purchase of one automobile; and

Whereas, pursuant thereto an automobile was purchased by the secretary of state and employed in the service of the state; and

Whereas, circumstances have arisen which render the use of such automobile by the secretary of state unnecessary, while it is needed by the governor. Therefore

Be it Resolved by the Legislature of the State of Arizona:

1. The transfer of said automobile (1948 Cadillac four-door sedan, model 6269), from the secretary of state to the governor, is authorized.

Passed the House February 18, 1949 by the following vote: 52 Ayes, 2 Nays, 2 Absent, 2 Excused.

Passed the Senate March 3, 1949 by the following vote: 18 Ayes, 0 Nays, 1 Not voting.

Filed in the Office of the Secretary of State—March 3, 1949.

HOUSE JOINT RESOLUTION NO. 8

A JOINT RESOLUTION

REQUESTING THE RETURN OF HOUSE BILL NO. 133, DE-
LIVERED TO THE GOVERNOR'S OFFICE MARCH 15, 1949;
FOR FURTHER CONSIDERATION OF THE LEGISLATURE.

Whereas, in conformity with Article 4, Section 12 and Article 5, Section 7, Constitution of Arizona relative to an error in the engrossed copy of House Bill No. 133 sent to the Governor's office on March 15, 1949; and

Whereas, it is the consensus that the error was not intentional by the drafters in making the appropriation apply to the remainder of the thirty-eighth fiscal year instead of the remainder of the thirty-seventh fiscal year; and

Whereas, it is the desire of this body to correct said error in order that the appropriation would be for the fiscal year intended Now, therefore

Be it Resolved by the Legislature of the State of Arizona:

1. That we respectfully request the return of House Bill No. 133 to this body for correction.

Passed the House March 16, 1949 by a majority vote.

Passed the Senate March 17, 1949 by the following vote: 17 Ayes, 0 Nays, 2 Not voting.

Approved by the Governor—March 17, 1949.

Filed in the Office of the Secretary of State—March 17, 1949.

SENATE JOINT RESOLUTION NO. 3

A JOINT RESOLUTION

REQUESTING THE RETURN OF SENATE BILL NO. 55, DELIVERED TO THE GOVERNOR'S OFFICE MARCH 17, 1949; FOR FURTHER CONSIDERATION OF THE LEGISLATURE.

Whereas, in conformity with Article 4, Section 12 and Article 5, Section 7, Constitution of Arizona relative to an error in the engrossed copy of Senate Bill No. 55 sent to the governor's office on March 17, 1949; and

Whereas, it is the consensus that the error was not intentional by the drafters in making the eligibility requirements for old age assistance; and

Whereas, it is the desire of this body to correct said error in order that the Bill conform to the federal statutes. Now, therefore

Be it Resolved by the Legislature of the State of Arizona:

1. That we respectfully request the return of Senate Bill No. 55 to this body for correction.

Adopted by the House March 19, 1949 by the following vote: 52 Ayes, 0 Nays, 3 Absent, 3 Excused.

Adopted by the Senate March 19, 1949 by the following vote: 14 Ayes, 0 Nays, 5 Not voting.

Approved by the Governor—March 19, 1949.

Filed in the Office of the Secretary of State—March 19, 1949.

SENATE CONCURRENT RESOLUTION NO. 2

A CONCURRENT RESOLUTION

On the Arizona Strip.

Whereas, in the northwestern portion of Arizona lie some five million acres of grazing, forest and farming lands which are separated from the balance of the state by the Grand Canyon of the Colorado.

The Arizona Strip, as this area is known, is occupied by several hundred loyal Arizonans who are earnestly striving against odds to maintain homes, rear families in the American way, and educate their children.

The drawback of undevelopment which besets the citizens of the Strip is accentuated by the great distances to populous communities, and the total lack of improved highways. Appeals for the construction of roads have gone unanswered on the grounds of lack of revenue from the Strip.

A further hardship lies in the fact that although much of the lands are valuable grazing lands they lie in a grazing district administered from an adjoining state, and it is charged that the residents of the district are discriminated against. Other hardships susceptible of amelioration by governmental action are frequently cited by residents of the Strip. Therefore

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

1. The citizens of the Arizona Strip are entitled to more serious consideration at the hands of the government of their state than they have heretofore received.
2. A thorough and fair investigation should be made of conditions in the Arizona Strip, with a view to the formulation of a program of helpfulness to the citizens of that area, and the development of its resources.
3. The governor is requested to take the necessary steps to effect such an investigation, through agencies of the state, and to submit his recommendations to the legislature.

Adopted by the House—March 12, 1949.

Adopted by the Senate—February 8, 1949.

Filed in the Office of the Secretary of State—March 14, 1949.

HOUSE CONCURRENT RESOLUTION NO. 14

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO LIABILITY OF BANK STOCK-HOLDERS.

BE IT RESOLVED by the House of Representatives of the State of Arizona, the Senate concurring:

1. The following amendment to Section 11, Article XIV, Constitution of Arizona, is proposed to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

Section 11. **LIABILITY OF STOCKHOLDERS.** The shareholders or stockholders of every banking corporation or association shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such corporation or association, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares or stock, unless such banking corporation or association shall have provided insurance through membership in the federal deposit insurance corporation or any successor thereto or other instrumentality of the United States, for the benefit of the depositors of said corporation or association. In the event such insurance is provided, the stockholders or shareholders of said banking corporation or association shall not be liable for any amount in addition to the amount already invested in such shares or stock.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by Article XXI, Constitution of Arizona.

Passed the House March 9, 1949, by the following vote: 52 Ayes, 2 Nays, 4 Absent, 0 Excused.

Passed the Senate March 15, 1949, by the following vote: 17 Ayes, 0 Nays, 2 Not voting.

Filed in the Office of the Secretary of State—March 15, 1949.

HOUSE RESOLUTION NO. 5

A RESOLUTION

AUTHORIZING THE PLANTING OF A TREE AND ERECTION OF A TABLET IN HONOR OF ARIZONA'S JEWISH WAR DEAD.

Whereas, the roll of the American dead in World War II includes six men of the Jewish faith residents of the city of Phoenix who gave their lives for their country's cause, the last resting place of some of whom is unknown.

It is fitting that the supreme sacrifice made by these men should be commemorated. Therefore

BE IT RESOLVED by the House of Representatives of the State of Arizona:

1. Valley of the Sun Post 194, Jewish War Veterans of the

United States, is authorized to plant a tree and erect a memorial tablet on the state capitol grounds in memory and honor of the Americans of Jewish faith who were residents of Arizona. The planting of such tree and the erection of such memorial shall be subject to the approval of the governor as to location and specifications.

Adopted by the House—March 12, 1949.

Filed in the Office of the Secretary of State—March 15, 1949.

**INITIATIVE AND
REFERENDUM
MEASURES**

Receiving a majority of the votes cast at the general election held November 2, 1948, became law on proclamation issued by the Governor, November 22, 1948.

STATE OF ARIZONA
EXECUTIVE DEPARTMENT

* A PROCLAMATION BY THE GOVERNOR OF THE STATE
OF ARIZONA *

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

WHEREAS, Section 11, Article VII, Constitution of the State of Arizona, provides that there shall be a general election of Representatives in Congress and of State, county and precinct officers on the first Tuesday after the first Monday in November of the first even numbered year in which Arizona is admitted to Statehood and biennially thereafter; and

WHEREAS, Part 1, Articles IV and XXI of the Constitution of the State of Arizona, and Article 1, Chapter 60, Arizona Code Annotated 1939, provide that proposed amendments to the Constitution of the State of Arizona shall be submitted to the electors of the State of Arizona at a special or general election, either by initiative petitions or by the Legislature of the State of Arizona, and said Part 1, Article IV of the Constitution of the State of Arizona and said Article 1, Chapter 60, Arizona Code Annotated 1939, further provide that initiative measures and legislative measures against which the referendum is applied shall be submitted to the electors of the State of Arizona; and

WHEREAS, at the general election held on the first Tuesday after the first Monday in November, 1948, there were, in accordance with the provisions of said Part 1, Articles IV and XXI of the Constitution of the State of Arizona, and said Article 1, Chapter 60, Arizona Code Annotated 1939, submitted to the electors of the State of Arizona three proposed amendments to the Constitution of the State of Arizona, which said proposed amendments were referred to the people by the Legislature, and, at said general election in accordance with the provisions of said Part 1, Article IV, Constitution of the State of Arizona and Article 1, Chapter 60, Arizona Code Annotated 1939, there were also submitted to the electors of the State of Arizona four initiative measures proposed by petition of the people, and, at said general election in accordance with the provisions of said Part 1, Article IV, Constitution of the State of Arizona, and Article 1, Chapter 60, Arizona Code Annotated 1939, there was also submitted to the electors of the State of Arizona one referendum measure proposed by petition of the people; and

WHEREAS, Sub-section 13, Section 1, Part 1, Article IV, Constitution of the State of Arizona and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, provide that when the Canvassing Board of the State of Arizona shall have counted the votes cast at a general or special election, and shall have verified the returns thereof, it shall be the duty of the Governor of the State of Arizona to issue a proclamation giving the whole number of votes cast for and against each measure or proposed amendment, and declaring such measures or amendments as are approved by a majority of those electors voting thereon to be in full force and effect

as the law of the State of Arizona, from the date of said proclamation; and

WHEREAS, it appears from the returns of said general election held on the said first Tuesday after the first Monday in November, 1948, as canvassed and certified by said Canvassing Board, in accordance with said Part 1, Article IV of the Constitution of the State of Arizona and Section 55-908, Chapter 55, and Section 60-109, Chapter 60, Arizona Code Annotated 1939, that a proposed amendment to the Constitution of the State of Arizona entitled, and in the form and manner following:

SENATE CONCURRENT RESOLUTION NO. 6

EIGHTEENTH LEGISLATURE, REGULAR SESSION

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE LEGISLATURE

BE IT RESOLVED BY THE SENATE OF THE STATE OF ARIZONA, THE HOUSE OF REPRESENTATIVES CONCURRING:

1. The following amendment to section 1, part 2, article IV, Constitution of Arizona, by adding subsection (3) thereto, is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

(3) Upon the presentation to the Governor of a petition bearing the signatures of not less than two-thirds of the members of each House, requesting that he call a special session of the Legislature and designating the date of convening, the Governor shall forthwith call a special session to assemble on the date specified. At a special session so called the subjects which may be considered by the Legislature shall not be limited.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and naves thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by article XXI, Constitution of Arizona.

Adopted by the House March 20, 1947.

Adopted by the Senate March 15, 1947.

Filed in the Office of the Secretary of State March 21, 1947. was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 77,941 votes cast in favor of said amendment, and 37,392 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said election were in favor thereof;

NOW, THEREFORE, I, Dan E. Garvey, Acting Governor of the

State of Arizona, under and by virtue of the authority in me vested by sub-section 13 of Section 1, Part 1 of Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, do hereby declare that said proposed Amendment to the Constitution referred to the people by the Legislature hereinbefore referred to to have been duly and regularly approved and adopted by the electors of the State of Arizona at said general election so held on said first Tuesday after the first Monday in November, 1948, and I do therefore hereby proclaim said amendment to have become and be a part of the laws of the State of Arizona, from and as of the date of these presents.

WHEREAS, it appears from the returns of said general election held on the said first Tuesday after the first Monday in November, 1948, as canvassed and certified by said Canvassing Board, in accordance with said Part 1, Article IV of the Constitution of the State of Arizona and Section 56-908, Chapter 55, and Section 60-109, Chapter 60, Arizona Code Annotated 1939, that a proposed amendment to the Constitution of the State of Arizona entitled, and in the form and manner following:

HOUSE CONCURRENT RESOLUTION NO. 6

EIGHTEENTH LEGISLATURE, FIFTH SPECIAL SESSION

A CONCURRENT RESOLUTION

PROPOING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE SUPERIOR COURT

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ARIZONA, THE SENATE CONCURRING:

1. The following amendment to the constitution of Arizona, to be known as section 25, of article VI thereof, is proposed, to become valid as a part of the constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

Sec. 25. The superior courts provided for in this article are hereby declared to be a single court of the state of Arizona, composed of all the duly elected or appointed and qualified judges of the superior court in each and all of the counties of the state.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and naves thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), is provided by article XXI, constitution of Arizona.

Passed the House March 8, 1948

Passed the Senate March 11, 1948

Filed in the Office of the Secretary of State March 12, 1948
was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 83-120 votes

cast in favor of said amendment, and 37,839 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said election were in favor thereof;

NOW, THEREFORE, I, Dan E. Garvey, Acting Governor of the State of Arizona, under and by virtue of the authority in me vested by sub-section 13 of Section 1, Part 1 of Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, do hereby declare that said proposed Amendment to the Constitution referred to the people by the Legislature hereinbefore referred to to have been duly and regularly approved and adopted by the electors of the State of Arizona at said general election so held on said first Tuesday after the first Monday in November, 1948, and I do therefore hereby proclaim said amendment to have become and be a part of the laws of the State of Arizona, from and as of the date of these presents.

WHEREAS, it appears from the returns of said general election held on the said first Tuesday after the first Monday in November, 1948, as canvassed and certified by said Canvassing Board, in accordance with said Part 1, Article IV of the Constitution of the State of Arizona and Section 55-908, Chapter 55, and Section 60-109, Chapter 60, Arizona Code Annotated 1939, that a proposed amendment to the Constitution of the State of Arizona entitled, and in the form and manner following:

HOUSE CONCURRENT RESOLUTION NO. 5

EIGHTEENTH LEGISLATURE, FIFTH SPECIAL SESSION

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO OFFICERS BEING QUALIFIED VOTERS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ARIZONA, THE SENATE CONCURRING:

1. The following amendment to Section 15, Article VII, constitution of Arizona, is proposed to become valid as a part of the constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

Section 15. (Officers to be qualified voters.) Every person elected or appointed to any office of trust or profit under the authority of the state, or any political division or any municipality thereof, shall be a qualified elector of the political division or municipality in which said person shall be elected or appointed; provided, however, that this section shall not apply to the city manager in incorporated cities operating under a city manager form of government.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by article XXI, constitution of Arizona.

Passed the House March 8, 1948

Passed the Senate March 11, 1948

Filed in the Office of the Secretary of State March 12, 1948
 was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 73,363 votes cast in favor of said amendment, and 48,052 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said election were in favor thereof;

NOW, THEREFORE, I, Dan E. Garvey, Acting Governor of the State of Arizona, under and by virtue of the authority in me vested by sub-section 13 of Section 1, Part 1 of Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, do hereby declare that said proposed Amendment to the Constitution referred to the people by the Legislature hereinbefore referred to to have been duly and regularly approved and adopted by the electors of the State of Arizona at said general election so held on said first Tuesday after the first Monday in November, 1948, and I do therefore hereby proclaim said amendment to have become and be a part of the laws of the State of Arizona, from and as of the date of these presents.

WHEREAS, it appears from the returns of said general election held on the said first Tuesday after the first Monday in November, 1948, as canvassed and certified by said Canvassing Board, in accordance with said Part 1, Article IV of the Constitution of the State of Arizona and Section 55-908, Chapter 55, and Section 60-109, Chapter 60, Arizona Code Annotated 1939, that a Referendum Measure proposed by initiative petition entitled, and in the form and manner following:

REFERENDUM MEASURE
 PROPOSED BY INITIATIVE PETITION
 AN ACT

RELATING TO EMPLOYMENT; PROHIBITING THE DENIAL OF EMPLOYMENT BECAUSE OF NON-MEMBERSHIP IN A LABOR ORGANIZATION; PROHIBITING AGREEMENTS EXCLUDING ANY PERSON FROM EMPLOYMENT BECAUSE OF NON-MEMBERSHIP IN A LABOR ORGANIZATION; PROHIBITING STRIKES OR PICKETING TO INDUCE VIOLATION OF THIS ACT; MAKING ILLEGAL COMPELLING OR ATTEMPTING TO COMPEL A PERSON TO JOIN A LABOR ORGANIZATION OR LEAVE HIS EMPLOYMENT AGAINST HIS WILL; PROHIBITING CONSPIRACIES TO CAUSE THE DISCHARGE OF ANY PERSONS BECAUSE OF NON-MEMBERSHIP IN A LABOR ORGANIZATION; PRESCRIBING PENALTIES; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. DEFINITION OF LABOR ORGANIZATION. The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or

in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.

Section 2. AGREEMENTS PROHIBITING EMPLOYMENT BECAUSE OF NON-MEMBERSHIP IN LABOR ORGANIZATION PROHIBITED. No persons shall be denied the opportunity to obtain or retain employment because of non-membership in a labor organization, nor shall the State, or any subdivision thereof or any corporation, individual or association of any kind enter into any agreement, written or oral, which excludes any person from employment or continuation of employment because of non-membership in a labor organization.

Section 3. CERTAIN CONTRACTS DECLARED ILLEGAL AND VOID. Any act or any provision in any agreement which is in violation of this act shall be illegal and void. Any strike or picketing to force or induce any employer to make an agreement in writing or orally in violation of this act shall be for an illegal purpose.

Section 4. COMPELLING PERSON TO JOIN LABOR ORGANIZATION OR TO STRIKE AGAINST HIS WILL OR TO LEAVE HIS EMPLOYMENT PROHIBITED. It shall be unlawful for any employee, labor organization, or officer, agent, or member thereof to compel or attempt to compel any person to join any labor organization or to strike against his will or to leave his employment by any threatened or actual interference with his person, immediate family or property.

Section 5. CONSPIRACIES TO VIOLATE ACT PROHIBITED. Any combination or conspiracy by two or more persons to cause the discharge of any person or to cause him to be denied employment because he is not a member of a labor organization, by inducing or attempting to induce any other person to refuse to work with such person, shall be illegal.

Section 6. LIABILITY FOR DAMAGES. Any person who violates any provision of this act, or who enters into any agreement containing a provision declared illegal by this act, or who shall bring about the discharge or the denial of employment of any person because of non-membership in a labor organization shall be liable to the person injured as the result of such act or provision and may be sued therefor, and in any such action any labor organization, subdivision or local thereof shall be held to be bound by the acts of its duly authorized agents acting within the scope of their authority, and may sue or be sued in its common name.

Section 7. INJUNCTIVE RELIEF. Any person injured or threatened with injury by any act declared illegal by this Act shall, notwithstanding any other provision of law to the contrary, be entitled to injunctive relief therefrom.

Section 8. DEFINITION OF PERSON. The word "person" includes a corporation, association, company, firm or labor organization, as well as a natural person.

Section 9. SEVERABILITY OF PROVISIONS. If any word, clause, phrase, sentence, provision or other part of this Act or the application thereof to any person or circumstance shall be held invalid, the remainder of this Act and the application of such invalid word, clause, phrase, sentence or other provision of this Act to other persons or circumstances shall not be affected thereby.

Section 10. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declare to be an emergency measure, to take effect as provided by law.

Adopted by the Senate, March 3, 1947.

Adopted by the House of Representatives, March 14, 1947, without emergency clause.

Adopted by the Senate as amended, March 15, 1947.

Approved by the Governor, March 20, 1947.

Filed in the Office of the Secretary of State, March 20, 1947 was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 86,866 votes cast in favor of said referendum measure, and 60,295 votes cast against said referendum measure, and that, therefore, a majority of the legal votes cast at said election were in favor thereof;

NOW, THEREFORE, I, Dan E. Garvey, Acting Governor of the State of Arizona, under and by virtue of the authority in me vested by sub-section 13 of Section 1, Part 1 of Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, do hereby declare that said Referendum Measure proposed by Petition of the People hereinbefore referred to to have been duly and regularly approved and adopted by the electors of the State of Arizona at said general election so held on said first Tuesday after the first Monday in November, 1948, and I do therefore hereby proclaim said referendum measure to have become and be a part of the laws of the State of Arizona, from and as of the date of these presents.

WHEREAS, it appears from the returns of said general election held on the said first Tuesday after the first Monday in November, 1948, as canvassed and certified by said Canvassing Board, in accordance with said Part 1, Article IV of the Constitution of the State of Arizona and Section 55-908, Chapter 55, and Section 60-109, Chapter 60, Arizona Code Annotated 1939, that an Initiative Measure proposed by Initiative Petition entitled, and in the form and manner following:

INITIATIVE PETITION

PROPOSED BY INITIATIVE PETITION

AN ACT

RELATING TO THE HIGHWAY PATROL DIVISION OF THE ARIZONA HIGHWAY DEPARTMENT; FIXING THE NUMBER OF PATROLMEN AND THEIR DUTIES, AND PROVIDING FOR THEIR SELECTION, RETENTION, DISMISSAL AND COMPENSATION ON THE BASIS OF MERIT; CREATING A MERIT SYSTEM COUNCIL THEREFOR, PROVIDING FOR APPEALS THEREFROM, AND FIXING THE STATUS OF EMPLOYEES, BY AMENDING SECTION 66-701 OF ARTICLE 7, CHAPTER 66, ARIZONA CODE ANNOTATED 1939, AND

ADDING NEW SECTIONS 66-701A, 66-701B, 66-701C, 66-701D AND 66-701E.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. Section 66-701, of Article 7, Chapter 66, Arizona Code Annotated 1939, is hereby amended to read:

66-701. ARIZONA HIGHWAY PATROL. The Arizona Highway Department shall maintain a division to be known as the Arizona Highway Patrol. The division shall be composed of a Patrol Superintendent, and such patrolmen, clerical and technical assistants as he may designate, subject to the provisions of Section 66-701B, and the Merit System Council. All employees of the division, except members of the Merit System Council, shall be classified and subject to the merit system plans and regulations established pursuant to this Act. The Patrol Superintendent and patrolmen shall be vested with the authority of peace officers, primarily for the purpose of enforcing laws relating to the use of highways and operation of vehicles thereon, but shall never be used as peace officers in connection with any strike or labor dispute. The Compensation of all employees of the division shall be determined by the State Highway Commission, upon approval of a plan submitted by the Merit System Council as provided in this Act, and shall together with all expenses of the division be budgeted and paid from the State Highway Fund.

Section 2. Sections 66-701A, 66-701B, 66-701C, 66-701D and 66-701E are hereby added to Article 7, Chapter 66, Arizona Code Annotated 1939, to read:

66-701A. NUMBER OF PATROLMEN. There shall be not to exceed one highway patrolman for each twenty-five hundred motor vehicles or fraction thereof registered during the preceding calendar year.

66-701B. MERIT SYSTEM COUNCIL. Immediately after this act becomes effective, the governor shall appoint a Merit System Council consisting of three persons, chosen on basis of experience in and sympathy with merit principles of public employment, who shall not have held elective public office within one year preceding appointment. They shall serve until removed by the Arizona Highway Commission, which removal shall be only for cause. They shall not hold any other political office while serving on such council, and any vacancy shall be filled by the governor upon the same basis as the original appointment. They shall receive no compensation for their services, but shall be entitled to expenses within the state as provided in Section 12-713, as amended, Arizona Code Annotated, 1939. They shall:

1. Organize within one month after appointment, by selecting a chairman and a secretary.
2. Hold all meetings necessary to perform their duties, on call of the chairman.
3. Pursuant to recognized merit principles of public employment: from time to time: (a) classify or reclassify all positions in the division, from a list of necessary employees prepared by the Patrol Superintendent; (b) fix and refix standards and qualifications for all classified positions; (c) formulate maximum-minimum compensation plans for such positions, which compensation plans shall be effective

only when approved by the Arizona Highway Commission; (d) provide a plan for fair and impartial selection, appointment, retention, and for separation or removal from service by resignation, retirement or dismissal of all classified employees.

4. Pursuant to recognized merit principles, hear and review appeals from any order of the Patrol Superintendent in connection with suspension, demotion or dismissal of any classified employee. The Council's determination thereon shall be final, except upon appeal as provided in Section 66-701D.

66-701C. PATROL SUPERINTENDENT. The Patrol Superintendent shall be appointed by the governor. He shall be subject to the merit system rules established pursuant to this Act, and may be removed by the Council only pursuant to such rules. He shall be the administrative head of the division, and shall also, subject to such merit system rules, appoint, suspend, demote, promote or dismiss all other classified employees in the division. He shall determine and furnish the Merit System Council with a division breakdown of the number and ranks of employees required.

66-701D. RIGHT OF APPEAL. Any classified employee who is suspended, demoted or dismissed by the Patrol Superintendent, after a fair hearing and review before the Merit System Council and confirmation of said Superintendent's order or the Patrol Superintendent when removed by the Council may have the determination of the Council reviewed upon writ of certiorari from the Superior Court of the County in which said employee resides. If the determination of the Council is overruled by the Court, such employee shall be reinstated in his position and shall receive full compensation for any salary withheld pending determination by the Council and Court.

66-701E. STATUS OF PRESENT EMPLOYEES. All employees of the division at the effective date of this Act shall be continued in their respective positions without examination, until removed from such positions under the provisions of the merit system to be established pursuant to this act.

was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 91,323 votes cast in favor of said initiative measure, and 33,317 votes cast against said initiative measure, and that, therefore, a majority of the legal votes cast at said election were in favor thereof;

NOW, THEREFORE, I, Dan E. Garvey, Acting Governor of the State of Arizona, under and by virtue of the authority in me vested by sub-section 13 of Section 1, Part 1 of Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, do hereby declare that said initiative measure proposed by initiative Petition hereinbefore referred to have been duly and regularly approved and adopted by the electors of the State of Arizona at said general election so held on said first Tuesday after the first Monday in November, 1948, and I do therefore hereby proclaim said initiative measure to have become and be a part of the laws of the State of Arizona, from and as of the date of these presents.

WHEREAS, it appears from the returns of said general election held on the said first Tuesday after the first Monday in November, 1948, as canvassed and certified by said Canvassing Board, in accordance with said Part 1, Article IV of the Constitution of the State of Arizona and Section 55-908, Chapter 55, and Section 60-109, Chapter 60, Arizona Code Annotated 1939, that an Initiative Measure proposed by Initiative Petition entitled, and in the form and manner following:

INITIATIVE PETITION

PROPOSED BY INITIATIVE PETITION

AN ACT

RELATING TO WORKMEN'S COMPENSATION AND AMENDING ARTICLE 9, CHAPTER 56, ARIZONA CODE 1939 AS AMENDED, BY ADDING THERETO SECTION 56-952(a) TO EXCLUDE FROM THE AVERAGE MONTHLY WAGE ALL AMOUNTS IN EXCESS OF \$1,000.00 PER MONTH.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. Article 9, Chapter 56, Arizona Code 1939 as amended is hereby amended by adding thereto Section 56-952(a) to read as follows:

Section 56-952(a). LIMITATION OF AVERAGE MONTHLY WAGE.

Notwithstanding any other provision of the Workmen's Compensation Act in computing the average monthly wage, there shall be excluded from such computation all amounts of wages or other compensation for services in excess of One Thousand Dollars (\$1,000.00) per month.

was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 102,340 votes cast in favor of said initiative measure, and 23,856 votes cast against said initiative measure, and that, therefore, a majority of the legal votes cast at said election were in favor thereof;

NOW, THEREFORE, I, Dan E. Garvey, Acting Governor of the State of Arizona, under and by virtue of the authority in me vested by sub-section 13 of Section 1, Part 1 of Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, do hereby declare that said Initiative Measure proposed by Initiative Petition hereinbefore referred to to have been duly and regularly approved and adopted by the electors of the State of Arizona at said general election so held on said first Tuesday after the first Monday in November, 1948, and I do therefore hereby proclaim said initiative measure to have become and be a part of the laws of the State of Arizona, from and as of the date of these presents.

WHEREAS, it appears from the returns of said general election held on the said first Tuesday after the first Monday in November, 1948, as canvassed and certified by said Canvassing Board, in accordance with said Part 1, Article IV of the Constitution of the State of Arizona and Section 55-908, Chapter 55, and Section 60-109, Chapter 60, Arizona Code Annotated 1939, that an Initiative Measure proposed by Initiative Petition entitled, and in the form and manner following:

INITIATIVE PETITION

PROPOSED BY INITIATIVE PETITION

AN ACT

TO ESTABLISH A PUBLIC EMPLOYEES' RETIREMENT FUND TO PROVIDE RETIREMENT, DISABILITY, DEATH AND WITH-

DRAWAL BENEFITS FOR OFFICERS AND EMPLOYEES OF THE STATE OF ARIZONA, AND OF POLITICAL SUBDIVISIONS OF THE STATE OF ARIZONA INCLUDING COUNTIES, CITIES, TOWNS, AND SCHOOL CORPORATIONS: TO PROVIDE FOR PARTICIPATION IN THE FUND BY PERSONS EMPLOYED JOINTLY BY THE STATE OF ARIZONA, ITS POLITICAL SUBDIVISIONS, MUNICIPALITIES AND FEDERAL AGENCIES: TO PROVIDE FOR THE MAINTENANCE AND ADMINISTRATION OF THE FUND: TO PRESCRIBE THE PROCEDURES WHEREBY POLITICAL SUBDIVISIONS MAY PARTICIPATE IN THE FUND ON BEHALF OF THEIR EMPLOYEES AND EMPLOYEES OF INSTITUTIONS, BOARDS, COMMISSIONS, OFFICERS, BUREAUS OR ANY OTHER AGENCIES MAINTAINED BY A POLITICAL SUBDIVISION: TO PRESCRIBE THE METHOD FOR INCLUSION OF CERTAIN EXISTING RETIREMENT AND PENSION FUNDS: AND TO PROVIDE THE METHOD OF FINANCING THE FUND.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

FUND CREATED. APPLICATION OF FUND.

Section 1. There shall be and there is hereby created a fund to be known and designated as the Public Employees' Retirement Fund of Arizona, for officers and employees of the State of Arizona, and for officers and employees of political subdivisions of the state, including counties, cities, towns, and school corporations, to be used and applied in the payment of retirement, disability, death and withdrawal benefits, to said officers and employees after stated periods of service and upon fulfillment of conditions as are hereinafter set forth.

PURPOSE.

Section 2. The purpose of such fund is to provide an orderly means whereby officer and employees of the State of Arizona, and of political subdivisions thereof, who become superannuated or otherwise incapacitated as the result of age or disability, may be retired from active service without prejudice and without inflicting a hardship upon the employees retired, and to enable such employees to accumulate reserves for themselves and for their dependents to provide for old age, disability, death and termination of employment, thus effecting economy and efficiency in the administration of the state government and of local governments of the State of Arizona.

FUND ESTABLISHED. COMMENCEMENT OF PAYMENTS.

Section 3. The fund shall be established as of July 1, 1949, and shall become operative as of that date, when contributions by members shall begin. The period from July 1, 1949, to December 31, 1949, shall be designated as the period of organization. Benefit payments by the fund under the provision hereof, except refunds, and unless otherwise specifically provided, shall begin on January 1, 1950.

DEFINITIONS.

Section 4. The following words and phrases as used in this act, unless a different meaning is plainly required by the context, shall have the following meanings:

"Board" shall mean the board of trustees of the Public Employees' Retirement Fund of Arizona.

"Fund" shall mean the Public Employees' Retirement Fund of Arizona.

"State" means the State of Arizona.

"Effective Date" in the case of a department shall mean July 1, 1949, or in the case of a municipality shall mean the date on which the municipality became a participant in the fund.

"Department" shall mean any department, institution, board, commission, officer, court or any agency of the State government receiving State appropriations and having power to certify pay rolls authorizing payments of salary or wages against appropriations made by the legislature from any state fund or against trust funds held by the state treasurer except those departments who are now included under a retirement or benefit fund to which the state is a contributor.

"Municipality" shall mean a county, city, town, or school corporation.

"Employee" shall mean any person in the employ of the state whose compensation is paid out of funds of the state, including employees in the classified service and employees of any department, institution, board, commission, officer, court or any agency of the State government receiving State appropriations and having power to certify payrolls authorizing payments of salary or wages against such appropriations or against trust funds held by the treasurer of state, or any person in the employ of a municipality or in any institution, board, commission, office, bureau or any other agency maintained by a municipality, or any person in the employ of the board of trustees herein created, but shall not include the following: (a) members of the legislature; (b) officials elected by vote of the people; (c) employees occupying positions normally requiring performance of duty of less than nine hundred hours, one hundred days or four months during a calendar year; (d) independent contractors or officers and employees paid wholly on a fee basis; (e) employees who are members or are eligible to membership in other retirement or pension funds maintained in whole or in part by contributions by the state or a municipality unless the members of such other funds elect to join the fund as provided elsewhere herein.

"Employer" shall mean the State of Arizona or any municipality included in the fund or the board of trustees herein created.

"Prior Service" shall mean all service as an employee rendered prior to the effective date for which credit is provided under Section 6 of this Act.

"Membership Service" shall mean service rendered subsequent to the effective date as a member of the fund.

"Creditable Service" shall consist of membership service and prior service.

"Compensation" shall mean the salary or wages payable on a regular pay roll out of funds controlled by the employer, plus the monetary value, as determined by the board, of maintenance provided by the employer to a member in partial payment of services, i.e. living quarters, board, lodging, fuel, laundry and similar allowances.

"Earnable Compensation" shall mean the full rate of compensation that would be payable to a member if he worked the full normal working time for his position, including the value of any maintenance allowance, but before deductions are made for purposes of the fund, provided that the maximum amount to be considered under this Act shall be four thousand eight hundred dollars per year, except as to accidental disability, ordinary disability, and accidental death benefits for which the maximum amount of earnable compensation shall be three thousand six hundred dollars per year. Proportionate amounts of compensation shall be determined, on the basis herein stated, for other calendar periods in accordance with rules prescribed by the board.

"Average Final Compensation" shall mean the average annual earnable compensation of a member during his last three years of creditable service, provided that the minimum amount of average final compensation shall be one thousand eight hundred dollars per year and maximum amount four thousand eight hundred dollars per year.

"Beneficiary" shall mean any person in receipt of a retirement benefit or any other benefit provided in this Act.

"Accumulated Contributions" shall mean the sum of all amounts deducted from the compensation of a member and credited to his individual account in the fund, including regular interest thereon.

"Regular Interest" shall mean interest at the rate of three per cent per annum, or such other rate as may be prescribed by the board based upon the actual experience of the fund.

"Retirement Benefit" shall mean annual payments for life as provided in this Act, payable in twelve equal monthly installments beginning as of the date fixed by the board.

"Actuarial Tables" shall mean such tabular standards as shall be adopted by the board in accordance with recommendations of the actuary; provided that until the system has been in operation for at least three years from July 1, 1949, the Combined Annuity Table of Mortality for male lives shall be used.

"Actuarial Equivalent" means an annuity or benefit of equal value to the accumulated contributions, annuity or benefit, when computed upon the basis of the actuarial tables used by the fund.

"Withdrawal from Service" shall mean complete severance of employment of any member as an employee of the state or municipality by resignation, discharge, or dismissal.

"Fiscal Year" shall mean the period beginning on July 1 in any year and ending on June 30 of the next succeeding year.

"Actuarially Funded Basis" shall mean a method of financing whereby reserves are accumulated for service rendered by employees on the basis of regular interest and of such mortality and service tables as shall be adopted by the board.

"Governing Body" shall mean the county board of supervisors, the city council, the trustee of a town, and board of school trustees, as the case may be.

The masculine pronoun, wherever used, shall include the feminine pronoun.

MEMBERSHIP.

Section 5. a. Any person who is an employee on the effective date shall become a member of the fund as of that date, unless during the period of sixty days prior to that date, such employee shall have filed with the board on a prescribed form, a notice of election not to be included in the membership of the fund, and a duly executed waiver of all present and prospective rights and benefits which he would otherwise have as a member. Any employee who so elects not to become a member may nevertheless thereafter apply for and be admitted to membership at any future time, but without credit for service rendered prior to the time he becomes a member. Any person in the service of an employer who shall be absent from service on the effective date, on an approved or authorized leave of absence not extending for more than one year continuously, shall become a member upon return to service but shall have 60 days in which to file a waiver if he elects not to become a member.

b. Any person who becomes an employee on or after the effective date shall, upon completion of six months of continuous service uninterrupted by a break of more than one month, become a member of the fund as a condition of employment; provided said person is under the age of sixty years at the time of completion of said six months of service. Contributions by such employee under this act shall begin with the first pay roll period after said six months of service shall have been completed, and creditable service shall then begin to accrue. Any such employee may elect to make contributions for the said six months of service prior to membership in the fund under rules established by the board and thus receive credit for such service.

c. Each department and municipality participating under the act shall submit to the board statements, properly certified, showing the names, titles, rates of compensation, date of birth, length of service and any other such pertinent information on the employees becoming members of the fund.

CREDITABLE SERVICE.

Section 6. a. Each employee in service on the effective date or on an approved leave of absence from the employer under rules in force, provided said leave of absence shall not have extended for more than one year continuously, who shall have become a member of the fund, shall receive credit for prior service for all service rendered an employer prior to the effective date, in any position and in any department in the service of the employer, for which the employee shall have received compensation. Provided, however, that any employee of the state who shall become a member of the fund shall be entitled to prior service credit only if he shall have been in active service of the state or on an approved leave of absence from the state service on the date on which this act shall take effect, in a position covered by this act. Each member entitled to prior service credit shall file with the board of trustees, on a form prescribed by the board and under such rules as shall be adopted by the board, a detailed statement of all service rendered prior to the effective date for which the employee claims credit. The board shall verify, as soon as practicable after the filing of such statements of service, the length of service therein claimed. Upon such verification, the board shall cause to be issued a prior service certificate certifying to each member the length of prior service for which credit has been granted. Such certificate shall be final and conclusive for the purposes of the fund as to such service. Provided, that any member may, within one year

from the date of original issuance of such certificate or modification thereof, request the board to modify or correct his prior service certificate. Such certificate shall become void upon death of a member, and shall automatically be cancelled upon withdrawal by a member of his accumulated contributions, but may be reinstated only under the conditions specified in Section 15 hereof.

In the computation of prior service under this act, the following schedule shall govern: nine months of service or more during any fiscal year shall constitute a year of service; six to nine months, three-quarters of a year; three to six months, one-half year; less than three months shall not be considered. In no case shall credit be allowed for any period of absence without compensation, nor shall less than fifteen days' service in any month constitute a month of service, nor shall more than one year of service be credited for service rendered in any one fiscal year.

b. After the effective date, all service of a member since he last became a member with respect to which contributions are made, shall count as membership service, provided that twelve months of service shall constitute a year of membership service, and that the completion of fifteen days of service or more during any month shall entitle a member to credit for one month of membership service.

Any member of the fund shall be entitled to credit for prior service or membership service, as the case may be, for any continuous period of leave of absence granted under rules in force, not exceeding six months during any one consecutive period of four fiscal years, and any member may elect to make contributions to the fund for such period of leave of absence if occurring after the effective date based upon the rate of compensation in force on the date of commencement of such leave.

The board shall establish rules to govern the determination of service in cases not specifically provided for herein.

CREDIT FOR MILITARY SERVICE.

Section 7. Anything in this act to the contrary notwithstanding, any former employee who left the service of the employer prior to the effective date to enter the armed services of the United States, provided such entry into the armed services occurred subsequent to September 16, 1940, shall receive credit as prior service for any such armed service which occurred prior to the termination of the emergency period of World War II if such former employee again entered the service of the employer within six months after his discharge from the armed services and became a member of the fund within ninety days after the effective date thereof.

RETIREMENT BENEFIT. CONDITIONS FOR RETIREMENT. AMOUNT OF BENEFIT.

Section 8. Any member upon withdrawal from service, upon or after attainment of the age of fifty-five years, who shall have completed at least ten years of creditable service, shall be entitled to receive a retirement benefit which shall begin as of the date specified by the member in his application for the said benefit but in no event before withdrawal from service.

Any member whose withdrawal from service occurs prior to his attainment of the age of fifty-five years, who shall have completed at least ten years of service and shall not have received a refund of

his accumulated contributions, to which he shall have a right, shall be entitled to receive a retirement benefit, beginning as of the effective date upon which he elects to commence to receive it which shall not be prior to the attainment of age fifty-five years nor later than the attainment of age sixty-five years, of the amount earned and accrued as of the effective date of such retirement benefit. The retirement benefit shall consist of:

a. A member's annuity which shall be the actuarial equivalent of the accumulated contributions of the member at the time of retirement computed according to the actuarial table in use by the fund; and

b. An employer's annuity equal to one one-hundred-twentieth of average final compensation for each completed year of membership service, not to exceed thirty-five years, plus the sum of one hundred twenty dollars; and

c. A prior service annuity equal to one-sixtieth of average final compensation for each year of prior service for which the member shall have been allowed credit, not to exceed thirty-five years.

If any member is under the age of sixty-five years at the time of retirement, the annuities payable under paragraphs b and c above shall be reduced to that amount which the present value of those annuities computed as of the age of sixty-five years will purchase at the actual age of retirement of the member according to the actuarial table in use by the fund. A retirement benefit to any member under the provisions hereof shall not exceed in any event seventy-five per cent of the final rate of earnable compensation of the member, and the amounts provided in paragraphs b and c of this section shall be reduced to conform to such limitation.

COMPULSORY RETIREMENT.

Section 9. On January 1, 1950, any member who shall have attained the age of seventy years, and who shall have completed at least fifteen years of service, shall be compulsorily retired, and shall be entitled to the retirement benefit herein provided. After that date, a member shall be compulsorily retired, and shall be entitled to a retirement benefit upon attainment of the age of seventy years provided the member shall have completed at least fifteen years of service. If fifteen years of service shall not have been completed by the member upon attainment of age seventy, retirement of the member shall occur upon completion of fifteen years of service or upon attainment of the age of seventy-five years, whichever event shall first occur, and the member shall be entitled to receive a retirement benefit, any provisions herein to the contrary notwithstanding.

The provisions of this act are hereby modified, however, to the extent that if any member who shall be compulsorily retired at the age of seventy-five years shall have less than five years of service, such member may elect to receive a refund of accumulated contributions provided in Section 15 hereof in lieu of a retirement benefit.

REVERSIONARY ANNUITY. OPTIONAL PRIVILEGE AT RETIREMENT.

Section 10. Any member may elect at the time of retirement to receive a lesser amount of retirement benefit and provide with the remainder of his equity as actuarially determined an annuity for any

person who is dependent upon such member at the time of retirement, as named in a written direction filed with the board as a part of his application for a retirement benefit. Provided, that the condition of dependency exists and has been proved to the satisfaction of the board; and, provided further, that the reversionary annuity resulting from such election is found to be not less than one hundred twenty dollars per year, nor more than the amount of reduced service retirement allowance to which the member is entitled.

The amount of reversionary annuity shall be that determined by the board of trustees in accordance with the written direction of the member. Any such reversionary annuity shall begin as of the day following the date of death of the member receiving a retirement benefit. Provided, that the person designated to receive the reversionary annuity shall have been alive on the date of death of such member, but if such designated person does not survive the member who shall be receiving retirement benefit, no reversionary annuity shall be payable under the provisions hereof, nor shall any change be permitted by the board in the written direction filed with the board after the retirement benefit has been granted and has become effective.

DEATH BENEFITS. ACTIVE MEMBER. RETIRED MEMBER.

Section 11. Upon death of a member while in service from any cause other than the result of accidental injuries arising out of and in the course of employment, there shall be paid to his estate, or to such person as he shall have nominated by written direction duly acknowledged and filed with the board the following: a. a refund of the accumulated contributions of the member as of the date of death; and b. if such member shall have had at least one year of creditable service and shall have been in receipt of compensation within a period of twelve months prior to the date of death, a death benefit provided from contributions by the employer which shall be equal to one-twelfth of the yearly earnable compensation in effect at the date of death, multiplied by the number of completed years of creditable service, but not to exceed fifty per cent of such earnable compensation.

The person nominated by the deceased member to receive the benefits hereinabove described in this section may provide in a written designation duly executed and filed with the board of trustees that the accumulated contributions of the deceased member and the death benefit shall be paid in the form of an annuity, to be determined as of the date of the death of the member, on the basis of the age of the beneficiary at that time, as the actuarial equivalent of the benefits: Provided, that such actuarial equivalent is a life annuity of at least one hundred twenty dollars per year, otherwise said benefits shall be paid in a single cash sum.

Upon death of a member in receipt of a retirement benefit, unless a reversionary annuity is payable under the provisions of Section 10 hereof, a death benefit shall be paid in a single cash sum to his estate, or to such person as he shall have nominated by written direction duly acknowledged and filed with the board, consisting of the excess, if any, of the accumulated contributions of the member at time of retirement over the total amount of all retirement benefit payments received by the retired member prior to his death.

ORDINARY DISABILITY BENEFIT. CONDITIONS FOR PAYMENT. AMOUNT OF BENEFIT.

Section 12. Any member with five years or more of creditable service who shall have been a contributor to the system for at least twelve months may be granted an ordinary disability benefit; provided application is made not more than ninety days subsequent to the commencement of disability, and provided that such member is found by medical examination to be mentally or physically incapacitated to perform the duties of his position in the service of the employer from any cause other than accidental injuries sustained by the member arising out of and in the course of employment.

The benefit shall begin to accrue on the thirty-first day of absence from service on account of disability, shall be payable during the time the member shall not receive nor have a right to receive any compensation, in whole or in part, and shall continue until the time any one of the following events first occurs: (a) disability ceases; (b) attainment of the age of sixty-five years; (c) the aggregate period for which ordinary disability payments made during the entire period of service of the member becomes equal to one-quarter of the total period of creditable service of the member excluding the time during which the member shall have received ordinary disability benefits; (d) the member has been found to be engaged in gainful employment, but the benefit shall be resumed if such status has changed and the member shall be found upon examination to be disabled for employment in the position occupied by him at the time disability occurred.

A member shall be considered disabled only when the board of trustees shall have received (a) a written certificate from one or more licensed and practicing physicians designated by the board of trustees, certifying that the member is disabled and unable properly to perform the duties of his position; and (b) a written statement from the department in which the member was employed, certifying that such member is disabled and unable to perform the duties of his position as a consequence thereof, and that the member will be returned to active duty if and when disability ceases; (c) a statement from a physician retained by the member certifying to his disability; and (d) the employee certifies that he is not and has not been engaged in gainful employment.

The amount of ordinary disability benefit shall be equal to forty per cent of the member's earnable compensation at the time disability occurred. The board of trustees shall prescribe rules and regulations governing the filing of claims for ordinary disability benefits, and the investigation, control and supervision of such claims.

Any member having fifteen years of creditable service or more, and having attained an age of at least fifty-five years, who shall have received ordinary disability benefit for the maximum period of time specified under this act and shall be physically or mentally incapacitated for further service, shall be entitled to receive a retirement benefit under the provisions of Section 8 hereof, as of the attained age of the member, at the rate therein provided, without reduction in the annuities payable under paragraphs b and c of said section because of retirement of a member before the age of sixty-five years. If the age of such member is under fifty-five years at the time of expiration of the ordinary disability benefit and he shall have been continuously disabled for service, he shall become entitled to the said retirement benefit beginning upon attainment of the age of fifty-five years.

If the benefit shall cease because of attainment of age sixty-five, and the member shall be still disabled for service, said member may elect to receive a retirement benefit, and the minimum period of serv-

ice prescribed in Section 8 for the receipt of a retirement benefit shall be waived as to any such member, or a refund of contributions under the provisions of Section 15 hereof.

In addition to the ordinary disability benefit provided for herein, the member shall receive credit during any period of disability for which benefits are paid by the fund of an amount representing the contributions that the member would have made had he been in active employment and in receipt of compensation at the rate in effect at the time disability occurred, and such amount shall be credited to his account in lieu of contributions which he would otherwise have made. Credit as service for retirement benefit only shall also be granted the member during said period of disability for which benefits shall have been paid to the member.

ACCIDENTAL DISABILITY BENEFIT. CONDITIONS FOR PAYMENT. AMOUNT OF BENEFIT.

Section 13. Any member who becomes totally incapacitated for duty while under the age of sixty-five years as the result of accidental injuries sustained by the member arising out of and in the course of employment in the service of an employer shall receive an accidental disability benefit: Provided, (a) proper proof is received from one or more physicians designated by the board that such member is mentally or physically incapacitated; (b) that notice of the accident shall have been filed with the board as soon as practicable following the date of the accident either by the member or by the employer; and (c) the disability is compensable under the provisions of the Arizona Workmen's Compensation Law.

The accidental disability benefit provided herein shall be equal to fifty-five per cent of the member's earnable compensation at date of disability. Payment of the benefit shall begin upon expiration of the period of time during which the member shall be receiving compensation to which he shall be entitled under the provisions of the aforesaid acts. In any case in which commutation is made of unpaid installments of compensation pursuant to the provisions of the aforesaid acts, the board shall determine by appropriate action the period of time covered by such compensation upon the basis of the installments provided in the original award of compensation, and the benefit provided herein shall begin upon expiration of the said period.

Benefit payments under this section shall terminate, at any event, when the disability of the member shall cease or when the member shall attain the age of sixty-five years, whichever event shall first occur. If the benefit shall cease because of age, and the member shall be still disabled for service, said member shall become entitled to a retirement benefit under the provisions of Section 8 hereof, and the minimum period of service prescribed in said section for the receipt of a retirement benefit shall be waived as to any such member; Provided, however, that the minimum amount of retirement benefit in any such case shall be twenty-five per cent of average final compensation.

In addition to the accidental disability benefit provided for herein, the member shall receive credit during any period of disability for which benefits are paid by the fund of an amount representing the contributions that the member would have made had he been in active employment in his position in the service and in receipt of earnable compensation at the rate in effect at the time disability occurred, and such amount shall be credited to his account in lieu of contributions which he would otherwise have made. Credit as service

shall also be granted the member during said period of disability for which benefits shall have been paid for retirement benefit purposes only.

ACCIDENTAL DEATH BENEFIT. PERSONS ENTITLED THERETO. CONDITIONS FOR PAYMENT. AMOUNT OF BENEFIT.

Section 14. If death of a member shall occur as the direct result of an accident arising out of and in the course of employment, his estate or designated beneficiary shall receive a refund of the amount of his accumulated contributions. If such accident is compensable under the terms of the Arizona Workmen's Compensation Law an accidental death benefit shall be paid as follows: If a widow survives, she shall receive an accidental death benefit equal to thirty-three and one-third per cent of the deceased member's earnable compensation as of the date of death, payable during her lifetime or until remarriage. If minor children under the age of eighteen years survive the member, the widow shall receive an additional allowance of fifteen dollars per month on account of each such minor child until his attainment of the age of eighteen years, but the combined benefits to a widow and children shall not exceed fifty per cent of the member's earnable compensation at date of death. If no widow survives but the deceased left minor children under the age of eighteen years, each such child shall receive a benefit equal to fifteen dollars per month payable until his attainment of the age of eighteen years. If neither a widow nor minor children survive the member and dependent parents are living, and dependency is proved to the satisfaction of the board, either or both of such parents shall receive from the fund a total benefit equal to thirty-three and one-third per cent of the member's earnable compensation at date of death. The benefit may be paid in full to either parent or divided between them, in the discretion of the board.

Payment of any accidental death benefit shall begin upon expiration of the period of time during which the aforesaid beneficiaries shall be receiving compensation under the provisions of the aforesaid compensation act. In any case in which commutation is made of unaid installments of compensation pursuant to the provisions of the aforesaid compensation act, the board shall determine by appropriate action the period of time covered by such compensation upon the basis of the installments provided in the original award of compensation, and the benefit provided herein shall begin upon expiration of the period thus determined.

REFUND OF CONTRIBUTIONS. CONDITIONS FOR PAYMENT. AMOUNT OF REFUND.

Section 15. Upon withdrawal from service, any member who shall not be entitled to a retirement benefit under the provisions hereof, shall be entitled to receive, upon written application, a refund of the amount of his accumulated contributions to the fund including the credits received by the member while in receipt of ordinary disability or accidental disability benefits. The board is authorized, in its discretion, to withhold payment of a refund for a period not to exceed one year after a member has ceased to be an employee.

Any member receiving a refund of contributions shall thereby ipso facto forfeit, waive and relinquish all accrued rights in the fund, including all accrued creditable service. Provided, however, that if he shall re-enter the service of an employer and becomes a member of the fund and remains a contributor for five years, he may restore

all amounts previously received by him as refund including regular interest for the period of time during which he was not a member of the fund. Upon such restoration, such member shall again receive credit for the period of creditable service which he forfeited by the acceptance of the refund.

BOARD OF TRUSTEES. HOW APPOINTED. TERMS OF OFFICE. OATH OF OFFICE.

Section 16. The fund created by this act shall be construed as a trust, separate and distinct from all other entities. The general administration and responsibility for the proper operation of the fund and for making effective this act are vested in a board of trustees without supervision of the director of insurance. This board shall consist of seven members, as follows: (a) the state treasurer; (b) state auditor; (c) state personnel officer; (d) and four members who shall be members of the fund and shall be appointed by the governor for four-year terms, except that the original of such member trustees shall be appointed for the following terms: one for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. The first three trustees herein designated shall be ex-officio members and shall serve as trustees during their respective terms of office. Any vacancies occurring in the office of trustee shall be filled in the same manner as the office was filled previously.

The first board of trustees shall take office as of July 1, 1949, and the terms of office shall begin at of that date. The trustees shall serve without compensation, but they shall be reimbursed for all necessary expenses that they may incur through service on the board of trustees.

Each trustee shall take an oath of office that so far as it rests upon him he will diligently and honestly administer the affairs of the fund, and that he will not knowingly violate or wilfully permit to be violated any of the provisions of law applicable to the fund. Such oath shall be subscribed to by the trustee making it, and certified by the officer before whom it is taken, and filed with the secretary of state. A trustee shall be deemed to have qualified for membership on the board of trustees when such oath shall have been approved by the board.

The first meeting of the board of trustees shall be held in Phoenix on or before August 1, 1949, for the purpose of setting up the organization necessary to carry out this act.

A trustee shall serve until his successor qualifies, except that a trustee who is a member of the fund shall be qualified as a trustee immediately upon withdrawal from service of the employer. Each trustee shall be entitled to one vote on the board of trustees, and four trustees shall constitute a quorum for the transaction of any business. Four votes shall be necessary for the adoption of a resolution or other action by the board at any regular or special meeting.

When five or more municipalities having an aggregate of at least two hundred members have become participants in the fund, the first appointment of trustee to be made by the governor, to succeed any member trustee whose term of office shall have expired, shall be an employee of a municipality who is a member of the fund. Thereafter, one of the four member trustees of the fund shall be an employee of a municipality participating in the fund and a member of the fund.

POWERS AND DUTIES OF BOARD OF TRUSTEES.

Section 17. The board of trustees shall from time to time establish rules and regulations for the administration of the fund and for the transaction of its business consistent with law as it deems necessary to carry out this act. The board shall employ and compensate a secretary, an actuary and such medical and other services as shall be required to transact the business of the fund, subject to any applicable state civil service regulations. All other expenses of the board necessary for the proper and efficient operation of the fund shall be paid at such rates and in such amounts as the board shall determine and approve.

The board shall have in addition to such duties and other duties arising out of this act not otherwise specifically reserved or assigned to others, the following duties:

a. Establish a general office for the meetings of the board and for the administrative personnel, provide for the installation of a complete and adequate system of books, accounts and records which will give effect to all requirements of this act, and credit all assets of the fund according to the purposes for which they are held. All books, accounts and records shall be kept in the general office of the board.

b. Hold regular meetings at least quarterly in each year and such special meetings at such times as may be deemed necessary. The annual meeting shall be held in the month of October of each year. Meetings of the board may be held in the general office of the board or at such other places in the state as may be designated by the board. All meetings shall be open to the public. The board shall keep a record of all its proceedings.

c. Prescribe rules for the determination of the value of maintenance, board, lodging, laundry and other allowances to employees in lieu of money; maintain a separate account on each member's contribution, and submit a statement of account to each member annually; adopt all necessary actuarial tables to be used in the operation of the system as prepared by the actuary, and compile such additional data as may be necessary for required actuarial valuations and actuarial studies of the operating experience of the fund.

d. Credit contributions by members to individual accounts and improve such accounts at regular interest at least once each year; establish appropriate reserve accounts necessary to give effect to the provisions of the act in accordance with sound accounting procedure; and maintain an effective system of accounts and records to insure the proper operation of the fund created by this act.

e. Consider and pass on all applications for annuities and benefits, and have medical examinations made of persons receiving disability benefits, at least once each year.

f. Invest all cash not required for current payments in securities eligible for investment under this act, and re-invest proceeds from sale or redemption of investments, as provided in Section 21 hereof.

g. Submit to the governor of the state on or before November first of each even-numbered year, an estimate of the amount of appropriation required for the purposes of the fund for the following biennium.

h. Have the accounts of the fund audited annually by a certified public accountant and submit an annual report to the governor of the state and to the director of insurance as soon as possible after the end of each fiscal year, containing, among other things, a financial balance sheet, a statement of income and expenditures for the year, a valuation balance sheet as prepared by the actuary, showing the actuarial condition of the fund, a statement showing changes occurring in the various reserve accounts of the fund during the year, a statement of investments owned by the fund, a detailed statement of investments acquired and disposed of during the year, such additional statistical data as are deemed necessary for a proper interpretation of the condition of the fund and the results of its operations, and cause to be published, for the information of the members, a synopsis of the report.

DUTIES OF SECRETARY. DUTIES OF ACTUARY.

Section 18. The secretary shall be the executive officer in charge of the administration of the detailed affairs of the fund; shall receipt for all payments made to the fund and deposit the same with the treasurer of state for its account; shall sign vouchers for the payment of moneys by the fund in accordance with authorization of the board; and shall perform such other duties as may be assigned by the board.

The actuary shall be the technical advisor of the board on matters regarding the operation of the fund; shall make a general investigation during the first year of operation of the fund or as soon as practicable thereafter, and at least once every three years thereafter, of the mortality, retirement, disability, employment, turnover, interest and earnable compensation; shall recommend tables to be used for all required actuarial calculations; shall make an annual valuation of the liabilities and reserves of the fund, an annual determination of the amount of contributions required from the employer under the act, and certify the results thereof to the board; and shall perform such other duties as may be assigned by the board.

TREASURER OF FUND. LEGAL COUNSEL. DUTIES OF AUDITOR OF STATE.

Section 19. The state treasurer shall be ex-officio, the treasurer of the fund and shall: (a) act as official custodian of the cash and securities belonging to the fund and provide adequate safe deposit facilities for the preservation of such securities and hold such cash and securities subject to the order of the board; (b) receive all items of cash belonging to the fund, collect the interest on, and the principal of, all securities belonging to the fund as such interest or principal becomes due and payable, deposit all such amounts in a special trust fund for the account of this fund, and submit a monthly report to the board of all such transactions; (c) make payments for purposes specified in this act in accordance with vouchers submitted pursuant to authorization of the board. The treasurer shall furnish a corporate surety bond, acceptable to the board, of such amount as the board shall designate. All reasonable charges incidental to the procuring and giving of such bond shall be paid by the board.

The attorney general of the state shall be the legal advisor of the board.

The state auditor is authorized and directed to draw warrants upon the treasurer in payment of properly itemized vouchers, signed by the chairman and secretary of the board, upon authorization of the board, or in the absence or incapacity of either or both of such

officers, by such other members of the board as the board may direct by rules or resolutions adopted by the board.

DUTIES OF A DEPARTMENT. TRUST AND FEDERAL FUNDS.

Section 20. Each department is authorized and directed in the preparation of pay rolls covering payments of salary and wages to employees on and after July 1, 1949, to indicate in addition to other things, (a) the amount of contributions specified in Section 23 which are to be deducted from the salary of each employee who is a member of the system; and (b) the net amount payable to each such employee after deduction of such contributions. An additional certified copy of each pay roll certified after July 1, 1949, by each department, shall be prepared and forwarded to the board for the purpose of the fund together with a warrant issued by the department for the total amount deducted from the salaries or wages of the employees for the account of the fund.

Each department having special trust or federal funds in its possessions and control is authorized and directed, to the extent not inconsistent with the conditions of trust agreements governing any such federal funds, to make department contributions out of such funds for the purposes herein stated of amounts certified by the board in accordance with the method of financing as prescribed in Section 24 hereof.

CASH WORKING BALANCE. INVESTMENTS. INCOME FROM INVESTMENTS.

Section 21. The board shall, from time to time, determine the current requirements for benefit payments and administrative expenses, which shall be maintained as a cash working balance except that such cash working balance shall not exceed at any time an amount necessary to meet the current obligations of the fund for a period of ninety days. Any amounts in excess of such cash working balance shall be invested by the board of trustees in the following classes of securities: (a) Bonds, notes, certificates and other valid obligations of the United States; (b) Bonds, notes, debentures and other securities issued by any federal instrumentality and fully guaranteed by the United States; (c) Bonds, notes, certificates and other valid general obligations of the State of Arizona, or of any county, city, town or other political subdivision of the State of Arizona; and (d) interest bearing bonds or notes which are general obligations of any other state in the United States or of any city or county therein; provided such city or county had a population as shown by the last federal census next preceding such investment of not less than twenty-five thousand inhabitants, and provided that such state, city or county has not defaulted for a period longer than thirty days in the payment of interest or principal on any of its general obligation indebtedness during a period of ten calendar years immediately preceding such investment.

Any limitations herein set forth shall be applicable only at the time of purchase and shall not require the liquidation of any investment at any time. All investments shall be clearly marked to indicate ownership by the system and to the extent possible shall be registered in the name of the fund.

The total amount of investments, at par value, in the securities of any one state, or in the securities of any one political subdivision

of any state, shall not at any time exceed ten per cent of the total amount of investments of the fund at par value.

Subject to the above terms, conditions, limitations and restrictions, the board shall have full power to sell, assign, transfer and dispose of any of the securities and investments of the system.

Except as otherwise provided herein, no trustee and no employee of the board shall have any direct interest in the income, gains or profits of any investments made by the board, nor shall any such person receive any pay or emolument for services in connection with any investment. No trustee or employee of the board shall become an endorser or surety or in any manner an obligor for money loaned by or borrowed from the system. Proof that any such person shall have violated any of these restrictions shall make such person guilty of a misdemeanor or felony as the case may be, and such person shall be punishable therefor as provided by law.

All interest derived from investments and any gains from the sale or exchange of investments shall be credited by the treasurer to the account of the fund.

PARTICIPATION BY MUNICIPALITIES. MEMBERSHIP OPTIONAL. WHEN EFFECTIVE. COST DATA.

Section 22. Any municipality may elect, by ordinance or resolution adopted by the governing body as defined herein to become a participant in the fund established by this act.

A copy of any such ordinance or resolution, duly certified, electing to join the fund and to make the required contributions thereto under the provisions of this act, shall be filed with the board of trustees of the Public Employee's Retirement Fund of Arizona. Such ordinance or resolution shall designate by departmental, divisional, occupational or other definable classification, the employees who are to become members of the fund. Membership in the fund of any municipality or any group of employees thereof shall be subject to the acceptance and approval of the board of trustees of the Public Employees' Retirement Fund of Arizona. The effective date of participation of any municipality as to the original group of employees designated, or as to any additional group of employees subsequently covered, shall be January 1 of the year after the year of approval of membership of any such group of employees by the board. All persons within the group of employees designated by the municipality for membership in the fund, as approved by the board, shall be required to become members of the fund subject to the conditions as to membership imposed by the provisions of this act, shall be entitled to participate in the benefits prescribed by the provisions of this act, and shall make the necessary contributions in accordance with the provisions hereof.

Any municipality after having joined the fund and having been a participant therein, shall be permitted to withdraw from the fund, under the conditions prescribed in Section 25 hereof.

The board of trustees shall, with the aid of its actuary, prepare a circular of information relative to the retirement fund established by this act, showing estimates of the cost thereof to municipalities, the benefits to be derived therefrom and such other information as may be deemed appropriate. Any estimates of cost made at the request of any municipality shall be paid for by the municipality concerned.

CONTRIBUTIONS BY MEMBERS. NORMAL CONTRIBUTIONS. ADDITIONAL CONTRIBUTIONS.

Section 23. Beginning on the effective date, each employee who is a member of the system shall contribute five per cent of compensation earned and accruing on and after said date. This contribution shall be made in the form of a deduction from compensation and shall be made notwithstanding that the compensation paid in cash to such employee shall be reduced thereby below the minimum prescribed by law. Every employee who is a member of the fund shall be deemed to consent and agree to deductions made from his compensation, and payment to said employee of compensation less said deduction shall constitute a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such employee during the period covered by such payment except as to the benefits provided for under this act.

Members shall be permitted to make additional contributions to the fund above the five per cent rate to increase that part of the retirement benefit provided from accumulated contributions. These additional contributions shall be made in multiples of one-half of one per cent up to a total rate of ten per cent of compensation for both regular and additional contributions. Any change in the rate of contribution under this provision shall take effect as of the beginning of a fiscal year, and any such rate of additional contribution selected by a member shall remain in force for a period of not less than one year.

CONTRIBUTIONS BY THE STATE. APPROPRIATION.

Section 24. Contributions by the state shall be made to meet the requirements of this act and shall consist of annual contributions to the fund of such amounts which, together with contributions made by members and regular interest accretions, will be sufficient to meet the cost of the various annuities and benefits to employees of the state, and the cost of administration, in accordance with the provisions of this act.

The amounts to be contributed by the state for retirement benefits shall be on an actuarially funded basis covering all service of the employees including service prior to the effective date and service subsequent thereto, in accordance with the determinations of the board upon the recommendations of the actuary. Contributions by the state for death benefits, disability benefits and for administration expenses shall represent the current requirements for these purposes, as determined by the board based upon the experience of the fund.

There is hereby appropriated annually to the fund from funds of the state not otherwise appropriated, an amount necessary to carry out the provisions of this act. The amount required by the provisions of this act shall be included in each biennial appropriation, and the annual sum so appropriated shall be paid to the board of trustees in the month of July, 1949, and in the month of July of each year thereafter, which sums shall become a part of the fund herein created immediately upon payment thereof.

Contributions made by the employer under the provisions of this act shall not be considered as a part of the employee's compensation notwithstanding the provisions of any other law.

CONTRIBUTIONS BY MUNICIPALITIES. FAILURE TO MAKE CONTRIBUTIONS. WITHDRAWAL FROM FUND.

Section 25. The actuary shall determine the amounts which shall be contributed each year by each municipality participating in the fund for service credits of original and new members subsequent to the time the municipality joined the fund, to the end that the liabilities of each municipality may be funded on an actuarially funded basis. The amounts so determined may be expressed as a percentage of the pay roll of the municipality covering its contributing members, and if approved by the board shall be certified to the municipality each year as its contributions to the fund.

With respect to contributions required to meet the cost of death benefits, disability benefits and administration expenses under the provisions of this act, each municipality shall contribute a pro rata share of the cost of such benefits in accordance with the determinations made by the board which shall be made upon the basis of the aggregate compensation of the contributing members involved or on such other basis determined by the board as will result in an equitable sharing of cost for these purposes by all employers included in the fund.

The board shall keep a separate account for each municipality and individual accounts on the employees thereof, in the same manner as on other members of the fund, to which contributions made by a municipality and by the employees for retirement benefit purposes shall be credited.

In case of failure of any municipality to make contributions as required by this act, the board may recover any sums due to the fund by suit at law, or other appropriate remedy.

Any municipality shall be permitted to withdraw from the fund upon six months notice to the board, and withdrawal shall take effect as of June 30 next following the expiration of said period of six months. Any contributions made by the municipality shall be forfeited by the municipality to the fund, to be used for the purposes provided herein. Such contributions shall first be applied by the board to provide adequate reserves to cover the liabilities on account of benefits to those former employees of the municipality who shall be in receipt of retirement or other benefits from the fund, and shall then be applied to provide required reserves for those employees or former employees who have acquired vested rights to benefits from the fund under the provisions hereof in accordance with the determinations of the actuary as approved by the board. Any remainder of such contributions shall be credited to the general reserves of the fund, but should any deficiency exist in the reserve requirements of beneficiaries and prospective beneficiaries as hereinabove set forth, the municipality shall be required to make the additional contributions necessary to provide the reserves for those beneficiaries.

EXISTING LOCAL RETIREMENT FUNDS. METHOD OF CONSOLIDATION. TRANSFER OF ASSETS. LIABILITIES.

Section 26. Where a municipality elects to come under the provisions of this act, and is then maintaining a retirement fund or funds covering its employees in whole or in part, or is otherwise providing retirement or disability benefits for its employees, those employees so covered shall not become members of this fund unless at the time the municipality comes under the provisions of this act the members of such existing fund or funds shall by the affirmative vote of seventy-five per cent of all the members thereof including those in receipt of retirement benefits, elect to be covered by this act.

At any time after the municipality has come under the provisions of this act, the members of an existing retirement fund or funds may, in like manner, elect to join the fund established by this act. In any such case, provision shall be made for the transfer of the moneys and securities in the retirement or pension fund or funds, in whole or in part, to the fund established by this act. Securities so transferred shall be only those acceptable to the board. Securities not acceptable shall be converted into cash and said cash transferred to the fund.

In any such transfer, the moneys received by the fund hereby created shall first be applied to set up a reserve on an actuarially funded basis to provide for the pensions, annuities or benefits to those members of the retirement funds or members who have retired or are disabled and are in receipt of such pensions, annuities or benefits. Any remainder of said moneys after provision has been made for the benefits entered upon, shall be applied against the prior service liabilities of the active members of said retirement fund or funds. If the moneys so transferred are insufficient to provide according to an actuarially funded basis, sufficient reserves covering all benefits in force on account of retired or disabled members of such municipality, then the municipality shall be required to make a contribution in a single cash sum to cover such deficiency, or on an installment basis, as approved by the board, or if neither plan is possible, then the board is authorized to reduce proportionately each benefit to meet the amount of reserves available to liquidate those benefits on the basis herein prescribed.

No liability on account of retirement allowances or benefits being paid from any retirement or pension fund of any municipality, which is transferred to this fund, shall attach against this fund except as provided in the agreement governing the transfer of the existing retirement fund in accordance with the provisions of this section.

Where a member leaves the employ of an employer which is included in the fund and enters the employ of another employer included in the fund, his service credits shall remain unimpaired, but in such a case the unliquidated liability for prior service shall be prorated by the board between the municipalities concerned on a basis determined by the board.

MONTHLY PAYMENTS. EXEMPTIONS. AUTHORIZATIONS.

Section 27. Any retirement or disability benefit provided by this act shall be paid in equal monthly installments, and shall not be increased, decreased, revoked or repealed, except for error, or except where specifically otherwise provided by this act.

All annuities and benefits provided under this act, the contributions of the members to the fund, accumulated contributions returned to contributors under the provisions hereof, and all moneys in the fund created by this act shall be exempt from any state or municipal tax, and from any levy, sale, garnishment, attachment or other legal process whatsoever, and shall be unassignable except to a beneficiary in the waiver prescribed in this act.

Members shall, by virtue of the payment of contributions required to be paid to the fund, receive a vested interest in the accumulated contributions to the fund, and each member, in consideration of such vested interest, shall be deemed to have agreed to and authorized the deductions from the payments of salary or wages of all contributions payable to the fund in accordance with this act.

Payment of salary as prescribed by law or as contracted with an employer, less the amounts of contributions provided in this act, shall together with such special vested rights, constitute a full and complete discharge of all claims of payments for services rendered by a member to an employer during the period covered by any such payment.

OBLIGATIONS OF EMPLOYERS. UNDIVIDED INTERESTS.
FRAUD. SEPARABILITY PROVISIONS.

Section 28. It is the intention that the payment of the required state and municipality contributions, all annuities and benefits granted under the provisions of this act, all credits of regular interest to the accounts of the members and all expenses in connection with the administration and operation thereof, are made obligations of the employers to the extent specified in this act.

The assets of the system shall be invested as one fund, and no particular person, group of persons or entity shall have any right in any specific security or property, or in any item of cash other than an undivided interest in the whole as specified in this act as it now exists or is subsequently amended.

Any person who knowingly makes any false statement, or falsifies or permits to be falsified any record or records of this system, in any attempt to defraud the system, is guilty of a misdemeanor, and shall be punishable therefor under the laws of the State of Arizona.

If any section, paragraph, sentence or clause of this act is, regardless of cause, held to be invalid or unconstitutional, the remaining sections, paragraphs, sentences and clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this act.

was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 86989 votes cast in favor of said initiative measure, and 38111 votes cast against said initiative measure, and that, therefore, a majority of the legal votes cast at said election were in favor thereof;

NOW, THEREFORE, I, Dan E. Garvey, Acting Governor of the State of Arizona, under and by virtue of the authority in me vested by sub-section 13 of Section 1, Part 1 of Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, do hereby declare that said Initiative Measure proposed by Initiative Petition hereinbefore referred to to have been duly and regularly approved and adopted by the electors of the State of Arizona at said general election so held on said first Tuesday after the first Monday in November, 1948, and I do therefore hereby proclaim said initiative measure to have become and be a part of the laws of the State of Arizona, from and as of the date of these presents.

WHEREAS, it appears from the returns of said general election held on the said first Tuesday after the first Monday in November, 1948, as canvassed and certified by said Canvassing Board, in accordance with said Part 1, Article IV of the Constitution of the State of Arizona and Section 55-908, Chapter 55, and Section 60-109, Chapter 60, Arizona Code Annotated 1939, that an Initiative Measure proposed by Initiative Petition entitled, and in the form and manner following:

INITIATIVE PETITION

PROPOSED BY INITIATIVE PETITION

AN ACT

TO ESTABLISH A CIVIL SERVICE BOARD WITH POWERS TO CLASSIFY ALL POSITIONS IN THE STATE CIVIL SERVICE ACCORDING TO THEIR RESPECTIVE DUTIES AND RESPONSIBILITIES, TO ESTABLISH RATES OF COMPENSATION FOR ALL CLASSES OF POSITIONS, TO DETERMINE BY COMPETITIVE PERFORMANCE THE QUALIFICATIONS OF ALL CANDIDATES FOR POSITIONS IN THE STATE CIVIL SERVICE, TO MAKE RULES AND REGULATIONS COVERING ALL PERSONNEL TRANSACTIONS, TO REGULATE ALL CONDITIONS OF EMPLOYMENT IN THE STATE CIVIL SERVICE; PROVIDING FOR THE ADMINISTRATION OF THE BOARDS POWERS BY A STATE PERSONNEL OFFICER, PROVIDING FOR AN ANNUAL APPROPRIATION BY THE LEGISLATURE TO ENABLE THE BOARD TO EXECUTE SUCH POWERS; REQUIRING THE COUNTY BOARDS OF SUPERVISORS IN CLASS I COUNTIES AND AUTHORIZING THE COUNTY BOARDS OF SUPERVISORS IN ALL OTHER COUNTIES TO ESTABLISH CIVIL SERVICE SYSTEMS COVERING CERTAIN APPOINTIVE OFFICERS AND EMPLOYEES.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. Purpose of Act. It is the purpose of this Act:

(a) To promote and increase economy and efficiency in the State Service.

(b) To provide a comprehensive personnel system for the State Civil Service, wherein:

FIRST: Positions involving comparable duties and responsibilities are similarly classified and compensated.

SECOND: Appointments are based upon merit and fitness ascertained through practical and competitive examination.

THIRD: State civil service employment is made a career by providing for security of tenure and the advancement of employees within the service wherever practicable.

FOURTH: The rights and interests of the State civil service employee given consideration in so far as consistent with the best interests of the State.

FIFTH: A high morale is developed among State Civil Service employees by providing adequately for leaves of absence, vacations, and other considerations for the general welfare of said employees

SIXTH: Tenure of civil service employment is subject to good behavior, efficiency, the necessity for performance of the work, and the appropriation of sufficient funds.

The State civil service is hereby declared to consist of all positions in the State service including positions with any Board, office,

or commission of the State, or any political subdivision thereof, except those filled by popular election, public officers, members of board and commissions, employees of courts of record, of the legislature, members of teaching staffs of all educational institutions maintained or supported by the State, all persons in the military and naval forces of the State, and not to exceed one other exempt position in each department, board or commission, or two other exempt positions for each elected administrative officer.

Section 2. There is hereby created a civil service board to consist of three persons appointed by the governor subject to confirmation by the Senate for six-year, overlapping terms, the three original appointments to be for two, four and six years respectively. This board shall supersede any existing State personnel agencies and succeed to their appropriations, records, supplies, equipment and other property. Each member of the board shall be paid twenty-five dollars per day and necessary expenses actually incurred for each day devoted to duties as a member of the board.

Section 3. The board shall classify all positions in the State civil service according to their respective duties and responsibilities, establish rates of compensation for all classes of positions, approve or disapprove disbursements for all personnel services, determine by competitive performance exclusively on the basis of merit, efficiency and fitness, the qualifications of all candidates for positions in the State civil service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the State civil service. No person shall be appointed to or promoted in the State civil service who has not been certified as qualified for such appointment or promotion by the board.

All persons in the State holding positions in the classified service as established by this Act at the time it takes effect shall retain their position until discharged, reduced, promoted or transferred in accordance with provisions of this Act, and rules and regulations of the Civil Service Board governing same.

No removals from or demotions in the State Civil Service shall be made except for just cause which shall be determined by the Board.

Section 4. The Board shall employ a State personnel officer who shall be in the classified civil service and who shall be selected after open competitive examination. The personnel officer shall employ, subject to the provisions of this amendment, the necessary staff.

Section 5. To enable the board and the personnel officer to execute these powers, the legislature shall appropriate for each and every fiscal year a sum not less than one per cent of the aggregate annual pay roll of the State service for the preceding fiscal year as certified to by the board.

Section 6. On and after the first day of January following approval hereof no payment for personnel service shall be made or authorized until the provisions of this amendment have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamas proceedings brought by any citizen of the State.

Section 7. The boards of supervisors in Class I counties shall prior to the effective date of this amendment establish civil service

systems and the boards of supervisors in all other counties may establish civil service systems covering certain appointive officers and employees.

Section 8. This amendment shall take effect on the first day of January following its approval.
was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 78907 votes cast in favor of said initiative measure, and 39470 votes cast against said initiative measure, and that, therefore, a majority of the legal votes cast at said election were in favor thereof;

NOW, THEREFORE, I, Dan E. Garvey, Acting Governor of the State of Arizona, under and by virtue of the authority in me vested by sub-section 13 of Section 1, Part 1 of Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, do hereby declare that said Initiative Measure proposed by Initiative Petition hereinbefore referred to to have been duly and regularly approved and adopted by the electors of the State of Arizona at said general election so held on said first Tuesday after the first Monday in November, 1948, and I do therefore hereby proclaim said initiative measure to have become and be a part of the laws of the State of Arizona, from and as of the date of these presents.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed hereto.

DONE AT PHOENIX, the Capital, this twenty-second day of November, 1948.

DAN E. GARVEY
Acting Governor



ATTEST:

CURTIS M. WILLIAMS
Acting Secretary of State

Filed in the Office of the Secretary of the State of Arizona this 22nd day of November, A.D., 1948, at 3:50 P.M.

STATE OF ARIZONA

EXECUTIVE DEPARTMENT

A PROCLAMATION BY THE GOVERNOR OF THE STATE
OF ARIZONA

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

WHEREAS, Part 1, Article IV and XXI of the Constitution of the State of Arizona, and Article 1, Chapter 60, Arizona Code Annotated, 1939, provide that proposed amendments to the Constitution of

the State of Arizona shall be submitted to the electors of the State of Arizona at a special or general election, either by initiative petitions or by the Legislature of the State of Arizona, and said Part 1, Article IV of the Constitution of the State of Arizona and said Article 1, Chapter 60, Arizona Code Annotated 1939, further provide that initiative measures and legislative measures against which the referendum is applied shall be submitted to the electors of the State of Arizona; and

WHEREAS, at a special election held on the second day of November, 1948, there was, in accordance with the provisions of said Part 1, Article IV and XXI of the Constitution of the State of Arizona, and said Article 1, Chapter 60, Arizona Code annotated 1939, submitted to the electors of the State of Arizona a proposed amendment to the Constitution of the State of Arizona, which said proposed amendment was referred to the people by the Legislature; and

WHEREAS, Sub-section 13, Section 1, Part 1, Article IV, Constitution of the State of Arizona and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, provide that when the Canvassing Board of the State of Arizona shall have counted the votes cast at a general or special election, and shall have verified the returns thereof, it shall be the duty of the Governor of the State of Arizona to issue a proclamation giving the whole number of votes cast for and against each measure or proposed amendment, and declaring such measures or amendments as are approved by a majority of those electors voting thereon to be in full force and effect as the law of the State of Arizona, from the date of said proclamation; and

WHEREAS, it appears from the returns of said special election held on the said second day of November, 1948, as canvassed and certified by said Canvassing Board, in accordance with said Part 1, Article IV of the Constitution of the State of Arizona and Section 55-908, Chapter 55, and Section 60-109, Chapter 60, Arizona Code Annotated 1939, that a proposed amendment to the Constitution of the State of Arizona entitled, and in the form and manner following:

HOUSE CONCURRENT RESOLUTION NO. 1

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO GUBERNATORIAL SUCCESSION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ARIZONA, THE SENATE CONCURRING:

1. The following amendment of sections 1 and 6, article V, Constitution of Arizona, is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

Section 1. The Executive Department shall consist of Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, and Superintendent of Public Instruction, each of whom shall hold his office for two years beginning on the first Monday of January next after his election.

The persons, respectively, having the highest number of

votes cast for the office voted for shall be elected, but if two or more persons shall have an equal and the highest number of votes for any one of said offices, the two Houses of the Legislature at its next regular session shall elect forthwith, by joint ballot, one of such persons for said office.

The officers of the Executive Department during their terms of office shall reside at the seat of government where they shall keep their offices and the public records, books, and papers. They shall perform such duties as are prescribed by the Constitution and as may be provided by law.

Section 6. In the event of the death of the Governor, or his resignation, removal from office, or permanent disability to discharge the duties of the office, the Secretary of State, if holding by election, shall succeed to the office of Governor until his successor shall be elected and shall qualify. If the Secretary of State be holding otherwise than by election, or shall fail to qualify as Governor, the Attorney General, the State Auditor, the State Treasurer, or the Superintendent of Public Instruction, if holding by election, shall, in the order named succeed to the office of Governor. The taking of the oath of office as Governor by any person specified in this section shall constitute resignation from the office by virtue of the holding of which he qualifies as Governor. Any successor to the office shall become Governor in fact and entitled to all of the emoluments, powers and duties of Governor upon taking the oath of office.

In the event of the impeachment of the Governor, his absence from the State, or other temporary disability to discharge the duties of the office, the powers and duties of the office of Governor shall devolve upon the same person as in case of vacancy, but only until the disability ceases.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next general election (or at a special election called for that purpose), as provided by article XXI, Constitution of Arizona.

Adopted by the House this 23rd day of September, 1948 by the following vote: 49 Ayes, 2 Nays; 0 absent, 7 excused.

Adopted by the Senate this 11th day of October, 1948 by the following vote: 16 Ayes, 0 Nays, 3 Not voting.

Filed in the Office of the Secretary of State—October 13, 1948. was submitted to the electors of the State of Arizona at said special election and that there were of legal votes cast at said special election 113,038 votes cast in favor of said amendment, and 31,161 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said special election were in favor thereof;

NOW, THEREFORE, I, Dan E. Garvey, Acting Governor of the State of Arizona, under and by virtue of the authority in me vested by sub-section 13 of Section 1, Part 1 of Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, do hereby declare that said proposed Amendment to the Constitution referred to the people by the Legislature hereinbefore referred to to have been duly and regularly approved and adopted by the electors of the

State of Arizona at said special election so held on said second day of November, 1948, and I do therefore hereby proclaim said amendment to have become and be a part of the laws of the State of Arizona, from and as of the date of these presents.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed hereto.

DONE AT PHOENIX, the Capital, this twenty-second day of November, 1948.

DAN E. GARVEY
Acting Governor

ATTEST:

CURTIS M. WILLIAMS
Acting Secretary of State

Filed in the Office of the Secretary of the State of Arizona this 22nd day of November, A.D., 1948, at 3:45 P.M.

SUMMARY OF VOTES CAST FOR INITIATIVE AND
REFERENDUM MEASURES AND CONSTITUTIONAL
AMENDMENTS, GENERAL ELECTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF
ARIZONA RELATING TO THE LEGISLATURE.

(Two-thirds of Legislature signing petition to convene special session.)

100 Yes 77,941

101 No 37,392

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF
ARIZONA RELATING TO THE SUPERIOR COURT.

(Consolidating all county superior courts into one court.)

102 Yes 80,120

103 No 37,839

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF
ARIZONA RELATING TO OFFICERS BEING QUALIFIED
VOTERS.

(Permitting cities to employ non-residents as city managers.)

104 Yes 73,363

105 No 48,052

RELATING TO EMPLOYMENT; PROHIBITING THE DENIAL OF EMPLOYMENT BECAUSE OF NON-MEMBERSHIP IN A LABOR ORGANIZATION; PROHIBITING AGREEMENTS EXCLUDING ANY PERSON FROM EMPLOYMENT BECAUSE OF NON-MEMBERSHIP IN A LABOR ORGANIZATION; PROHIBITING STRIKES OR PICKETING TO INDUCE VIOLATION OF THIS ACT; MAKING ILLEGAL COMPELLING OR ATTEMPTING TO COMPEL A PERSON TO JOIN A LABOR ORGANIZATION OR LEAVE HIS EMPLOYMENT AGAINST HIS WILL; PROHIBITING CONSPIRACIES TO CAUSE THE DISCHARGE OF ANY PERSONS BECAUSE OF NON-MEMBERSHIP IN A LABOR ORGANIZATION; PRESCRIBING PENALTIES; AND DECLARING AN EMERGENCY.

300 Yes 86,866

301 No 60,295

RELATING TO THE HIGHWAY PATROL DIVISION OF THE ARIZONA HIGHWAY DEPARTMENT; FIXING THE NUMBER OF PATROLMEN AND THEIR DUTIES, AND PROVIDING FOR THEIR SELECTION, RETENTION, DISMISSAL AND COMPENSATION ON THE BASIS OF MERIT; CREATING A MERIT SYSTEM COUNCIL THEREFOR, PROVIDING FOR APPEALS THEREFROM, AND FIXING THE STATUS OF EMPLOYEES, BY AMENDING SECTION 66-701 OF ARTICLE 7, CHAPTER 66, ARIZONA CODE ANNOTATED 1939, AND ADDING NEW SECTIONS 66-701A, 66-701B, 66-701C, 66-701D AND 66-701E.

302 Yes 91,323

303 No 33,317

RELATING TO WORKMEN'S COMPENSATION AND AMENDING ARTICLE 9, CHAPTER 56, ARIZONA CODE 1939 AS AMENDED, BY ADDING THERETO SECTION 56-952(a) TO EXCLUDE FROM THE AVERAGE MONTHLY WAGE ALL AMOUNTS IN EXCESS OF \$1,000.00 PER MONTH.

304 Yes 102,340

305 No 23,856

TO ESTABLISH A CIVIL SERVICE BOARD WITH POWERS TO CLASSIFY ALL POSITIONS IN THE STATE CIVIL SERVICE ACCORDING TO THEIR RESPECTIVE DUTIES AND RESPONSIBILITIES TO ESTABLISH RATES OF COMPENSATION FOR ALL CLASSES OF POSITIONS, TO DETERMINE BY COMPETITIVE PERFORMANCE THE QUALIFICATIONS OF ALL CANDIDATES FOR POSITIONS IN THE STATE CIVIL SERVICE, TO MAKE RULES AND REGULATIONS COVERING ALL PERSONNEL TRANSACTIONS, TO REGULATE ALL CONDITIONS OF EMPLOYMENT IN THE STATE CIVIL SERVICE; PROVIDING FOR THE ADMINISTRATION OF THE BOARDS POWERS BY A STATE PERSONNEL OFFICER, PROVIDING FOR AN ANNUAL APPROPRIATION BY THE LEGISLATURE TO ENABLE THE BOARD TO EXECUTE SUCH POWERS; REQUIRING THE COUNTY BOARDS OF SUPERVISORS IN CLASS 1 COUNTIES AND AUTHORIZING

THE COUNTY BOARDS OF SUPERVISORS IN ALL OTHER COUNTIES TO ESTABLISH CIVIL SERVICE SYSTEMS COVERING CERTAIN APPOINTIVE OFFICERS AND EMPLOYEES.

308 Yes 86,989

307 No 39,470

TO ESTABLISH A PUBLIC EMPLOYEES' RETIREMENT FUND TO PROVIDE RETIREMENT, DISABILITY, DEATH AND WITHDRAWAL BENEFITS FOR OFFICERS AND EMPLOYEES OF THE STATE OF ARIZONA, AND OF POLITICAL SUBDIVISIONS OF THE STATE OF ARIZONA INCLUDING COUNTIES, CITIES, TOWNS, AND SCHOOL CORPORATIONS: TO PROVIDE FOR PARTICIPATION IN THE FUND BY PERSONS EMPLOYED JOINTLY BY THE STATE OF ARIZONA, ITS POLITICAL SUBDIVISIONS, MUNICIPALITIES AND FEDERAL AGENCIES: TO PROVIDE FOR THE MAINTENANCE AND ADMINISTRATION OF THE FUND: TO PRESCRIBE THE PROCEDURES WHEREBY POLITICAL SUBDIVISIONS MAY PARTICIPATE IN THE FUND ON BEHALF OF THEIR EMPLOYEES AND EMPLOYEES OF INSTITUTIONS, BOARDS, COMMISSIONS, OFFICERS, BUREAUS OR ANY OTHER AGENCIES MAINTAINED BY A POLITICAL SUBDIVISION: TO PRESCRIBE THE METHOD FOR INCLUSION OF CERTAIN EXISTING RETIREMENT AND PENSION FUNDS: AND TO PROVIDE THE METHOD OF FINANCING THE FUND.

308 Yes 86,989

309 No 38,111

SPECIAL ELECTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO GUBERNATORIAL SUCCESSION.

106 Yes 113,038

107 No 31,161

**BILLS VETOED
BY THE
GOVERNOR**

EXECUTIVE OFFICE

State House

Phoenix, Arizona

March
Thirty First
1949

Honorable Wesley Bolin
Secretary of State
State Capitol
Phoenix, Arizona

My Dear Mr. Bolin:

Substitute House Bill No. 59 of the Regular Session of the Nineteenth Arizona Legislature is hereby disapproved.

Because of certain progressive features I should like to be able to sign it, but due to other provisions that are objectionable I do not feel free to do so.

This enactment is another example of hasty legislation. It sets up a new autonomous commission, another little government within government, over which no one would exercise adequate control. It could easily become monopolistic in nature, an instrument to serve primarily the group which it creates at the expense in well-being of the public at large. Opening the door to such possible abuses I cannot condone.

Section 5 of this bill reads as follows:

Sec. 5. BOARD OF EXAMINERS. (a) The board of examiners of sanitarians shall consist of the State superintendent of health, who shall act as chairman; the state sanitary engineer, who shall act as secretary, the state director of local health administration, and four registered sanitarians employed by private industry or political subdivisions of the state, who shall be appointed by the state board of health for a term of three years. * * *

But in enactments such as Substitute House Bill 59, meritorious though some of its provisions may be, we are following a baneful practice which I have often assailed.

Substitute House Bill 59 sets up within the structure of the Department of Health, itself an autonomous bureau, another independent agency over which the office of the Chief Executive would exercise no authority.

I have the greatest respect for the objectives of our State Department of Public Health, but I do not propose to permit it to usurp functions of government over which the Executive Office would have no control.

For the reasons enumerated herein, Substitute House Bill 59 is disapproved.

Sincerely,

/s/ Dan E. Garvey
Governor

DEG:E

SUBSTITUTE HOUSE BILL NO. 59

AN ACT

RELATING TO PUBLIC HEALTH; CREATING THE BOARD OF EXAMINERS OF SANITARIANS, AND PRESCRIBING THE POWERS AND DUTIES THEREOF; PROVIDING FOR REGISTRATION OF CERTAIN SANITARIANS WITHOUT EXAMINATION; AND PROVIDING PENALTY FOR VIOLATION.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. DEFINITIONS. In this Act, unless the context otherwise requires:

“sanitarian” means a person trained in sanitary science and technology, qualified to carry out educational and inspectional duties and enforce laws in the field of sanitation;

“board” means the board of examiners of sanitarians;

“department” means the state department of health;

“secretary” means the secretary of the board of examiners of sanitarians.

Sec. 2. SANITARIANS. The state or the governing body of a county, city or local health district may employ such registered sanitarians as may be deemed necessary for the enforcement of state laws relating to public health, rules and regulations of the state board of health, and such rules of county or local health districts as relate to the inspection of food products and establishments, water supplies, sewage disposal and housing or general sanitation.

Sec. 3. EXAMINATION. (a) A person who desires to practice as a registered sanitarian, and who meets the minimum standards and qualifications prescribed by the state board of health, shall file with the secretary an application for examination and registration. At least one examination shall be held each year, at such time and at such place in the state as the state department of health may determine. The department shall issue to an applicant successfully completing the examination a certificate of registration as a sanitarian.

(b) A person not meeting the minimum standards and qualifications for examination prescribed by the state board of health may, without a certificate of registration and for a

period not to exceed two and one-half years, be employed under the supervision of a registered sanitarian until such time as he may be qualified to take the examination.

Sec. 4. REGISTRATION. (a) The department shall certify as a registered sanitarian any person actively engaged in sanitary work on the effective date of this Act who makes application for registration not later than December 31, 1949, and who: 1. not later than January 1, 1949, passed an official civil service or merit system examination given by the state or any city, county or local health district thereof, qualifying him as a sanitarian, or as a food and market or sanitary inspector, and who has had not less than six months experience as such; 2. prior to the effective date of this Act has been employed by the state or a city, county or local health district as a sanitarian, or as a food and market or sanitary inspector, and who has had not less than twelve months experience as such, or, 3. majored in basic science in and is a graduate of an accredited school or university, and has had not less than twelve months experience in sanitary work prior to January 1, 1949.

(b) The department shall, upon written application together with such references and proof of identification and under such rules and regulations as it may prescribe, register without examination any person registered as a sanitarian under the laws of another state or foreign country having at the time standards at least as high as those prescribed by this Act.

Sec. 5. BOARD OF EXAMINERS. (a) The board of examiners of sanitarians shall consist of the state superintendent of health, who shall act as chairman; the state sanitary engineer, who shall act as secretary, the state director of local health administration, and four registered sanitarians employed by private industry or political subdivisions of the state, who shall be appointed by the state board of health for a term of three years. Members of the board of examiners shall serve without compensation as such. Not less than two of such sanitarians shall be employees of political subdivisions of the state and not more than one shall be appointed from the same political subdivision or company engaged in private industry. Appointment to fill a vacancy arising other than by expiration of term shall be for the unexpired portion thereof.

(b) It shall be the duty of the board of examiners to prescribe forms to be used and rules and regulations governing the conduct of examinations, and to review all applications for registration and examination. The secretary shall notify

applicants of the time and place of examination, and the results thereof.

Sec. 6. PENALTIES. Any person not a registered sanitarian as provided in this Act, advertising or using the title registered sanitarian, the abbreviation R. S., or any other title or abbreviation likely or intended to be confused with such designation, is guilty of a misdemeanor, punishable upon conviction as provided by law.

Disapproved by the Governor—March 31, 1949.

Filed in the Office of the Secretary of State—March 31, 1949.

EXECUTIVE OFFICE

State House

Phoenix, Arizona

March
Thirty First
1949

Honorable Wesley Bolin
Secretary of State
State Capitol
Phoenix, Arizona

My dear Mr. Bolin:

House Bill No. 162 of the Nineteenth Arizona Legislature, Regular Session, relating to the District Improvement Act of 1945, is hereby disapproved. .

This bill, being an amendment to Section 16-2813, Arizona Code Annotated, 1939, adds a provision which is too questionable to be countenanced. The paragraph reads:

- (b) A district engineer shall be appointed or employed and his compensation fixed by the board of directors. Claims of the district engineer for compensation or expenses, approved by the board of directors, shall be paid out of the county general fund, and the general fund shall be reimbursed out of the funds of the district.

It is conceivable that an engineer may have performed work for an improvement district for which he has not been paid. It is quite understandable that an embryo improvement district may have failed of its intent—that after it had been granted a permit or franchise by a board of supervisors it may have folded up and neglected its commitments.

The obligations of an incompleated improvement district can scarcely be regarded as a proper charge against the tax-payers of a county as a whole.

Should this bill be permitted to become law, I can see no reason why a group of property owners in a multitude of neighborhoods should not organize, engage engineers, and charge all of the preliminary costs to the county, irrespective of whether or not the proposed districts ever actually became operative entities. Such expenses should be borne by the property owners affected, not by the tax-payers of the counties.

For these reasons, House Bill No. 162 is disapproved.

Sincerely,
/s/ Dan E. Garvey
Governor

DEG:E

HOUSE BILL NO. 162

AN ACT

RELATING TO THE DISTRICT IMPROVEMENT ACT OF 1945; AMENDING SECTION 16-2813, ARIZONA CODE ANNOTATED, 1939, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Section 16-2813, Arizona Code Annotated, 1939, is amended to read:

16-2813. PLANS AND ESTIMATES BY DISTRICT ENGINEER. (a) Before passing the resolution of intention, plans and specifications and estimates of the cost and expenses thereof shall be prepared by the district engineer and filed with the clerk of the board. The assessment for any lot shall not exceed its proportion of the estimate.

(b) A district engineer shall be appointed or employed and his compensation fixed by the board of directors. Claims of the district engineer for compensation or expenses, approved by the board of directors, shall be paid out of the county general fund, and the general fund shall be reimbursed out of the funds of the district.

Sec. 2. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become imme-

diately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Disapproved by the Governor—March 31, 1949.

Filed in the Office of the Secretary of State—March 31, 1949.

EXECUTIVE OFFICE

State House

Phoenix, Arizona

March
Thirty-First
1949

Honorable Wesley Bolin
Secretary of State
State Capitol
Phoenix, Arizona

My dear Mr. Bolin:

Senate Bill No. 39, Regular Session, Nineteenth Legislature, relating to state lands, classification, appraisals, leases, rentals, cancellations of leases, powers and duties of state land commissioner, and providing for appeals, is hereby disapproved.

The majority of all leases of our state lands are with individuals and companies engaged in the business of raising live stock and because of the predominant part that the cattle industry has played in the development of our state and realizing the need for stability in the matter of leases, that the industry may be placed on a sound and economical basis, I would like to sign this bill and have it become law; however, the provisions contained in the bill are such that I find it necessary to disapprove it.

Senate Bill No. 39 was designed primarily to increase revenues but in this respect it falls far short of the purpose for which it was intended, for at its best it will produce very little increased revenue and at its worst may bring about a reduction in revenue from the 8,447,000 acres of grazing land.

This bill provides for annual review of rental rates, adjustments to be based on the average market price of cattle during the second preceding year with relation to the market price in 1948. Had the base been a ten-year average market price rather than the price in 1948, the bill might have accomplished its purpose. It is probable the 1948 price is about the peak to be expected in the cattle market. Therefore, it is to be expected that the rental rates for state lands, figured by the formula provided in this bill will be diminishing, and that the rates set up in Section 11-304 of the bill would be the maximum rate of rental ever to be received.

The Constitution of the State specifically sets aside the majority of these lands for the benefit of the schools and I feel that any new legislation affecting the rental of these lands should receive specific recognition of the school authorities of this state, that they should have a predominant voice in the management of these lands, and that our trustees should see to it that the lands are administered for the best interest of the schools.

I intend to call upon the school authorities of this state to cooperate with me to see that these lands are administered judiciously and in doing so I will likewise insist that the rights and interests of the lessees be respected to the fullest extent.

For these reasons I am disapproving Senate Bill No. 39.

Sincerely,
/s/ Dan E. Garvey
Governor

DEG:E

SENATE BILL NO. 39

AN ACT

RELATING TO STATE LANDS, CLASSIFICATION, APPRAISALS, LEASES, RENTALS, CANCELLATIONS OF LEASES, POWERS AND DUTIES OF STATE LAND COMMISSIONER, AND PROVIDING FOR APPEALS; AMENDING ARTICLE 1, CHAPTER 11, SECTION 11-101; AMENDING ARTICLE 3, CHAPTER 11, SECTIONS 11-304, 11-312, AND 11-313; AMENDING ARTICLE 1, CHAPTER 11, SECTION 11-103, AS AMENDED, ARIZONA CODE OF 1939; REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT WITH THE PROVISIONS OF THIS ACT, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 11-101, article 1, chapter 11, Arizona Code of 1939, is amended to read:

11-101. DEFINITION OF TERMS. In this chapter, unless the context otherwise requires, the words "state lands" shall mean any land owned or held in trust, or otherwise, by the state, including leased school or university land; "leased school or university land" shall mean school or university land for which a lease has been issued by the state, or the territory of Arizona, under which the lessee still has rights; "improvements" shall mean anything permanent in char-

acter, the result of labor or capital expended on state land in its reclamation or development, and the appropriation of water thereon, which has enhanced the value of the same; "board of appraisers" shall mean the persons appointed to make appraisements, or the persons who have actually made such appraisement in accordance with the provisions of this chapter; "selection board" shall mean the governor, the commissioner, and the attorney general; "agricultural lands" shall mean such lands as are used, or can be used principally for raising crops, fruits, grains, and similar ranch products; "grazing lands" shall mean lands which can be used only for the ranging of animals; a "section of land" for the purpose of this Act shall mean an area of land consisting of six hundred and forty acres; "average annual carrying capacity" shall mean the average number of animal units which can be supported by a section of grazing land in its natural state, when the land can be properly utilized, with due consideration for sustained production of the forage, provided, however, that any portion of the carrying capacity resulting from conservation operations or conservative range management by the lessee shall not be included in determining the classification of such lands and the resulting rental rates hereinafter established; "one animal unit" shall mean one mature cow, or one horse, or five goats, or five sheep per year, or the equivalent thereof; "average market price of cattle" shall mean the average of the prices received by producers for cattle, exclusive of calves, in the eleven western states during the year under consideration as determined by the bureau of agricultural economics, United States department of agriculture, which figures are also used in calculating the grazing fees for cattle permitted to range on the national forests; "overgrazing" shall mean prolonged stocking of range land in excess of its carrying capacity which, if continued over a sustained period, would result in a reduction in carrying capacity and irreparable damage to the land.

Sec. 2. Sec. 11-304, article 3, chapter 11, Arizona Code of 1939, is amended to read:

11-304. MINIMUM RENTAL, CLASSIFICATION, AND APPRAISAL OF STATE LANDS; ESTABLISHING RENTAL RATES. No agricultural lease shall be executed for an annual rental of less than the appraised rental value of the land, and in no event for less than five cents per acre per annum for undeveloped lands. The rental on such agricultural leases shall be subject to reappraisal and adjustment each year thereafter.

The state land commissioner, or his duly appointed representative, shall uniformly and equitably classify and appraise

all grazing land on the basis of its carrying capacity, and shall divide such land into five classes as follows: (1) land having a carrying capacity of four or less animal units yearlong per section shall be considered class A land; (2) land having a carrying capacity of more than four and less than nine animal units yearlong per section shall be considered class B land; (3) land having a carrying capacity of not less than nine and less than thirteen animal units yearlong per section shall be considered class C lands; (4) land having a carrying capacity of not less than thirteen and less than seventeen animal units yearlong per section shall be considered class D land; (5) land having a carrying capacity of seventeen or more animal units yearlong per section shall be considered class E land.

Grazing land shall be leased at a fluctuating rental rate determined annually by the average market price received for cattle for the second year preceding. The base market price of cattle for the purpose of determining rental rates shall be the market price of cattle for the year 1948. The following base rental rates are hereby established: Class A, one and one-half cents per acre per annum; class B, three cents per acre per annum; class C, four and one-half cents per acre per annum; class D, six cents per acre per annum; class E, seven and one-half cents per acre per annum. For any particular year, the rental rate shall be that proportion of the base rate which the average market price of cattle for the second year preceding bears to the average market price of cattle for the base year 1948. The rental rates to be fixed in the manner hereinbefore provided shall in no event however be fixed at a rate less than nine-tenths cents, one and four-fifths cents, two and seven-tenths cents, three and three-fifths cents, and four and three-fifths cents per acre per annum for the respective classifications of land.

No existing lease shall be amended, however, until a classification and appraisal of the land shall have been made as herein provided.

A lessee, or the state land commissioner, may request a reclassification and reappraisal at any time. In the event the lessee should request such reclassification and reappraisal before the expiration of his lease, he shall pay the expenses of such reappraisal.

In the event of any disagreement on the part of a lessee with the classification and appraisal so made by the commissioner, an appeal may be taken by the lessee to a board of appraisers within sixty days from the date of the decision of the commissioner. Such board of appraisers, except those

in the regular employ of the state, shall be paid fifteen dollars per day and expenses as provided by law while so employed, shall be selected only from persons who are familiar with the classification and value of the lands within the county in which said lands are situated, and shall be appointed and proceed to make their classification and appraisal in a like manner as provided for in article 2, chapter 11, Arizona Code of 1939.

Either the commissioner or the lessee may appeal from the decision of said board of appraisers in a like manner as provided for in said article 2, chapter 11, Arizona Code of 1939.

Sec. 3. Sec. 11-312, article 3, chapter 11, Arizona Code of 1939, is amended to read:

11-312. CANCELLATION OF LEASE. If a lessee shall willfully fail to comply with any of the provisions of the law relating to state lands or of the lease issued to him by the state land commissioner, or shall willfully overgraze, abuse and injure state lands held under lease by him, and shall permit such willful noncompliance or acts of overgrazing, abuse, or injury to continue for more than sixty days after the commissioner has notified him by registered mail, setting forth the nature of the willful noncompliance or acts of overgrazing, abuse, or injury, or if the lease was issued improperly through error with respect to a material fact or facts, the lease may be terminated and cancelled by the commissioner. Before the commissioner may cancel a lease, he shall hold a public hearing after having first notified the lessee thereof by registered mail, not less than thirty days prior thereto, directing him to show cause why his lease should not be cancelled for any of the reasons aforementioned. If the commissioner should find from the evidence submitted at the hearing that the noncompliance, overgrazing, abuse, or injury, was willful on the part of the lessee, the commissioner shall cancel said lease, and the lessee shall be permitted to remove his improvements, provided such removal will not injure the land, within ninety days from the date of said cancellation. As to such improvements as are not removable, the lessee shall be reimbursed therefor by the succeeding lessee in the manner provided by section 11-316, Arizona Code of 1939. However, if the commissioner should find from the evidence submitted at said hearing that such lease was procured through fraud, deceit, or willful misrepresentation, the commissioner, in addition to cancelling said lease, shall declare that any improvements located upon the lands embraced within the cancelled lease shall be forfeited to the state.

Sec. 4. Sec. 11-313, article 3, chapter 11, Arizona Code of 1939, is amended to read:

11-313. PREFERRED RIGHTS TO RENEW. Upon application to the commissioner, not less than thirty nor more than sixty days prior to the expiration of the lease, the lessee, if he be a bona fide resident of the state, has a preferred right of renewal, bearing even date with the expiration of the old lease, for such term not longer than ten years, as the commissioner deems proper, at a reappraised rental; if the commissioner, however, deem the continued leasing of said land not to be for the best interest of the state, the lease shall not be renewed.

Sec. 5. Sec. 11-103, article 1, chapter 11, Arizona Code of 1939, as amended by section 2, chapter 28, Laws of 1943, is amended to read:

11-103. POWERS AND DUTIES OF COMMISSIONER; APPEALS. (a) The commissioner shall: 1. exercise and perform all powers and duties vested in or imposed upon the state land department; 2. exercise the powers of surveyor general; 3. sell and lease all land owned or held in trust by the state, in the manner provided by law; 4. except as otherwise provided, determine all disputes, grievances or other questions pertaining to the administration of state lands; 5. succeed to, be invested with, execute and perform the powers and duties vested in or imposed upon the state water commissioner and upon the Arizona land settlement commission; 6. appoint a deputy commissioner and such other assistants and employees as shall be necessary to perform the work of the department, fix their salaries and assign their duties, and require of them such surety bonds as he may deem proper; and, 7. make a written report to the governor annually, not later than September 1, showing in detail the activities of the department for the preceding fiscal year, and publish the same for distribution.

(b) Neither the commissioner, deputy commissioner, nor any employee of the department shall have, own or acquire, directly or indirectly, any state lands or the products thereof, nor any interest in or to such lands or products, or improvements on leased state lands, or be interested in any state irrigation project affecting state lands.

(c) An appeal may be taken from any final decision of the commissioner or the board of appraisers to the superior court of the county in which the land or any portion thereof is situated, which appeal shall be tried by the court without a

jury de novo. The court shall make independent findings of fact and conclusions of law from the evidence submitted to it and either affirm, reverse or modify the decision of the commissioner or board of appraisers. The party appealing shall serve written notice thereof within thirty days after receiving by registered mail notice of the decision or report of appraisers. If the appeal is taken by the commissioner, the notice of appeal shall be signed by the attorney general and served upon the lessee, or the applicant or applicants and all adverse claimants. If the appeal is taken by any party other than the commissioner notice thereof shall be signed by such party and served on the commissioner and all adverse claimants of applicants. Any such notice of appeal may be served by registered mail or by leaving a copy with each person entitled to such notice. Thereafter the proceedings shall be as prescribed by section 11-210, Arizona Code of 1939, in so far as such provisions are applicable.

Sec. 6. REPEAL. All Acts or parts of Acts in conflict herewith are hereby repealed.

Sec. 7. SEVERABILITY. Should any section, paragraph, sentence, clause or phrase of this Act be declared unconstitutional or invalid for any reason, the remainder of said Act shall not be affected thereby.

Sec. 8. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Disapproved by the Governor—March 31, 1949.

Filed in the Office of the Secretary of State—March 31, 1949.

EXECUTIVE OFFICE

State House
Phoenix, Arizona

March
Thirty First
1949

Honorable Wesley Bolin
Secretary of State
State Capitol
Phoenix, Arizona

My dear Mr. Bolin:

Senate Bill No. 76 of the Regular Session, Nineteenth Legislature, relating to disposal of state personal property and real property and improvements, and to transfer of state money, is hereby disapproved. The purpose of this legislation appears to be to remove from the control of the State Property Condemnation Board all provisions for the disposal of state personal property, real property and improvements, and the transfer of state money belonging to the Board of Regents of the University and State Colleges or to educational institutions under the control of said board.

I cannot conceive of any reason why the laws of the state applicable to the disposal of state property should not apply to all departments of state and know of no reason why property belonging to the Board of Regents of the University and State Colleges or to educational institutions under control of said board should be exempted. I do not believe it is to the best interest of the state to legislate exemption of one department from any law with which other departments are required to conform.

For that reason I am disapproving Senate Bill No. 76.

Sincerely,

/s/ Dan E. Garvey
Governor

DEG:E

SENATE BILL NO. 76

AN ACT

RELATING TO DISPOSAL OF STATE PERSONAL PROPERTY AND REAL PROPERTY AND IMPROVEMENTS AND TO TRANSFER OF STATE MONEY, AND AMENDING ARTICLE 3 OF CHAPTER 4, ARIZONA CODE OF 1939, BY AMENDING SECTION 4-318, AS ADDED BY THE LAWS OF 1945, AND SECTION 4-319 AS ADDED BY THE LAWS OF 1947, AND AMENDING ARTICLE 4 OF CHAPTER 4 BY AMENDING SECTION 4-402a, AS ADDED BY THE LAWS OF 1947; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 4-318 of article 3, chapter 4, Arizona Code of 1939, as added by chapter 89 of the Laws of 1945, regular session, is amended to read:

4-318. DISPOSAL OF STATE PERSONAL PROPERTY. The governor, secretary of state, and the state auditor shall constitute a property condemnation board and are authorized,

and it shall be their duty, from time to time to examine and condemn any personal property belonging to the state, or any of its departments or agencies, when the same shall have been worn out or otherwise become useless to the state, its departments or agencies, and direct the sale of the same in the manner hereinafter provided. The provisions of this section shall not apply to property belonging to the board of regents of the university and state colleges of Arizona or to educational institutions under the control of said board.

After the condemnation of any such property as provided in the last preceding paragraph, the board may authorize the department in which said equipment is located to advertise the same for sale in a newspaper of general circulation published in the city of Phoenix, for a period of once a week for four consecutive weeks; and if the sale shall be made at any other place than the state capitol, then said advertisement shall also be published in like manner in some newspaper published in the county where said sale is to be made; said advertisement shall state the time and place where the sale is to be made, and said property shall be sold at public auction to the highest bidder, for cash, and the proceeds thereof shall be paid over to the state treasurer and placed to the credit of the general fund. The necessary expenses of advertisement and sale shall be a proper charge against the funds so received and deposited with the said state treasurer, except however the board in its discretion may authorize the department having said equipment to trade the same in on new equipment.

Except as herein provided no personal property of the state, its departments or agencies, shall be sold, exchanged or disposed of; provided, this Act shall not apply to property sold or exchanged between the various institutions, departments or agencies of the state, as otherwise provided for by law, and provided further that said board of condemnation shall appraise such property and such property shall not be sold, traded or exchanged for less than ninety per cent of the appraised value.

Sec. 2. Sec. 4-319 of article 3, chapter 4, Arizona Code of 1939, as added by chapter 133 of the Laws of 1947, regular session, is amended to read:

4-319. DISPOSAL OF REAL PROPERTY AND IMPROVEMENTS. The condemnation board, as provided in section 4-318, Arizona Code of 1939, consisting of the governor, secretary of state, and the state auditor, is hereby authorized and it shall be its duty, whenever it shall appear that any

real property or improvements thereon belonging to the state of Arizona or any of its departments, agencies or institutions, shall no longer be utilized or necessary to the state, its departments, agencies or institutions previously holding title thereto, to examine, appraise and condemn separately such real estate or improvements thereon as may belong to the state, its departments, agencies or institutions, and direct the sale of the same in the same manner as is provided by law for the sale of real estate by the state land department. The provisions of this section shall not apply to real property or improvements thereon belonging to the board of regents of the university and state colleges of Arizona or to educational institutions under the control of said board.

Sec. 3. Sec. 4-402a of article 4, chapter 4, Arizona Code of 1939, as added by chapter 40 of the Laws of 1947, regular session, is amended to read:

4-402a. TRANSFER OF STATE MONEY. When any money belonging to the state comes into the possession of any state officer, by recovery at law or otherwise, and no provision of law exists for the disposition of the same, it shall be turned over to the state treasurer and placed in the general fund. The provisions of this section shall not apply to money realized from the sale of personal property or from the sale of real property or improvements thereon by the board of regents of the university and state colleges of Arizona, or by educational institutions under the control of said board.

Sec. 4. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure to take effect as provided by law.

Disapproved by the Governor—March 31, 1949.

Filed in the Office of the Secretary of State—March 31, 1949.

EXECUTIVE OFFICE

State House

Phoenix, Arizona

March
Thirty-First
1949

Honorable Wesley Bolin
Secretary of State
State Capitol
Phoenix, Arizona

My dear Mr. Bolin:

Senate Bill No. 1, Regular Session, Nineteenth Legislature, making an appropriation to the State Department of Health for the Arizona state tuberculosis sanatorium is hereby disapproved.

The constitutionality of this bill is questionable for two reasons: First—that it delegates to the state department of health the power to segregate the amount appropriated under the provisions of this bill to (1) the construction of a tubercular hospital, (2) the equipping of a tubercular hospital, (3) the construction of a laboratory, (4) the construction of nurses quarters, and (5) the cost of altering the present sanatorium buildings for the use of the administrative offices of the State Department of Health.

Second—In the title of the Act which reads "Making an appropriation to the state department of health, for the Arizona state tuberculosis sanatorium" there is no mention made in the title of "altering the present sanatorium buildings for the use of administrative offices of the State Department of Health." Section 13, Article 4 of the Constitution provides that "Every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be embraced in the title." The intent of this legislation no doubt is to establish a tuberculosis sanatorium for the care of tubercular patients. It is a project, from a humanitarian standpoint, that is to be commended; however, the cost of operating such a sanatorium would inflict upon the already overburdened taxpayers of this state an additional burden of approximately \$500,000.00 per year.

It is manifestly unfair to think in terms of expenditures of monies when the welfare of human beings in need of assistance is to be considered and it is with a great deal of reluctance that I find this becomes necessary, however, we must face the realism that the care and hospitalization of these patients must be met from monies derived from taxation. Unless there is a large influx of industry into our state, we can expect little increase in our taxable wealth and the additional expense that will be incurred in the operation of the sanatorium will prove to be a very difficult burden to bear. The construction and equipping of a one hundred and fifty bed hospital at this time would undoubtedly be only the beginning. There are in Arizona several thousand such cases that need to be served. Therefore, we can look forward to requests for additional beds from time to time, and this state cannot begin to absorb the demands that would be made on it for the construction and operation of this sana-

torium and such additions that will, of necessity, be required in the future.

I believe, as a matter of principle, better results can be obtained in the long run by the development of community responsibility, rather than by the creation by the state of this new institution. Whatever need there is for additional beds for tuberculosis cases can be filled by each county or each community. Pima County, where there are more tubercular patients than in any other county, takes care of its own and is willing to continue to do so. Maricopa County has its new county hospital under construction and other communities are preparing to do likewise.

It is difficult for me to believe that it was the intent of the legislature to have this bill become a law, inasmuch as it is the only bill submitted to me during the entire session of the legislature that was so obviously unconstitutional.

For these reasons I am disapproving Senate Bill No. 1.

Sincerely,

/s/ Dan E. Garvey
Governor

DEG:E

SENATE BILL NO. 1

AN ACT

MAKING AN APPROPRIATION TO THE STATE DEPARTMENT OF HEALTH, FOR THE ARIZONA STATE TUBERCULOSIS SANATORIUM.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of fifty thousand dollars for the thirty-eighth fiscal year, and seven hundred thousand dollars for the thirty-ninth fiscal year is appropriated to the state department of health.

Sec. 2. PURPOSE. The appropriation made in section 1 is for the purpose of enabling the state department of health to finance the construction and equipment of a tuberculosis hospital, laboratory, and nurses quarters on the present site of the Arizona state tuberculosis sanatorium, and to make such alterations of the present sanatorium buildings as may be deemed necessary for the housing of the administrative offices of the state department of health.

Sec. 3. USE OF FUNDS. The funds appropriated under section 1 may be used separately by the state department of

health or in conjunction with any federal funds which may become available as a result of federal appropriations for the purpose of constructing hospitals, sanatoria and public health laboratories.

Sec. 4. EXEMPTION. The appropriation made under the terms of this Act shall be exempt from the provisions of section 10-930, Arizona Code of 1939, relating to lapsing appropriations, and shall not revert until the purpose thereof is accomplished.

Sec. 5. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Disapproved by the Governor—March 31, 1949.

Filed in the Office of the Secretary of State—March 31, 1949.

ACTS
Memorials and Resolutions
of the
FIRST SPECIAL SESSION
of the
Eighteenth Legislature
of the
STATE OF ARIZONA
1947



First Special Session Convened June 9, 1947

(Recessed June 13 - 18)

(Recessed June 18 - 23)

First Special Session Adjourned Sine Die June 23, 1947

Publication Authorized
Section 4-201, Arizona Code of 1939
(Paragraph 23, Article 2, Chapter 2, Revised Code of 1928)
Chapter 124, Sub. 8, Laws 1949
Regular Session, Nineteenth Legislature

NOTICE: There are a few misspellings, other errors and punctuation mistakes in the body of this volume, which originated in the original engrossed copies, and had to be duplicated herein, so as to conform to such original copies.

AUTHENTICATION

STATE OF ARIZONA
Office of the Secretary of State } ss.

THIS IS TO CERTIFY—That the Acts, Memorials and Resolutions published in this volume, are full, true and correct copies of the originals, passed at the First Special Session of the Eighteenth Legislature of the State of Arizona, as they appear on file in the office of the Secretary of State of Arizona.

That the First Special Session of the Eighteenth Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, June 9, 1947, recessed June 13 to 18, 1947, recessed again June 18 to 23, 1947, and adjourned sine die on the 23rd day of June, 1947.



IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 18th day of June, 1949.

WESLEY BOLIN, (Signature)
Secretary of State.

LAWS OF ARIZONA

P R O C L A M A T I O N

Calling a Special Session of the Eighteenth Legislature

WHEREAS, the Governor of Arizona is vested by the Constitution (Article IV, Part 2, Section 3), with authority to call a special session of the Legislature whenever in his judgment it is advisable to do so, and it is provided that in calling such special session he shall specify the subjects to be considered; and

WHEREAS, an emergency has arisen which affects the cooperation of the Federal Government in the Arizona social security and welfare program and imperils the health and welfare, if not the lives of thousands of our citizens who, because of age, blindness and other disabilities must rely, and are entitled to rely, upon the assistance accorded them by law,

NOW, THEREFORE, I, Sidney P. Osborn, by virtue of the authority in me vested and in pursuance of my duty, call the Eighteenth Legislature to meet in special session at the Capitol on Monday, June 9, 1947, at 10 o'clock a.m., and specify the following subject to be considered:

Social security and welfare.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed this Second day of June, in the year of Our Lord One Thousand Nine Hundred and forty-seven.

SIDNEY P. OSBORN

Governor

ATTEST:

CURTIS M. WILLIAMS
Assistant Secretary of State

MEMBERS OF THE SENATE

EIGHTEENTH LEGISLATURE

First and Second Special Sessions

County	Name and Party	Address
Apache	Earl Platt (D)	St. Johns
Cochise	Dan Angius (D)	Bisbee
Cochise	Ralph Cowan (D)	McNeal
Coconino	John G. Babbitt (D)	Flagstaff
Gila	S. L. "Steve" Bixby (D)	Globe
Gila	James R. Heron (D)	Globe
Graham	Wesley A. Townsend (D)	Safford
Greenlee	Fred J. Fritz (D)	Clifton
Maricopa	Marvin E. Smith (D)	Phoenix
Maricopa	O. L. McDaniel (D)	Glendale
Mohave	Earle W. Cook (D)	Kingman
Navajo	Lloyd C. Henning (D)	Holbrook
Pima	J. B. Mead (D)	Tucson
Pima	William F. Kimball (D)	Tucson
Pinal	Lloyd E. Canfil (D)	Superior
Santa Cruz	W. H. Hathaway (D)	Nogales
Yavapai	A. L. Favour (D)	Prescott
Yavapai	Sam J. Head (D)	Prescott
Yuma	Hugo B. Farmer (D)	Yuma

LAWS OF ARIZONA

MEMBERS OF THE HOUSE

EIGHTEENTH LEGISLATURE

First to Sixth Special Sessions, Inclusive

District	Name and Party	Address
APACHE COUNTY.		
	Walter Pulsipher (D)	St. Johns
COCHISE COUNTY		
1.	I. A. Rosok (D)	Bisbee
2.	Carleton W. "Carl" Morris (D)	Warren
3.	Leo F. Foster (D)	Douglas
4.	Stuart F. Krentz (D)	Douglas
5.	A. R. Spikes (D)	Bowie
COCONINO COUNTY		
1.	F. L. Christensen (D)	Flagstaff
2.	Jesse L. Boyce (D)	Williams
GILA COUNTY		
1.	Raymond G. Langham (D)	Globe
2.	Harold Copp (D)	Miami
3.	W. G. "Rosie" Rosenbaum (D)	Hayden
GRAHAM COUNTY		
1.	W. A. McBride (D)	Safford
2.	Milton Lines (D)	Safford
GREENLEE COUNTY		
	James Boyce Scott (D)	Clifton
MARICOPA COUNTY		
1.	R. S. "Bob" Hart (D)	Phoenix 1534 W. Monroe
2.	Wing F. Ong (D)	Phoenix 1246 E. Jefferson
3.	Fletcher W. Timmerman (D)	Phoenix 1135 E. Fillmore
4.	John E. Hunt (D)	Phoenix 813 N. 8th Avenue
5.	G. N. Baker (D)	Phoenix 356 N. 1st Avenue

6. Sidney Kartus (D)Phoenix
1740 Grand Avenue
7. Mrs. Laura McRae (D)Phoenix
929 East Coronado
8. Jack Cummard (D)Mesa
118 N. Robson
9. Mrs. Claire (Wilford) Phelps (D)Chandler
Box 355A
10. L. Max Connolly (D)Tempe
514 Mill Avenue
11. W. R. Palmer (D)Phoenix
201 N. 17th Street
12. J. M. Combs (D)Glendale
Route 2, Box 138
13. W. E. Craig (D)Wickenburg
Box 126
14. Thornton Jones (D)Buckeye
Box 936
15. R. H. Wallace (R)Phoenix
71 E. Pierson
16. Harry Wimberly (D)Phoenix
23 West Broadway
17. Dwight L. Solomon (D)Phoenix
1454 East Osborn Road
18. M. Joe Murphy (D)Phoenix
922 West Willetta
19. R. D. "Dick" Searles (D)Scottsdale
Route 1
20. Lorna E. Lockwood (D)Phoenix
84 West Cypress
21. Al Lindsey (D)Phoenix
800 East Roosevelt
22. H. C. Armstrong (D)Tolleson
Route 1, Box 68
23. W. W. Franklin (D)Phoenix
1645 East Culver

MOHAVE COUNTY

- E. L. Jameson (D)Kingman

NAVAJO COUNTY

1. Eva O. Decker (R)Snowflake
2. Clay B. Simer (D)Winslow

LAWS OF ARIZONA

PIMA COUNTY

1. Oscar C. Cole (D)Ajo
2. Frank G. Robles (D)Tucson
190 West Franklin
3. Ray Martin (D)Tucson
25 West Corral
4. John H. Ayraud (D)Tucson
326 West District
5. John S. Hardwicke (D)Tucson
116 North Tyndall
6. Hamilton R. Catlin (D)Tucson
905 Valley National Building
7. Robert H. Forbes (D)Tucson
105 Olive
8. V. S. Hostetter (R)Tucson
100 Calle Encanto
9. James W. Ewing (R)Tucson
N. Campbell Avenue

PINAL COUNTY

1. Parke T. Gilbert (D)Casa Grande
2. George Ernst (D)Ray

SANTA CRUZ COUNTY

- Raymond E. Earhart (D)Nogales

YAVAPAI COUNTY

1. R. E. "Bob" Perkins (D)Prescott
Jerome Route
2. Dick W. Martin (R)Prescott
3. Kel M. Fox (D)Sedona
4. Harry E. MetzJerome

YUMA COUNTY

1. Clara Osborne Botzum (D)Parker
2. N. S. McCallum (D)Yuma
296 Main Street

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ACTS**

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ACTS

ACTS

CHAPTER 1

HOUSE BILL NO. 5

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF THE CURRENT AND CONTINGENT EXPENSES OF THE EIGHTEENTH LEGISLATURE, FIRST SPECIAL SESSION, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of fifty-two thousand five hundred dollars is appropriated to the eighteenth legislature, first special session.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to provide for the payment of the current and contingent expenses of carrying on the first special session of the eighteenth legislature, and shall be expended as follows:

1. For the Senate, fifteen thousand two hundred fifty dollars.
2. For the House of Representatives, thirty-seven thousand two hundred fifty dollars.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—June 12, 1947.

Filed in the Office of the Secretary of State—June 12, 1947.

CHAPTER 2

HOUSE BILL NO. 6

AN ACT

MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF LIBRARY AND ARCHIVES, FOR THE STATE LEGISLATIVE BUREAU.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of four thousand six hundred seventy dollars (\$4,670.00) is appropriated to the department of library and archives, for the state legislative bureau.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 shall be expended for defraying the expenses of the state legislative bureau.

Approved by the Governor—June 12, 1947.

Filed in the Office of the Secretary of State—June 12, 1947.

CHAPTER 3**HOUSE BILL NO. 7****AN ACT**

MAKING AN EMERGENCY APPROPRIATION TO THE GOVERNOR, FOR THE FUND FOR CAPITOL BUILDINGS AND GROUNDS, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of three hundred dollars (\$300.00) is appropriated to the governor, for the fund for capitol buildings and grounds.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to defray the expense of extra janitors and supplies for the eighteenth legislature, first special session.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—June 12, 1947.

Filed in the Office of the Secretary of State—June 12, 1947.

CHAPTER 4

SENATE BILL NO. 1

AN ACT

MAKING AN APPROPRIATION TO THE STATE BOARD OF SOCIAL SECURITY AND WELFARE, AND REPEALING SUBDIVISION 28, OF SECTION 1, CHAPTER 142, LAWS OF 1947, REGULAR SESSION.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of eleven million five hundred eighty-three thousand three hundred five dollars is appropriated to the state board of social security and welfare for the thirty-sixth and thirty-seventh fiscal years and for the following purposes:

	For 36th Fiscal Year	For 37th Fiscal Year
Administration, state office		
Personal services	\$ 67,900.00	\$ 67,900.00
State travel	7,200.00	7,200.00
Out-of-state travel	200.00	200.00
Subscriptions and organization dues	200.00	200.00
Capital outlay	3,500.00	2,500.00
Other current expenditures	21,000.00	21,000.00
Total administration of state office	100,000.00	99,000.00
Administration, county offices		
Personal services	270,900.00	270,900.00
State travel	20,520.00	20,520.00
Subscriptions	320.00	320.00
Other current expenditures	10,505.00	10,505.00
Capital outlay	3,300.00	2,000.00

Total administration of county offices	305,545.00	304,245.00
Merit system	7,500.00	7,500.00
	<hr/>	<hr/>
Total administration	\$ 413,045.00	\$ 410,745.00
Child welfare services	51,560.00	51,560.00
Old age assistance	3,096,806.00	3,250,146.00
Aid to dependent children	580,882.00	638,971.00
Aid to the blind	262,900.00	289,190.00
Direct relief	775,000.00	800,000.00
Foster home care	175,000.00	187,500.00
Crippled children's service	130,000.00	130,000.00
Welfare sanatorium	165,000.00	175,000.00
	<hr/>	<hr/>
Grand Total	\$5,650,193.00	\$5,933,112.00
		<u><u>\$11,583,305.00</u></u>

Sec. 2. FEDERAL GRANTS. The appropriation made under the provisions of section 1, with the exception of the amounts designated for administration, is in addition to funds granted to the state by the federal government for the same purposes, but shall be deemed to include the sums deposited in the state treasury to the credit of the state board of social security and welfare pursuant to the provisions of section 73-1322, Arizona Code of 1939. The appropriation for administration is the total appropriation for such purpose, and is deemed to include all sums paid the state by the federal government for administration under Public Law 719, Seventy-ninth Congress, title 5.

Sec. 3. REPEAL. Subdivision 28, of section 1, chapter 142, Laws of 1947, regular session, is repealed.

Approved by the Governor—June 18, 1947.

Filed in the Office of the Secretary of State—March 19, 1947.

CHAPTER 5

SENATE BILL NO. 7

AN ACT

RELATING TO OLD AGE ASSISTANCE; AMENDING SECTION 70-202, ARIZONA CODE OF 1939, AS AMENDED BY SECTION 1, CHAPTER 12, LAWS OF THE THIRD SPECIAL SESSION, 1946, PROVIDING FOR ELIGIBILITY FOR NEEDY AGED; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 70-202, Arizona Code of 1939, as amended by section 1, chapter 12, laws of the third special session, 1946, is amended to read:

70-202. ELIGIBILITY FOR ASSISTANCE. Assistance shall be granted under this article to any person who meets the following requirements:

1. Is not less than sixty-five years of age.
2. Is a citizen of the United States.
3. Has resided in the state for not less than five years within the nine years, and continuously for not less than one year, immediately preceding the date of application for assistance.
4. Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
5. Is not an inmate of or being maintained by any municipal, state or federal institution at the time of receiving assistance; except as a guest of the home for aged and infirm Arizona pioneers. An inmate of any such institution, except a penal institution, may make application for assistance but the assistance, if granted, shall not begin until after he ceases to be an inmate. This paragraph shall not be construed to prohibit the granting of assistance to a person temporarily confined in an institution for medical or surgical care.
6. Has not, within five years prior to the filing of application, made an assignment or transfer of property with the

intent of rendering himself eligible for assistance under this article.

7. Is not because of physical or mental condition in need of continued institutional care, which care is reasonably available to him.

8. Does not have or own cash or other personal property, exclusive of household furniture, the fair value of which exceeds one thousand dollars.

9. Has not, during the twelve months immediately preceding his application, received, and does not currently receive, an income from all sources, not including contributions and assistance from public or private charities, of a net value exceeding six hundred dollars per annum.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Passed the Senate June 14, 1947.

Passed the House without enacting emergency clause June 14, 1947.

Disapproved by the Governor—June 19, 1947.

Passed the Senate and House, the Governor's veto notwithstanding, June 23, 1947.

Filed in the Office of the Secretary of State—June 23, 1947.

RESOLUTIONS

SENATE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION

ON THE DEATH OF HON. D. L. CUNNINGHAM

Whereas, on March 25, 1947, Judge Donnell LaFayette Cunningham died in a Douglas hospital, aged eighty years.

Judge Cunningham arrived in Arizona in 1887, residing first at Flagstaff, and later practicing law at Williams, Tucson, Tombstone, Phoenix, Globe, and Willcox.

In recognition of his qualities of leadership, he was delegated by the citizens of Cochise county, in 1910, to represent them in the convention charged with drafting a constitution for the state-to-be of Arizona. In that body he was designated as chairman of the committee on judiciary, and performed the important duties of the position with diligence and ability, in addition to taking an active part in the formulation of and debates on all features of the organic act. Liberal in his views, he gave constructive support to the progressive principles embodied in the document.

Judge Cunningham was chosen for a place on the supreme bench at the first election for state officers held in 1911, and in 1914 was elected to succeed himself. He served with distinction until his voluntary retirement in 1920, during the last two years of such service occupying the position of Chief Justice. Therefore
BE IT RESOLVED by the Legislature of the State of Arizona:

1. The death of Judge Donnell LaFayette Cunningham is noted with profound regret, and the debt of gratitude owed by the people of Arizona to this distinguished constitution maker and jurist is acknowledged.

Adopted by the Senate—June 13, 1947, by the following vote:
17 Ayes, 0 Nays, 2 Not voting.

Adopted by the House—June 13, 1947, by the following vote:
54 Ayes, 0 Nays, 0 Absent, 4 Excused.

Approved by the Governor—June 14, 1947.

Filed in the Office of the Secretary of State—June 14, 1947.

SENATE CONCURRENT RESOLUTION NO. 1

A CONCURRENT RESOLUTION

ON THE DEATH OF HON. HUBERT H. d'AUTREMONT

Whereas, on April 16, 1947, as he visited at the home of a boyhood friend in Wellsville, New York, Hubert H. d'Autremont died unexpectedly at the age of fifty-eight years.

He entered upon the practice of law at Bisbee in 1914, but Tucson became his permanent home following service in the American Expeditionary Forces during World War I and a period of residence

in his native state of Minnesota. In Tucson he took an active and prominent part in the professional, business and public life of the city, county and state, rising rapidly in each field.

Senator d'Autremont was one of Arizona's outstanding, upstanding citizens. In his relations with his fellow men, sympathetic and understanding; in his business dealings, honest and trustworthy; as a public servant, courageous and faithful; in the performance of his official functions, just and impartial. His loss is, and will be, keenly felt.

In 1940, he was elected to represent Pima county in the Senate of the Fifteenth legislature and served with distinction. He was returned by the suffrage of his fellow citizens to the Sixteenth, Seventeenth and Eighteenth legislatures and at the regular session of the Eighteenth was chosen to preside over its deliberations, a service he performed with dignity, efficiency and impartiality. Therefore

BE IT RESOLVED by the Senate of the State of Arizona, the House of Representatives concurring:

1. The loss of Senator Hubert H. d'Autremont is deeply deplored by the members of this body and their condolences are extended to the bereaved widow, son, daughter, and other surviving relatives.

Adopted by the Senate June 11, 1947 by the following vote: 19 Ayes, 0 Nays, 0 Not voting.

Adopted by the House June 11, 1947 by the following vote: 56 Ayes, 0 Nays, 0 Absent, 2 Excused.

Filed in the Office of the Secretary of State—June 12, 1947.

HOUSE CONCURRENT RESOLUTION NO. 3

A CONCURRENT RESOLUTION

RELATING TO ACTION OF THE CIVIL AERONAUTICS BOARD WITH REGARD TO AUTHORIZING THE ESTABLISHMENT OF AIRLINE FEEDER SERVICE IN THE STATE OF ARIZONA.

BE IT RESOLVED by the House of Representatives of the State of Arizona, the Senate concurring:

WHEREAS, the growth and prosperity of Arizona depend to a considerable degree upon the community of interest between her cities, their accessibility to one another and to the state capitol; and,

WHEREAS, the extension of postal service through the delivery of air mail to Arizona's cities would serve to speed business transactions and otherwise be of major benefit to our citizens; and,

WHEREAS, the business communities of the state have recorded their desires to support a local air service,

WHEREAS, the Civil Aeronautics Board in Washington has pending before it application which, if favorably acted upon, will result in the establishment of local air mail and passenger services between communities of the state which do not now have such service; and,

WHEREAS, the report of the Civil Aeronautics Board's Examiner in the Arizona-New Mexico Case, Docket No. 968 et al, has been highly discriminatory to Arizona in that it has recommended denial of all applicants which would provide such badly needed service to our communities while permitting its establishment in other areas in the United States;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring: That we urge the Arizona Congressional Delegation to devote their energies to the end that Arizona will receive just and impartial treatment in connection with such local air service comparable to that already established under similar conditions in other areas of the country, and that we respectfully urge the Civil Aeronautics Board to carefully scrutinize said Examiner's report which the people of Arizona feel is discriminatory to the best interests of the communities of the state.

Passed the House June 13, 1947 by the following vote: 54 Ayes, 0 Nays, 0 Absent, 4 Excused.

Passed the Senate June 14, 1947 by the following vote: 17 Ayes, 0 Nays, 2 Not voting.

Filed in the Office of the Secretary of State—June 14, 1947.

MEMORIALS



SENATE JOINT MEMORIAL NO. 1

A JOINT MEMORIAL

ON THE TRANSFER OF THE FORT HUACHUCA MILITARY
RESERVATION.

To the Secretary of War, Washington, D. C.:

Your memorialist respectfully represents:

According to the press the United States War Department is considering the abandonment of the military installation at Fort Huachuca, Arizona, together with the area embraced within the Fort Huachuca military reservation.

The hope is entertained by the people of Arizona that such action may not be found necessary and that this historic site may be retained, and maintained by the War Department.

In the event, however, that the rumored action is to be taken, it should be pointed out that the maximum benefits from the buildings and structures comprising the military installation at Fort Huachuca, as well as the area comprising the military reservation, may be obtained by their transfer to the State of Arizona, for the use of departments of the state government.

WHEREFORE your memorialist, the Legislature of the State of Arizona, requests:

1. That in the event the War Department concludes to abandon the Fort Huachuca military reservation and the military installation thereon, it be transferred to the State of Arizona by such means and under such conditions as the law permits.

Adopted by the House June 14, 1947 by the following vote: 52 Ayes, 0 Nays, 0 Absent, 6 Excused.

Adopted by the Senate June 14, 1947 by the following vote: 17 Ayes, 0 Nays, 2 Not voting.

Approved by the Governor—June 16, 1947.

Filed in the Office of the Secretary of State—June 16, 1947.

ACTS
Memorials and Resolutions
of the
SECOND SPECIAL SESSION
of the
Eighteenth Legislature
of the
STATE OF ARIZONA
1947



Second Special Session Convened June 18, 1947

Second Special Session Adjourned Sine Die July 1, 1947

Publication Authorized
Section 4-201, Arizona Code of 1939
(Paragraph 23, Article 2, Chapter 2, Revised Code of 1928)
Chapter 124, Sub. 8, Laws 1949
Regular Session, Nineteenth Legislature

NOTICE: There are a few misspellings, other errors and punctuation mistakes in the body of this volume, which originated in the original engrossed copies, and had to be duplicated herein, so as to conform to such original copies.

AUTHENTICATION

STATE OF ARIZONA
Office of the Secretary of State } ss.

THIS IS TO CERTIFY—That the Acts, Memorials and Resolutions published in this volume, are full, true and correct copies of the originals, passed at the Second Special Session of the Eighteenth Legislature of the State of Arizona, as they appear on file in the office of the Secretary of State of Arizona.

That the Second Special Session of the Eighteenth Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, June 18, 1947, and adjourned sine die on the 1st day of July, 1947.



IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 18th day of June, 1949.

WESLEY BOLIN, (Signature)
Secretary of State.

P R O C L A M A T I O N

Calling a Special Session of the Eighteenth Legislature

WHEREAS, the Governor of Arizona is vested by the Constitution (Article IV, Part 2, Section 3), with authority to call a special session of the Legislature whenever in his judgment it is advisable to do so, and it is provided that in calling such special session he shall specify the subjects to be considered; and

WHEREAS, an emergency has arisen which affects the efficient conduct of state government and the welfare of the people of Arizona, I deem it necessary to call the Eighteenth Legislature in Special Session immediately,

NOW, THEREFORE, I, Sidney P. Osborn, by virtue of the authority in me vested and in pursuance of my duty, call the Eighteenth Legislature to meet in special session at the Capitol on Wednesday, June 18, 1947, at ten o'clock a.m., and specify the following subjects to be considered:

1. Groundwater Code
2. Budgets
3. Hospitals
4. Veterans
5. Life Insurance
6. Power Authority
7. Amendments to Employment Security Laws
8. Highway Department
9. Salaries of elective state officials
10. State Prison
11. Appropriations
12. Confirmation



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed this fourteenth day of June in the year of Our Lord One Thousand Nine Hundred and forty-seven.

SIDNEY P. OSBORN
Governor

ATTEST:

DAN E. GARVEY
Secretary of State

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37. H. B.	52. Relating to social security and welfare; creating an interim committee to investigate the state social security and welfare system, and making an appropriation; amending chapter 71, Session Laws of 1947, regular session. (Emergency). (Failed to pass the Senate with sufficient votes to carry emergency). Approved July 11, 1947. Effective September 30, 1947.	459

ACTS

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CHAPTER 1

HOUSE BILL NO. 20

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION FOR THE PAYMENT OF THE CURRENT AND CONTINGENT EXPENSES OF THE EIGHTEENTH LEGISLATURE, SECOND SPECIAL SESSION, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of thirty-three thousand four hundred seventy dollars is appropriated to the eighteenth legislature, second special session.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to provide for the payment of the current and contingent expenses of carrying on the second special session of the eighteenth legislature, and shall be expended as follows:

1. For the Senate, ten thousand five hundred thirty dollars.
2. For the House of Representatives, twenty-two thousand nine hundred forty dollars.

Sec. 3. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—June 24, 1947.

Filed in the Office of the Secretary of State—June 24, 1947.

CHAPTER 2

HOUSE BILL NO. 21

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF LIBRARY AND ARCHIVES, FOR THE STATE LEGISLATIVE BUREAU.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of eleven thousand one hundred eighteen dollars (\$11,118.00) is appropriated to the department of library and archives, for the state legislative bureau.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 shall be expended for defraying the expenses of the state legislative bureau.

Approved by the Governor—June 24, 1947.

Filed in the Office of the Secretary of State—June 24, 1947.

 CHAPTER 3

SENATE BILL NO. 2

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE ATTORNEY GENERAL, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of subdivision 5, section 1, chapter 103, Laws of 1945, and all other appropriations for the thirty-fifth fiscal year, the sum of one thousand six hundred sixty and 49/100 dollars is hereby appropriated to the attorney general for personal services.

Sec. 2. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—June 30, 1947.

Filed in the Office of the Secretary of State—June 30, 1947.

CHAPTER 4

SENATE BILL NO. 3

AN ACT

RELATING TO STATE OFFICERS; PRESCRIBING ANNUAL SALARIES, AND AMENDING SECTION 12-701, ARIZONA CODE OF 1939, AS AMENDED.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 12-701, Arizona Code of 1939, is amended to read:

12-701. SALARIES OF EXECUTIVE OFFICERS. Officers of the executive department of the state shall receive the following annual salaries: Governor, ten thousand dollars; secretary of state, six thousand dollars; state auditor, six thousand dollars; state treasurer, five thousand five hundred dollars; attorney-general, six thousand dollars; superintendent of public instruction, five thousand five hundred dollars.

Sec. 2. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—June 30, 1947.

Filed in the Office of the Secretary of State—June 30, 1947.

CHAPTER 5

SENATE BILL NO. 7

AN ACT

MAKING AN APPROPRIATION TO THE HOME FOR AGED AND INFIRM ARIZONA PIONEERS, AND AMENDING SUBDIVISION 30, CHAPTER 142, LAWS OF 1947, REGULAR SESSION.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Subdivision 30, chapter 142, Laws of 1947, regular session, is amended to read:

Subdivision 30. PIONEERS' HOME.

	36th Fiscal Year	37th Fiscal Year
Salary of superintendent	\$ 3,600.00	\$ 3,600.00
Other personal services	30,200.00	30,200.00
State travel	250.00	250.00
Subscriptions and organization dues	350.00	350.00
Other current expenditures	62,250.00	62,250.00
Capital outlay:		
Boiler and installation	6,500.00
Totals	\$103,150.00	\$96,650.00
		<u>\$199,800.00</u>

Earnings on state lands and interest on the investment of the permanent land funds of the pioneers' home and the hospital for disabled miners are appropriated in compliance with the enabling act and the constitution.

Sec. 2. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—June 30, 1947.

Filed in the Office of the Secretary of State—June 30, 1947.

 CHAPTER 6

SENATE BILL NO. 16

AN ACT

RELATING TO THE POLICE PENSION FUND, PROVIDING EXEMPTION FOR MILITARY SERVICE, AND AMENDING ARTICLE 18, CHAPTER 16, ARIZONA CODE OF 1939, BY ADDING SECTION 16-1807a.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Article 18, chapter 16, Arizona Code of 1939, is amended by adding section 16-1807a, to read:

16-1807a. EXEMPTION FOR PERIOD OF MILITARY SERVICE. A member of a police department who served in the military forces of the United States during a period of national emergency immediately following service as a member of such police department, shall not be required to contribute to the police pension fund by salary deduction or otherwise for the period covered by his military service, but in computing the length of service of a member of a police department, for the purpose of determining eligibility for retirement, the period of his military service, as prescribed by this section, shall be included.

Sec. 2. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—June 30, 1947.

Filed in the Office of the Secretary of State—June 30, 1947.

CHAPTER 7**SENATE BILL NO. 17****AN ACT**

RELATING TO THE INSTITUTE OF EDUCATIONAL REHABILITATION; MAKING AN APPROPRIATION, AND AMENDING SUBDIVISION 71, SECTION 1, CHAPTER 142, LAWS OF 1947, REGULAR SESSION.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Subdivision 71, section 1, chapter 142, Laws of 1947, regular session, is amended to read:

Subdivision 71. INSTITUTE OF EDUCATIONAL REHABILITATION.

	36th Fiscal Year	37th Fiscal Year
Personal services	\$ 48,270.00	\$ 48,270.00
Other current expenditures	11,100.00	11,100.00
Capital outlay:		
Purchase of Florence prison camp ..	75,000.00	
Trucks, trailers and other conveying equipment	7,550.00	
Purchase of building materials; con- struction, repairing, wrecking and maintenance equipment	52,450.00	60,000.00
Totals	<u>\$194,370.00</u>	<u>\$119,370.00</u>
		<u>\$313,740.00</u>

Approved by the Governor—June 30, 1947.

Filed in the Office of the Secretary of State—June 30, 1947.

CHAPTER 8

SENATE BILL NO. 19

AN ACT

MAKING AN APPROPRIATION TO THE STATE PRISON.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of twenty-nine thousand dollars is appropriated to the state prison, for the following purposes:

1. For the purchase of equipment and materials for installation of an irrigation and domestic water supply system, in connection with and in addition to the drilling and equipment of a well authorized by subdivision 31, chapter 142, Laws of 1947, regular session, fourteen thousand dollars.

2. For the erection of a new chronic tubercular ward building, and remodeling and the purchasing of equipment for the hospital surgery room, fifteen thousand dollars.

Sec. 2. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—June 30, 1947.

Filed in the Office of the Secretary of State—June 30, 1947.

CHAPTER 9

SENATE BILL NO. 20

AN ACT

MAKING AN APPROPRIATION TO THE STATE PRISON.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of thirty thousand dollars is appropriated to the state prison.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the purpose of supplementing the prison manufacturing fund authorized by section 4, chapter 97, Laws of 1945, regular session (section 47-133, supplement to Arizona Code of 1939).

Sec. 3. REIMBURSEMENT. When the unencumbered balance in the prison manufacturing funds amounts to not less than seventy-five thousand dollars, the state treasurer shall transfer therefrom the sum appropriated by this Act to the general fund.

Sec. 4. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—June 30, 1947.

Filed in the Office of the Secretary of State—June 30, 1947.

CHAPTER 10

SENATE BILL NO. 22

AN ACT

RELATING TO THE COLORADO RIVER; AUTHORIZING THE GOVERNOR TO EMPLOY SPECIAL ATTORNEYS AND ENGINEERS, AND MAKING AN APPROPRIATION.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of twenty-five thousand dollars is appropriated to the governor, twelve thousand five hundred dollars for the thirty-sixth fiscal year and twelve thousand five hundred dollars for the thirty-seventh fiscal year.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to enable the governor to employ special attorneys and engineers to represent the state in legal and technical matters pertaining to the waters of the Colorado river and to appoint qualified persons to represent Arizona in interstate conferences concerning irrigation and water matters as he deems advisable.

Sec. 3. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—June 30, 1947.

Filed in the Office of the Secretary of State—June 30, 1947.

CHAPTER 11

SENATE BILL NO. 26

AN ACT

MAKING AN APPROPRIATION TO THE GOVERNOR, FOR THE GUBERNATORIAL MANSION AND THE SHARLOT HALL MUSEUM.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of two thousand five hundred dollars is appropriated to the governor, for the installation of a heating plant for the old gubernatorial mansion and the Sharlot Hall museum, at Prescott.

Sec. 2. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—June 30, 1947.

Filed in the Office of the Secretary of State—June 30, 1947.

CHAPTER 12

SENATE BILL NO. 31

AN ACT

FOR THE RELIEF OF JOHN A. LARSON

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of six hundred fifteen dollars seven cents is appropriated for the relief of John A. Larson.

Sec. 2. BASIS OF CLAIM. Payment of the sum appropriated shall be in full satisfaction of the claim of John A. Larson for increase of salary as superintendent of the state hospital for the insane from March 22 to July 1, 1947, as provided in section 1, chapter 82, Laws of 1947, regular session, for which no appropriation was made, and as evidenced by certificates of indebtedness issued by the state auditor.

Sec. 3. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—June 30, 1947.

Filed in the Office of the Secretary of State—June 30, 1947.

CHAPTER 13

SENATE BILL NO. 33

AN ACT

MAKING AN APPROPRIATION TO THE STATE HOSPITAL FOR THE INSANE, AND AMENDING SUBDIVISION 33, SECTION 1, CHAPTER 142, LAWS OF 1947, REGULAR SESSION.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Subdivision 33, section 1, chapter 142, Laws of 1947, regular session, is amended to read:

Subdivision 33. STATE HOSPITAL FOR THE INSANE.

	<u>36th</u> <u>Fiscal Year</u>	<u>37th</u> <u>Fiscal Year</u>
Salary of superintendent	\$ 7,200.00	\$ 7,200.00
Other personal services	500,000.00	525,000.00
State travel	1,000.00	1,000.00
Out of state travel	200.00	200.00
Subscriptions, organization dues and books	500.00	500.00
Other current expenditures	260,000.00	270,000.00
Capital outlay:		
Drilling and equipping well	8,000.00	
Other capital outlay	20,000.00	20,000.00
Total appropriation	<u>796,900.00</u>	<u>823,900.00</u>
	<u>\$1,620,800.00</u>	
State hospital for the insane, Florence branch		
Personal services	115,000.00	115,000.00
LUMP SUM FOR other current expenditures, repairs, equip- ment and capital outlay	175,000.00	63,000.00
Total appropriation	<u>290,000.00</u>	<u>178,000.00</u>
Grand total—State hospital for the insane	1,086,900.00	1,001,900.00
		<u>\$2,088,800.00</u>

In conformity with section 8-209, Arizona Code of 1939, collections received during the fiscal year for maintenance of patients, when paid into the state treasury, are appropriated for current expenditures, and earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the enabling act and the constitution.

Sec. 2. EMERGENCY. To preserve the public peace,

health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—June 30, 1947.

Filed in the Office of the Secretary of State—June 30, 1947.

CHAPTER 14

SENATE BILL NO. 34

AN ACT

MAKING AN APPROPRIATION TO THE STATE HOSPITAL FOR THE INSANE.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of twenty-five thousand dollars is appropriated to the state hospital for the insane.

Sec. 2. PURPOSE. The purpose of this appropriation is to enable the state hospital for the insane to purchase and install a boiler.

Sec. 3. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—June 30, 1947.

Filed in the Office of the Secretary of State—June 30, 1947.

CHAPTER 15

SENATE BILL NO. 46

AN ACT

MAKING AN APPROPRIATION TO THE COMMISSION OF AGRICULTURE AND HORTICULTURE.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appropriation made by subdivision 45, section 1, chapter 142, Laws of 1947, regular session, the sum of seventy-five thousand dollars is appropriated to the commission of agriculture and horticulture, fifty-three thousand dollars thereof for the thirty-sixth fiscal year, and twenty-two thousand for the thirty-seventh fiscal year.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the following purposes: 1. thirty-sixth fiscal year: 1a. travel, two thousand dollars; 1b. salaries and wages, twenty thousand dollars; 1c. construction and equipment of an inspection station at the junction of highways 93 and 66, in Mohave county, thirty-one thousand dollars; 2. thirty-seventh fiscal year: 2a. salaries and wages, twenty thousand dollars; 2b. travel, two thousand dollars.

Sec. 3. EXEMPTION. The appropriation for the construction and equipment of an inspection station shall be exempt from the provisions of section 7, article 4, chapter 86, Laws of 1943, regular session (section 10-930, supplement to Arizona Code of 1939), relating to lapsing appropriations.

Sec. 4. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—June 30, 1947.

Filed in the Office of the Secretary of State—June 30, 1947.

 CHAPTER 16

HOUSE BILL NO. 1

AN ACT

RELATING TO LIFE INSURANCE; AMENDING SECTIONS 61-306, AS AMENDED, AND 61-705 ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 61-306, Arizona Code of 1939, as amended, is amended to read:

61-306. VALUATION OF LIFE INSURANCE COMPANIES. (a) The commission shall annually make valuations of all outstanding policies, additions thereto, unpaid dividends, and other obligations of every life insurance company doing business in this state. The valuations shall be made according to the standard of valuation adopted by the company and stated in its annual report to the commission; but no standard of valuation, whether on the net level premium, preliminary term, commission, or select and ultimate method (reserve basis), shall be less than as determined upon that basis according to the American experience table of mortality with three and one-half (3½) per cent interest. When the preliminary term basis is used, it shall not exceed one (1) year. The commission may vary the standard of valuation in the particular cases of invalid lives and other extra hazards, if the same is on a basis of at least three and one-half (3½) per cent, may value policies in groups, may use approximate average for fractions of a year, and shall assume as accurate and accept the valuation of the department of insurance of any other state or country, if the insurance officer thereof likewise accredits the valuation made by the Arizona corporation commission.

(b) The legal minimum standard for the valuation of annuities shall be the American experience table of mortality, with interest at the rate of three and one-half (3½) per cent per annum.

(c) A life insurance company may voluntarily value its industrial policies according to the standard industrial mortality table or the substandard industrial mortality table.

(d) A life insurance company may voluntarily value its policies and contracts, or any class thereof, on other tables of mortality with the same or lower rates of interest if the reserves created thereby are not less in the aggregate than those produced by the standard set forth in this section; but no such standard, if adopted, may be abandoned, without the written consent of the commission.

Sec. 2. Section 61-705, Arizona Code of 1939, is amended to read:

61-705. MANDATORY PROVISIONS IN CERTAIN LIFE POLICIES. No policy of life insurance, other than industrial insurance, annuities and pure endowments with or without return of premium shall be issued or delivered unless they contain the substance of the following provisions:

1. That all premiums after the first shall be payable in

advance, either at the home office of the company or to any agent of the company, upon delivery of a receipt signed by one or more of the officers who shall be designated in the policy.

2. That the insured is entitled to a grace of either thirty (30) days or of one (1) month within which the payment of any premium after the first year may be made, subject to an interest charge not in excess of six (6) per cent per annum for the number of days of grace elapsing before the payment of the premium, during which period of grace the policy shall continue in full force, but if the policy becomes a claim during the said period of grace before the overdue premium or the deferred premium of the current policy year, if any, are paid the amount of such premiums, with interest on any overdue premium, may be deducted from the amount payable under the policy.

3. That the policy constitutes the entire contract between the parties and is incontestable after not more than two (2) years from its date, except for non-payment of premiums and except for violation of the conditions of the policy relating to naval and military service in time of war; that all statements made by the insured shall, in the absence of fraud, be deemed representations and not warranties; and that no statement shall be used in defense of a claim under the policy unless contained in a written application and unless a copy of such statement be endorsed upon or attached to the policy when issued.

4. That if the age of the insured has been misstated, the amount payable under the policy shall be such as the premium would have purchased at the correct age.

5. That the policy shall participate in the surplus of the company, and a policy containing provisions for participation at the end of the first policy year and annually thereafter may also provide that each dividend shall be paid subject to the payment of the premium for the next ensuing year; and the insured under any annual dividend policy shall have the right each year to have the dividend arising from such participation paid in cash, and if the policy shall provide other dividend options, it shall further provide which of said options shall be effective if the insured shall not elect any such other option on or before the expiration of the period of grace allotted for the payment of the premium. This provision shall not apply to any form of paid up insurance or temporary insurance or pure endowment insurance, issued or granted in exchange for lapsed or surrendered policies, or to nonparticipating policies.

6. That after three (3) full year premiums have been paid, the company at any time while the policy is in force will advance on proper assignment or pledge of the policy and on the sole security thereof at a specified rate of interest, a sum equal to, or at the option of the owner of the policy less than the reserve at the end of the current policy year on the policy and on any dividend addition thereto, computed according to any mortality table, rate of interest and method of valuation permitted by section 61-306 (the policy to specify the mortality table and rate of interest adopted for computing such reserve) less a sum not more than two and one-half ($2\frac{1}{2}$) per cent of the amount insured by the policy and of any dividend additions thereto; and that the company shall deduct from such loan value any existing indebtedness on the policy and any unpaid balance of the premium for the current policy year, and may collect interest in advance on the loan to the end of the current policy year. A company may, in lieu of the provision hereinabove permitted for the deduction from a loan on the policy of a sum not more than two and one-half ($2\frac{1}{2}$) per cent of the amount insured by the policy and of any dividend additions thereto, insert in the policy a provision that one-fifth of the entire reserve may be deducted in case of a loan under the policy, or may provide therein that the deduction may be the said two and one-half ($2\frac{1}{2}$) per cent or the one-fifth of the said entire reserve at the option of the company. This provision shall not be required in term insurance, nor shall it apply to temporary insurance or pure endowment insurance, issued or granted in exchange for lapsed or surrendered policies.

7. A provision specifying the option to which the policy holder is entitled in the event of default in a premium payment after three (3) full annual premiums shall have been paid. This provision shall not be required in term insurance of twenty (20) years or less. A provision may also be inserted in the policy that in the event of default in a premium payment before such options become available the reserve on any dividend addition then in force may at the option of the company be paid in cash or applied as a net premium to the purchase of paid up term insurance for any amount not in excess of the face of the original policy.

8. A table showing in figures the loan value and the options available under the policies each year upon default in premium payments, during (at least) the first twenty (20) years or during the term of the policy, whichever is shorter.

9. A provision that if in the event of default in premium payments, the value of the policy shall be applied to the purchase of other insurance, and if such insurance shall be in

force and the original policy shall not have been surrendered to the company and canceled, the policy may be reinstated within three (3) years from such default upon evidence of insurability satisfactory to the company and payment of arrears of premiums and the payment or reinstatement of any other indebtedness to the company upon said policy, with interest at the rate of not exceeding six (6) per cent per annum.

10. A provision that when a policy shall become a claim by the death of the insured settlement shall be made upon receipt of due proof of death and of the interest of the claimant, and not later than two (2) months after the receipt of such proofs.

11. A table showing the amount of installments, if any, in which the policy may provide its proceeds may be payable.

12. Title on the face and on the back of the policy, briefly describing the same.

Any of the foregoing provisions or portions thereof not applicable to the single premium or non-participating or term policies shall to that extent not be incorporated therein; and any such policy may be issued or delivered in this state which in the opinion of the commission contains provisions more favorable to the policy holder than herein required. The provisions of this section shall not apply to policies of reinsurance.

Approved by the Governor—June 30, 1947.

Filed in the Office of the Secretary of State—June 30, 1947.

CHAPTER 17

HOUSE BILL NO. 23

AN ACT

MAKING AN APPROPRIATION TO THE SECRETARY OF STATE.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of seven hundred dollars is appropriated to the secretary of state, out of the legislative, executive and judicial public buildings land fund.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the purpose of effecting alterations and repairs in the office of the secretary of state.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—June 30, 1947.

Filed in the Office of the Secretary of State—June 30, 1947.

CHAPTER 18

HOUSE BILL NO. 27

AN ACT

MAKING AN APPROPRIATION TO THE GOVERNOR, FOR CAPITOL BUILDING AND GROUNDS.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of three hundred sixty-seven dollars ten cents is appropriated to the governor.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the purpose of repairs and replacements to sanitary plumbing and fixtures in the capitol building.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—June 30, 1947.

Filed in the Office of the Secretary of State—June 30, 1947.

CHAPTER 19

HOUSE BILL NO. 38

AN ACT

AMENDING SECTION 14 OF CHAPTER 32, SESSION LAWS OF THE SECOND SPECIAL SESSION OF THE

SIXTEENTH LEGISLATURE, 1944, KNOWN AS AND RELATING TO THE ARIZONA POWER AUTHORITY ACT OF 1944.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Section 14, Chapter 32, Second Special Session, Sixteenth Legislature, 1944, is amended to read:

Sec. 14. REVENUE BONDS. Whenever the Authority shall find other financing methods or procedure inadvisable, inadequate or insufficient for the accomplishment of any transmission lines, project, work or facility, it may independently or in conjunction with any other optional or alternative plans in this Act provided, issue bonds as in this Act set forth. No revenue bonds shall be issued until provision shall first be made by power purchase contracts in accordance with the provisions of this Act adequate in the judgment of the Authority to insure all necessary fiscal reserves, operation costs, maintenance and depreciation charges and payment of principal and interest of any bonds appertaining to or respecting any proposed project or facility involved and within the time fixed. Neither shall revenue bonds be issued except upon requisition by the Authority and approval thereof by the State Certification Board and no agreement, proposal or arrangement relating to or concerning the handling, sale, control or disposition of Authority bonds or relating to employment or payment of bond brokers' or dealers', attorneys', engineers' or accountants' fees relating to or concerning said bond issue shall be of any force or effect unless and until approved by said board. Requisitions for approval of a bond issue or issues shall state the amount of said proposed issue or issues, the proposed interest rate and types and terms of bonds; that all other methods of necessary financing by the Authority have been found impractical, inadvisable or inadequate; that the issuance of such bonds is necessary and advisable as proposed. Requisitions shall be signed by the Authority Chairman and Secretary and in support of said requisition the Authority shall file, in such form, manner and content as the certification board may by rule or regulation prescribe, pertinent engineering, economic and financial data, appropriate maps, drawings, plans, outlines, calculations, summaries, related agreements and any other essential information constituting a requisition record appropriate to such requisition. Requisitions may request approval of a bond issue comprehending an entire plan or system or for construction or acquisition of any single or joint project, section, station or other facility of any related electric system or plan proposed for ultimate integration and completion. Requisitions or documents and records in connection with any present or

anticipated bond requisition may be filed simultaneously or seriatim. Provided that all pertinent records and documents shall be filed not less than ten (10) days previous to the time set for hearing. Pre-hearings respecting any particular document, feature, incidental matter, or any separable part or portion of any requisition may be held by the board on ten (10) days previous written notice unless waived in writing, whenever the holding of such pre-hearings shall be deemed by said board conducive to the expediting of final hearing and a decision as to the issues presented may thereupon be rendered; upon permission of the board, any documents, records, exhibits or other papers may be amended and refiled at least ten (10) days previous to the time set for final hearing. Requisitions shall be filed with the Secretary of said Certification Board and the Board Chairman shall at the earliest practical date, fix a time and place not less than twenty (20) nor more than thirty (30) days thereafter for hearing upon such requisition. Notice of the time and place fixed for said hearing shall be published twice in some newspaper of general circulation in the state unless the requisition filed is anticipatory only and does not seek the approval of any present proposed bond issue. Unless waived in writing, notice of filing of preliminary or anticipatory requisitions shall be given by the Authority to any qualified parties thereby directly involved, by registered mail, not less than ten (10) days previous to any hearing thereon. At the time and place fixed for said hearing the Board shall proceed to an examination and determination of the matters and questions involved and hearings may be recessed, adjourned or continued from time to time as the Board may order. The Governor for all purposes and in all proceedings under this Section shall be ex-officio a member and Chairman of such Board without additional emolument. The office of the Board for matters cognizable under this Section shall be established at Phoenix, Arizona, whereat all records concerning any and all proceedings under this Section shall be kept. The Board shall select a Secretary who may be attached to any Board member's staff who shall serve without additional pay and who shall keep the minutes of said Board and shall have charge of its records. The Board shall meet on the call of the Chairman or on the written request of three of its members at a fixed time within official business hours, on not less than two (2) days previous written notice but such notice may be waived in writing. Meetings may be recessed or adjourned from time to time without giving of further notice and continuances may be granted for good cause. A majority shall constitute a quorum and matters pending before the Board shall be decided by majority vote. The Board shall be authorized to adopt and promulgate necessary rules of procedure and regulations for the conduct of its affairs and the discharge of its duties under

this Section. No fees other than for necessary stenographic services, printing or publication, shall be charged or collected from the Authority by said Board; and said Board after approval of requisitions, shall have or exercise no further supervision, direction or control of the proceeds of any bond issue but the same shall be controlled, handled and administered solely by the Authority as in this Act provided. The jurisdiction of the Board and the scope and subjects of the Board's examinations, consideration and determination shall be confined to the matters and things prescribed and embraced in said requisition record as filed by the Authority in support of its application and its proposed bond issue, any proof offered in respect thereto and the adequacy, weight and sufficiency of the same to justify such proposed bond issue. Any person or persons holding an original agreement or proposal made between such person or persons and the Authority relating to or concerning the handling, sale, control or disposition of proposed issue of Authority bonds or who shall have previously made an offer or bid in good faith for the purchase of said bonds pursuant to and in accordance with any published invitation for bids by said Authority and any distributor or distributors holding contracts for electric power service to be directly served over a proposed transmission line or by means of any other proposed facility who shall have previously filed an appearance with this Board setting forth a special interest as herein defined, in said hearing, not less than ten (10) days previous to the date fixed for hearing, may qualify as a party or parties entitled to be heard. If the Board finds that the record offered in support of the requisition submitted, sustains the same and that all requirements and conditions precedent, have been fulfilled, the Board shall approve said bond requisition either in whole or in part; otherwise the Board shall disapprove said bond issue as a whole or as to such features or proposals as may not meet essential requirements. When the Board shall have made and entered its findings, decision shall be made accordingly. The rejection of any document or report or the contents thereof or the rejection of an entire requisition shall not preclude the filing of amended requisitions, documents, reports, statistics, plans, map or other records or the subsequent consideration of any amended or altered bond proposal. The decision of said Board based on findings of fact supported by a preponderance of the evidence and not arbitrary or unreasonable, shall be final and conclusive.

Sec. 2. SEVERABILITY. If any provision of this Act shall 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.

Sec. 3. REPEAL. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act shall become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—June 30, 1947.

Filed in the Office of the Secretary of State—June 30, 1947.

CHAPTER 20

HOUSE BILL NO. 50

AN ACT

MAKING AN APPROPRIATION TO THE GOVERNOR'S
COUNCIL FOR VETERANS' INSTITUTIONAL AND ON-
THE-JOB TRAINING.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of four thousand dollars is appropriated to the governor's council for veterans' institutional and on-the-job training, to be available as follows:

1. During the thirty-sixth fiscal year, for miscellaneous supplies, two thousand dollars.
2. During the thirty-seventh fiscal year, for miscellaneous supplies, two thousand dollars.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—June 30, 1947.

Filed in the Office of the Secretary of State—June 30, 1947.

CHAPTER 21

HOUSE BILL NO. 45

AN ACT

RELATING TO PUBLIC HEALTH; AMENDING SECTION
70-107, ARIZONA CODE OF 1939.**Be it Enacted by the Legislature of the State of Arizona:**

Section 1. Section 70-107, Arizona Code of 1939, is amended to read:

70-107. **ACTIVITIES OF THE STATE DEPARTMENT.**
The state department shall be charged with the administration of all the welfare activities of the state as hereinafter provided. The state department shall:

(a) Administer all forms of public assistance including general home relief, outdoor and indoor care and medical care for persons in need, old age assistance, aid to dependent children, aid to the blind, service to crippled children; and shall administer all institutions now administered by the State Board of Public Welfare; supervise agencies and institutions caring for dependent or mentally or physically handicapped or aged adults; approve the incorporation of charitable agencies; and administer such other welfare activities or services as may be vested in it; provided, however, that nothing in this section shall be construed to mean the state institutions operated by the Board of Directors of State Institutions, or the State Welfare Sanatorium operated by the State Department of Health.

(b) Administer all child welfare activities, including importation of children; licensing and supervising of private and local public child-caring agencies and institutions; the care of dependent, neglected and delinquent children in foster family homes, or in institutions, especially children placed for adoption.

(c) Establish and administer a program of service for children who are crippled or who are suffering from conditions which lead to crippling, which shall provide for developing, extending, and improving services for locating such children, and for providing for medical, surgical, corrective, and other services and care, and facilities for diagnosis, hospitalization, and aftercare; supervise the administration of those services included in the program which are not administered

directly by it; extend and improve any such services, including those in existence on the effective date of this act; cooperate with medical, health, nursing, and welfare groups and organizations, and with any agency of the state charged with the administration of laws providing for vocational rehabilitation of physically handicapped children; to cooperate with the federal government, through its appropriate agency or instrumentality in developing, extending, and improving such services; and receive and expend all funds made available to the department by the federal government, for services to crippled children, the state or its political subdivisions, or from other sources, for such purposes.

(d) Develop such agencies as it may deem necessary for providing services to the blind including the prevention of blindness, the location of blind persons, medical service for eye conditions, vocational guidance and training of the blind, placement of blind persons in employment, instruction of the adult blind in their homes, and other social services for blind persons, or cooperate with such similar agencies already established.

(e) Assist other departments, agencies and institutions of the state and federal governments, when so requested, by performing services in conformity with the purposes of this act.

(f) Act as the agent of the federal government in the furtherance of any functions of the state department.

(g) Carry on research and compile statistics relative to the entire public welfare program throughout the state, including all phases of dependency, defectiveness, cooperate with the superior courts in cases of delinquency and related problems; and develop plans in cooperation with other public and private agencies for the prevention as well as treatment of conditions giving rise to public welfare and social security problems; to make the necessary expenditures in connection therewith.

(h) Make such rules and regulations, and take such action deemed necessary or desirable to carry out the provisions of this Act, and which are not inconsistent therewith.

(i) Administer such additional welfare functions as are hereby or may hereinafter be vested in it by law.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become imme-

diately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—June 30, 1947.

Filed in the Office of the Secretary of State—June 30, 1947.

CHAPTER 22

HOUSE BILL NO. 46

AN ACT

RELATING TO PUBLIC HEALTH, AND AMENDING SECTION 68-108, ARIZONA CODE OF 1939, AS AMENDED.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Section 68-108, Arizona Code of 1939, as amended, is amended to read:

68-108. STATE DEPARTMENT OF HEALTH. The state department of health shall consist of the state board of health, the superintendent of public health, and the several divisions of the department, including the state welfare sanatorium. The department shall succeed to and is hereby vested with the duties, powers, purposes, responsibilities, and jurisdiction heretofore by law vested in and imposed upon the state board of health, the superintendent of public health, the state registrar of vital statistics, the supervisor of public health nursing, the state laboratory, the director of the state laboratory, the board of regents of the university of Arizona relating to the state laboratory and the director thereof.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act shall become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—June 30, 1947.

Filed in the Office of the Secretary of State—June 30, 1947.

CHAPTER 23

HOUSE BILL NO. 47

AN ACT

RELATING TO PUBLIC HEALTH; TRANSFERRING THE OPERATION OF THE STATE WELFARE SANATORIUM AND FUNDS APPROPRIATED THEREFOR TO THE STATE DEPARTMENT OF HEALTH; DESIGNATING AN OFFICIAL STATE AGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. STATE WELFARE SANATORIUM. From and after July 1, 1947, the powers and duties of administering the State Welfare Sanatorium shall be vested in the State Department of Health and all records, files and property, real and personal, for the use and benefit of or appertaining to the State Welfare Sanatorium shall be transferred to and be administered by the State Department of Health, and the State Department of Health shall have the power and it shall be its duty to promulgate rules and regulations consistent with the law for the operation of the State Welfare Sanatorium and any addition thereto and branches thereof as may be constructed or acquired.

Sec. 2. APPROPRIATIONS. As of July 1, 1947, all appropriations for operation, construction, alteration and improvement and the equipping of the State Welfare Sanatorium are transferred to and made available to the State Department of Health.

Sec. 3. OFFICIAL STATE AGENCY. The State Department of Health is designated as the official state agency to receive, administer and expend any funds granted, contributed or made available by the Federal Government, or appropriated by the State, or received from any other sources, for the treatment, prevention or control of tuberculosis, or the construction, alteration and improvements, and equipping of the State Welfare Sanatorium.

Sec. 4. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—June 30, 1947.

Filed in the Office of the Secretary of State—June 30, 1947.

CHAPTER 24

SENATE BILL NO. 9

AN ACT

RELATING TO EMPLOYMENT SECURITY; AMENDING SECTION 56-1002h, ARIZONA CODE OF 1939 (SECTION 9, CHAPTER 77, 1947 SESSION LAWS, EIGHTEENTH LEGISLATURE, REGULAR SESSION).

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 56-1002h, Arizona Code of 1939, as amended (section 9, chapter 77, 1947 Session Laws, Eighteenth Legislature, regular session), is amended to read:

56-1002h. DEFINITION. As used in this Act, unless the context otherwise requires:

(a) "Employment" means any service performed prior to July 1, 1947, which was employment as defined in section 56-1002, Arizona Code of 1939, prior to such date, and any service, of whatever nature performed after June 30, 1947, by an employee for the person employing him, including service in interstate commerce.

(b) The term "employment" shall include an individual's entire service, performed within or both within and without this state if:

(1) The service is localized in this state; or

(2) The service is not localized in any state but some of the service is performed in this state and (A) the individual's base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled is in this state, or (B) the individual's base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this state.

(c) The term "employment" shall include

(1) Services covered by an election pursuant to section 23 of this Act, and

(2) Services covered by an arrangement pursuant to section 56-1018, Arizona Code of 1939, as amended, between the

commission and the agency charged with the administration of any other state or federal on employment compensation law, pursuant to which all services performed by an individual for an employing unit are deemed to be performed entirely within this state, shall be deemed to be employment if the commission has approved an election of the employing unit for whom such services are performed, pursuant to which the entire service of such individual during the period covered by such election is deemed to be insured work.

(d) Service shall be deemed to be localized within a state if:

(1) The service is performed entirely within such state; or

(2) The service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions.

(e) The term "employment" shall not include:

(1) Agricultural labor as defined in (f) of this section;

(2) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;

(3) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States;

(4) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;

(5) Service performed in the employ of the United States government or an instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by this Act, except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this Act shall be applicable to such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services; provided that if this state shall not be certified for any year by the social security administration under section 1603 (c) of the Federal Internal Revenue Code, the payments required

of such instrumentalities with respect to such year shall be refunded by the commission from the fund in the same manner and within the same period as is provided in section 49 of this Act, with respect to contributions erroneously collected;

(6) Service performed in the employ of this state or of any other state, or of any political subdivision thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by this state or by one or more states or political subdivisions and which exercises only governmental as distinguished from proprietary functions; and any service performed in the employ of any instrumentality of this state or of one or more states or political subdivisions to the extent that the instrumentality is, with respect to such service, exempt under the Constitution of the United States from the tax imposed by section 1600 of the Federal Internal Revenue Code; except that this state or any other state, or any political subdivision thereof, or instrumentality of any one or more of the foregoing which is wholly owned by this state or by one or more states or political subdivisions may elect coverage whether or not the service performed is governmental or proprietary for any such state or political subdivision thereof or any instrumentality thereof or any department thereof in the manner prescribed and subject to the terms of section 23 of this Act, and any instrumentality and political subdivision of this state is authorized to appropriate funds to pay contributions as required by this Act;

(7) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of Congress;

(8) (A) Service performed in any calendar quarter in the employ of any organization exempt from income tax under section 101 of the Federal Internal Revenue Code, if:

(i) The remuneration for such service does not exceed forty-five dollars, or

(ii) Such service is in connection with the collection of dues or premiums for a fraternal beneficiary society, order, or association, and is performed away from the home office, or is ritualistic service in connection with any such society, order, or association, or

(iii) Such service is performed by a student who is enrolled and is regularly attending classes at a school, college, or university;

(B) Service performed in the employ of an agricultural or horticultural organization exempt from income tax under section 101 (1) of the Federal Internal Revenue Code;

(C) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents, if

(i) No part of its net earnings inures (other than through such payments) to the benefit of any private shareholder or individual, and

(ii) Eighty-five per centum or more of the income consists of amounts collected from members for the sole purpose of making such payments and meeting expenses;

(D) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents or their designated beneficiaries, if

(i) Admission to membership in such association is limited to individuals who are officers or employees of the United States government and

(ii) No part of the net earnings of such association inures (other than through such payments) to the benefit of any private shareholder or individual;

(E) Service performed in any calendar quarter in the employ of a school, college, or university, not exempt from income tax under section 101 of the Federal Internal Revenue Code, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university, and the remuneration for such service does not exceed forty-five dollars (exclusive of room, board, and tuition);

(F) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation;

(G) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law; and service performed as an interne in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law;

(H) Service performed by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission; or

(I) Service performed by an individual in the delivery, distribution, or sale of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

(J) Service performed by an individual for a person as a real estate broker or a real estate salesman, if all such service performed by said individual for such person is performed for remuneration solely by way of commission.

(9) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a non-diplomatic representative);

(10) Service performed in the employ of an instrumentality wholly owned by a foreign government;

(A) If the service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof; and

(B) If the commission finds that the United States secretary of state has certified to the United States secretary of the treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof;

(11) Service covered by an arrangement between the commission and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by such employing unit's duly approved election, are deemed to be performed entirely within such agency's state.

(12) Casual labor not in the course of the employer's trade or business.

(f) The term "agricultural labor" includes all services performed:

(1) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, bees, poultry, and fur-bearing animals and wildlife;

(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm;

(3) In connection with the production or harvesting of maple sugar or maple syrup, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes;

(4) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivery to storage or to market, or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market. The provision of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

As used in this subsection, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

Approved by the Governor—July 1, 1947.

Filed in the Office of the Secretary of State—July 1, 1947.

CHAPTER 25

SENATE BILL NO. 13

AN ACT

RELATING TO EMPLOYMENT SECURITY; AMENDING SECTION 56-1010, ARIZONA CODE OF 1939, AS AMENDED, AND SECTION 56-1012, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 56-1010, Arizona Code of 1939, as amended, is amended to read:

56-1010. (a) ORGANIZATION. There is hereby created a commission of three members to be known as the employment security commission of Arizona. The members of the commission shall be appointed by the governor and shall hold office coterminous with the term of the governor. Each commissioner shall be paid from the employment security administration fund, created by section 56-1013, Arizona Code of 1939, as amended, a fixed monthly salary of one hundred dollars per month, and in addition to such salaries, each commissioner shall be paid mileage and expenses, as may be allowed by law, in traveling from his regular place of residence to meetings of the commission, or as otherwise required in the discharge of his duties.

(b) QUORUM. Any two members of the commission shall constitute a quorum. No vacancy shall impair the right of the remaining commissioners to exercise all of the powers of the commission.

(c) DIVISIONS. The commission shall establish and supervise the conduct of two co-ordinate divisions; the Arizona state employment service division created pursuant to section 2 of this Act (section 56-1012, Arizona Code of 1939) and the unemployment compensation division. Each division shall be responsible for the discharge of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budget and duties except in so far as the commission may find that such separation is impracticable. The commission is authorized to appoint, fix the compensation of and prescribe the duties of the director of the unemployment compensation division, the director of the employment service division, and all other personnel of the commission, provided that such appointments shall be made on

a nonpartisan merit basis in accordance with the provisions of chapter 56, article 10, Arizona Code of 1939, relating to personnel, and further provided that the commission shall not appoint an executive secretary or other person to act in a joint supervisory capacity over the divisions created herein.

Sec. 2. Sec. 56-1012, Arizona Code of 1939, is amended to read:

56-1012. EMPLOYMENT SERVICE ESTABLISHMENT AND FUNCTIONS. The commission shall create a division to be known as the Arizona state employment service which shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of chapter 56, article 10, Arizona Code of 1939, and for the purpose of performing such duties as are within the purview of the Act of Congress entitled "an Act to provide for the establishment of a national employment system and for co-operation with the states in the promotion of such system, and for other purposes" approved June 6, 1933, (48 Stat. 113, U. S. Code, Title 29, Section 49 (c) as amended). The provisions of the said Act of Congress, as amended, are hereby accepted by this state, in conformity with section 4 of said Act, and this state will observe and comply with the requirements thereof. The employment security commission of Arizona is hereby designated and constituted the agency of this state for the purpose of said Act. The commission shall be charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this state the benefits of the said Act of Congress as amended, in the promotion and maintenance of a system of public employment offices. The said division shall be administered by a full time salaried director whose appointment shall be made in accordance with regulations prescribed by the director of the United States Employment Service and with the provisions of chapter 56, article 10, Arizona Code of 1939.

Sec. 3. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner as provided by law.

(Failed to pass with sufficient votes to carry emergency.)

Approved by the Governor—July 1, 1947.

Filed in the Office of the Secretary of State—July 1, 1947.

CHAPTER 26

SENATE BILL NO. 36

AN ACT

RELATING TO THE BOARD OF VETERINARY EXAMINERS; PROVIDING FOR THEIR COMPENSATION, AND AMENDING SECTION 67-1901, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 67-1901, Arizona Code of 1939, is amended to read:

67-1901. BOARD OF VETERINARY EXAMINERS CREATED. There is hereby created the state veterinary board, to be appointed by the governor, and to consist of three practitioners of veterinary medicine, graduates of a college recognized by the American Veterinary Medical Association to confer degrees, and who have practiced veterinary medicine in this state for at least two years, to be appointed for the term of three years, the term of one member to expire each year. The members of the board may receive as compensation from funds collected under section 67-1903, Arizona Code of 1939, fifteen dollars per diem when engaged in work of their office.

Approved by the Governor—July 1, 1947.

Filed in the Office of the Secretary of State—July 1, 1947.

 CHAPTER 27

SENATE BILL NO. 47

AN ACT

RELATING TO POWERS OF STATE OFFICERS, AND AUTHORIZING MEMBERSHIP IN AND ATTENDANCE UPON NATIONAL ORGANIZATIONS BY THE SECRETARY OF STATE AND THE STATE AUDITOR.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. AUTHORIZATION. (a) The secretary of state and the state auditor are authorized to hold membership in, and to maintain such membership by the payment of dues to, the national organizations of state officials occupying like offices or performing similar functions.

(b) The secretary of state is authorized to attend the national association of secretaries of state, and the state auditor is authorized to attend the annual conventions of the national association of state auditors, comptrollers and treasurers, and the national association of state budget officers.

Sec. 2. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—July 1, 1947.

Filed in the Office of the Secretary of State—July 1, 1947.

CHAPTER 28

SENATE BILL NO. 48

AN ACT

RELATING TO UNDERGROUND WATER DEVELOPMENT, AND AUTHORIZING THE USE EITHER COOPERATIVELY OR UNILATERALLY OF THE STATE LAND DEPARTMENT APPROPRIATION.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. AUTHORIZATION. The state land department is authorized to use, either in cooperation with the federal government or unilaterally, the appropriation of thirty thousand dollars for underground water development, provided by subdivision 64, section 1, chapter 142, Laws of 1947, regular session.

Sec. 2. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—July 2, 1947.

Filed in the Office of the Secretary of State—July 2, 1947.

CHAPTER 29

SENATE BILL NO. 43

AN ACT

RELATING TO THE SURPLUS PROPERTY PURCHASING
AGENCY, AND MAKING AN APPROPRIATION.**Be it Enacted by the Legislature of the State of Arizona:**

Section 1. HOUSING FOR VETERANS. (a) The surplus property purchasing agency is authorized to acquire from the United States or any of its agencies any surplus housing or personal property adaptable to housing and sell the same to veterans upon such terms and conditions as the agency deems advisable. Such housing shall be sold only for occupancy by veterans and their families.

(b) As used in this Act "veteran" means any person who has served in the armed forces of the United States and has been discharged or retired therefrom under conditions other than dishonorable. "Family" means the spouse and legal dependents members of the household.

Sec. 2. APPROPRIATION. (a) The sum of twenty-five thousand dollars is appropriated to the surplus property purchasing agency, to carry out the purpose of this Act, and shall be exempt from the provisions of section 7, article 4, chapter 86, Laws of 1943, regular session, relating to lapsing appropriations.

(b) The surplus property purchasing agency may apply to the state auditor for and the auditor shall allow, the establishment of a revolving fund in such amount as the agency deems necessary, not to exceed the sum of this appropriation, which shall be administered in accordance with the applicable provisions of section 10-932, Arizona Code of 1939. All receipts from sales shall be deposited in the state treasury and credited to the revolving fund authorized by this section.

Sec. 3. TERMINATION. This Act shall terminate at the close of the thirty-seventh fiscal year, but the governor may terminate it sooner by proclamation, if he deems its usefulness at an end.

Sec. 4. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become imme-

diately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—July 2, 1947.

Filed in the Office of the Secretary of State—July 2, 1947.

CHAPTER 30

SENATE BILL NO. 39

AN ACT

RELATING TO VETERANS; PROVIDING FOR VETERANS' PREFERENCE IN EMPLOYMENT, AND AMENDING SECTIONS 16-2701, 16-2702, 16-2703, AND 16-2704, SUPPLEMENT TO ARIZONA CODE OF 1939 (SECTIONS 1, 2, 3, AND 4, CHAPTER 14, LAWS OF 1941, REGULAR SESSION).

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 16-2701, supplement to Arizona Code of 1939 (section 1, chapter 14, Laws of 1941, regular session), is amended to read:

16-2701. AGE LIMIT. The state, or any city, town, county or other political subdivision of the state, which employs the personnel of any branch of its service under a merit system, civil service system, or other system of employment on the basis of merit, by whatever name known, and whether pursuant to law, ordinance, rule, regulation, or otherwise, shall provide that any veteran of the army, navy or marine corps of the United States, holding an honorable discharge therefrom, who served therein during time of war, shall be eligible to apply for and receive employment under such merit system regardless of age, if otherwise qualified, subject only to the requirement that he be below the regular retirement age at the time of entering the employment, if a retirement age is prescribed.

Sec. 2. Sec. 16-2702, supplement to Arizona Code of 1939 (section 1, chapter 14, Laws of 1941, regular session) is amended to read:

16-2702. VETERAN PREFERENCE. (a) Any veteran of the army, navy or maine corps of the United States, holding

an honorable discharge therefrom and who served therein during time of war, who takes any examination pursuant to an application for employment by the state, or any city, town, county or other political subdivision, under a merit system of employment as provided by section 16-2701, shall, in the determination of his final rating on such examination, be given a preference of five per cent over other than veterans, to be added to the grade earned by him, but only in the event he earns a passing grade without preference.

(b) In the event that a department, division or agency of the state, or of any county, city, town or other political subdivision is operated under a merit system prescribed by the federal government or a department, division or agency thereof, the provisions of such system, including preference to veterans, shall prevail.

Sec. 3. Sec. 16-2703, supplement to Arizona Code of 1939 (section 3, chapter 14, Laws of 1941, regular session), is amended to read:

16-2703. EFFECT OF ACT. The provisions of this Act shall be binding on the state and on any city, town, county, or other political subdivision which employs the personnel of any or all branches of its service under a merit system of employment as provided by section 16-2701, regardless of any provision of the law, ordinance, rule, regulation or other enactment providing for such merit system.

Sec. 4. Sec. 16-2704, supplement to Arizona Code of 1939 (section 4, chapter 14, Laws of 1941, regular session), is amended to read:

16-2704. PENALTY. Violation of any provision of this Act is a misdemeanor. Any officer or person charged with the administration of a civil service or merit system of employment of the state or of any city, town, county or other political subdivision who refuses or fails to observe any provision of this Act in the selection of any public employee, or in grading the examination papers of any applicant for employment as provided in section 16-2702, is guilty of a misdemeanor, and shall upon conviction be fined not more than three hundred dollars, imprisoned in the county jail not more than thirty days, or both.

Approved by the Governor—July 2, 1947.

Filed in the Office of the Secretary of State—July 2, 1947.

CHAPTER 31

HOUSE BILL NO. 24

AN ACT

RELATING TO PENAL AND REFORM INSTITUTIONS,
AND AMENDING SECTION 47-108, ARIZONA CODE
OF 1939, SECTION 47-109, ARIZONA CODE OF 1939, AS
AMENDED BY CHAPTER 45, SESSION LAWS, 1941;
AND SECTION 47-110, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 47-108, Arizona Code of 1939, is amended to read:

47-108. LABOR BY CONVICTS; DEDUCTION FROM SENTENCE. The board shall require of every able-bodied convict as many hours of faithful labor in each day, during his term of imprisonment, as shall be prescribed in the rules of the prison, and every convict faithfully performing such labor and being in all respects obedient to the rules, or if unable to work, yet faithful and obedient, shall be allowed, if a first offender, from the minimum term of his sentence, or, if a second or other offender, from the maximum term of his sentence, a deduction of two months in each of the first two years; four months in each of the next two years, and five months in each of the remaining years of his term. Any such convict who shall commit an assault upon a fellow convict, guard, or any other person belonging to or in anywise connected with said prison, or in any manner endanger the lives of the persons aforesaid, or shall be guilty of any flagrant disregard of the rules, shall forfeit all deductions of time earned by him for good conduct prior to the commission of such offense. Such forfeiture, however, shall only be made by the board of pardons and paroles after due proof of the offense and notice to the offender, nor shall such forfeiture be imposed when a party has violated any rule without violence or evil intent, of which said board shall be the sole judges.

Sec. 2. Sec. 47-109, Arizona Code of 1939, as amended by chapter 45, Session Laws, 1941, is amended to read:

47-109. DOUBLE TIME ALLOWANCE. Any prisoner in the state prison, while working on the public highways or the prison farms, as a trusty outside the prison walls, and without requiring armed guards, or holding any other position of confidence and trust either within or without the prison walls,

shall be allowed double time while so employed, and each day so employed shall be counted as two days in computing time on his sentence, to be deducted, if a first offender, from the minimum term of his sentence, or, if a second or other offender, from the maximum term of his sentence. In case of a breach of trust in any manner the board of pardons and paroles, upon the recommendation of the superintendent of the prison, may declare the double time forfeited.

Sec. 3. Sec. 47-110, Arizona Code of 1939, is amended to read:

47-110. BOARD OF PARDONS AND PAROLES; MEETINGS; HEARINGS. The board of pardons and paroles shall meet at the prison, whenever they deem it necessary, and at such meetings every prisoner confined upon an indeterminate sentence, whose minimum term of sentence has expired, shall be given an opportunity to appear and apply for his release upon parole, or for an absolute discharge, and said board shall not entertain any other form of application or petition for the release upon parole or absolute discharge of any prisoner; provided, that whenever a prisoner shall have appeared before the board, and his case shall have been adversely decided, the case shall not again be considered for a period of six months, in which event all deductions earned and credited in his minimum sentence under the provisions of section 47-108 and section 47-109, as amended, shall be deducted from the maximum sentence. The board of pardons and paroles, in all cases where a commutation or parole is to be considered, shall, before taking action on said commutation or parole, notify the judge of the superior court and the county attorney of the county in which the prisoner asking a commutation or parole was sentenced. Said notice to the judge and the county attorney shall state the name of the prisoner asking a commutation or parole and shall fix the date of the hearing on said application for commutation or parole. No commutations or parole shall be granted until thirty days after the date of the giving of said notice. The provisions of this section requiring notice to the aforesaid officials shall not be applicable:

- (a) When there is imminent danger of the death of the person convicted or imprisoned;
- (b) When the term of the imprisonment of the applicant is within ten days of its expiration.

Approved by the Governor—July 2, 1947.

Filed in the Office of the Secretary of State—July 2, 1947.

CHAPTER 32

HOUSE BILL NO. 51

AN ACT

RELATING TO LIFE INSURANCE AND AMENDING SECTION 61-701, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 61-701, Arizona Code of 1939, is amended to read as follows:

61-701. REBATES AND DISCRIMINATIONS BY LIFE COMPANIES PROHIBITED—GROUP POLICIES—PENALTY. No life insurance company shall make or permit any distinction or discrimination in favor of individuals between insureds of the same class and equal expectation of life in the amount or payment of premiums of rates charged for policies of life or endowment insurance or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contract it makes; nor shall any such company or an agent thereof make any contract of insurance, or agreement as to such contract, other than as plainly expressed in the policy issued thereon, or pay or allow, or offer to pay or allow as inducement, any rebate of premiums payable on the policy, or any special favors or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement not specified in the policy, or give, or sell, or purchase, or offer to give, sell or purchase as inducement to insurance or in connection therewith, any stock, bonds or other securities, or anything of value whatsoever not specified in the policy.

No person shall receive or accept from any company, agent or other person any such rebate of premium payable on the policy, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or inducement not specified, in the policy of insurance. No person shall be excused from testifying or from producing any books, papers, contracts or documents at the trial of a person charged with the violation of this section, on the ground that such evidence may tend to incriminate, but no person shall be prosecuted or subjected to any penalties or forfeiture for any transaction, matter, or thing concerning which he may so give evidence, and no evidence so given shall be received against him upon any criminal proceedings, except for perjury committed.

This section shall not, however, prohibit a life insurance company from issuing policies of life or endowment insurance, with or without annuities, at special rates of premiums and less than the usual rate of premium, insuring members of labor organizations, lodges, benefit societies or similar organizations, or employees of an employer who through their secretary or employer may take out insurance in an aggregate of not less than twenty-five (25) members and pay their premium through such secretary or employer; nor prohibit a company transacting industrial insurance on the weekly payment plan, from returning to policy holders who have made a premium payment for a period of at least one (1) year directly to the company at its home or district offices, a percentage of the premium which the company would have paid for the weekly collection of such premium; nor prohibit a company issuing non-participating life insurance from paying bonuses to policy holders or otherwise abating their premiums in whole or in part out of surplus accumulated from non-participating insurance.

Any person violating any provision of this section, shall forfeit to the state five hundred dollars (\$500.00) for each offense, and the commission may revoke the license.

Approved by the Governor—July 2, 1947.

Filed in the Office of the Secretary of State—July 2, 1947

CHAPTER 33

HOUSE BILL NO. 56

AN ACT

RELATING TO INSPECTOR OF WEIGHTS AND MEASURES; MAKING AN APPROPRIATION, AND AMENDING SUBDIVISION 49, SECTION 1, CHAPTER 142, LAWS OF 1947, REGULAR SESSION.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Subdivision 49, section 1, chapter 142, Laws of 1947, regular session, is amended to read:

Subdivision 49. INSPECTOR OF WEIGHTS
AND MEASURES.

	<u>For the 36th Fiscal Year</u>	<u>For the 37th Fiscal Year</u>
Salary of inspector	\$ 3,000.00	\$ 3,000.00
Other personal services	5,550.00	5,550.00
State travel	3,500.00	3,500.00
Other current expenditures	750.00	750.00
Capital outlay:		
Office furniture & equipment	85.00	85.00
Truck; weighing and measuring equipment	2,000.00	
Heating, refrigerating and air cool- ing equipment	65.00	65.00
Totals	<u>\$14,950.00</u>	<u>\$12,950.00</u>
	<u>\$27,900.00</u>	

Approved by the Governor—July 2, 1947.

Filed in the Office of the Secretary of State—July 2, 1947

CHAPTER 34

HOUSE BILL NO. 64

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE
SUPERINTENDENT OF PUBLIC INSTRUCTION.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the amount appropriated by subdivision 38, section 1, chapter 142, Laws of 1947, regular session, the sum of four thousand eight hundred dollars is appropriated to the superintendent of public instruction, two thousand four hundred dollars to be available during the thirty-sixth fiscal year, and two thousand four hundred dollars to be available during the thirty-seventh fiscal year.

Sec. 2. PURPOSE. The appropriation made under the provisions of section 1 shall be used, during each fiscal year of the biennium, for school lunch program: three hundred dollars for salary increase of bookkeeper and two thousand one hundred dollars for salary of a stenographer.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Failed to pass the Senate with sufficient votes to carry the emergency.

Approved by the Governor—July 2, 1947.

Filed in the Office of the Secretary of State—July 2, 1947.

CHAPTER 35

SENATE BILL NO. 28

AN ACT

RELATING TO THE STATE HIGHWAY DEPARTMENT, AMENDING SECTION 59-307, ARIZONA CODE OF 1939, AS AMENDED, AND ADDING A NEW SECTION, 59-308, RELATING TO THE BUDGET.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 59-307, Arizona Code of 1939, is amended to read:

59-307. EXPENDITURES IN EXCESS OF APPROPRIATION AND CONSTRUCTION AND RIGHT-OF-WAY BUDGETS PROHIBITED; EXCEEDING; PENALTY. No expenditure for any purpose shall be made by the commission or under its authority during any fiscal year for any purpose in excess of the amount appropriated by the legislature for such purposes in excess of the amount hereof. Any member, employee or agent of the department who shall approve, knowingly, for expenditure, or knowingly cause to be expended any amount in violation of this section, shall be guilty of a misdemeanor, and shall be liable therefor upon his official bond to be recovered in civil action in the name of the state, by the attorney general, or, upon his failure, or refusal,

to act, by any citizen of the state for the benefit of the state. The department may, however, enter into contracts for the construction of state highways and bridges, the performance of which may extend beyond the close of said fiscal year.

Sec. 2. Section 59-308 is added to Arizona Code of 1939, and is to read:

59-308. WHEN TRANSFER OF BUDGET ACCOUNTS AUTHORIZED. (a) The commission, by an affirmative vote entered upon its minutes, may certify to the auditor and treasurer transfer of amounts from one construction budget account to any other construction budget account in the following case only: Budget items involving urban projects constructed with federal urban funds, and state highway funds, may be transferred to other urban projects.

(b) When at the time of preparation of budget estimates by the state highway commission, under section 59-306, Arizona Code of 1939, it is determined by the commission that the appropriations for other than construction and rights-of-way are in excess of the actual necessity of the respective purpose and department to which the appropriation is limited, the commission may, by resolution, transfer said excess appropriation to the state highway fund for construction and right-of-way purposes, and upon certification thereof to the state treasurer and state auditor, the records and books of the state auditor and state treasurer shall thereupon be changed to conform to such correction.

Approved by the Governor—July 3, 1947.

Filed in the Office of the Secretary of State—July 3, 1947

CHAPTER 36

SENATE BILL NO. 45

AN ACT

MAKING AN APPROPRIATION TO THE SECRETARY OF STATE.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of two thousand two hundred dollars is appropriated to the secretary of state,

one thousand one hundred dollars thereof for the thirty-sixth fiscal year and one thousand one hundred dollars for the thirty-seventh fiscal year.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the following purposes: 1. thirty-sixth fiscal year: 1a. travel, state, seven hundred fifty dollars; 1b. travel, out of state, three hundred fifty dollars; 2. thirty-seventh fiscal year: 2a. travel, state, seven hundred fifty dollars; 2b. travel, out of state, three hundred fifty dollars.

Sec. 3. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Items 1a and 2a of Section 2 are hereby disapproved.

Items 1b and 2b of Section 2 are hereby approved by the Governor this 10th day of July, 1947.

Filed in the Office of the Secretary of State—July 10, 1947

EXECUTIVE OFFICE

STATE HOUSE

PHOENIX, ARIZONA

July
Tenth
1947

Hon. Dan E. Garvey
Secretary of State
State House

My dear Mr. Secretary:

Senate Bill No. 45 of the Second Special Session of the Eighteenth Legislature being "An Act making an appropriation to the Secretary of State" appropriates to the Secretary of State the sum of \$2,200.00 for travel within and without the State of Arizona.

I have searched the Arizona statutes and can find not one instance where any duty or responsibility is, by law, placed upon the Secretary of State which would require that he leave the State House. Appropriations are made only to enable public officials to carry out the duties and responsibilities imposed by law. As the law imposes no duties or responsibilities upon the Secretary of State to travel, I have today disapproved Item 1a and Item 2a of Section 2, Senate Bill No. 45, Second Special Session, Eighteenth Legislature. Both of the items relate to travel within the state.

Item 1b and item 2 b of this Act provide an annual appropriation of \$350.00 for out-of-state travel for the thirty-sixth and thirty-seventh fiscal years.

As the Second Special Session of the Eighteenth Legislature passed a measure specifically authorizing the Secretary of State and the State Auditor to attend the annual conventions of the National Association of Secretaries and the National Association of State Auditors, it is evident that the legislature believes the above two officials should attend these conventions and that the state and its people will benefit therefrom.

Because of this I have this day approved Item 1b and item 2b of Section 2, Senate Bill No.45, second Special Session, Eighteenth Legislature.

Sincerely,

(Signed) Sidney P. Osborn
Governor

SPO:E

CHAPTER 37

HOUSE BILL NO. 52

AN ACT

RELATING TO SOCIAL SECURITY AND WELFARE;
CREATING AN INTERIM COMMITTEE TO INVESTI-
GATE THE STATE SOCIAL SECURITY AND WEL-
FARE SYSTEM, AND MAKING AN APPROPRIATION;
AMENDING CHAPTER 71, SESSION LAWS OF 1947,
REGULAR SESSION.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Chapter 71, Session Laws of 1947, is amended to read:

Sec. 1. CREATION OF COMMITTEE. There shall be an interim committee, on the investigation of the social security and welfare system, to consist of the president of the senate and speaker of the house of representatives ex officio, three members of the senate, who shall be appointed by the president of the senate, and three members of the house of representatives, who shall be appointed by the speaker of the house. The members of the committee shall be named prior to adjournment of the second special session of the eighteenth legislature, and shall meet and organize by electing a chairman and a vice-chairman.

Sec. 2. DUTIES OF COMMITTEE. (a) It shall be the duty of the committee to make a thorough survey of social and welfare conditions in the state and the several counties thereof and of the system at present in vogue for the rendering of public assistance to needy citizens, including the adequacy of existing laws, the administration of the same, methods of financing, and all matters pertaining to the subject of social security and welfare, and to report its findings in one or more reports, which shall be submitted to the presiding officers of the two houses of the legislature and to the governor. The committee shall meet upon call of the chairman.

(b) For the purposes of the investigation prescribed the committee shall have authority to engage the services of a nationally recognized research agency engaged in the making of surveys of governmental activities and particularly versed in the appraisal of social security and welfare systems, and to fix the compensation therefor.

Sec. 3. POWERS OF COMMITTEE. The committee shall have power, through its chairman, to subpoena witnesses to testify or to produce evidence, documentary or otherwise, on any matter bearing upon the investigation; to administer oaths, to take testimony and to do all things which legislative committees are empowered to do under the provisions of article 3, chapter 2, Arizona Code of 1939. The committee shall have access, through its members to the public records of any department or office of the state or of any political subdivision thereof. It may employ such reporters, clerks and other assistants as may be necessary for the performance of its duties.

Sec. 4. COMPENSATION OF MEMBERS. Each member of the committee shall receive actual expenses not to exceed six dollars fifty cents for each day spent in attendance upon meetings of the committee and in the performance of duties authorized by the committee, and necessary travel expenses, not to exceed five cents per mile, incurred in going to and from such meetings.

Sec. 5. APPROPRIATION. The sum of fifty thousand dollars (\$50,000.00) is appropriated to the committee on the investigation of the social security and welfare system, to carry out the purposes of this Act. Any balance remaining of such appropriation at the close of the thirty-sixth fiscal year shall revert to the general fund.

Sec. 6. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Failed to pass the Senate with sufficient votes to carry the emergency.

Approved by the Governor—July 11, 1947.

Filed in the Office of the Secretary of State—July 11, 1947

EXECUTIVE OFFICE

STATE HOUSE

PHOENIX, ARIZONA

July
Eleventh
1947

Hon. Dan E. Garvey
Secretary of State
State House

My dear Mr. Secretary:

House Bill No. 52, Second Special Session, Eighteenth Legislature being "An Act Relating to social security and welfare; creating an interim committee to investigate the state social security and welfare system, and making an appropriation; amending chapter 71, session laws of 1947, regular session" provides an appropriation of \$50,000.00 for a survey of all phases of social security.

I am thoroughly dissatisfied with the manner in which social security was handled by the regular and both special sessions of the Eighteenth Legislature.

A majority of the Legislature, by their action in appropriating a large sum to survey all phases of Social Security, admit they are not familiar with this activity. That being the case it would appear that the Legislature should have accepted the recommendations of the department in making appropriations for the care of the helpless people who must depend upon public support. Instead of doing this a majority of the Legislature made an arbitrary cut in the amount requested by the Board of Social Security. Helplessness cannot wait upon a survey. If the action of the majority of the Legislature inflicts brutality upon our helpless citizens, it is a smirch upon the good name of our state.

It is my hope and belief that this survey will dispel the myths and rebuke the misleading propaganda that has been spread by those who desire to break down the Social Security program. I am confident that this survey will strengthen the Security program and result in better care being given the deserving and helpless people who need, deserve and must have public assistance.

For these reasons I have today approved House Bill No. 52.

Sincerely,

(Signed) Sidney P. Osborn
Governor

SPO:E

MEMORIALS

●

SENATE JOINT MEMORIAL NO. 1

A JOINT MEMORIAL

URGING CONGRESS TO ENACT THE CENTRAL ARIZONA PROJECT BILL.

To the Congress of the United States:

Your memorialist respectfully represents:

Central Arizona is desperately in need of a supplemental supply of water.

Water is absolutely necessary to prevent several hundred thousand acres of as highly productive land as lies out of doors from returning to the desert.

It is necessary in order that great garden spot which provides for the people of the nation fruits and vegetables at a season when they are not available elsewhere may not perish.

It is necessary to preserve the homes and holdings of tens of thousands of contented and patriotic citizens.

There are many valid reasons which emphasize the necessity for a supplemental supply of water in Central Arizona.

This water can only come from the Colorado river, in which Arizona has a geographical, an economic, a moral and a legal interest which no intelligent person can and no fair person will attempt to refute.

The development of this great resource has a national interest, and is of a magnitude which calls for the co-operation of the United States government.

Wherefore your memorialist, the Legislature of the State of Arizona, urgently requests:

1. That the Congress of the United States enact without delay S. 1175, to the end that the emergency which exists in central Arizona may be adequately met.

Adopted by the House June 28, 1947, by the following vote: 53 Ayes, 2 Nays, 0 Absent, 3 Excused.

Adopted by the Senate June 27, 1947 by the following vote: 16 Ayes, 0 Nays, 3 Not voting.

Approved by the Governor—June 30, 1947.

Filed in the Office of the Secretary of State—June 30, 1947.

HOUSE MEMORIAL NO. 1

A MEMORIAL

ON FEDERAL CONTRIBUTION TO OLD-AGE ASSISTANCE.

To the Congress of the United States:

Your memorialist respectfully represents:

By the Act of Congress of August 10, 1946 (Public Law 719, Seventy-ninth Congress), the Federal contribution to the states for old-age assistance, for a period terminating December 31, 1947, was fixed at a sum equal to two-thirds of the state's expenditure for the purpose up to fifteen dollars per month for each beneficiary, plus one-half of the state's expenditure above fifteen dollars and one-half of the expense of administration.

The need thus recognized for an increase in the amount of assistance for aged citizens of the states will not pass with the date fixed for the termination of the Federal contribution, and Federal participation in this just and righteous cause will be equally as necessary as at present.

Wherefore your memorialist, the House of Representatives of the State of Arizona, requests:

1. That the provisions of Public Law 719, Seventy-ninth Congress, relating to Federal participation in old-age assistance, be reenacted and made permanent.

Adopted by the House June 24, 1947, by the following vote: 51 Ayes; 1 Nay; 6 Excused.

Filed in the Office of the Secretary of State—June 24, 1947.

ACTS
Memorials and Resolutions
of the
THIRD SPECIAL SESSION
of the
Eighteenth Legislature
of the
STATE OF ARIZONA
1948



Third Special Session Convened January 5, 1948

Third Special Session Adjourned Sine Die January 21, 1948

Publication Authorized
Section 4-201, Arizona Code of 1939
(Paragraph 23, Article 2, Chapter 2, Revised Code of 1928)
Chapter 124, Sub. 8, Laws 1949
Regular Session, Nineteenth Legislature

NOTICE: There are a few misspellings, other errors and punctuation mistakes in the body of this volume, which originated in the original engrossed copies, and had to be duplicated herein, so as to conform to such original copies.

AUTHENTICATION

STATE OF ARIZONA
Office of the Secretary of State } ss.

THIS IS TO CERTIFY—That the Acts, Memorials and Resolutions published in this volume, are full, true and correct copies of the originals, passed at the Third Special Session of the Eighteenth Legislature of the State of Arizona, as they appear on file in the office of the Secretary of State of Arizona.

That the Third Special Session of the Eighteenth Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, January 5, 1948, and adjourned sine die on the 21st day of January, 1948.



IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 18th day of June, 1949.

WESLEY BOLIN, (Signature)
Secretary of State.

LAWS OF ARIZONA

P R O C L A M A T I O N

Calling a Special Session of the Eighteenth Legislature

WHEREAS, the Governor of Arizona is vested by the Constitution (Article IV, Part 2, Section 3) with authority to call a special session of the Legislature, whenever in his judgment it is advisable, and to specify the subjects to be considered at such special session; and

WHEREAS, it appears advisable to create an Interstate Stream Commission to protect the vital interests of Arizona in the waters of interstate streams and to maintain a continuing and consistent policy with reference thereto in order that the progress made in recent years may be consolidated and continued to full utilization of Arizona's share of such waters for the benefit of the people,

NOW, THEREFORE, I, Sidney P. Osborn, by virtue of the authority in me vested, and in pursuance of my duty, call the Eighteenth Legislature to meet in special session at the Capitol in Phoenix on Monday, January 5, 1948, at ten o'clock a.m., to consider

The creation of an Interstate Stream Commission to protect the interests of Arizona in interstate streams, to prescribe its duties, and to make appropriations necessary for its support.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed this Fifteenth day of December, in the year of Our Lord One Thousand Nine Hundred and forty-seven.

SIDNEY P. OSBORN,

Governor

ATTEST:

CURTIS M. WILLIAMS
Assistant Secretary of State

MEMBERS OF THE SENATE
EIGHTEENTH LEGISLATURE

Third to Sixth Special Sessions, Inclusive

County	Name and Party	Address
Apache	—Earl Platt (D)	St. Johns
Cochise	—Dan Angius (D)	Bisbee
Cochise	—Ralph Cowan (D)	McNeal
Coconino	—John G. Babbitt (D)	Flagstaff
Gila	—S. L. "Steve" Bixby (D)	Globe
Gila	—James R. Heron (D)	Globe
Graham	—Wesley A. Townsend (D)	Safford
Greenlee	—Fred J. Fritz (D)	Clifton
Maricopa	—Marvin E. Smith (D)	Phoenix
Maricopa	—O. L. McDaniel (D)	Glendale
Mohave	—Earle W. Cook (D)	Kingman
Navajo	—Lloyd C. Henning (D)	Holbrook
Pima	—J. B. Mead (D)	Tucson
Pima	—William F. Kimball (D)	Tucson
Pinal	—James Herron, Jr. (D)	Superior
Santa Cruz	—W. H. Hathaway (D)	Nogales
Yavapai	—A. L. Favour (D)	Prescott
Yavapai	—Sam J. Head (D)	Prescott
Yuma	—Hugh B. Farmer (D)	Yuma

**ORDER OF
ACTS**

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CHAPTER 1

HOUSE BILL NO. 7

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF THE CURRENT AND CONTINGENT EXPENSES OF THE EIGHTEENTH LEGISLATURE, THIRD SPECIAL SESSION, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of fifty-two thousand five hundred dollars is appropriated to the eighteenth legislature, third special session.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to provide for the payment of the current and contingent expenses of carrying on the third special session of the eighteenth legislature, and shall be expended as follows:

1. For the Senate, fourteen thousand dollars.
2. For the House of Representatives, thirty-eight thousand five hundred dollars.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—January 8, 1948.

Filed in the Office of the Secretary of State—January 8, 1948.

CHAPTER 2

HOUSE BILL NO. 8

AN ACT

MAKING AN APPROPRIATION TO THE DEPARTMENT OF LIBRARY AND ARCHIVES, FOR THE STATE LEGISLATIVE BUREAU, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of five thousand seven hundred dollars is appropriated to the department of library and archives, for the state legislative bureau.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 shall be expended for defraying the expenses and capital investment of the State Legislative Bureau.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—January 8, 1948.

Filed in the Office of the Secretary of State—January 8, 1948.

CHAPTER 3

HOUSE BILL NO. 9

AN ACT

MAKING AN APPROPRIATION TO THE GOVERNOR, FOR THE FUND FOR CAPITOL BUILDINGS AND GROUNDS, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of five hundred dollars is appropriated to the governor, for the fund for capitol building and grounds.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to defray the expense of extra janitors and supplies for the eighteenth legislature, third special session.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure to take effect as provided by law.

Approved by the Governor—January 8, 1948.

Filed in the Office of the Secretary of State—January 8, 1948.

CHAPTER 4

SENATE BILL NO. 1

AN ACT

RELATING TO INTERSTATE STREAMS; CREATING THE ARIZONA INTERSTATE STREAM COMMISSION; PRESCRIBING ITS POWERS AND DUTIES; MAKING AN APPROPRIATION, AND REPEALING CHAPTER 4, LAWS OF 1945, FIRST SPECIAL SESSION, AND SUBSECTION 63, CHAPTER 142, LAWS OF 1947, REGULAR SESSION, AND CHAPTER 10, LAWS OF 1947, SECOND SPECIAL SESSION, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. DEFINITIONS. In this Act, unless the context otherwise requires:

“commission” means the Arizona interstate stream commission.

“interstate stream” includes any stream constituting or flowing along the exterior borders of the state of Arizona, together with any tributaries originating in another state or foreign country and flowing into or through Arizona.

Sec. 2. ARIZONA INTERSTATE STREAM COMMISSION. The Arizona interstate stream commission is created as a body corporate, with the right to sue and be sued in its own capacity, and with all corporate rights and privileges of

general bodies corporate except as otherwise provided by this Act. It shall have power, jurisdiction and authority to:

1. Prosecute and defend all rights, claims and privileges of the state respecting interstate streams.

2. Formulate plans and development programs for the practical and economical development, control and use of the water of interstate streams.

3. Initiate and participate in conferences, conventions, or hearings, including congressional hearings, dealing with matters pertaining to interstate streams, and delegate representatives and witnesses to attend the same.

4. Apply for and hold permits and licenses from the United States or any agency thereof for reservoirs, dam sites and right of ways.

5. Attend and participate in proceedings before any court, commission or other competent judicial or quasi-judicial department, agency or organization.

6. Negotiate and cooperate with agencies of the United States, or of any state or government concerning matters within its jurisdiction, subject, if required, to Federal consent.

7. Investigate works, plans or proposals pertaining to interstate streams, and acquire, preserve, publish and disseminate information relating thereto which the commission may deem advisable.

8. Recommend to the governor and the legislature action to be taken on proposed contracts or agreements with other states, governments or representatives thereof.

Sec. 3. LIMITATION OF POWERS. No agreement entered into between the commission and the United States or any state or government involving a sovereign right or claim of Arizona shall be of any force or effect unless approved by the legislature and, if necessary, by the congress. The commission shall have no control or jurisdiction over any interstate water.

Sec. 4. PUBLIC PROPERTY. All property acquired by the commission shall be deemed to be public property, and shall enjoy the tax exemptions, rights and privileges now or hereafter granted to municipalities, public agencies and other public bodies.

Sec. 5. COMMISSION MEMBERS. (a) The Arizona interstate stream commission shall consist of seven members represented by and through bona fide residency not less than six separate counties of the state, who shall be appointed by the governor with the advice and consent of the Senate, and who shall be subject to removal for cause by the governor. The terms of the first members of the commission shall expire as follows: one on the third Monday of January, 1949, two on the third Monday of January, 1951, two on the third Monday of January, 1953, and two on the third Monday of January, 1955. The governor shall in his appointment designate the terms of the first members of the commission. Thereafter, the term of office of each member shall be six years. No member shall serve on the commission after the expiration of his term of office unless reappointed by the governor with the advice and consent of the Senate. Appointment to fill a vacancy created otherwise than by expiration of term shall be for the unexpired portion of said term, and shall be subject to Senate confirmation at the next following regular or special session of the legislature.

(b) No person shall be appointed as a member of the commission unless he is a qualified elector of the state, nor shall any person be appointed who has an interest in any business which conflicts with the public interest in any matter involving the duties or actions of the commission.

(c) Each member of the commission shall qualify by taking and subscribing an official oath of office, and executing a bond in the sum of five thousand dollars conditioned for the faithful performance of the duties of his office. They shall attend all meetings of the commission unless excused for good and sufficient reason, and shall devote to the affairs of the commission such time and attention as may be necessary to execute the powers, perform the duties and effectuate the purposes of this Act. Absence of a member, otherwise than on official business, from three meetings of the commission in succession, shall automatically terminate his membership on the commission and the governor, on due notification of such absences, shall appoint a successor.

(d) Members of the commission shall each receive fifteen dollars per diem for time actually spent in the service of the commission, not to exceed three thousand dollars in any calendar year, and necessary travel and subsistence expenses within or without the state, as provided by law.

Sec. 6. ORGANIZATION AND PROCEDURE. (a) Upon call of the governor, not less than ten days after the confirmation of all members, the commission shall meet and organize.

It shall elect from among its members a chairman and a vice-chairman, who shall hold office until the third Monday in January next succeeding. Thereafter such officers shall be elected for a term of two years.

(b) The powers and authority vested in and the duties imposed upon the members of the commission shall be exercised by a majority of the members then in office, but not less than five members shall constitute a quorum for the transaction of business.

(c) The commission shall: 1. maintain its principal offices in Phoenix; 2. determine the operational plan of its organization and methods of procedure, not in conflict with the provisions of this Act; 3. adopt an official seal for the authentication of its records, orders and resolutions; 4. keep the minutes of its meetings, and all records, reports, information and records relating to its work and programs, in permanent form, indexed and systematically filed, and, 5. designate the person or persons who shall execute all documents and instruments on behalf of the commission. It shall: 6. manifest and record its actions by motion, resolution, order or other appropriate means; 7. adopt or rescind its rules, regulations and forms, and 8. publish as much of the minutes of its meetings that is of public interest and benefit.

Sec. 7. ANNUAL REPORT. Annually, on or before December 1, the commission shall submit to the governor and the members of the legislature a report containing a complete account of its transactions and proceedings, for the preceding fiscal year, together with such other information, suggestions and recommendations as it may consider of value to the people of the state.

Sec. 8. MEMBERS EX-OFFICIO. The state land commissioner, acting in his capacity as state water commissioner, or such other person as may be exercising the powers and performing the executive duties prescribed by the state water code, and the chairman of the Arizona power authority commission shall be members ex-officio of the commission without a vote. If employed on a regular salary basis, they shall receive no additional compensation, but shall be paid travel and subsistence expenses, within or without the state, as provided by law, while engaged in the discharge of their duties as members ex-officio of the commission.

Sec. 9. EMPLOYMENT OF PERSONNEL. (a) The commission is empowered to employ and define the duties, prescribe the terms and conditions of employment, and fix the compensation of secretarial, stenographic, clerical and ac-

counting personnel, engineering and other assistants, and, notwithstanding the provisions of section 4-503, Arizona Code of 1939, such legal counsel as it may deem advisable.

(b) The commission may make use of the services of accounting, legal or engineering personnel made available by any department or agency of the state, which personnel shall serve without additional compensation, but shall be entitled to reimbursement for necessary travel and subsistence expenses within or without the state, as provided by law.

Sec. 10. TRANSFER OF RECORDS. Upon this Act becoming effective, all files, records, papers and documents in the custody of the state land commissioner, and other state agencies, transferred from the Colorado River Commission pursuant to the provisions of chapter 14, Laws of 1945, first special session, shall be transferred to the Arizona interstate stream commission.

Sec. 11. APPROPRIATION. The sum of one hundred seventy-five thousand dollars is appropriated to the use of the Arizona interstate stream commission, seventy-five thousand dollars during the thirty-sixth fiscal year, and one hundred thousand dollars during the thirty-seventh fiscal year, for the purpose of carrying out the provisions of this Act. The funds appropriated by this Act shall not become available for use by the commission until all of the first members appointed by the governor shall have confirmed by the Senate. All funds shall be disbursed in conformity with the provisions of the budget and financial administration Act of 1943, except that the fiscal year of the commission shall not be divided into fiscal quarters, nor shall there be quarterly allotments of funds.

Sec. 12. PROVISIONS OF WATER CODE AND POWER AUTHORITY ACT NOT AFFECTED. Nothing in this Act shall be construed to affect the provisions of sections 75-101 to 75-114 inclusive, Arizona Code of 1939, as amended, or the provisions of the Arizona Power Authority Act of 1944, chapter 32, Laws of 1944, second special session, as amended.

Sec. 13. REPEAL. Chapter 4, Laws of 1945, first special session, subsection 63 of chapter 142, Laws of 1947, regular session and chapter 10, Laws of 1947, second special session, are repealed, effective ten days after the confirmation of all of the first members of the Arizona interstate stream commission. This section does not negative an implied repeal of any statute which conflicts with this Act.

Sec. 14. SEVERABILITY. If any provisions of this Act

be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provisions, and to this end the provisions of this Act are declared to be severable.

Sec. 15. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure to take effect as provided by law.

Approved by the Governor—January 31, 1948.

Filed in the Office of Secretary of State—January 31, 1948.

MEMORIALS



SENATE MEMORIAL NO. 2

A MEMORIAL

RELATING TO DRAFT EVADERS.

To the Department of Justice, Washington, D. C.:

Your memorialist respectfully represents:

During World War II, while American citizens were relinquishing their various occupations, leaving their families and loved ones, and spilling their blood on foreign soil and on the high seas in defense of their country, numerous unpatriotic individuals, in order to evade military service and escape the responsibilities and duties, with their perils and hardships, imposed upon them by virtue of their citizenship, sought personal safety and gain by crossing the border into Mexico.

The war emergency over, these persons are now and for some time past have been returning to the United States with a view to again enjoying the advantages and reaping the benefits of residence in the country they deserted in the hour of need, and in many instances no doubt to occupy lucrative positions in private business to the deprivation and injury of men who loyally served their country or the widows of those who made the supreme sacrifice.

There is reason to believe that there is undue laxity in the efforts put forth to apprehend these disloyal draft evaders, and it seems evident that undue leniency is being exercised in the cases of such of these persons without honor as are apprehended, light sentences of not to exceed a year's imprisonment being imposed in most instances.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

1. That the Department of Justice take early and vigorous measures to apprehend each and every one of these unconscionable draft evaders who are now filtering back into the country they have so contemptuously insulted and dishonored.
2. That when brought before the bar of justice, these traitors to humanity and to the land to which they owe allegiance, be visited with the full penalty for their crime.

Adopted by the Senate unanimously January 15, 1948.

Filed in the Office of the Secretary of State—January 16, 1948.

ACTS
Memorials and Resolutions
of the
FOURTH SPECIAL SESSION
of the
Eighteenth Legislature
of the
STATE OF ARIZONA
1948



Fourth Special Session Convened January 22, 1948

Fourth Special Session Adjourned Sine Die February 17, 1948

Publication Authorized
Section 4-201, Arizona Code of 1939
(Paragraph 23, Article 2, Chapter 2, Revised Code of 1928)
Chapter 124, Sub. 8, Laws 1949
Regular Session, 19th Legislature

NOTICE: There are a few misspellings, other errors and punctuation mistakes in the body of this volume, which originated in the original engrossed copies, and had to be duplicated herein, so as to conform to such original copies.

AUTHENTICATION

STATE OF ARIZONA
Office of the Secretary of State } ss.

THIS IS TO CERTIFY—That the Acts, Memorials and Resolutions published in this volume, are full, true and correct copies of the originals, passed at the Fourth Special Session of the Eighteenth Legislature of the State of Arizona, as they appear on file in the office of the Secretary of State of Arizona.

That the Fourth Special Session of the Eighteenth Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, January 22, 1948, and adjourned sine die on the 17th day of February, 1948.



IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 18th day of June, 1949.

WESLEY BOLIN, (Signature)
Secretary of State.

P R O C L A M A T I O N

Calling a Special Session of the Eighteenth Legislature

WHEREAS, the Governor of Arizona is vested by the Constitution (Article IV, Part 2, Section 3,) with authority to call a special session of the Legislature, whenever in his judgment it is advisable, and to specify the subjects to be considered at such special session; and

WHEREAS, it is of the utmost importance at the present juncture, in order that Arizona's heritage of ground water resources may not be further jeopardized, and that the imperative development of Arizona's rights in the Colorado River may be advanced by every legitimate means within our power, that the use of the State's ground waters be regulated and controlled,

NOW, THEREFORE, I, Sidney P. Osborn, Governor of the State of Arizona, by virtue of the authority in me vested, and in pursuance of my duty, call the Eighteenth Legislature to meet in special session at the Capitol, on Thursday, January twenty-second, 1948, at ten thirty o'clock a.m., to consider:

The adoption of a code for the regulation and control of the use of ground water.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed this twenty-first day of January in the year of Our Lord One Thousand Nine Hundred and forty-eight.

SIDNEY P. OSBORN

Governor

ATTEST:

CURTIS M. WILLIAMS
Assistant Secretary of State

**ORDER OF
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EIGHTEENTH LEGISLATURE
STATE OF ARIZONA

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ACTS

ACTS

CHAPTER 1

HOUSE BILL NO. 5

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF THE CURRENT AND CONTINGENT EXPENSES OF THE EIGHTEENTH LEGISLATURE, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The remaining balances appropriated in Chapter one, regular session, Chapter one, first special session, Chapter one, second special session, laws of 1947 and Chapter one, third special session, laws of 1948 for the operation of the House of Representatives are hereby reappropriated for the House of Representatives, Eighteenth Legislature. The remaining balances appropriated in Chapter one, regular session, Chapter one, first special session, Chapter one, second special session, laws of 1947 and Chapter one, third special session, laws of 1948 for the operation of the Senate, are hereby reappropriated for the Arizona State Senate, Eighteenth Legislature.

Sec. 2. PURPOSE. The purpose of the reappropriations made under the terms of section one are to provide for the payment of the current and contingent expenses of the eighteenth legislature.

Sec. 3. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—January 30, 1948.

Filed in the Office of the Secretary of State—January 30, 1948.

CHAPTER 2

HOUSE BILL NO. 6

AN ACT

MAKING AN APPROPRIATION TO THE DEPARTMENT OF LIBRARY AND ARCHIVES, FOR THE STATE LEGISLATIVE BUREAU AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The remaining balances appropriated in chapter three, regular session, chapter two, first special session, chapter two, second special session, Laws of 1947, and chapter two, third special session, Laws of 1948, for the department of library and archives, state legislative bureau, are hereby reappropriated for the department of library and archives, state legislative bureau.

Sec. 2. PURPOSE. The purpose of the reappropriations made under the terms of section 1 is to provide for the payment of expenses and capital investment of the department of library and archives, state legislative bureau, for use during the life of the Eighteenth Legislature.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—January 30, 1948.

Filed in the Office of the Secretary of State—January 30, 1948.

RESOLUTIONS

LAWS OF ARIZONA

HOUSE RESOLUTION NO. 2

A RESOLUTION

ON THE DEATH OF GANDHI

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ARIZONA:

WHEREAS, Mohandas K. Gandhi of India has been slain by an assassin; and

WHEREAS, to the people of Arizona and the United States freedom is the most sacred of all their rights, and Mohandas K. Gandhi gave his life to secure its blessings for all peoples of his country, whether Hindu, Sikh, or Moslem, and regardless of race, creed, color, or caste; and

WHEREAS, Mohandas K. Gandhi has been taken from his people at a time when needed most to secure tolerance within the nation for which he had won freedom in the world:

NOW THEREFORE BE IT RESOLVED that the House of Representatives of the Legislature of the State of Arizona mourns the passing of Mohandas K. Gandhi and pays tribute to his sacrifices in the cause of liberty for all men.

Adopted by the House this 6th day of February, 1948.

Filed in the Office of the Secretary of State—February 7, 1948.

MEMORIALS



SENATE MEMORIAL NO. 1

A MEMORIAL

RELATING TO GROUND WATER DEVELOPMENT ON GOVERNMENT LAND.

TO THE SECRETARY OF THE INTERIOR AND THE SECRETARY OF AGRICULTURE OF THE UNITED STATES:

Your memorialist respectfully represents:

The protection and proper utilization of Arizona's ground water supply is a question of the utmost concern to the people of this state, and one vital to the state's future. It occupies at this time the number one position on the agenda of the Arizona legislature.

That the importance of this question is recognized by the United States government is evidenced by the fact that the Secretary of the Interior has recently given public expression to his views regarding the regulation of ground water usage in Arizona.

In this connection, attention is called to the fact that about eighty per cent of the entire area of Arizona is embraced within federally owned and administered Indian reservations, national forests, parks and monuments, grazing areas, and unpatented domain; that under the surface of this tremendous area of nearly ninety thousand square miles exist many ground water basins or portions thereof, and that the disposal of the waters of these basins materially affects the question of ground water control. In the proportion that these federally controlled ground water basins or portions of basins bear to the total ground water resources of the state, the problem of effective conservation and just regulation is affected by federal policy.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

1. That no more withdrawals of ground water be made for agricultural reclamation purposes on federally owned and administered land in Arizona, from basins upon the ground waters of which non-federally developed lands are wholly or partially dependent.

2. That in the administration of the huge federally owned areas in Arizona the earnest cooperation of the federal government be accorded to the state for the solution of its highly complicated ground water problem.

Adopted by the Senate February 11, 1948 by the following vote: 13 Ayes, 4 Nays, 2 Not voting.

Filed in the Office of the Secretary of State—February 11, 1948.

ACTS
Memorials and Resolutions
of the
FIFTH SPECIAL SESSION
of the
Eighteenth Legislature
of the
STATE OF ARIZONA
1948



Fifth Special Session Convened February 18, 1948

Fifth Special Session Adjourned Sine Die March 12, 1948

Publication Authorized
Section 4-201, Arizona Code of 1939
(Paragraph 23, Article 2, Chapter 2, Revised Code of 1928)
Chapter 124, Sub. 8, Laws 1949
Regular Session, 19th Legislature

NOTICE: There are a few misspellings, other errors and punctuation mistakes in the body of this volume, which originated in the original engrossed copies, and had to be duplicated herein, so as to conform to such original copies.

AUTHENTICATION

STATE OF ARIZONA
Office of the Secretary of State } ss.

THIS IS TO CERTIFY—That the Acts, Memorials and Resolutions published in this volume, are full, true and correct copies of the originals, passed at the Fifth Special Session of the Eighteenth Legislature of the State of Arizona, as they appear on file in the office of the Secretary of State of Arizona.

That the Fifth Special Session of the Eighteenth Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, February 18, 1948, and adjourned sine die on the 12th day of March, 1948.



IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 18th day of June, 1949.

WESLEY BOLIN, (Signature)
Secretary of State.

P R O C L A M A T I O N

Calling a Special Session of the Eighteenth Legislature

WHEREAS, the Governor of Arizona is vested by the Constitution (Article IV, Part 2, Section 3), with authority to call a special session of the Legislature whenever in his judgment it is advisable to do so, and it is provided that in calling such special session he shall specify the subjects to be considered; and

WHEREAS, an emergency has arisen which affects the efficient conduct of state government and the welfare of the people of Arizona, I deem it necessary to call the Eighteenth Legislature in Special Session immediately,

NOW, THEREFORE, I, Sidney P. Osborn, by virtue of the authority in me vested and in pursuance of my duty, call the Eighteenth Legislature to meet in special session at the Capitol on Wednesday, February eighteenth, 1948, at ten fifteen o'clock a.m., and specify the following subjects to be considered:

1. Social Security
2. City and County Budgets
3. Public Health and Hospitals
4. Traffic Safety
5. Highway Patrol
6. Liquor Licenses and Control
7. National Guard
8. Appropriations
9. Veterans
10. Salary and tenure of appointive state officials and employees
11. Industrial School
12. Livestock Sanitary Board
13. Flood Control
14. School Districts
15. State Archives



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed this seventeenth day of February, in the year of our Lord One Thousand Nine Hundred and forty-eight.

SIDNEY P. OSBORN

Governor

ATTEST:

CURTIS M. WILLIAMS
Assistant Secretary of State

**ORDER OF
ACTS**

ORDER OF ACTS

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8. H. B. 24. Relating to live stock; empowering the Live Stock Sanitary Board to cooperate with the United States government in the control of diseases of animals; amending article 50, Arizona Code of 1939, by adding new sections 50-102f and 50-102g, and declaring an emergency. Approved March 5, 1948. Effective March 5, 1948. 528

9. H. B. 48. Making an appropriation to the board of regents of the university and state colleges of Arizona for building construction, remodeling and utility services at the Arizona state college at Flagstaff and the university of Arizona at Tucson; and declaring an emergency. Approved March 6, 1948. Effective March 6, 1948. 529

10. H. B. 18. Making a supplemental appropriation to the Arizona state school for the deaf and the blind, and declaring an emergency. Approved March 6, 1948. Effective March 6, 1948. 530

11. S. B. 4. Making an additional appropriation to the Arizona state prison. (Emergency measure.) Approved March 10, 1948. Effective March 10, 1948. 531

12. S. B. 10. For the relief of enlisted men of the national guard of Arizona called to active duty under the proclamation of the governor dated November 30, 1947. (Emergency measure.) Approved March 10, 1948. Effective March 10, 1948. 532

13. S. B. 45. Making a supplemental appropriation to the state industrial school. (Emergency measure.) Approved March 10, 1948. Effective March 10, 1948. 532

14. S. B. 46. Making an appropriation to the Arizona apprenticeship council. (Emergency measure.) Approved March 10, 1948. Effective March 10, 1948. 533
15. S. B. 50. Making an appropriation to the loan commissioners of the state of Arizona, and declaring an emergency. Approved March 10, 1948. Effective March 10, 1948. 534
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17. S. B. 47. Making a supplemental appropriation to the secretary of state. (Emergency measure.) Disapproved March 9, 1948. Passed the Senate March 10, 1948 the Governor's veto notwithstanding. Passed the House March 11, 1948 the Governor's veto notwithstanding. Effective March 11, 1948. 535
18. S. B. 32. Making a supplemental appropriation to the state hospital for the insane. (Emergency measure.) Approved March 11, 1948. Effective March 11, 1948. 536
19. H. B. 32. Relating to county, city and town budgets and tax levies; amending chapter 73, article 5, Arizona Code Annotated 1939, and declaring an emergency. Approved March 11, 1948. Effective March 11, 1948. 537
20. H. B. 29. Relating to motor vehicles; amending section 66-502, Arizona Code of 1939, and prescribing the maximum number of persons to be carried in a school bus. Approved March 18, 1948. Effective June 11, 1948. 538
21. H. B. 31. Making a supplemental appropriation to the attorney general, providing for travel expense, and declaring an emergency. Approved March 18, 1948. Effective March 18, 1948. 539
22. H. B. 40. Making an appropriation to the governor, for the activities of the governor's council

- for veterans' institutional and on-the-job training, and declaring an emergency. Approved March 18, 1948. Effective March 18, 1948. 540
23. H. B. 50. Making an appropriation to the Supreme Court, and declaring an emergency. Approved March 18, 1948. Effective March 18, 1948. 540
24. H. B. 73. Making a supplemental appropriation to the governor, and declaring an emergency. Approved March 18, 1948. Effective March 18, 1948. 541
25. H. B. 75. Making a supplemental appropriation to the supreme court, and declaring an emergency. Approved March 18, 1948. Effective March 18, 1948. 542
26. H. B. 82. Relating to the home for aged and infirm Arizona pioneers; amending chapter 99, laws of 1947, regular session, and declaring an emergency. Approved March 18, 1948. Effective March 18, 1948. 542
27. H. B. 100. Relating to the traffic engineer; amending sections 3, 4 and 5, chapter 31, laws of 1945, first special session, and declaring an emergency. Approved March 18, 1948. Effective March 18, 1948. 543
28. H. B. 101. Relating to the state highway commission; amending section 59-106, Arizona Code of 1939, as amended, (chapter 33, laws of 1945, first special session), and declaring an emergency. Approved March 18, 1948. Effective March 18, 1948. 545
29. S. B. 30. Relating to state archives; authorizing the reproduction of public records by photography or microphotography; amending article 5, chapter 2, Arizona Code of 1939, by adding section 2-505a, and repealing chapter 119, laws of 1947, regular session. (Emergency measure.) Approved March 18, 1948. Effective March 18, 1948. 546
30. S. B. 48. Making an additional appropriation to the

state tax commission. Approved March 18, 1948. Effective June 11, 1948 (1st Paragraph) and October 1, 1948 (2nd Paragraph). 547

31. H. B. 83. Relating to the industrial school, authorizing the reallocation of funds appropriated for certain purposes, and declaring an emergency. Approved March 18, 1948. Effective March 18, 1948 548
32. H. B. 1. Relating to pay of officers and men of the national guard, and amending section 64-220, Arizona Code of 1939. Approved March 18, 1948. Effective June 11, 1948. 549
33. H. B. 4. Relating to hospitals; providing for a hospital survey, making an appropriation for survey and planning, hospital licensing and administration for construction, and declaring an emergency. Approved March 18, 1948. Effective March 18, 1948. 550
34. H. B. 27. Making a supplemental appropriation to the corporation commission, and declaring an emergency. (Failed to pass emergency.) Approved March 18, 1948. Effective June 11, 1948. 555
35. H. B. 8. Relating to public health; changing the name of the state welfare sanatorium to the Arizona state tuberculosis sanatorium, and confirming the powers and duties of the state department of health. (Emergency measure.) Approved March 18, 1948. Effective March 18, 1948. 556
36. H. B. 9. Making an appropriation to the state department of health, for the Arizona state tuberculosis sanatorium, and declaring an emergency. Approved March 18, 1948. Effective March 18, 1948. 557
37. H. B. 46. Relating to education; providing for the withdrawal of military reservations from school districts and the establishment of accommodation schools, and declaring an emergency. Approved March 18, 1948. Effective March 18, 1948. 557

38. H. B. 80. Relating to the state auditor, providing for the reallocation of appropriated funds, and declaring an emergency. Approved March 18, 1948. Effective March 18, 1948. 559
39. H. B. 95. Making a supplemental appropriation to the industrial commission, and declaring an emergency. Approved March 18, 1948. Effective March 18, 1948. 559
40. H. B. 13. Making an additional appropriation to the home for aged and infirm Arizona pioneers, and declaring an emergency. Approved March 18, 1948. Effective March 18, 1948. 560
41. H. B. 37. Empowering and directing the governor to convey certain land to the Mesa High School District, and declaring an emergency. Approved March 18, 1948. Effective March 18, 1948. 561
42. S. B. 51. Relating to the acquisition of surplus property for common and high schools, and amending section 3, chapter 16, laws of 1946, third special session. (Emergency measure.) Approved March 18, 1948. Effective March 18, 1948. 562
43. H. B. 2. Relating to public health; creating the office of director of the state department of public health, repealing section 68-115, Arizona Code of 1939, and declaring an emergency. (Failed to pass Emergency.) Approved March 23, 1948. Effective June 11, 1948. 563
44. S. B. 25. For the relief of Southern Pacific Company. (Emergency measure.) Approved March 23, 1948. Effective March 23, 1948 .. 564
45. H. B. 35. Making an additional appropriation to the state land department for stream gauging, and declaring an emergency. Approved March 23, 1948. Effective March 23, 1948. .. 565
46. H. B. 63. Relating to the department of liquor licenses and control — superintendent, and amending sections 72-102 and 72-103, Ari-

zona Code of 1939. Approved March 23, 1948. Effective June 11, 1948. 565

47. H. B. 85. Making an appropriation to the veterans' service officer and the veterans' relief commission; amending section 1, subdivision 34, chapter 142, laws of 1947, regular session, and declaring an emergency. Approved March 23, 1948. Effective March 23, 1948. 567

ACTS

ACTS

CHAPTER 1

HOUSE BILL NO. 12

AN ACT

RELATING TO FLOOD CONTROL; AND EMPOWERING THE TOWN OF HOLBROOK TO FURNISH TO THE SECRETARY OF WAR ASSURANCES OF LOCAL COOPERATION IN THE CONSTRUCTION OF FLOOD CONTROL WORKS.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. POWER TO COOPERATE IN FLOOD CONTROL PROJECT. In addition to the general powers vested in towns, the town of Holbrook is empowered to furnish to the secretary of war such assurance of local cooperation as may be required, in conformity with the provisions of section 3 of the Act of congress approved December 22, 1944 (Public 534, 78th congress, 2nd session), in connection with the construction, at the expense of the United States, as authorized by such Act, of a project on the Little Colorado river for local flood protection at the town of Holbrook.

Sec. 2. LIMITATIONS OF POWER. Pursuant to the powers granted by the provisions of section 1, the town of Holbrook is authorized to: 1. acquire and provide without cost to the United States all lands, easements, and right of ways necessary for the construction of the flood project; 2. bear the expense of all necessary utility relocations and such highway and highway bridge alterations as may be undertaken if and when it appears desirable to increase the water-carrying capacity under the bridge across the Little Colorado river or in the event a new bridge should be constructed by the state; 3. hold and save the United States free from claim for damages resulting from construction of the works and from allowing the highway bridge to remain in its present condition, including damage to the bridge, the levee and all other property which may be damaged; 4. maintain and operate all works upon completion in accordance with regulations presented by the secretary of war, and, 5. establish and enforce flood-channel limits and regulations satisfactory to the secretary of war for the protection of the flood-carrying capacity of the channel, either within or without the corporate limits of the town of Holbrook.

Sec. 3. **TAX LEVY.** The common council of the town of Holbrook is authorized to levy such tax upon the real and personal property situate within the town of Holbrook as may be necessary to pay all costs and expenses incurred in carrying out the purposes of this Act and in acquiring lands, easements and right of ways required for the construction of the project. Such taxes shall be levied and collected as and when taxes are levied and collected for town purposes, and the receipts therefrom shall be placed in the town treasury in a fund to be known as the flood control project fund. Such tax levy shall not be subject to the limitations on tax levies prescribed by section 73-505, Arizona Code of 1939.

Sec. 4. **EMERGENCY.** To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—February 21, 1948.

Filed in the Office of the Secretary of State—February 24, 1948.

CHAPTER 2

HOUSE BILL NO. 41

AN ACT

**MAKING AN APPROPRIATION TO THE GOVERNOR,
FOR THE FUND FOR CAPITOL BUILDINGS AND
GROUNDS, AND DECLARING AN EMERGENCY.**

Be it Enacted by the Legislature of the State of Arizona:

Section 1. **APPROPRIATION.** The sum of two hundred fifty dollars is appropriated to the governor, for the fund for capitol building and grounds.

Sec. 2. **PURPOSE.** The purpose of the appropriation made under the terms of section 1 is to defray the expense of extra janitors and supplies for the eighteenth legislature, fifth special session.

Sec. 3. **EMERGENCY.** To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure to take effect as provided by law.

Approved by the Governor—February 27, 1948.

Filed in the Office of the Secretary of State—February 27, 1948.

CHAPTER 3

HOUSE BILL NO. 38

AN ACT

FOR THE RELIEF OF APACHE COUNTY, AND DECLAR-
ING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of seven thousand four hundred ten dollars is appropriated for the relief of Apache County.

Sec. 2. BASIS OF CLAIM. The appropriation made under the provisions of section 1 shall be in full satisfaction of the claim of Apache County, and of any collateral claim of Graham County, for expenses incurred in the transfer to and the trial, during the months of August and November, 1947, in the Superior Court of Graham County, of cause No. 1621, entitled the State of Arizona vs. John L. Sullivan, and cause No. 1623, entitled the State of Arizona vs. John L. Sullivan, J. P. Christy and Harry T. Hendricks, for which expenses Apache County has heretofore reimbursed or shall reimburse Graham County.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 2, 1948.

Filed in the Office of the Secretary of State—March 2, 1948.

CHAPTER 4

HOUSE BILL NO. 70

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF LIBRARY AND ARCHIVES FOR THE STATE LEGISLATIVE BUREAU, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of three thousand six hundred dollars (\$3,600.00) is appropriated to the department of library and archives, for the state legislative bureau.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 shall be expended for defraying expenses and for capital investment of the state legislative bureau.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 2, 1948.

Filed in the Office of the Secretary of State—March 2, 1948.

CHAPTER 5

SENATE BILL NO. 31

AN ACT

RELATING TO FLOOD CONTROL; AND EMPOWERING THE COUNTIES OF MOHAVE AND YUMA TO FURNISH TO THE SECRETARY OF WAR ASSURANCES OF LOCAL COOPERATION, IN THE CONSTRUCTION OF FLOOD CONTROL WORKS.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. POWER TO COOPERATE IN FLOOD CONTROL PROJECT. In addition to the general powers vested in counties and the governing bodies thereof, the counties of Mohave and Yuma are empowered to furnish to the secretary of war such assurance of local cooperation as may be required, in conformity with the provisions of section 3 of the Act of Congress approved December 22, 1944 (public 534, 78th Congress, second session), in connection with the construction, at the expense of the United States, as authorized by such Act, of a project on the Bill Williams river for local flood protection and known also as the Alamo flood control project.

Sec. 2. LIMITATIONS OF POWER. Pursuant to the powers granted by the provisions of section 1, the counties of Mohave and Yuma are authorized to: 1. acquire and provide without cost to the United States all lands, easements, and right of ways necessary for the construction of the flood control project; 2. hold and save the United States free from claim for damages resulting from construction of the works; 3. maintain and operate all works upon completion in accordance with regulations presented by the secretary of war, and, 4. establish and enforce flood-channel limits and regulations satisfactory to the secretary of war for the protection of the flood-carrying capacity of the channel.

Sec. 3. TAX LEVY. The board of supervisors of the counties of Mohave and Yuma are authorized to levy such tax upon the real and personal property situate within the counties of Mohave and Yuma as may be necessary to pay all costs and expenses incurred in carrying out the purposes of this Act and in acquiring lands, easements and right of ways required for the construction of the project. Such taxes shall be levied and collected as and when taxes are levied and collected for county purposes, and the receipts therefrom shall be placed in the county treasury in a fund to be known as the flood control project fund. Such tax levy shall not be subject to the limitations on tax levies prescribed by section 73-505, Arizona Code of 1939.

Sec. 4. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 2, 1948.

Filed in the Office of the Secretary of State—March 2, 1948.

CHAPTER 6

HOUSE BILL NO. 87

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF THE CURRENT AND CONTINGENT EXPENSES OF THE EIGHTEENTH LEGISLATURE, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of fourteen thousand five hundred dollars (\$14,500.00) is appropriated, and the remaining balance appropriated in Chapter 1, Fourth Special Session, Laws of 1948, is hereby reappropriated for the operation of the House of Representatives, Eighteenth Legislature. The sum of fourteen thousand five hundred dollars (\$14,500.00) is appropriated, and the remaining balance appropriated in Chapter 1, Fourth Special Session, Laws of 1948, is hereby reappropriated for the operation of the Arizona State Senate, Eighteenth Legislature.

Sec. 2. PURPOSE. The purpose of the appropriation and reappropriation made under the terms of section 1 is to provide for the payment of the current and contingent expenses of the Eighteenth Legislature.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 3, 1948.

Filed in the Office of the Secretary of State—March 3, 1948.

CHAPTER 7

HOUSE BILL NO. 14

AN ACT

MAKING AN APPROPRIATION FOR A LOAN TO THE ARIZONA POWER AUTHORITY FOR THE FISCAL YEARS JULY 1, 1948 TO JUNE 30, 1952 AND PROVID-

ING FOR REPAYMENT THEREOF IN ANNUAL INSTALLMENTS WITH INTEREST, AMENDING SECTION 13, CHAPTER 32, OF THE SECOND SPECIAL SESSION OF THE SIXTEENTH LEGISLATURE, 1944, RESPECTING PREVIOUS LOAN, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. To supplement the appropriated loan heretofore made for the use and benefit of the Arizona Power Authority by section 13, chapter 32 of the second special session of the Sixteenth Legislature, 1944, there is hereby appropriated the following sums in each of the following fiscal years, to-wit: For the first fiscal year, July 1, 1948, to June 30, 1949, the sum of thirty-seven thousand five hundred dollars; for the fiscal year beginning July 1, 1949, and ending June 30, 1950, the sum of thirty-seven thousand five hundred dollars; for the fiscal year beginning July 1, 1950, and ending June 30, 1951, the sum of thirty-seven thousand five hundred dollars; and for the fiscal year beginning July 1, 1951, and ending June 30, 1952, the sum of thirty-seven thousand five hundred dollars.

Sec. 2. REPAYMENT AND INTEREST. Said aggregate sum of one hundred fifty thousand dollars together with the aggregate sum of one hundred thousand dollars heretofore appropriated for the use of said Authority by said chapter 32 shall be repaid by said Authority into the general fund of the state of Arizona out of any income of said Authority not otherwise committed or encumbered in twenty-five equal annual installments beginning on the first day of July, 1962, and annually thereafter until payment in full together with interest thereon at the rate of three per cent per annum from annual average date of withdrawal of funds.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 4, 1948.

Filed in the Office of the Secretary of State—March 4, 1948.

CHAPTER 8

HOUSE BILL NO. 24

AN ACT

RELATING TO LIVE STOCK; EMPOWERING THE LIVE STOCK SANITARY BOARD TO COOPERATE WITH THE UNITED STATES GOVERNMENT IN THE CONTROL OF DISEASES OF ANIMALS; AMENDING ARTICLE 50, ARIZONA CODE OF 1939, BY ADDING NEW SECTIONS 50-102f AND 50-102g, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Article 50, Arizona Code of 1939, is amended by adding thereto the following sections:

50-102f. COOPERATION WITH UNITED STATES. In addition to all other powers and duties conferred upon it by law, the live stock sanitary board shall have power to cooperate with the bureau of animal industry of the United States department of agriculture, or other agency of the United States government vested with similar powers and duties, in the control of foot and mouth disease, plueropneumonia, rinderpest, surra, and other contagious or infectious diseases of animals.

50-102g. POWERS OF BOARD ON OCCURRENCE OF OUTBREAK OF DISEASES. When advised of the occurrence of any disease of animals which constitutes a threat to the live stock industry of Arizona, the live stock sanitary board may: 1. issue such lawful orders and adopt such rules and regulations as it may deem necessary in the emergency; 2. authorize the state veterinarian to enter any place where a suspected animal may be and to take custody of such animal for the purpose of determining the presence of a contagious, infectious or communicable disease; 3. direct the state veterinarian and live stock inspectors to: 3a. establish quarantines and define their boundaries; 3b. destroy animals when deemed necessary to prevent the spread of any infectious, contagious or communicable disease; 3c. appoint appraisers for the purpose of indemnifying owners of animals destroyed, and, 4. control the movement of animals, animal products, and such agricultural products as may be directly related to the dissemination of diseases affecting the live stock industry.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become imme-

diately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 5, 1948.

Filed in the Office of the Secretary of State—March 5, 1948.

CHAPTER 9

HOUSE BILL NO. 48

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA FOR BUILDING CONSTRUCTION, REMODELING AND UTILITY SERVICES AT THE ARIZONA STATE COLLEGE AT FLAGSTAFF AND THE UNIVERSITY OF ARIZONA AT TUCSON; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. There is hereby appropriated to the board of regents of the university and state colleges of Arizona the sum of two hundred ten thousand dollars for the following purposes:

1. The sum of one hundred fifty thousand dollars, as additional to the sum of two hundred thousand dollars heretofore appropriated by chapter 22, regular session of the Eighteenth Legislature in 1947, for the construction of a science building at the Arizona state college at Flagstaff, for the equipment of such building and the extension of heating, lighting and service facilities thereto.

2. The sum of thirty thousand dollars for general utility services at the Arizona state college at Flagstaff.

3. The sum of thirty thousand dollars for remodeling the interior of the stadium at the university of Arizona at Tucson, and the equipment and service utilities therefor.

Sec. 2. LAPSING OF APPROPRIATION. The appropriation made in section 1 shall not lapse until the purposes for which the appropriation is made shall have been accom-

plished or abandoned, unless the appropriation shall have stood until March 10, 1951, without an expenditure therefrom or encumbrance thereon; this being an exception to the lapsing provisions of section 10-930, Arizona Code of 1939.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 6, 1948.

Filed in the Office of the Secretary of State—March 8, 1948.

CHAPTER 10

HOUSE BILL NO. 18

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE ARIZONA STATE SCHOOL FOR THE DEAF AND THE BLIND, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appropriation made by subdivision 37, section 1, chapter 142, Laws of 1947, regular session, the sum of twenty-five thousand dollars is appropriated to the Arizona state school for the deaf and the blind, for the thirty-sixth and thirty-seventh fiscal years, and for the purposes specified:

	<u>36th</u> <u>Fiscal Year</u>	<u>37th</u> <u>Fiscal Year</u>
Salaries and wages	\$ 4,000.00	\$ 16,000.00
Other current expenses	5,000.00	
Total	<u>\$ 9,000.00</u>	<u>\$ 16,000.00</u>
		<u>\$25,000.00</u>

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 6, 1948.

Filed in the Office of the Secretary of State—March 8, 1948.

CHAPTER 11

SENATE BILL NO. 4

AN ACT

MAKING AN ADDITIONAL APPROPRIATION TO THE ARIZONA STATE PRISON.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appropriation contained in subdivision 31, chapter 142, Laws of 1947, regular session, the sum of ninety-six thousand four hundred dollars is appropriated to the Arizona state prison, forty-one thousand six hundred dollars to be available during the thirty-sixth fiscal year, and fifty-four thousand eight hundred dollars during the thirty-seventh fiscal year.

Sec. 2. PURPOSE. The appropriation made under section 1 is for the following specified purposes:

	<u>For the 36th Fiscal Year</u>	<u>For the 37th Fiscal Year</u>
Personal services:		
10 additional guards	\$ 6,600.00	\$ 19,800.00
Current expenditures, operation and maintenance	35,000.00	35,000.00
Total	<u>\$ 41,600.00</u>	<u>\$ 54,800.00</u>
		<u>\$96,400.00</u>

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 10, 1948.

Filed in the Office of the Secretary of State—March 10, 1948.

CHAPTER 12

SENATE BILL NO. 10

AN ACT

FOR THE RELIEF OF ENLISTED MEN OF THE NATIONAL GUARD OF ARIZONA CALLED TO ACTIVE DUTY UNDER THE PROCLAMATION OF THE GOVERNOR DATED NOVEMBER 30, 1947.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of six thousand five hundred dollars is hereby appropriated for the relief of the enlisted men of the national guard of Arizona who served on active duty during the emergency declared by the governor November 30, 1947, which said emergency was in effect from November 30 to December 15, 1947.

Sec. 2. BASIS OF PAYMENT OF RELIEF. Said sum as herein appropriated shall be in full satisfaction and payment of all losses sustained, and allowances, to which said men are entitled, and shall be at the rate of three dollars per day per man for the actual time served by each said enlisted man during the said emergency. Said sum shall be paid by the state auditor upon the submission to said auditor of a roster or payroll, showing thereon the period of duty performed by said enlisted men and certified by the adjutant general of Arizona.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act shall become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 10, 1948.

Filed in the Office of the Secretary of State—March 10, 1948.

CHAPTER 13

SENATE BILL NO. 45

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE INDUSTRIAL SCHOOL.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. (a) In addition to the appropriation made under the provisions of subdivision 29, section 1, chapter 142, Laws of 1947, regular session, the sum of four thousand seven hundred eighty-five dollars is appropriated to the state industrial school to be available during the thirty-sixth fiscal year.

(b) The purpose of the appropriation made under the terms of subsection (a) is for other current expenditures.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 10, 1948.

Filed in the Office of the Secretary of State—March 10, 1948.

CHAPTER 14**SENATE BILL NO. 46****AN ACT****MAKING AN APPROPRIATION TO THE ARIZONA APPRENTICESHIP COUNCIL.****Be it Enacted by the Legislature of the State of Arizona:**

Section 1. APPROPRIATION. The sum of seven thousand dollars is appropriated to the Arizona apprenticeship council.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to establish the apprenticeship training revolving fund, for defraying expenses incurred in examining establishments and approving or disapproving the same, for the training of veterans of world war II, in apprenticeable occupations, and in administering and supervising training programs operated under the provisions of the servicemen's readjustment Act of 1944, as amended (58 Stat. at Large, 284). The apprenticeship training revolving fund shall

be reimbursed through payments by the United States veterans' administration, of expenditures made in accordance with the provisions of the servicemen's readjustment Act of 1944, as amended.

Sec. 3. EXEMPTION. This Act shall be exempt from the provisions of section 10-930, supplement to Arizona Code of 1939, relating to lapsing appropriations, and the appropriation shall not lapse until the purpose for which it is made shall have been accomplished.

Sec. 4. EMERGENCY. To preserve the public peace, health, and safety it is necessary tha this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 10, 1948.

Filed in the Office of the Secretary of State—March 10, 1948.

CHAPTER 15

SENATE BILL NO. 50

AN ACT

MAKING AN APPROPRIATION TO THE LOAN COMMISSIONERS OF THE STATE OF ARIZONA, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of five hundred dollars is hereby appropriated to the loan commissioners of the state of Arizona for the thirty-sixth and thirty-seventh fiscal years.

Sec. 2. PURPOSE. The purpose of this appropriation is to provide for the expense of printing and issuing tax anticipation bonds pursuant to the provisions of chapter 15, Laws of 1941.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, and shall take effect as provided by law.

Approved by the Governor—March 10, 1948.

Filed in the Office of the Secretary of State—March 10, 1948.

CHAPTER 16

HOUSE BILL NO. 74

AN ACT

RELATING TO THE COMMISSION OF AGRICULTURE AND HORTICULTURE, PROVIDING FOR THE REALLOCATION OF APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. REALLOCATION. The sum of seven hundred dollars, appropriated to the commission of agriculture and horticulture under the provisions of subdivision 45, section 1, chapter 142, Laws of 1947, regular session, for red scale eradication, and specifically allocated to other current expenditures, may be used for other current expenditures and capital outlay.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 10, 1948.

Filed in the Office of the Secretary of State—March 10, 1948.

CHAPTER 17

SENATE BILL NO. 47

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE SECRETARY OF STATE.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appropriation under the provisions of subdivision 6, section 1, chapter 142, Laws of 1947, regular session, the sum of four thousand seven hundred dollars is appropriated to the secretary of state, for the thirty-sixth and thirty-seventh fiscal years, and for the purposes specified:

	<u>36th</u> <u>Fiscal Year</u>	<u>37th</u> <u>Fiscal Year</u>
State travel	\$ 250.00	\$ 450.00
Out of state travel	100.00	300.00
Other current expenditures	350.00	250.00
Capital outlay: automobile	3,000.00	
Totals	<u>\$ 3,700.00</u>	<u>\$ 1,000.00</u>
		\$4,700.00

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Disapproved by the Governor—March 9, 1948.

Passed the Senate March 10, 1948, the Governor's veto notwithstanding.

Passed the House March 11, 1948, the Governor's veto notwithstanding.

Filed in the Office of the Secretary of State—March 11, 1948.

CHAPTER 18

SENATE BILL NO. 32

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE
STATE HOSPITAL FOR THE INSANE.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appropriation made by subdivision 33, section 1, chapter 142, Laws of 1947, regular session, the sum of eighty-six thousand five hundred twenty-five dollars is appropriated to the state hospital for the insane, for the thirty-sixth and thirty-seventh fiscal years, and for the purposes specified:

	<u>36th</u> <u>Fiscal Year</u>	<u>37th</u> <u>Fiscal Year</u>
For hay and grain	\$ 21,800.00	\$
Personal services:		
Ten additional attendants	4,275.00	8,550.00
Occupational therapist	300.00	600.00
Other current expenditures	30,000.00	21,000.00
Total	<u>\$ 56,375.00</u>	<u>\$ 30,150.00</u>
		<u>\$86,525.00</u>

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 11, 1948.

Filed in the Office of the Secretary of State—March 11, 1948.

CHAPTER 19

HOUSE BILL NO. 32

AN ACT

RELATING TO COUNTY, CITY AND TOWN BUDGETS
AND TAX LEVIES; AMENDING CHAPTER 73, ARTICLE
5, ARIZONA CODE ANNOTATED 1939, AND DECLAR-
ING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Chapter 73, Article 5, Arizona Code Annotated 1939, as amended, is amended by adding a new section there-
to to be numbered section 73-505a, to read:

73-505a. COUNTY, CITY AND TOWN BUDGET AND TAX LEVY LIMITATION. The governing body of a county, city or town may adopt a budget and tax levy for the fiscal year 1948-1949 without the limitations provided in sections 73-502, 73-503 and 73-505, Arizona Code Annotated 1939, as amended.

Provided, however, that the total amount of the adopted budget shall not exceed the 1946-1947 fiscal budget together with the emergency expenditures allowed by the state tax commission during the 1946-1947 fiscal year plus twenty-one (21) per cent. Nothing herein contained shall be held to repeal, modify or affect the provisions of section 16-213, Arizona Code Annotated 1939, as amended. Said budget and tax levy so adopted shall be the basis for future budgets and tax levies of such political subdivisions.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 11, 1948.

Filed in the Office of the Secretary of State—March 11, 1948.

CHAPTER 20

HOUSE BILL NO. 29

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 66-502, ARIZONA CODE OF 1939, AND PRESCRIBING THE MAXIMUM NUMBER OF PERSONS TO BE CARRIED IN A SCHOOL BUS.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Section 66-502, Arizona Code of 1939, is amended to read:

66-502. CARRIERS REGULATED. No motor carrier or private motor carrier shall operate any motor vehicle on any public highway except in accordance with the provisions of this Article.

66-502a. MAXIMUM NUMBER IN SCHOOL BUS. No school bus shall be operated upon a public highway while carrying more than can be properly seated, nor while any person is standing therein. All operators of school busses carrying more than ten passengers shall hold a chauffeur's license. Any person who operates a school bus in violation of any of the provisions of this Act is guilty of a misdemeanor.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 21

HOUSE BILL NO. 31

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE ATTORNEY GENERAL, PROVIDING FOR TRAVEL EXPENSE, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of subdivision 1, section 1, chapter 142, Laws of 1947, and all other appropriations for the 36th and 37th fiscal years, the sum of eight thousand six hundred sixty-three and 42/100 dollars (\$8,663.42) is hereby appropriated to the Attorney General for personal services.

For library books, office furniture and equipment, two thousand dollars (\$2,000.00).

Sec. 2. TRAVEL. In addition to the purposes for which the appropriation of ten thousand dollars (\$10,000.00) heretofore made to the Attorney General for the Right-to-Work Amendment may be expended, there is hereby added out of state travel.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 22

HOUSE BILL NO. 40

AN ACT

MAKING AN APPROPRIATION TO THE GOVERNOR, FOR THE ACTIVITIES OF THE GOVERNOR'S COUNCIL FOR VETERANS' INSTITUTIONAL AND ON-THE-JOB TRAINING, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of one thousand dollars is appropriated to the governor, for the governor's council for veterans' institutional and on-the-job training.

Sec. 2. PURPOSE. The purpose of the appropriation made under the provisions of section 1 is to provide for the purchase of office equipment.

Sec. 3. EXEMPTION. This Act shall be exempt from the provisions of section 7, article 4, chapter 86, Laws of 1943, regular session, relating to lapsing appropriations, but any unexpended balance shall revert at the end of the thirty-seventh fiscal year.

Sec. 4. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 23

HOUSE BILL NO. 50

AN ACT

MAKING AN APPROPRIATION TO THE SUPREME COURT, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of subdivision 9, section 1, chapter 142, Laws of 1947, regular session, the sum of two thousand three hundred dollars is appropriated to the supreme court, for other current expenditures.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 24

HOUSE BILL NO. 73

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE GOVERNOR, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appropriation made by subdivision 5, section 1, chapter 142, Laws of 1947, regular session, the sum of one thousand two hundred fifty dollars is appropriated to the governor, five hundred dollars to be available during the thirty-sixth fiscal year, and seven hundred fifty dollars during the thirty-seventh fiscal year.

Sec. 2. PURPOSE. The purpose of the appropriation made under the provisions of section 1 is to meet the increased cost of insurance premiums on cars and trucks.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 25

HOUSE BILL NO. 75

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE SUPREME COURT, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of subdivision 9, section 1, chapter 142, Laws of 1947, regular session, the sum of eleven thousand two hundred dollars is appropriated to the supreme court, to be available during the thirty-seventh fiscal year.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the following purposes: 1. judges' salaries, eight thousand five hundred dollars; 2. other personal services, two thousand seven hundred dollars.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 26

HOUSE BILL NO. 82

AN ACT

RELATING TO THE HOME FOR AGED AND INFIRM ARIZONA PIONEERS; AMENDING CHAPTER 99, LAWS OF 1947, REGULAR SESSION, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 2, chapter 99, Laws of 1947, regular session, is amended to read:

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the purpose of grading and constructing a road or highway from a point at or near the intersection of Carleton and McCormick Streets, in the City of Prescott, to the site of the home for aged and infirm Arizona pioneers, and for effecting repairs and improvements to and the purchase of furniture and furnishings for the buildings of the home, or current expenditures.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 27

HOUSE BILL NO. 100

AN ACT

RELATING TO THE TRAFFIC ENGINEER; AMENDING SECTIONS 3, 4 AND 5, CHAPTER 31, LAWS OF 1945, FIRST SPECIAL SESSION, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 3, chapter 31, Laws of 1945, first special session, is amended to read:

3. EXECUTIVE OFFICER. The Arizona state highway commission shall appoint a traffic engineer who shall be the executive officer of the safety division. The traffic engineer shall be qualified as a member of the Institute of Traffic Engineers to perform the recognized functions of a professional traffic control engineer. The traffic engineer shall be competent to deal with the planning and geometric design of streets, highways, and abutting lands and with traffic operation thereon, as their use is related to the safe, convenient, and economic transportation of persons and goods. The traffic engineer shall be experienced in traffic safety administration.

Sec. 2. Sec. 4, chapter 31, Laws of 1945, first special session, is amended to read:

4. DUTIES OF THE TRAFFIC ENGINEER (EXECUTIVE OFFICER). Subject to the approval of the Arizona state highway commission, the traffic engineer shall be responsible for the administration of the safety division. He shall make staff assignments and be responsible for general conduct of the traffic control and safety program, including the technical duties of traffic engineering. The traffic engineer shall supervise the design and installation of adequate signs, signals, markings, road striping, and restrictions at points of danger and congestion on state highways. He shall make studies and generally supervise a balanced speed control program consistent with the motor vehicle regulations of the state of Arizona. This includes the surveying of abrupt curves on the main system, designation of no-passing zones, safety zones, school zones, and other restricted zones. He shall make studies and recommend safe vehicular speeds on sections of the state highway where speed limits are not otherwise provided by law. He shall have authority to survey and recommend speed zones where state-wide limits do not fit road conditions and where there is need for special regulation. He shall initiate and carry out factual investigations with regard to parking regulations on state highways consistent with state motor vehicle regulations. He shall have authority to establish and maintain a policy of uniform and efficient parking regulations on state highways. At the request of state and responsible private agencies, having an interest in accident prevention, he shall make available accident reports, spot maps, accident summaries, and such statistical material as may be necessary to identify and develop such problems as high accident locations, increased death rates, and other unfavorable trends in the movement of vehicles and persons on state highways. Upon the request of the U. S. Public Roads Administration and other federal and state traffic control agencies, he shall furnish speed checks, origin and destination studies, traffic volume studies, and such other technical traffic engineering information necessary to the efficient operation of state highways. He shall maintain permanent liaison with the highway traffic advisory committee to the war department and make available to it such information as may be required for security purposes. Upon request of county and city traffic control officials, he may, in an advisory and consulting capacity, lend assistance and on a cooperative basis exchange accident prevention information pertinent to the common wealth. As executive officer of the safety division, he shall be responsible for the over all traffic accident program of the state of Arizona.

Sec. 3. Sec. 5, chapter 31, Laws of 1945, first special session, is amended to read:

5. SALARIES; EXPENSES; QUARTERS. The compensation of the executive officer (traffic engineer) of the safety division and staff shall be fixed by the Arizona state highway commission. The salary of the executive officer of the safety division shall not exceed five thousand dollars per annum. Administrative and operational expenses of the safety division shall be budgeted and paid from the state highway fund, subject to partial reimbursement under the provision of section 12 of the federal aid highway Act of 1944. Suitable quarters shall be provided by the highway department upon the recommendation of the state highway engineer.

Sec. 4. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 28

HOUSE BILL NO. 101

AN ACT

RELATING TO THE STATE HIGHWAY COMMISSION;
AMENDING SECTION 59-106, ARIZONA CODE OF 1939,
AS AMENDED, (CHAPTER 33, LAWS OF 1945, FIRST
SPECIAL SESSION), AND DECLARING AN EMER-
GENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 59-106, Arizona Code of 1939, as amended (chapter 33, Laws of 1945, first special session), is amended to read:

59-106. SECRETARY AND STATE HIGHWAY ENGINEER. The commission, at its meeting held January 31 of each odd numbered year, shall appoint a secretary and a state highway engineer, who shall hold office at the pleasure of the commission.

The engineer shall be a civil engineer duly registered to practice as such in the state of Arizona and who shall be familiar with the theory of and experienced in the practice of highway construction and maintenance. His salary shall be fixed by the state highway commission for the term of his appointment and shall not exceed the sum of seventy-five hundred dollars (\$7,500.00) per year.

The commission shall appoint a secretary whose salary shall be fixed by the state highway commission for the term of his appointment and shall not exceed the sum of seven thousand two hundred dollars (\$7,200.00) per year.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 29

SENATE BILL NO. 30

AN ACT

RELATING TO STATE ARCHIVES; AUTHORIZING THE REPRODUCTION OF PUBLIC RECORDS BY PHOTOGRAPHY OR MICROPHOTOGRAPHY; AMENDING ARTICLE 5, CHAPTER 2, ARIZONA CODE OF 1939, BY ADDING SECTION 2-505a, AND REPEALING CHAPTER 119, LAWS OF 1947, REGULAR SESSION.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Article 5, chapter 2, Arizona Code of 1939, is amended by adding section 2-505a, to read:

2-505a. REPRODUCTION OF ARCHIVES. (a) For purposes of preservation, reduction of volume, or efficiency of administration, the division of Arizona history and archives is authorized to reproduce, by photography, microphotography, or other standard method of reproduction on film, any public records, whether obsolete or current, in its custody, or any

archival records or historical material subject to deposit in the state archives, or desired for filing in the division of Arizona history and archives, and to classify, catalogue and index such records for convenient reference thereto.

(b) A photographic reproduction of any public record, the negative or film of which is certified by the person in charge of such reproduction as being an exact replica of the original, and by the director of the department of library and archives as being a record deposited in the division of Arizona history and archives, shall be received in evidence in all courts, and before any officer, board or commission having jurisdiction of a cause in the trial or hearing of which the same may be introduced, in like manner as the original.

Sec. 2. REPEAL. Chapter 119, Laws of 1947, regular session, is repealed. This section does not negative an implied repeal of any statute which conflicts with this Act.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 30

SENATE BILL NO. 48

AN ACT

MAKING AN ADDITIONAL APPROPRIATION TO THE STATE TAX COMMISSION.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of chapter 142, subdivision 10, Laws of 1947, regular session, the sum of thirty-five thousand five hundred dollars is appropriated to the state tax commission, to be available during the periods and for the purposes following:

For the remainder of the 36th fiscal year one thousand two hundred dollars is appropriated for other current expenditures; eleven thousand dollars for capital outlay to be disbursed as follows:

Files—Kardex, 33 @ \$162.25	\$ 5,354.25
Files—Visible, 2 @ \$270.00	540.00
Files—Legal, 5 drawer, 27 @ \$130.00	3,510.00
Files—Addressograph plates	130.00
Tables for Kardex and Visible files, 4 @ \$105.00	420.00
Typewriters, 18 inch, 3 @ \$170.00	510.00
Paper drill	250.00
Water cooler	285.75

For the 37th fiscal year four thousand eight hundred dollars is appropriated for other current expenditures; and beginning October 1, 1948 and effective during the remainder of the 37th fiscal year for other personal services eighteen thousand five hundred dollars is appropriated to be disbursed as follows:

5 additional auditors @ \$300.00 a month	\$13,500.00
Additional travel for auditors	5,000.00

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 31

HOUSE BILL NO. 83

AN ACT

RELATING TO THE INDUSTRIAL SCHOOL, AUTHORIZING THE REALLOCATION OF FUNDS APPROPRIATED FOR CERTAIN PURPOSES, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. REALLOCATION OF FUNDS. Any balance remaining of moneys appropriated to the industrial school for the thirty-sixth and thirty-seventh fiscal years and allocated to electrical power and water pumping equipment, may be expended for the drilling and casing of wells.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 32

HOUSE BILL NO. 1

AN ACT

RELATING TO PAY OF OFFICERS AND MEN OF THE NATIONAL GUARD, AND AMENDING SECTION 64-220, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Section 64-220, Arizona Code of 1939, is amended to read:

64-220. PAY OF OFFICERS AND MEN—COMPANY ALLOWANCE. While under orders on state duty, all personnel of the National Guard of Arizona, commissioned and enlisted, shall receive the same pay and allowances as prescribed for respective grades in the United States Army, allowing all time served in the National Guard of Arizona prior to June 3, 1916, and all time served in the armed forces of the United States, the Organized Reserves and the National Guard. In addition to said pay and allowances, the enlisted men of the National Guard of Arizona shall receive a minimum of \$1.50 per day for each day served on state duty, provided, however, that said minimum may be increased to an amount not to exceed the sum of \$3.00 per day when said increase is approved by the governor of the state of Arizona.

Each company, battery or similar unit, of the air, amphibious and ground forces of the United States that may be allocated to the state of Arizona and accepted by the governor thereof, that complies with the regulations prescribed for drills, target practice, and general efficiency, shall receive the sum of not less than sixty dollars (\$60.00) per month, provided that units or detachments of the National Guard of Arizona having an authorized strength of less than fifty (50) officers and men and more than twenty-five (25) officers and men shall receive thirty dollars (\$30.00) per month. Units or detachments having less than twenty-five (25) officers and men shall receive not less than ten dollars (\$10.00) per month.

Headquarters of the 158th Infantry Regiment, and the Headquarters of the 158th Regimental Combat Team, and Air Wing or Air Group Headquarters, will each receive one hundred dollars (\$100.00) per month; headquarters of Infantry and Artillery Battalions, separate battalions and air squadrons will each receive sixty dollars (\$60.00) per month.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 33

HOUSE BILL NO. 4

AN ACT

RELATING TO HOSPITALS; PROVIDING FOR A HOSPITAL SURVEY, MAKING AN APPROPRIATION FOR SURVEY AND PLANNING, HOSPITAL LICENSING AND ADMINISTRATION FOR CONSTRUCTION, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. SHORT TITLE. This Act may be cited as the "Arizona hospital survey and construction Act."

Sec. 2. DEFINITIONS. As used in this Act, unless the context otherwise requires:

"superintendent" means the superintendent of public health;

“federal Act” means Public Law 725 of the 79th Congress;

“surgeon general” means the surgeon general of the public health service of the United States;

“hospital” includes public health centers and general, maternity, tuberculosis, mental, chronic disease, and other types of hospitals, and related facilities, such as laboratories, outpatient departments, nurses’ home and training facilities and central service facilities operated in connection with hospitals, but does not include any hospital furnishing primarily domiciliary care;

“public health center” means a publicly owned facility for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers;

“nonprofit hospital” means a hospital owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

Sec. 3. SURVEY AND PLANNING. (a) The superintendent of public health shall make an inventory of existing hospitals, including public, nonprofit and proprietary hospitals, survey the need for construction of hospitals, and, on the basis of such inventory and survey, develop a program for the construction of such public and other nonprofit hospitals as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital, clinic, and similar services to the people of the state.

(b) The construction program shall provide, in accordance with the regulations prescribed under the federal Act, for adequate hospital facilities for the people of the state and insofar as practicable shall provide for distribution of the facilities in such manner as to make all types of hospital service reasonably accessible to the people of the state.

Sec. 4. FEDERAL FUNDS. The superintendent may make application to the surgeon general for federal aid in carrying out survey and planning activities. Any moneys so received shall be deposited in the state treasury and be available to the superintendent for carrying out the construction program.

Sec. 5. STATE PLAN. (a) The superintendent shall submit to the surgeon general, after giving publicity to a general description of provisions proposed to be included therein, a

state plan which shall include the hospital construction program developed under the provisions of section 3, and provide for the establishment, administration, and operation of hospital construction activities in accordance with the requirements of the federal Act and regulations adopted thereunder. From time to time, the superintendent shall review the hospital construction program and submit to the surgeon general modifications thereof, not inconsistent with the requirements of the federal Act, which he may find necessary.

(b) The state plan shall set forth the relative need for the several projects included in the construction program, and provide for the construction, maintenance and operation of such projects in the order of such relative need.

Sec. 6. APPLICATION FOR CONSTRUCTION PROJECTS. (a) An application for a hospital construction project for which federal aid is requested may be submitted to the superintendent by the state or any political subdivision thereof, or by any public or nonprofit agency authorized to construct and operate a hospital. An application for a construction project shall conform to federal and state requirements.

(b) The superintendent shall afford to every applicant for a construction project an opportunity for fair hearing. If, after reasonable opportunity afforded for the presentation of applications in the order of relative need, the superintendent finds a project application to be in conformity with the state plan, he shall approve the application and recommend it to the surgeon general.

Sec. 7. INSPECTION OF PROJECTS. The superintendent shall inspect each construction project approved by the surgeon general, and shall certify to the surgeon general the facts with respect to work performed upon the project, or purchases made, in accordance with the approved plans and specifications, and any payment of federal funds due.

Sec. 8. HOSPITAL CONSTRUCTION FUND. The hospital construction fund shall consist of moneys received from the federal government for projects approved by the surgeon general, which shall be used solely for payments for work performed or purchases made in carrying out such projects, state appropriations, and grants, gifts and contributions. Claims on the hospital construction fund shall be subject to the approval of the superintendent or his duly authorized agent.

Sec. 9. ADMINISTRATION OF HOSPITAL SURVEY

AND CONSTRUCTION. The state department of health shall constitute the sole agency for the purpose of: 1. making an inventory of existing hospitals, surveying the need for construction of hospitals, and developing a program of hospital construction under the provisions of this Act, and, 2. developing and administering a state plan for the construction of public and other nonprofit hospitals.

Sec. 10. POWERS AND DUTIES. The superintendent shall:

1. Require such reports, make such inspections and investigations and prescribe such regulations as he deems necessary.

2. Provide such methods of administration, appoint a director of hospital survey and planning, and other necessary personnel, and take such other action as may be necessary to comply with the provisions of the federal Act, this Act, and the regulations thereunder.

3. In his discretion, contract for the services of experts, consultants or organizations, such services to be performed on a part-time or fee-for-service basis and not to involve the performance of administrative duties.

4. To the extent that he considers desirable to effectuate the purposes of this Act, enter into agreements for the utilization of the facilities and services of other departments, agencies, and institutions, public or private.

5. Accept on behalf of the state and deposit with the state treasurer any grant, gift or contribution made to assist in meeting the cost of carrying out the purposes of this Act, and expend the same for such purposes.

6. Prescribe minimum standards for the maintenance and operation of hospitals which receive federal aid for construction under the state plan.

7. Make an annual report to the governor on activities and expenditures made under the provisions of this Act, including recommendations for such legislation as the superintendent considers necessary to furnish adequate hospital, clinic, and similar facilities to the people of the state.

Sec. 11. ADVISORY SURVEY AND CONSTRUCTION COUNCIL. (a) The governor shall appoint an advisory survey and construction council to advise and consult with the

state department of health in carrying out the provisions of this Act. The council shall consist of the superintendent, who shall serve ex-officio as chairman, and: 1. one member chosen from a panel of four submitted by the Arizona Hospital Association; 2. one member chosen from a panel of four submitted by the Arizona Medical Association; 3. one member chosen from a panel of four submitted by the Arizona Society of Osteopathic Physicians and Surgeons; 4. one member chosen from a panel of four submitted by the Arizona Nurses' Association; 5. one member chosen from a panel of four submitted by the Arizona Education Association; 6. one member representative of a state agency concerned with the operation, construction, or utilization of hospitals; 7. one member representative of agriculture; 8. one member representative of labor, and 9. one member representative of business. The term of office of two members of the first council appointed after this Act takes effect shall expire one, two, three and four years respectively, from the first day of January, 1948. Thereafter the term of office of each member shall be four years. Appointment to fill a vacancy caused other than by expiration of term shall be for the unexpired portion of the term.

(b) The members of the council shall be reimbursed for actual and necessary travel and subsistence expenses, as provided for state officers, while serving on the business of the council, away from their places of residence.

Sec. 12. APPROPRIATION. To carry out the purposes of this Act, there is hereby appropriated to the state department of health the amount of eleven thousand dollars to be spent as follows:

	<u>For the 36th</u> <u>Fiscal Year</u>	<u>For the 37th</u> <u>Fiscal Year</u>
Personal Services:		
Director	\$ 900.00	\$ 3,600.00
Secretary	525.00	2,000.00
Equipment	500.00	500.00
Supplies	275.00	200.00
State travel	200.00	700.00
Out of state travel	100.00	200.00
Fees of architects, engineers and other consultants	500.00	500.00
Other current expenditures	100.00	200.00
	<u>\$ 3,100.00</u>	<u>\$ 7,900.00</u>
Total Appropriation	\$11,000.00	

Sec. 13. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 34

HOUSE BILL NO. 27

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE CORPORATION COMMISSION, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appropriation made by subdivision 46, section 1, chapter 142, Laws of 1947, regular session, the sum of eight thousand dollars is appropriated to the corporation commission, to be available during the thirty-sixth and thirty-seventh fiscal years.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the following purpose: Insurance division, personal services, for the thirty-sixth fiscal year, three thousand dollars; for the thirty-seventh fiscal year, five thousand dollars.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Passed the House without sufficient votes to carry emergency clause.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 35

HOUSE BILL NO. 8

AN ACT

RELATING TO PUBLIC HEALTH; CHANGING THE NAME OF THE STATE WELFARE SANATORIUM TO THE ARIZONA STATE TUBERCULOSIS SANATORIUM, AND CONFIRMING THE POWERS AND DUTIES OF THE STATE DEPARTMENT OF HEALTH.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. CHANGE OF DESIGNATION. From and after the effective date of this Act, the state institution known as the state welfare sanatorium, administered by the state department of health, shall be officially designated and known as the Arizona state tuberculosis sanatorium.

Sec. 2. CONFORMATION OF POWERS AND DUTIES. All powers and duties of administration pertaining to the state welfare sanatorium are continued and confirmed in the state department of health as to the Arizona state tuberculosis sanatorium; all records of the state department of health pertaining to the state welfare sanatorium shall be deemed to be records pertaining to the Arizona state tuberculosis sanatorium, and all property held by and appropriations standing in the name of the state department of health for the use and benefit of the state welfare sanatorium shall be held and administered, for like purposes and to the same extent, for the use and benefit of the Arizona state tuberculosis sanatorium.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 36

HOUSE BILL NO. 9

AN ACT

MAKING AN APPROPRIATION TO THE STATE DEPARTMENT OF HEALTH, FOR THE ARIZONA STATE TUBERCULOSIS SANATORIUM, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of forty-two thousand, one hundred twenty-seven dollars is appropriated to the state department of health.

Sec. 2. PURPOSE. The appropriation made in section 1 is for remodeling the buildings of the Arizona state tuberculosis sanatorium in such manner as to provide room for surgery; to purchase and install surgical and X-ray equipment, instruments, drugs and supplies, and to purchase and install adequate dishwashing, sanitary and sewage disposal facilities.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 37

HOUSE BILL NO. 46

AN ACT

RELATING TO EDUCATION; PROVIDING FOR THE WITHDRAWAL OF MILITARY RESERVATIONS FROM SCHOOL DISTRICTS AND THE ESTABLISHMENT OF ACCOMMODATION SCHOOLS, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. WITHDRAWAL OF MILITARY RESERVATIONS. (a) When a common or high school district adjacent to or embracing all of a portion of a military reservation, has a larger school population than it had the previous year, as shown by a census enumeration certified by the county school superintendent, and it is educationally and economically unfeasible for the district to provide adequate school facilities for such military reservation, the district board of trustees or the authorities of the military reservation may petition the state board of education to withdraw the military reservation from the school district. Within thirty days after receipt of the petition the state board of education shall hold a hearing thereon, and within ten days thereafter shall allow or deny the same. If allowed, the state board shall direct the county school superintendent to withdraw the military reservation from the district in which it is in whole or in part embraced, and to report the change of school district boundaries to the board of supervisors.

(b) Upon the withdrawal of a military reservation from any common or high school district, as provided in subsection (a), and upon a showing by the military authorities that necessary buildings and facilities for the operation of a school are available, it shall be the duty of the county school superintendent to establish an accommodation school on such military reservation. The expenses of conducting the school shall be paid out of the county school reserve fund by the county school superintendent, as the expenses of other accommodation schools are paid.

Sec. 2. RESTORATION OF DISTRICT. In the event of the abandonment of a military reservation in which an accommodation school has been conducted in accordance with the provisions of this Act, the boundaries of the common or high school district, as they existed prior to the withdrawal of the reservation therefrom, shall be deemed to be automatically restored.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 38

HOUSE BILL NO. 80

AN ACT

RELATING TO THE STATE AUDITOR, PROVIDING FOR THE REALLOCATION OF APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. REALLOCATION. 1. The sum of three thousand one hundred fifty dollars appropriated to the state auditor under the provisions of subdivision 2, section 1, chapter 142, Laws of 1947, regular session, for capital outlay for the thirty-sixth fiscal year and specifically allocated to capital outlay is hereby transferred to the thirty-seventh fiscal year for capital outlay. 2. The sum of three hundred dollars appropriated to the state auditor under the provisions of subdivision 2, section 1, chapter 142, Laws of 1947, regular session, thirty-sixth fiscal year, for state travel may be used for out of state travel.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 39

HOUSE BILL NO. 95

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE INDUSTRIAL COMMISSION, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appro-

priation made under the provisions of subdivision 48, section 1, chapter 142, Laws of 1947, regular session, and subject to applicable laws, the sums set forth are appropriated to the industrial commission, to be available in equal installments during the last four months of the thirty-sixth and during the thirty-seventh fiscal year, and for the purposes and objects stated, to enable the industrial commission to enforce the labor and minimum wage laws, without respect to the workmen's compensation and occupational disease disability laws:

	<u>36th</u> <u>Fiscal Year</u>	<u>37th</u> <u>Fiscal Year</u>
Personal services	\$	\$ 180.00
State travel	100.00	300.00
Other current expenses	750.00	1,000.00
Totals	\$ 850.00	\$ 1,480.00

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 40

HOUSE BILL NO. 13

AN ACT

MAKING AN ADDITIONAL APPROPRIATION TO THE HOME FOR AGED AND INFIRM ARIZONA PIONEERS, AN DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1 . APPROPRIATION. In addition to the appropriation made by subdivision 30, chapter 142, Laws of 1947, regular session, the sum of six thousand dollars is appropriated to the home for aged and infirm Arizona pioneers, to be available during the thirty-seventh fiscal year.

Sec. 2. PURPOSE. The appropriation made under the provisions of section 1 is for other current expenditures in the amount of six thousand dollars.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 41

HOUSE BILL NO. 37

AN ACT

EMPOWERING AND DIRECTING THE GOVERNOR TO CONVEY CERTAIN LAND TO THE MESA HIGH SCHOOL DISTRICT, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. AUTHORITY TO CONVEY LAND. Upon receipt by the governor, from the Mesa High School District, of the sum of thirty-five thousand dollars, together with a deed from such district conveying to the state of Arizona a tract of not less than five acres of land situated in or near the city of Mesa, to be selected by the adjutant-general, the governor is empowered and directed to execute, in the name and on behalf of the state to the Mesa High School District, a quit-claim deed to that tract of land belonging to the state, occupied by and known as the Mesa Armory and described as beginning four hundred eighty-five feet south of the north-west corner of block twenty, Mesa townsite, thence east three hundred thirty feet, thence south one hundred feet, thence west three hundred thirty feet, thence north one hundred feet to the point of beginning.

Sec. 2. DISPOSITION OF MONEY. All moneys received by the Governor under the provisions of this Act shall be deposited in the state treasury and placed in the general

fund, subject to appropriation for armory buildings for the military department.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 42

SENATE BILL NO. 51

AN ACT

RELATING TO THE ACQUISITION OF SURPLUS PROPERTY FOR COMMON AND HIGH SCHOOLS, AND AMENDING SECTION 3, CHAPTER 16, LAWS OF 1946, THIRD SPECIAL SESSION.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 3, chapter 16, Laws of 1946, third special session, is amended to read:

Sec. 3. EXEMPTION. This Act shall be exempt from the provisions of section 10-930, Arizona Code of 1939, relating to lapsing appropriations, but the entire amount of the revolving fund created under the provisions of section 2 shall revert to the general fund on June 30, 1949.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 43

HOUSE BILL NO. 2

AN ACT

RELATING TO PUBLIC HEALTH; CREATING THE OFFICE OF DIRECTOR OF THE STATE DEPARTMENT OF PUBLIC HEALTH, REPEALING SECTION 68-115, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. DIRECTOR OF THE STATE DEPARTMENT OF PUBLIC HEALTH. (a) There shall be a director of the state department of public health. Within twenty days after the approval of this Act the state board of health shall appoint a director for a term ending January 1, 1953. Thereafter the term shall be five years. In case of vacancy resulting otherwise than from expiration of term, appointment shall be for the unexpired portion of the term. The director may be removed only for cause, on written charges, and after a public hearing by the board. The salary of the director shall be fixed by the board subject to legislative appropriation, not to exceed \$7,200.00 per annum.

(b) To be eligible for appointment to the office of director of the state department of public health, a person must: 1. be a reputable physician, licensed to practice in Arizona; 2. hold the degree of doctor of medicine from a medical school recognized by the Council on Medical Education and Hospitals of the American Medical Association, and, 3. have had not less than five years experience in full time administration of a department of public health, or in lieu thereof, three years such experience and a degree from an accredited school of public health.

(c) The director shall have all the powers and duties heretofore vested in and imposed upon the superintendent of public health. He shall devote his full time to the duties of the office, and shall not engage in the private practice of medicine or other occupation.

Sec. 2. REPEAL. Section 68-115, Arizona Code of 1939, is repealed. This section does not negative an implied repeal of any statute which conflicts with this Act.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become imme-

diately operative. It is therefore declared to be an emergency measure to take effect as provided by law.

Passed the Senate without sufficient votes to carry emergency clause.

Approved by the Governor—March 23, 1948.

Filed in the Office of the Secretary of State—March 23, 1948.

CHAPTER 44

SENATE BILL NO. 25

AN ACT

FOR THE RELIEF OF SOUTHERN PACIFIC COMPANY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of thirteen thousand six hundred forty-one dollars seventy-nine cents, together with interest at the rate of six per cent per annum from August 20, 1945, is appropriated for the relief of Southern Pacific Company.

Sec. 2. BASIS OF CLAIM. Payment of the sum appropriated shall be in full satisfaction of the claim of Southern Pacific Company, under judgment dated August 20, 1945, rendered in the superior court of Pima county in the case of State of Arizona, ex rel. John L. Sullivan, attorney general of the State of Arizona v. Southern Pacific Company, a corporation, in accordance with the mandate of the Supreme Court of the United States dated July 26, 1945, and of the supreme court of the state of Arizona dated August 1, 1945, for costs of litigation in the supreme courts of Arizona and the United States.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 23, 1948.

Filed in the Office of the Secretary of State—March 23, 1948.

CHAPTER 45

HOUSE BILL NO. 35

AN ACT

MAKING AN ADDITIONAL APPROPRIATION TO THE STATE LAND DEPARTMENT FOR STREAM GAUGING, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appropriation made by subdivision 64, section 1, chapter 142, Laws of 1947, regular session, the sum of thirteen thousand dollars is appropriated to the state land department, three thousand dollars to be available during the thirty-sixth fiscal year, and ten thousand dollars during the thirty-seventh fiscal year.

Sec. 2. PURPOSE. The purpose of the appropriation made under the provisions of section 1 is to carry on stream gauging, in cooperation with the United States geological survey.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 23, 1948.

Filed in the Office of the Secretary of State—March 23, 1948.

CHAPTER 46

HOUSE BILL NO. 63

AN ACT

RELATING TO THE DEPARTMENT OF LIQUOR LICENSES AND CONTROL—SUPERINTENDENT, AND AMENDING SECTIONS 72-102 AND 72-103, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 72-102, Arizona Code of 1939, is amended to read:

72-102. DEPARTMENT OF LIQUOR LICENSES AND CONTROL—SUPERINTENDENT. There is hereby created the Department of Liquor Licenses and Control and the office of superintendent of such department.

The governor, by and with the advice and consent of the senate, shall appoint the superintendent of the department of liquor licenses and control, for a term which shall end on January 31, 1945, and on January 31st of each sixth year thereafter. The governor may remove the superintendent for inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office, but his action may be reviewed by the superior court of Maricopa County in a trial de novo before said court in a proper proceeding instituted within thirty (30) days after such removal. The superintendent shall receive a salary of six thousand dollars (\$6,000.00) per annum. He shall give a surety bond, to be approved by the state treasurer, in the sum of twenty-five thousand dollars (\$25,000.00), conditioned upon the faithful performance of his duties.

Neither the superintendent or any employee of the superintendent shall serve on any committee of any political party, nor engage in political activities other than voting.

The transfer from the state tax commission to the superintendent of liquor licenses and control of all balances remaining in the liquor license administration fund, as provided in chapter 32, senate bill 213, session laws of 1939, regular session, is hereby confirmed and expenditures heretofore or hereafter made by the superintendent of such funds are hereby ratified and approved.

Sec. 2. Sec. 72-103, Arizona Code of 1939, is amended to read:

72-103. POWERS AND DUTIES OF SUPERINTENDENT.

(a) The superintendent of liquor licenses and control shall administer and enforce the provisions of this Act and the provisions of section 43-4003, Arizona Code of 1939.

(b) The superintendent shall have power: 1. To prescribe necessary rules and regulations; 1a. for carrying out the provisions of this Act; 1b. for the proper conduct of the business to be carried on under each specific type of spirituous liquor license; 1c. to enable and assist state officials to collect all taxes levied or imposed in connection with spirituous liquors

and 1d. to procure full compliance by licensees, in conduct of their business, with all laws. 2. To prescribe forms for applications and licenses, and such other forms as may be necessary under this Act. 3. To examine books, records, and papers of any licensee. 4. To hear and determine complaints against any licensee. 5. To issue subpoenas and other necessary process to procure the presence of persons and the production of papers. 6. To administer oaths, take testimony, and punish for contempt, and 7. To employ necessary deputies and assistants, and pay their compensation and other expenses of administering this Act.

(c) Not later than the fifth day of each month, the superintendent shall submit a detailed financial report of his activities during the preceding calendar month to the governor and the state treasurer.

Approved by the Governor—March 23, 1948.

Filed in the Office of the Secretary of State—March 23, 1948.

CHAPTER 47

HOUSE BILL NO. 85

AN ACT

MAKING AN APPROPRIATION TO THE VETERANS' SERVICE OFFICER AND THE VETERANS' RELIEF COMMISSION; AMENDING SECTION 1, SUBDIVISION 34, CHAPTER 142, LAWS OF 1947, REGULAR SESSION, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appropriation contained in subdivision 34, section 1, chapter 142, Laws of 1947, regular session, the sum of one thousand one hundred ten dollars is appropriated to the veterans' service officer, to be available during the periods and for the purposes following: Thirty-sixth fiscal year: for contractual services, sixty dollars; for other current expenditures, three hundred fifty dollars. Thirty-seventh fiscal year, first and second quarters: for contractual services, two hundred fifty dollars; for other current expenditures, four hundred fifty dollars.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 23, 1948.

Filed in the Office of the Secretary of State—March 23, 1948.

RESOLUTIONS

HOUSE CONCURRENT RESOLUTION NO. 4

A CONCURRENT RESOLUTION

RELATING TO COMMUNISTIC INFILTRATION

WHEREAS, the integrity, welfare and peace of freedom loving peoples and nations, if not of the world itself, are threatened by the persistent dissemination, by sly, covert and subtle methods, of foreign isms, and the infiltration into private and public groups of artful advocates of totalitarian theories and adherents of subversive movements.

To ignore the presence of this insidious poison is to violate the cardinal principle that eternal vigilance is the price of liberty. To codone the activities of these sly purveyors of political and economic venom is to invite the growth of political cancer. The failure of groups, public or quasi-public, to identify the loyalty of their individual members is to subject the innocent to suspicion. Therefore
BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ARIZONA, THE SENATE CONCURRING:

1. It is the sense of this body that each member-elect of the legislature, before or at the time of taking the oath of office, be required to file with the secretary or chief clerk of the house to which he has been chosen, an affidavit, sworn to before an official qualified to administer oaths, and executed within the thirty day period immediately preceding his induction, that he is not and has never been a member of the Communist party or affiliated with such party, and that he does not believe in, is not a member of, and does not support any organization that believes in or teaches the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

2. It is the sense of this body that the gist of this resolution be embodied in the standing rules of the Senate and the House of Representatives.

Passed the House March 1, 1948 by the following vote: 44 Ayes, 10 Nays, 0 Absent, 4 Excused.

Passed the Senate March 11, 1948 by the following vote: 19 Ayes, 0 Nays, 0 Not voting.

Filed in the Office of the Secretary of State—March 12, 1948.

HOUSE CONCURRENT RESOLUTION NO. 5

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO OFFICERS BEING QUALIFIED VOTERS.

BE IT RESOLVED by the House of Representatives of the State of Arizona, the Senate concurring:

1. The following amendment to Section 15, Article VII, consti-

tution of Arizona, is proposed to become valid as a part of the constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

Section 15. (Officers to be qualified voters.) Every person elected or appointed to any office of trust or profit under the authority of the state, or any political division or any municipality thereof, shall be a qualified elector of the political division or municipality in which said person shall be elected or appointed; provided, however, that this section shall not apply to the city manager in incorporated cities operating under a city manager form of government.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by article XXI, constitution of Arizona.

Passed the House March 8, 1948 by the following vote: 34 Ayes, 5 Nays, 0 Absent, 19 Excused.

Passed the Senate March 11, 1948 by the following vote: 18 Ayes, 1 Nays, 0 Not voting.

Filed in the Office of the Secretary of State—March 12, 1948.

HOUSE CONCURRENT RESOLUTION NO. 6

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE SUPERIOR COURT.

BE IT RESOLVED by the House of Representatives of the State of Arizona, the Senate concurring:

1. The following amendment to the constitution of Arizona, to be known as section 25, of article VI thereof, is proposed, to become valid as a part of the constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

Sec. 25. The superior courts provided for in this article are hereby declared to be a single court of the state of Arizona, composed of all the duly elected or appointed and qualified judges of the superior court in each and all of the counties of the state.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election, as provided by article XXI, constitution of Arizona.

Passed the House March 8, 1948 by the following vote: 41 Ayes, 1 Nays, 0 Absent, 16 Excused.

Passed the Senate March 11, 1948 by the following vote: 19 Ayes, 0 Nays, 0 Not voting.

Filed in the Office of the Secretary of State—March 12, 1948.

MEMORIALS

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VOCATIONAL REHABILITATION
DIVISION
STATE BOARD OF VOCATIONAL EDUCATION
106 South 27th Street, Phoenix, Arizona 85001

SENATE JOINT MEMORIAL NO. 1

A JOINT MEMORIAL

RELATING TO A BOUNDARY FENCE BETWEEN THE UNITED STATES AND MEXICO.

TO THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

Owing to the prevalence throughout a considerable portion of the Republic of Mexico, of the foot and mouth disease, and the consequent threat to the livestock industry of the United States, it is vitally important to the economy of this nation, and particularly to that of the state of Arizona and other states on the Mexican boundary, that all practicable effective steps be taken to preclude the spread of this infectious disease.

Other measures pursued having proved inefficacious or for other reasons impracticable, it is generally agreed that the most feasible means of preventing the infiltration of the foot and mouth disease is to erect a substantial international boundary fence between the western states and the Republic of Mexico.

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

1. That Congress enact, without delay, Senate Joint Resolution 46, of the 80th Congress, 1st session, authorizing appropriations for the construction, operation and maintenance of what is known as the western land boundary fence project, or other measure in substantial conformity therewith.

Adopted by the House March 3, 1948 by the following vote: 48 Ayes, 0 Nays, 0 Absent, 10 Excused.

Adopted by the Senate February 24, 1948 by the following vote: 18 Ayes, 0 Nays, 1 Not voting.

Approved by the Governor—March 4, 1948.

Filed in the Office of the Secretary of State—March 4, 1948.

HOUSE MEMORIAL NO. 3

A MEMORIAL

RELATING TO THE NATIONAL RECLAMATION ACT.

TO THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

Pending in the House of Representatives of the United States Congress is H. R. 2873, known as the Rockwell-Lemke bill, for the revision of certain provisions of the reclamation project Act of 1939.

This bill, designed as a liberalization, long overdue, of the reclamation law, and for the development of the nation's resources through advancement of the cause of national reclamation, has been so amended in the House of Representatives as to destroy its most significant features, to-wit: extension of the period for repayment of project costs, and clarification of the powers of the secretary of the interior.

In the form in which the measure appeared prior to the attachment of these amendments, the Rockwell-Lemke bill, enacted into law, would be of great value to the nation and just to the West; burdened with them the cause of reclamation will not be served. Wherefore your memorialist, the House of Representatives of the

State of Arizona, urges:

1. That the damaging amendments which have been made to the Rockwell-Lemke bill, be removed, and the bill passed.
2. In the event the provisions affected by the amendments are not restored, that the bill be killed.

Adopted by the House March 2, 1948 by the following vote: 48 Ayes, 0 Nays, 10 Excused.

Filed in the Office of the Secretary of State—March 2, 1948.

HOUSE CONCURRENT MEMORIAL NO. 1

A CONCURRENT MEMORIAL

ON AID FOR DISTRESSED CHINA.

TO THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

Out of the carnage, the blood and the horror of the world-wide war the nation of China has come, with her people impoverished and suffering, her industries wrecked, her economy demoralized. Communism, as communism is wont, seeks to feast on her distress, to fasten its tentacles in her vitals, to subvert her legally constituted government.

Thus is posed a vital, perhaps a determinative threat, not only to the peace and welfare of China, but to the peace, the economy, the way of life of the world.

In an emergency so fateful, the United States—dedicated to leadership in the cause of world peace, its sentimental concern challenged by the long established friendship of China, its economic interest invoked by the geographical position, the natural resources and the huge manpower of the great eastern nation—is alone capable of effective succor, and bound by the ties both of friendship and of self-interest to go to the aid of this stricken people.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress take immediate steps in conformity with the Marshall plan, and the recommendations of the President, to render the desperately needed aid to distressed China.

Passed by the House February 26, 1948, by the following vote: 46 Ayes, 2 Nays, 0 Absent, 10 Excused.

Passed by the Senate March 3, 1948, by the following vote: 19 Ayes, 0 Nays, 0 Not voting.

Filed in the Office of the Secretary of State—March 3, 1948.

**BILLS VETOED
BY THE
GOVERNOR**

EXECUTIVE OFFICE

STATE HOUSE

PHOENIX, ARIZONA

March
Twenty-fourth
1948

Honorable Dan E. Garvey
Secretary of State

My dear Mr. Secretary:

House Bill No. 11, "An Act relating to the Motor Vehicle Division, amending Section 66-201, Arizona Code of 1939, and declaring an emergency" increases from fifty cents to seventy-five cents the amount the County Assessor receives for each original registration fee imposed on vehicles operated upon the highways in Arizona.

In 1947 the County Assessors registered 205,403 vehicles and received \$102,700.00 for performing this duty. If House Bill No. 11 becomes a law in 1948, for example, more than \$50,000.00 in additional funds will be diverted from the State Highway fund.

It is conceded that since the advent of the motor vehicle additional expense has been added to the Assessor's office by the duty of issuing the registration cards and the license plates, but attention is invited to the requirement of law that the vehicle owner must pay the license tax (which is in lieu of all ad valorem property taxes) on the vehicle before it is registered, thus insuring the assessor the collection of the tax at his office and with little expense.

The license tax is not used for the benefit of the road user but is distributed:

25% to the State General Fund

25% to the County General Fund

25% to small schools

25% to incorporated cities and towns.

In addition to the above, about \$180,000.00 in fines, due to traffic violations cited by the Highway Patrol, go into the County General Fund. In House Bill No. 11, it is proposed to give an additional twenty-five cents to the Assessors for each registration, which will make the cost of collecting for a \$3.50 plate more than 20%.

I feel that in view of the fact that \$100,000.00 in Highway funds are being used to advertise the State through the Magazine and we are paying \$100,000.00 to the Assessors for collecting the license plate fees and \$180,000.00 is being put into the County General Fund through the efforts of the Highway Patrol, which is supported solely by Highway funds, that further inroads into this fund will tend to defeat its purpose—that of building roads.

I believe that if there is a small additional cost to the assessor for registering vehicles, that the increase in number of vehicles added to the license tax roll will more than offset such cost.

For the above reasons I have today disapproved House Bill No. 11.

Sincerely,
/s/ SIDNEY P. OSBORN,
Governor

SPO:E

HOUSE BILL NO. 11

AN ACT

RELATING TO THE MOTOR VEHICLE DIVISION,
AMENDING SECTION 66-201, ARIZONA CODE OF 1939,
AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Sec. 66-201, Arizona Code of 1939, is amended to read:

66-201. MOTOR VEHICLE DIVISION. (a) The highway department shall maintain a division of motor vehicles, which shall have an office at the capital, and such other offices as may be necessary. The Arizona highway commission shall appoint a vehicle superintendent as head of the division, and the superintendent, with the approval of the Arizona highway commission, may appoint a chief clerk and such other employees as the work of the division may require.

(b) The superintendent, and such officers, agents and employees as he may designate, are denominated peace officers with powers, limited to the enforcement of motor vehicle laws and regulations, co-extensive with the like authority of regular peace officers of the state or its municipalities. The superintendent shall: 1. prescribe rules and regulations for carrying out the provisions of this Act; 2. designate agencies for such purpose, and, 3. provide such agencies with necessary forms.

(c) The superintendent, chief clerk, and such officers, agents and employees of the division as the superintendent may designate, shall have power to administer oaths and acknowledge signatures, without fee, in matters connected

with the administration of any law the enforcement of which is vested in the division. The superintendent shall issue in duplicate a certificate of authority to each person so designated by him, the original of which shall be filed in the main office of the division and a copy in the office of secretary of state.

(d) The assessor of each county is constituted an agent of the division for the performance of delegated duties, and the office of the county assessor shall be the county office of the division. Seventy-five cents of each original registration fee shall be remitted to the county treasurer of the county in which the registration fee is collected, and placed in a special fund for the use of the assessor in carrying out the duties imposed upon him by this Act. Claims against the fund shall be allowed and paid in the same manner as claims against the county. The board of supervisors may order the transfer of all or any unexpended part of the fund received during the previous fiscal year into the fund for the maintenance and construction of county highways. All money received from the taxes imposed by this article, except the portion retained for the assessor's special fund, shall be immediately transferred by the collecting officer to the superintendent, and by him to the state treasurer, who shall credit the same to the state highway fund.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Disapproved by the Governor—March 24, 1948.

Filed in the Office of the Secretary of State—March 24, 1948.

HOUSE OF REPRESENTATIVES

STATE LEGISLATURE

STATE OF ARIZONA

March 25, 1948

Honorable Dan E. Garvey,
Secretary of State,
State House,
Phoenix, Arizona.

Dear Mr. Garvey:

As requested by the membership of the House, I hereby ask you to convey to the House, bills vetoed by the governor, Sidney P. Osborn: House Bills Nos. 11 and 47, of the Fifth Special Session of the Eighteenth Legislature.

Sincerely,
/s/ E. L. JAMESON,

E. L. Jameson,
Speaker of the
House of Representatives,
18th Legislature.

EXECUTIVE OFFICE

STATE CAPITOL

PHOENIX, ARIZONA

March
Twenty-fourth
1948

Honorable Dan E. Garvey
Secretary of State
Phoenix, Arizona
My dear Mr. Secretary:

House Bill No. 47 of the Fifth Special Session of the Eighteenth Legislature, being "An Act requiring all persons to file affidavits disavowing Communist or subversive affiliations before receiving compensation for services as public officials or employees, and declaring an emergency" would compel every employee of the State of Arizona, and of its counties, cities and school districts, to make and file each year an affidavit that he is not a member of the Communist Party or affiliated with such party and that he does not believe in or teach the overthrow of the United States Government by force or by any illegal or unconstitutional methods. The bill, paradoxical in itself, is a curious product of the Eighteenth Legislature.

What are the reasons for the enactment of such a bill? Some say that this bill, if it were to become law, would provide assurance that no Communists or persons of Communist tendencies would find their way into the service of the State or any of the political subdivisions of the State. Such an argument is preposterous. Communists are notoriously conniving. A Communist might actually rejoice upon the adoption of a law such as House Bill No. 47. Without the slightest compunction he would make and file his annual "anti-Communist" affidavit, while many patriotic and conscientious public employees might react in rightful anger against the necessity of taking an annual pledge that can be considered as casting an aspersion upon their patriotism and integrity. Communists might actually welcome a law which would cast all public employees in the same light of inquiry and suspicion. Communism can thrive only in an atmosphere of fearfulness and uncertainty, and it is fertilized by the spirit of witch-hunting.

I am confident the employees of the State of Arizona and its political subdivisions are second to no other groups in their loyalty to Amer-

ican ideals and principles. Certainly, every person in a position of high public trust is concerned with the personal character of those whom he may have a voice in selecting for public service. I am sure it is a matter of personal concern to them that only those whose patriotism is above reproach are employed or retained in employment.

It is recognized that there are serious questions of constitutionality with respect to this bill. But aside from such legal questions—as important as they are—I feel that House Bill No. 47, as enacted by the Legislature, is unsound and that it is my duty to disapprove it.

Yet I cannot depart from this subject without making brief comment upon some of the anomalous actions taken by the Eighteenth Legislature in its Fifth Special Session.

Though the Legislature evinced a deep concern in the problem of Communism, many of its members showed little concern over their personal responsibilities as lawmakers within the framework of a democratic government. I submit that there is no better yardstick of a government than the care it provides its children and its old people. To ignore their welfare in times such as these is to stifle the development of true Americanism and to lend aid and comfort to those who would challenge the American way of life.

While the Legislature was palpably anxious to place upon itself and upon others an onerous, if meaningless, pledge against Communism, many of its members were equally willing to ignore the needs of the dependent children and the aged.

Democracy is a magnificent way of life. But it is more than a dream, more than a mere hope. The goals of a Democracy can be transmuted into the realities of richer, happier lives for people of every age and every economic group. Such realities, such living examples of democratic principles are the answer to Communism and other dictatorial forms of government.

It is the responsibility of all of us to work everlastingly toward a realization of such goals. It is the responsibility of every citizen. It is a responsibility which rests heavily upon the members of our State Legislature.

For the above reasons I have today disapproved House Bill No. 47.

Sincerely,
/s/ SIDNEY P. OSBORN,
Governor

SPO:E

HOUSE BILL NO. 47

AN ACT

REQUIRING ALL PERSONS TO FILE AFFIDAVITS DIS-
AVOWING COMMUNIST OR SUBVERSIVE AFFILIA-
TIONS BEFORE RECEIVING COMPENSATION FOR

SERVICES AS PUBLIC OFFICIALS OR EMPLOYEES,
AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. PERSONS RECEIVING COMPENSATION.

No person holding any elective or appointive office or employment under this state, any of its counties, cities, school districts or any other political subdivision of the state shall be entitled to receive any compensation from public funds for services rendered in such office or employment after the effective date of this Act and thereafter prior to the time that such person shall have filed the affidavits required by section 2 hereof.

Sec. 2. AFFIDAVITS REQUIRED. All persons described in section 1 hereof shall, in order to receive compensation from public funds as therein provided, make and file an affidavit that such person is not, at the time of making such affidavit, a member of the Communist Party or affiliated with such party, and that he does not believe in and is not a member of or supports any organization that believes in or teaches the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

Such affidavit when so made and filed shall be valid for a period of twelve (12) months from the date of the filing thereof unless the person making the same shall be convicted in the Superior Court of perjury in making such affidavit.

Each such person shall thereafter in each successive period of not less than eleven nor more than twelve months make and file a similar affidavit that he is not at the time of making such affidavit nor has he since the making of the immediately prior affidavit been a member of the Communist Party or affiliated with such party, nor in such period has he, nor does he then believe in, and has not been nor is he then, a member of or a supporter of any organization that believes in or teaches the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

Sec. 3. FILING OF AFFIDAVIT. Officials or employees of the State shall file such affidavits with the Secretary of State. Officials or employees of the County shall file such affidavits with the Clerk of the Board of Supervisors. Officials of Municipalities shall file such affidavits with the recording officer of the Municipality and officials and employees of all other political subdivisions shall file the same with the recording officer of such subdivision.

Sec. 4. PENALTY. Any person who shall make and file an affidavit as herein provided which shall be untrue in any respect shall be guilty of a felony.

Sec. 5. EFFECTIVE DATE. This Act shall become effective sixty days after its approval by the Governor unless it not be passed as an emergency measure in which case it shall become effective one hundred twenty days after the adjournment of this session of the legislature.

Sec. 6. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Disapproved by the Governor—March 24, 1948.

Filed in the Office of the Secretary of State—March 24, 1948.

EXECUTIVE OFFICE
STATE HOUSE
PHOENIX, ARIZONA

March
Twenty-third
1948

Honorable Dan E. Garvey
Secretary of State
Phoenix, Arizona

My dear Mr. Secretary:

Senate Bill No. 56 of the Fifth Special Session of the Eighteenth Arizona Legislature, being "An Act Making a supplemental appropriation to the Veterans' Service Officer", an emergency measure making an addition to the appropriation contained in Subdivision 34, Section 1, Chapter 142, Laws of 1947, Regular Session, is hereby disapproved. The reason for disapproving Senate Bill No. 56 is that it is a duplicate of House Bill No. 85 enacted at the same session which I have this day approved.

Sincerely yours,
/s/ SIDNEY P. OSBORN,

G o v e r n o r

SPO:m

SENATE BILL NO. 56

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE
VETERANS' SERVICE OFFICER.**Be it Enacted by the Legislature of the State of Arizona:**

Section 1. APPROPRIATION. In addition to the appropriation contained in subdivision 34, section 1, chapter 142, Laws of 1947, regular session, the sum of one thousand one hundred ten dollars is appropriated to the veterans' service officer, to be available during the periods and for the purposes following: Thirty-sixth fiscal year: for contractual services, sixty dollars; for other current expenditures, three hundred fifty dollars. Thirty-seventh fiscal year, first and second quarters: for contractual services, two hundred fifty dollars; for other current expenditures, four hundred fifty dollars.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Disapproved by the Governor—March 23, 1948.

Filed in the Office of the Secretary of State—March 23, 1948.

ACTS
Memorials and Resolutions
of the
SIXTH SPECIAL SESSION
of the
Eighteenth Legislature
of the
STATE OF ARIZONA
1948



Sixth Special Session Convened March 12, 1948

Sixth Special Session Adjourned Sine Die March 25, 1948

Publication Authorized
Section 4-201, Arizona Code of 1939
(Paragraph 23, Article 2, Chapter 2, Revised Code of 1928)
Chapter 124, Sub. 8, Laws 1949
Regular Session, 19th Legislature

NOTICE: There are a few misspellings, other errors and punctuation mistakes in the body of this volume, which originated in the original engrossed copies, and had to be duplicated herein, so as to conform to such original copies.

AUTHENTICATION

STATE OF ARIZONA
Office of the Secretary of State } ss.

THIS IS TO CERTIFY—That the Acts, Memorials and Resolutions published in this volume, are full, true and correct copies of the originals, passed at the Sixth Special Session of the Eighteenth Legislature of the State of Arizona, as they appear on file in the office of the Secretary of State of Arizona.

That the Sixth Special Session of the Eighteenth Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, March 12, 1948, and adjourned sine die on the 25th day of March, 1948.



IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 18th day of June, 1949.

WESLEY BOLIN, (Signature)
Secretary of State.

P R O C L A M A T I O N

Calling a Special Session of the Eighteenth Legislature

WHEREAS, the Governor of Arizona is vested by the Constitution (Article IV, Part 2, Section 3) with authority to call a special session of the Legislature, whenever in his judgment it is advisable, and to specify the subjects to be considered at such special session; and

WHEREAS, the regulation and control of Arizona's ground water resources is an imperative necessity, if this State's rights in the Colorado River are to be realized, the imminent threat to its agricultural industry averted, and the consequent menace to its economy turned aside,

NOW, THEREFORE, I, Sidney P. Osborn, Governor of the State of Arizona, by virtue of the authority in me vested, and in pursuance of my duty, call the Eighteenth Legislature to meet in special session at the Capitol, on Friday, March twelfth, 1948, at ten o'clock a.m., to consider:

The adoption of a code for the regulation and control of the use of ground water.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed this twelfth day of March, in the year of Our Lord One Thousand Nine Hundred and forty eight.

SIDNEY P. OSBORN,

Governor

ATTEST:

CURTIS M. WILLIAMS
Assistant Secretary of State

**ORDER OF
ACTS**

ORDER OF ACTS

SIXTH SPECIAL SESSION OF THE EIGHTEENTH LEGISLATURE, STATE OF ARIZONA

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ACTS

ACTS

CHAPTER 1

HOUSE BILL NO. 6

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF THE CURRENT AND CONTINGENT EXPENSES OF THE EIGHTEENTH LEGISLATURE, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of thirty thousand dollars (\$30,000.00) is appropriated, and the remaining balance appropriated in Chapter 6, Fifth Special Session, Laws of 1948, is hereby reappropriated for the operation of the House of Representatives, Eighteenth Legislature. The sum of fifteen thousand dollars (\$15,000.00) is appropriated, and the remaining balance appropriated in Chapter 6, Fifth Special Session, Laws of 1948, is hereby reappropriated for the operation of the Arizona State Senate, Eighteenth Legislature.

Sec. 2. PURPOSE. The purpose of the appropriation and reappropriation made under the terms of section 1 is to provide for the payment of the current and contingent expenses of the Eighteenth Legislature.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 2

HOUSE BILL NO. 7

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF LIBRARY AND ARCHIVES FOR THE STATE LEGISLATIVE BUREAU, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of nine thousand four hundred twenty dollars (\$9,420.00) is appropriated to the department of library and archives, for the state legislative bureau.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 shall be expended for defraying expenses and for capital investment of the state legislative bureau.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 3

HOUSE BILL NO. 8

AN ACT

MAKING AN APPROPRIATION TO THE GOVERNOR, FOR THE FUND FOR CAPITOL BUILDING AND GROUNDS, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of three hundred and fifty dollars (\$350.00) is appropriated to the governor, for the fund for capitol building and grounds.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to defray the expense of extra janitors and supplies for the eighteenth legislature.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 18, 1948.

Filed in the Office of the Secretary of State—March 18, 1948.

CHAPTER 4

HOUSE BILL NO. 10

AN ACT

REALLOCATING FUNDS HERETOFORE APPROPRIATED TO THE ATTORNEY GENERAL, THE STATE HIGHWAY DEPARTMENT AND THE STATE TAX COMMISSION, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. REALLOCATION OF FUNDS FOR ATTORNEY GENERAL. Out of any balance remaining in the fund for Right-to-Work litigation during the thirty-sixth fiscal year, appropriated to the attorney general under the terms of subdivision 1, chapter 142, Laws of 1947, regular session, not to exceed two thousand five hundred dollars is hereby reallocated to water litigation, for personal services, in and out of state travel and other current expenditures and shall be available for such purpose during the thirty-sixth fiscal year. This fund shall not be subject to the provisions of section 10-930, A. C. A. 1939.

Sec. 2. REALLOCATION OF FUNDS FOR STATE TAX COMMISSION. Out of any balance remaining in the fund for state travel during the thirty-sixth fiscal year, appropriated to the state tax commission under the terms of subdivision 10, section 1, chapter 142, Laws of 1947, regular session, not to exceed five thousand dollars is hereby reallocated to other current expenditures, and shall be available for such purpose during the thirty-sixth fiscal year. This fund shall not be subject to the provisions of section 10-930, A. C. A. 1939.

Sec. 3. REALLOCATION OF FUNDS FOR STATE HIGHWAY DEPARTMENT. Out of funds heretofore appropriated to the Arizona highway department by subdivision 59, chapter 142, regular session, eighteenth legislature, the state auditor and the state treasurer are authorized and directed to make the following transfers, for the 36th fiscal year: \$3,000.00 from Administration "other current expenditures" to Administration "capital outlay"; \$2,000.00 to be transferred from Engineering "personal services" to Administration "personal services"; \$50,000.00 to be transferred from Shops and Equipment "other current expenditures" to Shops and Equipment "capital outlay"; \$8,000.00 be transferred from Highway Patrol "other current expenditures" to Highway Patrol "capital outlay"; \$100,000.00 be transferred from Maintenance and Betterment "personal services" to Maintenance and Betterment "other current expenditures". Also, the following transfers are authorized for the 37th fiscal year: \$5,000.00 be transferred from Planning Survey "other current expenditures" to Planning Survey "capital outlay" to Planning Survey "personal services"; \$150,000.00 be transferred from Maintenance and Betterment "personal services" to Maintenance and Betterment "other current expenditures".

Sec. 4. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 23, 1948.

Filed in the Office of the Secretary of State—March 23, 1948.

CHAPTER 5

HOUSE BILL NO. 2

AN ACT

RELATING TO GROUND WATER; DECLARATION OF PUBLIC POLICY FOR REGULATION OF ITS USE; DEFINING GROUNDWATER BASINS AND SUBDIVISIONS; ESTABLISHING REGULATIONS FOR THE DESIGNATION AND DETERMINATION OF CRITICAL GROUNDWATER AREAS; MAKING AN APPROPRIATION; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. SHORT TITLE. This Act may be cited as the groundwater code of 1948.

Sec. 2. DEFINITIONS. In this Act unless the context otherwise requires:

“ground water” means water under the surface of the earth regardless of the geologic structure in which it is standing or moving; it does not include water flowing in underground streams with ascertainable beds and banks.

“groundwater basin” means land overlying, as nearly as may be determined by known facts, a distinct body of ground water, but the exterior limits of a groundwater basin shall not be deemed to extend upstream or downstream beyond a defile, gorge or canyon of a surface stream or wash.

“groundwater subdivision” means an area of land overlying, as nearly as may be determined by known facts, a distinct body of ground water; it may consist of any determinable part of a groundwater basin.

“critical groundwater area” means any groundwater basin as herein defined, or any designated subdivision thereof, not having sufficient ground water to provide a reasonably safe supply for irrigation of the cultivated lands in the basin at the then current rates of withdrawal.

“exempted well” means a well or other works for the withdrawal of ground water used for domestic, stock watering, domestic water utility, industrial, or transportation purposes.

“irrigation well” means any well or works for the withdrawal of ground water primarily used for irrigation purposes and having a capacity in excess of one hundred gallons per minute.

“permit” means a permit to construct and operate a well or other works for the withdrawal of ground water.

“person” includes an individual, firm, public or private corporation or government agency.

“commissioner” means the state land commissioner.

“owner of land” means any person in whom legal title to real property is vested or any person having an equitable interest in real property.

“user of ground water” means any person who is putting ground water to a beneficial use primarily for irrigation purposes.

Sec. 3. DECLARATION OF POLICY. United State Geological Survey reports, based on studies covering a long period of years, indicate that large areas of rich agricultural lands in Arizona are dependent, in whole or in part, upon groundwater basins underlying such lands for their water supply, and that in a number of such basins withdrawals of ground water, greatly in excess of the safe annual yield thereof, is converting the lands of rich farming communities into critical groundwater areas, to the serious injury of the general economy and welfare of the state and its citizens. It is therefore declared to be the public policy of the state, in the interest of the agricultural stability, general economy and welfare of the state and its citizens to conserve and protect the water resources of the state from destruction, and for that purpose to provide reasonable regulations for the designation and establishment of such critical groundwater areas as may now or hereafter exist within the state.

Sec. 4. ADMINISTRATION. This Act shall be administered by the state land commissioner. The commissioner in the administration thereof shall have the authority and it shall be his duty: 1. to adopt, publish and make available to the public such reasonable rules and regulations, not in conflict with this Act, as may be necessary for the administration thereof; 2. to compile and maintain in his office records of the various groundwater basins, and subdivisions, in the state, together with factual data as to the safe annual yield of ground water, and the use thereof, in such basins and subdivisions to the end that the people may have an opportunity to understand their groundwater resources and what steps are necessary to obtain its maximum beneficial use; 3. to appoint such deputies and assistants as may be necessary for the efficient administration of the provisions of this Act, and to fix and prescribe their duties; 4. to cooperate with any agency of the United States or of this state or any political subdivision thereof, or with any person. 5. The commissioner, or any deputy or representative charged with the administration of this Act may enter at reasonable times upon the lands of any groundwater basin or subdivision where a well or other works for the withdrawal of ground water are located for the purpose of examining any well or works subject to the provisions of this Act, and for the purpose of obtaining factual data in any groundwater basin within the state or any subdivision thereof.

Sec. 5. DESIGNATION OF GROUNDWATER BASINS

AND SUBDIVISIONS THEREOF. (a) It shall be the duty of the commissioner, from time to time, as adequate factual data become available, to designate groundwater basins and subdivisions thereof, and as future conditions may require and factual data justify, to alter the boundaries thereof.

(b) The designation or alteration of the boundaries of a groundwater basin or subdivision thereof may be initiated by the commissioner on his own motion, or by petition to the commissioner signed by not less than twenty-five or one-fourth, whichever is the lesser number, of the users of ground water in such groundwater basin or subdivision thereof.

(c) Before designating or altering the boundaries of a groundwater basin or subdivision thereof the commissioner shall cause to be prepared and filed in his office a map thereof clearly showing and describing all lands included therein, together with adequate factual data justifying the designation or alteration of the boundaries of such groundwater basin or subdivision; whereupon the commissioner may make and file in his office an order designating such groundwater basin or subdivision, and such map and factual data, together with a copy of the order of the commissioner designating the same shall be and remain a public record in his office, and shall, at all reasonable times be made available for examination by the public. The designation or alteration of the boundaries of such groundwater basin or subdivision shall give the commissioner and his official representatives reasonable access to the lands included therein, but shall not be construed as giving the commissioner authority to regulate the drilling or operation of wells in such groundwater basin or subdivision.

Sec. 6. DESIGNATION, ALTERATION OR DISSOLUTION OF CRITICAL GROUNDWATER AREAS. (a) The commissioner is hereby authorized and it shall be his duty, from time to time, as adequate factual data become available justifying such action, to designate critical groundwater areas, and as future conditions may require and factual data justify, to alter the boundaries thereof.

(b) The designation of a critical groundwater area, or the alteration of the boundaries thereof may be initiated by the commissioner on his own motion, or by petition to the commissioner signed by not less than twenty-five or one-fourth, whichever is the lesser number, of the users of ground water within the exterior boundaries of the groundwater basin, or subdivision, wherein the lands proposed to be included in such critical groundwater area is situated.

(c) Before designating the proposed critical groundwater area, or altering the exterior boundaries thereof, a public hearing shall be held and conducted by the commissioner. Notice of such hearing shall be given by the commissioner and shall include: 1. the legal description of the lands proposed to be included in such critical groundwater area; 2. the time when and the place where such public hearing shall be held, which shall be not less than four weeks after the first publication of the notice of such hearing. Such notice, together with a map clearly showing and describing all lands proposed to be included in such critical groundwater area shall be published once each week for four successive weeks in a newspaper of general circulation in the county or counties in which said lands or any part thereof are located. The publication of such notice when completed shall be deemed to be sufficient notice of such hearing to all interested persons. Any interested person may appear at such hearing, either in person or by attorney, and may submit evidence, either oral or documentary, for or against the designation of such proposed critical groundwater area or the alteration of the exterior boundaries thereof.

(d) After the conclusion of such public hearing the commissioner shall make and file in his office written findings of fact with respect to the designation of the proposed critical groundwater area, or alteration of exterior boundaries of existing critical groundwater area, considered during such public hearing. If he shall in such findings of fact conclude to designate a critical groundwater area, or to alter the boundaries of an existing critical groundwater area, he shall make and file in his office an order designating such critical groundwater area, or altering the boundaries pursuant to such findings. Such findings of fact and order shall be published in the manner and for the length of time prescribed for the publication of the notice of such public hearing, and when so published shall be final and conclusive unless an appeal therefrom is taken within the time and in the manner prescribed in section 15 of this Act. All factual data compiled by the commissioner to justify a hearing for the designation of a critical groundwater area, together with a copy of the findings of fact and map showing and describing the lands included in such critical groundwater area shall be and remain a public record in the office of the commissioner, and shall, at all reasonable times be made available for examination by the public. A true copy of said map shall also be filed in the office of the county recorder of the county or counties in which said critical groundwater area is located.

(e) Any order of the commissioner issued pursuant to this Act may be altered, modified or dissolved in the manner

and at such times as provided in this section for the designation or alteration of a critical groundwater area; provided, however, that no petition to abolish a critical groundwater area shall be received by the commissioner within a period of one year following a rejection of an identical petition.

Sec. 7. APPLICATION FOR PERMIT TO CONSTRUCT AN IRRIGATION WELL. No person except as hereinafter provided shall construct any irrigation well in any critical groundwater area established as herein provided without a permit therefor. A person proposing to construct any such well within a critical groundwater area shall make application to the commissioner for a permit authorizing the construction thereof, which application shall contain the following: 1. name and address of the applicant; 2. name and address of the owner of the land on which the well is to be constructed; 3. location of the well; 4. groundwater basin, or subdivision thereof, if designated, within the boundaries of which the withdrawal is to be made; 5. amount of water, in acre feet per year, to be withdrawn; 6. depth and type of construction proposed for the well; 7. legal description of the land on which use of ground water is proposed to be made, and, 8. such other information as the commissioner may require. No permit shall be required for the completion of any well located within a critical groundwater area and substantially commenced prior to the designation of such critical groundwater area, or for the construction of any well in any such area an uncancellable and binding contract in writing for the construction of which shall have been made and entered into prior to the effective date of this Act; provided, however, that the well or other works for the withdrawal of groundwater thus substantially commenced or under contract for construction shall be completed within one year from the date of designation or alteration of such critical groundwater area.

Sec. 8. ISSUANCE OF PERMIT. Upon application made as provided in section 7, the commissioner shall issue a permit for the construction of the proposed well, except that no permit shall be issued for the construction of an irrigation well within any critical groundwater area for the irrigation of lands which shall not at the effective date of this Act be irrigated, or shall not have been cultivated within five years prior thereto.

Except as provided in this Act no permit shall be issued to any person other than the owner of the land on which the proposed well is to be located, or to an irrigation or agricultural improvement district or other organized irrigation project for use upon lands within such district or project.

Sec. 9. CHANGE OF LOCATION OF WELL. The holder of a permit desiring to change the location of the well thereby authorized, shall make application to the commissioner for an amendment of such permit. The application shall contain the like information required in the case of an original application. If the commissioner shall determine that the proposed well when constructed at the proposed new location will be used to irrigate the same lands as the original well and shall be located within the exterior boundaries of the same critical area, he shall approve the application and issue an amended permit therefor.

Sec. 10. REPORTS. (a) Upon the completion of construction of any well in compliance with the terms of the permit therefor, the permittee shall file with the commissioner a written statement, which shall contain the following: 1. location of the well by legal description and in terms of distance from, and the direction of, any pre-existing well not more than one-quarter of a mile distant; 2. depth and diameter and general specifications of the well; 3. thickness in feet and physical character of each bed, stratum or formation penetrated by the well; 4. length and position in feet below the land surface, and commercial specifications of all casing used; 5. location and specifications of each screen or perforated zone in the casing; 6. tested capacity of the well in gallons per minute, as determined, for a non-flowing well, by measuring the discharge of the pump after continuous operation for at least four hours, or, for a flowing well by measuring the natural flow at the land surface; 7. depth in feet from the land surface to the static groundwater level, measured immediately prior to the well-capacity test; 8. drawdown of the water level measured in feet, for a non-flowing well, after not less than four hours of continuous operation, and while still in operation, or for a flowing well, the shut-in pressure, measured in feet above the land surface or in pounds per square inch at the land surface, and, 9. such additional information as may be required by the commissioner to establish compliance with the terms of the permit and the provisions of this Act.

(b) The well driller or other constructor of works for the withdrawal of ground water shall furnish the permittee a verified record of the factual information necessary to show compliance with the provisions of this section.

Sec. 11. REPORT OF GROUNDWATER WITHDRAWALS. The commissioner may require any person making a ground water withdrawal in a critical ground water area which does not fall within the purview of this Act, to furnish

reasonable factual information regarding the use and quantity of such withdrawals.

Sec. 12. WASTE PROHIBITED. (a) Ground water which has been withdrawn shall not be suffered to waste. To effectuate the purposes of this section it shall be the duty of the commissioner to: 1. require all flowing wells to be capped or equipped with valves that the flow of water can be completely stopped when not in use, and, 2. require both flowing and non-flowing wells to be so constructed and maintained as to prevent the waste of ground water through leaky casing, lack of casings, pipes, fittings, valve or pumps, either above or below the surface.

(b) The reasonable withdrawal of ground water for drainage purposes or in connection with the construction, development, testing or repair of a well, or the inadvertent loss of water due to breakage of a pump, valve, pipe or fitting shall not be construed as waste, if reasonable diligence is shown by the permittee in effecting the necessary repairs.

Sec. 13. FEES. The commissioner shall collect, in advance, the following fees: 1. filing application for permit to construct a well, three dollars; 2. making a copy of a document filed in his office, ten cents for each one hundred words or fraction thereof; 3. certifying copies, documents, records or maps, one dollar for each certification; 4. furnishing blueprint or photostat copy of any map, drawing or document required by the commissioner, actual cost of the work; 5. issuing permit to construct a well, five dollars.

Sec. 14. PENALTIES. (a) Any person who violates, or refuses or neglects to comply with any provision of this Act, or of any rule or regulation promulgated by the commissioner pursuant thereto, is guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than two hundred and fifty dollars for each offense. Any person who, after notice that he is in violation thereof, continues to violate any provision of this Act, and fails to comply therewith within a reasonable length of time, is guilty of a separate offense for each day the violation continues.

Sec. 15. APPEALS. Any person aggrieved by any determination order or decision of the commissioner, may have the decision reviewed in the manner prescribed by section 75-113, Arizona Code of 1939, relating to appeals from the state water commissioner, provided, however, that such appeal or review by a superior court shall be a trial de novo, and such person may appeal to the supreme court from any adverse judgment of the superior court.

Sec. 16. **WELLS NOT AFFECTED.** Nothing in this Act shall be construed to affect the right of any person to construct and operate an exempted well as herein defined, nor to affect the right of any person to continue the use of water from existing irrigation wells or any replacements of such wells.

Sec. 17. **APPROPRIATION.** The sum of thirty-two thousand dollars is appropriated to the state land department, for the purpose of administering this Act, to be available during the remainder of the thirty-sixth and for the thirty-seventh fiscal year.

Sec. 18. **EXEMPTION.** The appropriation made under the terms of section 17 shall be exempt from the provisions of section 10-930, supplement to Arizona Code of 1939 (section 7, article 4, chapter 86, Laws of 1943, regular session), relating to lapsing appropriations, but any unexpended balance remaining at the end of the thirty-seventh fiscal year shall revert to the general fund.

Sec. 19. **EMERGENCY.** To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Passed the House March 18, 1948, without enacting emergency.

Passed the Senate March 20, 1948, without enacting the emergency.

Approved by the Governor—April 1, 1948.

Filed in the Office of the Secretary of State—April 1, 1948.

MEMORIALS



HOUSE CONCURRENT MEMORIAL NO. 1

A CONCURRENT MEMORIAL

REQUESTING A CRITICAL INVESTIGATION OF THE DREFFKOFF PLAN FOR INDUSTRIALIZATION OF THE NAVAJO INDIAN RESERVATION.

TO THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

The attention of the people of Arizona has been drawn to a plan or proposal, prepared at the instance of the Bureau of Indian Affairs, by one Max Dreffkoff, industrial and business consultant, for the socialization and industrialization of the Navajo Indian reservation.

This plan contemplates the establishment of numerous industrial plants at various points on the Navajo reservation, to employ Indian labor. Its objective is a worthy one, and its motive is not questioned.

However, on the whole the plan is subject to serious criticism. It accords little or no consideration to the Navajo way of life—a way of life which may not be revolutionized either by fiat or by miracle. It ignores physical, geographic and economic conditions material to its practicality. While featuring industries to which neither the reservation nor its inhabitants are adapted, and some of which have already been tried unsuccessfully, it overlooks great natural resources which could and should be exploited. It contemplates an important expenditure of government funds which in great measure would inevitably be wasted. It is spiced with injustices alike to the Navajo and those who serve them.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress authorize a thorough investigation of the so-called Dreffkoff plan, with a view to determining its feasibility or otherwise.

2. That the investigation be extended to include a study of such vital factors as the Navajo himself, and his way of life; the Indian Service, by which the affairs of these tribal wards of the government are administered, and the Indian trader, an institution of eighty years standing, and that consideration be given to such material phases of the Navajo problem, ignored by the Dreffkoff plan, as the establishment of an adequate educational system, including basic principles of health and sanitation; the possibilities of water development for industrial and agricultural pursuits, and, by no means least, the development of a system of improved roads.

Passed the House March 17, 1948 by the following vote: 46 Ayes, 3 Nays, 0 Absent, 9 Excused.

Passed the Senate March 18, 1948 by the following vote: 13 Ayes, 3 Nays, 3 Not voting.

Filed in the Office of the Secretary of State—March 18, 1948.

SENATE MEMORIAL NO. 1

A MEMORIAL

REQUESTING CONGRESS TO REPEAL THE FEDERAL TRANSPORTATION TAX.

TO THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

There is pending in the Congress of the United States proposed legislation to repeal the fifteen per cent federal transportation tax.

The federal tax on passenger transportation was enacted as an emergency war measure, its purpose being to curtail pleasure travel and reserve equipment for necessary wartime shipment of men and material.

The economy of the state of Arizona rests, to a considerable extent, on the revenue derived from tourist travel. The effect of the tax, therefore, is not only to deprive the state of a material source of revenue, but to discourage travel at a time when the expansion of national transportation facilities is vital to the defense of the United States.

Wherefore your memorialist, the Senate of the State of Arizona, requests:

1. That the Congress speedily pass the McCarran bill repealing the federal transportation tax.

Unanimously adopted by the Senate March 19, 1948.

Filed in the Office of the Secretary of State—March 20, 1948.

HOUSE MEMORIAL NO. 1

A MEMORIAL

REQUESTING THE CONGRESS TO ENACT A UNIVERSAL MILITARY TRAINING LAW.

TO THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

It is the fervent hope and the determination of the people of this nation that the liberty and peace, so hard fought for and won, shall not give way to the horror of a greater and more devastating world conflict.

It is the belief of this body that the best guarantee of the efficacy of any plan for a lasting peace and the safeguarding of liberty lies in well-considered preparedness for any emergency that may arise.

Foremost as a feature of preparedness and as a safeguard to the peace and liberty of this nation and of the world, stands universal military training for the youth of this nation.

A policy of universal military training will impart a knowledge of the essentials of military service to a limitless reserve of citizens upon which this nation may draw in the event of an emergency, and among the nations of the world will command respect and serve to warn aggressor nations that our country stands ready to protect the liberty and peace loving peoples of the world.

Wherefore your memorialist, the House of Representatives of the State of Arizona, requests:

1. That the Congress of the United States enact legislation providing for universal military training of the youth of this nation, of such ages and for such periods as to the Congress may seem wise.

Adopted by the House this 18th day of March, 1948.

Filed in the Office of the Secretary of State—March 19, 1948.

HOUSE MEMORIAL NO. 2

A MEMORIAL

RELATING TO NAVAL WITHDRAWAL OF POWER GENERATING EQUIPMENT.

TO THE HONORABLE JAMES A. FORRESTAL, DEFENSE SECRETARY, WAR DEPARTMENT, WASHINGTON, D. C.

Your memorialist respectfully represents:

That an unprecedented scarcity of electric power exists in the State of Arizona which threatens the demoralization of agriculture, mining and other industries of Arizona. That all means of power generation within the State, although utilized to the fullest possible extent, will not prevent untold loss and damage to business within the State. That among the generating plants now being used to the fullest possible extent is a Naval mobile steam plant on lease from the Navy Department from Mare Island electrical facilities. That full utilization of the capacity of such plant is being made. That, notwithstanding the emergency situation and the great need for its retention, the Naval authorities have ordered the withdrawal of said plant from its present place of use and operation near Phoenix, Arizona. That the withdrawal of such generating unit would materially decrease the present inadequate supplies of electric power to the vast damage and losses from farming, mining, commerce and other industries of the State. That any Naval defensive measures served by such a withdrawal would not adequately compensate for the losses in essential war and Naval supplies in the event of any national emergency.

Wherefore, your memorialist, the House of Representatives of the State Legislature of the State of Arizona prays:

That any present direction or order for the withdrawal of said mobile generating unit may be set aside or cancelled and that the said equipment be permitted to remain as now used and arranged until the urgent need for its use shall have passed and until other electric facilities can be substituted therefore.

Adopted by the House—March 25, 1948.

Filed in the Office of the Secretary of State—March 26, 1948.

ACTS
Memorials and Resolutions
of the
SEVENTH SPECIAL SESSION
of the
Eighteenth Legislature
of the
STATE OF ARIZONA
1948



Seventh Special Session Convened September 13, 1948

Seventh Special Session Adjourned Sine Die October 14, 1948

Publication Authorized
Section 4-201, Arizona Code of 1939
(Paragraph 23, Article 2, Chapter 2, Revised Code of 1928)
Chapter 124, Sub. 8, Laws 1949
Regular Session, 19th Legislature

NOTICE: There are a few misspellings, other errors and punctuation mistakes in the body of this volume, which originated in the original engrossed copies, and had to be duplicated herein, so as to conform to such original copies.

AUTHENTICATION

STATE OF ARIZONA }
Office of the Secretary of State } ss.

THIS IS TO CERTIFY—That the Acts, Memorials and Resolutions published in this volume, are full, true and correct copies of the originals, passed at the Seventh Special Session of the Eighteenth Legislature of the State of Arizona, as they appear on file in the office of the Secretary of State of Arizona.

That the Seventh Special Session of the Eighteenth Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, September 13, 1948, and adjourned sine die on the 14th day of October, 1948.



IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 18th day of June, 1949.

WESLEY BOLIN, (Signature)
Secretary of State.

P R O C L A M A T I O N

Calling a Special Session of the Eighteenth Legislature

WHEREAS, the Constitution of Arizona (article IV, part 2, section 3) vests in the Governor the authority to call a special session of the Legislature whenever in his judgment it is advisable to do so, and provides that in such case he shall specify the subjects to be considered; and

WHEREAS, it is self-evident that various aspects of the State's social security problem—notably assistance to the aged, to the blind, and to dependent children—call for the promptest consideration by the law-making body, while certain other matters of importance require emergency attention.

NOW, THEREFORE, I, Dan E. Garvey, Acting Governor of Arizona, by virtue of the authority vested in me by the Constitution, and in pursuance of my duty, call the Eighteenth Legislature to meet in special session at the Capitol on Monday, the thirteenth day of September, 1948, at ten o'clock a.m., and specify the following subjects to be considered during such session:

1. Succession to Governorship
2. Social Security and Welfare
3. Irrigation, Power and Flood Control Districts.
4. State and Public Lands
5. Industrial School
6. Deficiency appropriation for Secretary of State for paying cost of publicity pamphlets.
7. Motor Vehicle Division
8. Life Insurance Companies
9. Education



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed this Eleventh day of September, in the year of Our Lord One Thousand Nine Hundred and Forty-eight.

DAN E. GARVEY

Acting Governor

ATTEST:

CURTIS M. WILLIAMS
Assistant Secretary of State

MEMBERS OF THE SENATE
EIGHTEENTH LEGISLATURE

Seventh Special Session

County	Name and Party	Address
Apache	Earl Platt (D)	St. Johns
Cochise	Dan Angius (D)	Bisbee
Cochise	Ralph Cowan (D)	McNeal
Coconino	John G. Babbitt (D)	Flagstaff
Gila	S. L. "Steve" Bixby (D)	Globe
Gila	James R. Heron (D)	Globe
Graham	Warner B. Mattice (D)	Pima
Greenlee	Fred J. Fritz (D)	Clifton
Maricopa	Marvin E. Smith (D)	Phoenix
Maricopa	O. L. McDaniel (D)	Glendale
Mohave	Earle W. Cook (D)	Kingman
Navajo	Lloyd C. Henning (D)	Holbrook
Pima	J. B. Mead (D)	Tucson
Pima	William F. Kimball (D)	Tucson
Pinal	James Herron, Jr. (D)	Superior
Santa Cruz	W. H. Hathaway (D)	Nogales
Yavapai	A. L. Favour (D)	Prescott
Yavapai	Sam J. Head (D)	Prescott
Yuma	Hugo B. Farmer (D)	Yuma

LAWS OF ARIZONA
MEMBERS OF THE HOUSE
EIGHTEENTH LEGISLATURE

Seventh Special Session

District	Name and Party	Address
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APACHE COUNTY

	Walter Pulsipher (D)	St. Johns
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COCHISE COUNTY

- | | | |
|----|-------------------------------------|---------|
| 1. | I. A. Rosok (D) | Bisbee |
| 2. | Carleton W. "Carl" Morris (D) | Warren |
| 3. | Leo F. Foster (D) | Douglas |
| 4. | Stuart F. Krentz (D) | Douglas |
| 5. | A. R. Spikes (D) | Bowie |

COCONINO COUNTY

- | | | |
|----|-----------------------------|-----------|
| 1. | F. L. Christensen (D) | Flagstaff |
| 2. | Jesse L. Boyce (D) | Williams |

GILA COUNTY

- | | | |
|----|-----------------------------------|--------|
| 1. | Raymond G. Langham (D) | Globe |
| 2. | Harold Copp (D) | Miami |
| 3. | W. G. "Rosie" Rosenbaum (D) | Hayden |

GRAHAM COUNTY

- | | | |
|----|-------------------------|---------|
| 1. | W. A. McBride (D) | Safford |
| 2. | Milton Lines (D) | Safford |

GREENLEE COUNTY

	James Boyce Scott (D)	Clifton
--	-----------------------------	---------

MARICOPA COUNTY

- | | | |
|----|---------------------------------|------------------------------|
| 1. | R. S. "Bob" Hart (D) | Phoenix
1534 W. Monroe |
| 2. | Wing F. Ong (D) | Phoenix
1246 E. Jefferson |
| 3. | Fletcher W. Timmerman (D) | Phoenix
1135 E. Fillmore |

District	Name and Party	Address
4.	John E. Hunt (D)	Phoenix 813 N. 8th Avenue
5.	G. N. Baker (D)	Phoenix 356 N. 1st Avenue
6.	Sidney Kartus (D)	Phoenix 1740 Grand Avenue
7.	Mrs. Laura McRae (D)	Phoenix 929 East Coronado
8.	Jack Cumnard (D)	Mesa 118 N. Robson
9.	Mrs. Claire (Wilford) Phelps (D)	Chandler Box 355A
10.	L. Max Connolly (D)	Tempe 514 Mill Avenue
11.	W. R. Palmer (D)	Phoenix 201 N. 17th Street
12.	J. M. Combs (D)	Glendale Route 2, Box 138
13.	W. E. Craig (D)	Wickenburg Box 126
14.	Thornton Jones (D)	Buckeye Box 936
15.	R. H. Wallace (R)	Phoenix 71 E. Pierson
16.	Harry Wimberly (D)	Phoenix 23 West Broadway
17.	Dwight L. Solomon (D)	Phoenix 1454 East Osborn Road
18.	M. Joe Murphy (D)	Phoenix 922 West Willetta
19.	R. D. "Dick" Searles (D)	Scottsdale Route 1
20.	Lorna E. Lockwood (D)	Phoenix 84 West Cypress
21.	Al Lindsey (D)	Phoenix 800 East Roosevelt
22.	H. C. Armstrong (D)	Tolleson Route 1, Box 68
23.	W. W. Franklin (D)	Phoenix 1645 East Culver

MOHAVE COUNTY

E. L. Jameson (D)Kingman

District	Name and Party	Address
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NAVAJO COUNTY

- | | | |
|----|-------------------------|-----------|
| 1. | Eva O. Decker (R) | Snowflake |
| 2. | Clay B. Simer (D) | Winslow |

PIMA COUNTY

- | | | |
|----|------------------------------|--------|
| 1. | Oscar C. Cole (D) | Ajo |
| 2. | Frank G. Robles (D) | Tucson |
| | 190 West Franklin | |
| 3. | Ray Martin (D) | Tucson |
| | 25 West Corral | |
| 4. | John H. Ayraud (D) | Tucson |
| | 326 West District | |
| 5. | John S. Hardwicke (D) | Tucson |
| | 116 North Tyndall | |
| 6. | Hamilton R. Catlin (D) | Tucson |
| | 905 Valley National Building | |
| 7. | Robert H. Forbes (D) | Tucson |
| | 105 Olive | |
| 8. | V. S. Hostetter (R) | Tucson |
| | 100 Calle Encanto | |
| 9. | James W. Ewing (R) | Tucson |
| | N. Campbell Avenue | |

PINAL COUNTY

- | | | |
|----|----------------------------|-------------|
| 1. | Parke T. Gilbert (D) | Casa Grande |
| 2. | George Ernst (D) | Ray |

SANTA CRUZ COUNTY

- | | | |
|--|------------------------------|---------|
| | Raymond E. Earhart (D) | Nogales |
|--|------------------------------|---------|

YAVAPAI COUNTY

- | | | |
|----|-------------------------------|--------------|
| 1. | R. E. "Bob" Perkins (D) | Prescott |
| | Jerome Route | |
| 2. | Dick W. Martin (R) | Prescott |
| 3. | Kel M. Fox (D) | Sedona |
| 4. | A. H. Bisjak (D) | Chino Valley |

YUMA COUNTY

- | | | |
|----|--------------------------------|--------|
| 1. | Clara Osborne Botzum (D) | Parker |
| 2. | N. S. McCallum (D) | Yuma |
| | 296 Main Street | |

**ORDER OF
ACTS**

ORDER OF ACTS

SEVENTH SPECIAL SESSION OF THE EIGHTEENTH LEGISLATURE, STATE OF ARIZONA

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1. H. B.	8. Making an appropriation for the payment of the current and contingent expenses of the Eighteenth Legislature, and declaring an emergency. Approved September 16, 1948. Effective September 16, 1948.	629
2. H. B.	9. Making a supplemental appropriation to the Department of Library and Archives for the State Legislative Bureau, and declaring an emergency. Approved September 16, 1948. Effective September 16, 1948.	630
3. H. B.	10. Making an appropriation to the Governor, for the fund for Capitol Building and Grounds, and declaring an emergency. Approved September 16, 1948. Effective September 16, 1948.	630
4. H. B.	1. Relating to irrigation and power districts; amending Article 14, Chapter 75, Arizona Code of 1939, by adding Section 75-1405; and declaring an emergency. Approved September 27, 1948. Effective September 27, 1948.	631
5. S. B.	6. Relating to the exchange of state land for federal lands; providing for the acceptance of the provisions of the Taylor Grazing Act, as amended, and section 28 of the Enabling Act, as amended, and all other applicable Acts of Congress which have been enacted relating to the exchange of state lands for federal lands by the state of Arizona; confirming and authorizing the exchange of state land for federal lands under the provisions of said Taylor Grazing Act, as amended, and section 28 of the Enabling Act, as amended, or other applicable Acts of Congress, and confirming all	

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	exchanges made pursuant thereto prior to the passage of this Act; amending article 12, chapter 11, Arizona Code of 1939, by adding sections 11-1211 and 11-1212; providing for an appropriation of five thousand dollars to the attorney general of the state of Arizona for protecting the interests and rights of the state of Arizona in such exchanges and carrying out the provisions of this Act; repealing all Acts or parts of Acts in conflict hereto; and declaring an emergency. Approved September 29, 1948. Effective September 29, 1948.	633
6. H. B.	2. Relating to insurance companies; authorizing domestic and foreign life insurance companies to invest a limited portion of their funds in real estate for the production of income, and in titles to real property; and declaring an emergency. Approved October 7, 1948. Effective October 7, 1948.	635
7. H. B.	18. Relating to authorized investments and loans of domestic insurance companies, amending Section 61-325, Arizona Code of 1939, and enlarging the scope of investments and loans of domestic insurance companies by permitting domestic insurance companies to make first mortgage loans up to the amount of federal insurance thereon; and declaring an emergency. Approved October 7, 1948. Effective October 7, 1948.	636
8. H. B.	30. Making an additional appropriation to the Attorney-General, and declaring an emergency. Approved October 7, 1948. Effective October 7, 1948.	639
9. S. B.	11. Making an appropriation to the State Hospital for the Insane, and declaring an emergency. Approved October 13, 1948. Effective October 13, 1948.	640
10. H. B.	15. Making a deficiency appropriation to the Secretary of State. (Emergency measure.)	

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11. H. B.	27. Making an appropriation to the State Prison for the payment of assessments for new well construction, and declaring an emergency. Approved October 13, 1948. Effective October 13, 1948.	642
12. H. B.	29. Making a supplemental appropriation to the State Prison, and declaring an emergency. Approved October 13, 1948. Effective October 13, 1948.	642
13. H. B.	35. Making a supplemental appropriation for the payment of the current and contingent expenses of the Eighteenth Legislature, and declaring an emergency. Approved October 13, 1948. Effective October 13, 1948.	643
14. H. B.	36. Making a supplemental appropriation to the Department of Library and Archives for the State Legislative Bureau, and declaring an emergency. Approved October 13, 1948. Effective October 13, 1948.	644
15. H. B.	37. Making an appropriation to the Governor, for the fund for Capitol Building and Grounds, and declaring an emergency. Approved October 13, 1948. Effective October 13, 1948.	644
16. H. B.	5. Calling a special election to submit proposed amendments to the Constitution; providing for publicity, making an appropriation, and declaring an emergency. Approved October 15, 1948. Effective October 15, 1948.	645
17. H. B.	38. Making a supplemental appropriation to the Arizona State Board of Social Security and Welfare and/or the Arizona State Department of Public Welfare for the remainder of the 37th fiscal year, and declaring an emergency. Approved October 25, 1948. Effective October 25 1948.	647

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18. H. B.	31. Making an appropriation to the Arizona National Guard; and declaring an emergency. Approved October 25, 1948. Effective October 25, 1948.	650
19. H. B.	28. Relating to the Institute of Educational Rehabilitation, amending Chapter 7, Laws of 1947, Second Special Session, Eighteenth Legislature, and declaring an emergency. Approved October 25, 1948. Effective October 25, 1948.	651
20. H. B.	32. Providing for the creation of state and county departments of public welfare and state and county boards of public welfare; fixing the powers and duties of the departments and boards; relating to old age assistance, assistance to needy blind, assistance to dependent children, child placement and general assistance; providing for administration by the state board of public welfare of all types of assistance; transferring the powers and functions of the state department of social security and welfare to the state department of welfare, and amending articles 1, 2, 3, 4, 5 and 6 of chapter 70, Arizona Code of 1939, as amended, and declaring an emergency. Approved October 25, 1948. Effective October 25, 1948.	652

ACTS

ACTS

CHAPTER 1

HOUSE BILL NO. 8

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF THE CURRENT AND CONTINGENT EXPENSES OF THE EIGHTEENTH LEGISLATURE, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of seventeen thousand dollars (\$17,000.00) is appropriated, and the remaining balance appropriated in Chapter 1, Sixth Special Session, Laws of 1948, is hereby reappropriated for the operation of the House of Representatives, Eighteenth Legislature. The sum of six thousand dollars (\$6,000.00) is appropriated, and the remaining balance appropriated in Chapter 1, Sixth Special Session, Laws of 1948, is hereby reappropriated for the operation of the Arizona State Senate, Eighteenth Legislature.

Sec. 2. PURPOSE. The purpose of the appropriation and reappropriation made under the terms of section 1 is to provide for the payment of the current and contingent expenses of the Eighteenth Legislature.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—September 16, 1948.

Filed in the Office of the Secretary of State—September 17, 1948.

CHAPTER 2

HOUSE BILL NO. 9

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF LIBRARY AND ARCHIVES FOR THE STATE LEGISLATIVE BUREAU, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of eight thousand four hundred dollars (\$8,400.00) is appropriated to the department of library and archives, for the state legislative bureau.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 shall be expended for defraying expenses and for capital investment of the state legislative bureau.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—September 16, 1948.

Filed in the Office of the Secretary of State—September 17, 1948.

CHAPTER 3

HOUSE BILL NO. 10

AN ACT

MAKING AN APPROPRIATION TO THE GOVERNOR, FOR THE FUND FOR CAPITOL BUILDING AND GROUNDS, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of three hundred and fifty dollars (\$350.00) is appropriated to the governor, for the fund for capitol building and grounds.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to defray the expense of extra janitors and supplies for the eighteenth legislature.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—September 16, 1948.

Filed in the Office of the Secretary of State—September 17, 1948.

CHAPTER 4

HOUSE BILL NO. 1

AN ACT

RELATING TO IRRIGATION AND POWER DISTRICTS;
AMENDING ARTICLE 14, CHAPTER 75, ARIZONA
CODE OF 1939, BY ADDING SECTION 75-1405; AND
DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Article 14, Chapter 75, Arizona Code of 1939, is amended by adding Section 75-1405, to read:

75-1405. TRANSFER OF DISTRICT ASSETS. Whenever irrigable lands within an irrigation district organized in accordance with the provisions of article 2, or within a power district organized in accordance with the provisions of article 10, of chapter 75, have been included within any federal reclamation project, or subdivision thereof, authorized for construction under the federal reclamation laws, and the appropriate authority of the United States government certifies that funds are available for commencing the construction of works in connection with such reclamation project, or subdivision thereof, the board of directors of such irrigation or power district shall have power to convey, transfer and assign to the United States of America, such lands, interests in lands, and other property of such district, including electric power lines and other facilities, as the Secretary of the Interior deems appropriate for the protection, development or improvement of such reclamation project.

The power of conveyance accorded by this section shall not be exercised unless such conveyance shall have first been approved by a majority of the votes cast at a special election held in any such district for the purpose of submitting the question of such conveyance to the electors qualified to vote at such election. Such election shall be called by the board of directors of the district, and notice thereof shall be given by posting notices in three public places in each division of the district for at least twenty (20) days prior to the date of the election and also by publication of such notice in a newspaper of general circulation published in the county where the office of the board of directors of the district is kept, once a week for at least two successive weeks prior to such election. Such notice shall specify the time and place of holding the election, and shall contain a general description of the character of the proposed property to be conveyed, transferred and assigned and a general statement of the reasons therefor. At any such election the ballot shall contain the words "Shall the proposed conveyance, transfer and assignment of the district property to the United States of America be made?" "Yes", "No", or other words equivalent thereto. Such election shall be conducted and canvassed in all respects as nearly as practicable in conformity with the provisions of law covering the election of the governing body of the district. No informalities in conducting such election shall invalidate the same if the election shall have been otherwise fairly conducted.

If at such election the proposed conveyance, transfer and assignment be approved by a majority of the electors voting thereat, the board of directors may convey, transfer and assign all or any part of the property referred to in the notice of election upon such terms and conditions as the board of directors in their discretion deem for the best interests of the district.

Sec. 2. **EMERGENCY.** To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—September 27, 1948.

Filed in the Office of the Secretary of State—September 27, 1948.

CHAPTER 5

SENATE BILL NO. 6

AN ACT

RELATING TO THE EXCHANGE OF STATE LAND FOR FEDERAL LANDS; PROVIDING FOR THE ACCEPTANCE OF THE PROVISIONS OF THE TAYLOR GRAZING ACT, AS AMENDED, AND SECTION 28 OF THE ENABLING ACT, AS AMENDED, AND ALL OTHER APPLICABLE ACTS OF CONGRESS WHICH HAVE BEEN ENACTED RELATING TO THE EXCHANGE OF STATE LANDS FOR FEDERAL LANDS BY THE STATE OF ARIZONA; CONFIRMING AND AUTHORIZING THE EXCHANGE OF STATE LAND FOR FEDERAL LANDS UNDER THE PROVISIONS OF SAID TAYLOR GRAZING ACT, AS AMENDED, AND SECTION 28 OF THE ENABLING ACT, AS AMENDED, OR OTHER APPLICABLE ACTS OF CONGRESS, AND CONFIRMING ALL EXCHANGES MADE PURSUANT THERETO PRIOR TO THE PASSAGE OF THIS ACT; AMENDING ARTICLE 12, CHAPTER 11, ARIZONA CODE OF 1939, BY ADDING SECTIONS 11-1211 AND 11-1212; PROVIDING FOR AN APPROPRIATION OF FIVE THOUSAND DOLLARS TO THE ATTORNEY GENERAL OF THE STATE OF ARIZONA FOR PROTECTING THE INTERESTS AND RIGHTS OF THE STATE OF ARIZONA IN SUCH EXCHANGES AND CARRYING OUT THE PROVISIONS OF THIS ACT; REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT HERETO; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Article 12, chapter 11, Arizona Code of 1939, is amended by adding section 11-1211, to read:

11-1211. ACCEPTANCE OF TERMS OF TAYLOR GRAZING ACT, AS AMENDED, AND AMENDMENT OF SECTION 28 OF ENABLING ACT, AND OTHER ACTS OF CONGRESS. The state of Arizona hereby accepts the provisions of the Taylor Grazing Act (Act of June 28, 1934, 48 Stat. 169), as amended, and the amendment to section 28 of the Enabling Act (Act of June 5, 1936, chapter 517, 49 Stat. 1477), and all other applicable Acts of Congress which have been enacted relating to the exchange of state land for federally owned land. The state land department is hereby authorized to cooperate with the federal government in the

administration of said Taylor Grazing Act, and other applicable Acts of Congress relating to the exchange of state lands for federal lands, whenever the interest of the state, in the judgment of the department, can best be served thereby.

Sec. 2. Article 12, chapter 11, Arizona Code of 1939, is amended by adding section 11-1212, to read:

11-1212. EXCHANGES; CONFIRMATION OF PRIOR EXCHANGES. The state land commissioner and the selection board are hereby authorized and empowered to effect such exchanges of state owned land for federally owned land, excepting, however, from and after the effective date of this Act, state owned lands containing merchantable saw timber, and do any and all things necessary or required to be done by the state of Arizona in order to comply with the provisions of said Taylor Grazing Act, as amended, section 28 of the Enabling Act, as amended, or any other Act of Congress relating to the exchange of lands heretofore enacted and any of the rules or regulations passed or promulgated in pursuance thereof. Such exchanges shall be made in the same manner and under the same rules and regulations as required in the selection of lands under the provisions of the Enabling Act, as amended.

All exchanges for federal land heretofore made by the commissioner and selection board, under the provisions of the Taylor Grazing Act, as amended, section 28 of the Enabling Act, as amended, or any other Act of Congress applicable thereto, are hereby confirmed and ratified.

Sec. 3. APPROPRIATION TO ATTORNEY GENERAL. In order to protect the interests and rights of the state of Arizona under the provisions of the Enabling Act, as amended, and under the provisions of the Taylor Grazing Act, as amended, relating to exchanges for federal land which have been filed prior to the passage of this Act, and to effect such exchanges, the sum of five thousand dollars is hereby appropriated to the attorney general of the state of Arizona for such purposes and uses as he may deem necessary and for the best interests of the state relating to such exchanges.

Sec. 4. SEVERABILITY. Should any section, paragraph, sentence, clause or phrase of this Act be declared unconstitutional or invalid for any reason, the remainder of said Act shall not be affected thereby.

Sec. 5. REPEAL OF CONFLICTING ACTS. All Acts or parts of Acts in conflict hereto are hereby repealed.

Sec. 6. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act 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.

Approved by the Governor—September 29, 1948.

Filed in the Office of the Secretary of State—September 29, 1948.

CHAPTER 6

HOUSE BILL NO. 2

AN ACT

RELATING TO INSURANCE COMPANIES; AUTHORIZING DOMESTIC AND FOREIGN LIFE INSURANCE COMPANIES TO INVEST A LIMITED PORTION OF THEIR FUNDS IN REAL ESTATE FOR THE PRODUCTION OF INCOME, AND IN TITLES TO REAL PROPERTY; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. INVESTMENTS FOR THE PRODUCTION OF INCOME. In addition to all investments now authorized by law, any domestic or foreign life insurance company authorized to transact business in this state, may invest its funds in real estate for the production of income, and for that purpose may purchase or improve, manage, operate, sell, lease or dispose of such real estate, subject to the following provisions:

(a) The term "real estate" as used herein, shall mean lands and the appurtenances thereto and improvements thereon, or to be placed thereon.

(b) Investments made by any company pursuant to this section shall not exceed in the aggregate ten per cent of the admitted assets of the company, and in the case of life insurance companies making investments for the production of income in real estate located in other states, no investment shall be made in this state unless the total of such investments in this and other states, and the proposed investment in this state, shall aggregate not more than ten per cent of the admitted assets of the company.

(c) Any investment in a single parcel of real estate as defined above, shall not exceed five per cent of the admitted assets of the company.

Sec. 2. INVESTMENTS IN TITLES TO REAL PROPERTY. In addition to all investments now authorized by law, any domestic or foreign life insurance company authorized to transact business in this state may invest its funds in titles to real property, where such titles are subject to an agreement of purchase and sale, provided such investment shall not exceed sixty-six and two-thirds per cent of the fair market value of the real property covered by such agreement, provided no investment shall be made in this state unless the total of such investments in this and other states, and the proposed investment in this state, shall aggregate not more than ten per cent of the admitted assets of the company.

Sec. 3. VALUATION OF INVESTMENTS AND ADMITTED ASSETS. All investments in real estate made pursuant to this Act shall be valued at the fair market value of the land and improvements. The admitted assets of the insurance company for the purpose of this Act shall be determined as of December 31st preceding the date of acquisition of any such investment.

Sec. 4. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—October 7, 1948.

Filed in the Office of the Secretary of State—October 7, 1948.

CHAPTER 7

HOUSE BILL NO. 18

AN ACT

RELATING TO AUTHORIZED INVESTMENTS AND LOANS OF DOMESTIC INSURANCE COMPANIES, AMENDING SECTION 61-325, ARIZONA CODE OF 1939, AND ENLARGING THE SCOPE OF INVESTMENTS AND LOANS OF DOMESTIC INSURANCE COMPANIES BY PERMITTING DOMESTIC INSURANCE COMPAN-

IES TO MAKE FIRST MORTGAGE LOANS UP TO THE AMOUNT OF FEDERAL INSURANCE THEREON; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Section 61-325, Arizona Code of 1939, as amended by Section 1, Chapter 70, Session Laws of 1943, is amended to read:

61-325. AUTHORIZED INVESTMENTS — REPORTS — LOANS ON REAL PROPERTY—SALE. Domestic companies may invest their capital and accumulations in the following named securities only: 1. In the purchase of or loans upon interest bearing bonds of the United States government, or of a state of the United States not in default for interest on such bonds; or of any of the counties and incorporated cities and towns and duly organized school districts of any state or territory of the United States not in default for interest on such bonds; 1a. in obligations issued pursuant to the provisions of the Federal Home Loan Bank Act (U.S.C., tit. 12, s 1421-1449; 4 F.C.A., tit. 12, s 1421-1449), approved July 22, 1932, as now or hereafter amended; in obligations issued pursuant to Title IV of the National Housing Act (U.S.C., tit. 12, s 1724-1730; 4 F.C.A., tit. 12, S 1724-1730), approved June 27, 1934, as now or hereafter amended; and in the shares, share accounts, investment certificates or accounts of any building and loan association, savings and loan association or other institution wherever located, including any federal savings and loan association, which has the insurance protection provided by Title IV of the National Housing Act (U.S.C., tit. 12, s 1724-1730; 4 F.C.A., tit. 12, s 1724-1730), approved June 27, 1934, as now or hereafter amended up to the amount such shares, share accounts, investment certificates or accounts are insured by the Federal Savings and Loan Corporation. 2. In loans upon unincumbered real property, worth fifty (50) per cent more than the amount loaned thereon, exclusive of buildings unless such buildings are insured and the policies transferred to the company, and in any loan guaranteed by an instrumentality of the United States to the extent of such guaranty. 3. Companies engaged in insuring titles to real property may, after the investment of fifty thousand dollars (\$50,000.00) in the above securities, invest an amount not exceeding fifty (50) per cent of their subscribed capital stock, in the preparation and purchase of material or plant necessary to enable them to engage in such business; and such materials or plant shall be an asset valued at the actual cost thereof; and, 4. companies having invested in securities named in subsections 1 and 2 an amount equal to the paid up capital stock required of stock companies engaged in such kinds of insurance busi-

ness, may invest the balance of their capital and accumulations in purchase of or loans upon, interest bearing bonds (not in default of interest) of any corporation of any state of the United States, or of the District of Columbia, upon approval of the commission, and upon a majority vote of all the directors of such corporation or a unanimous vote of a committee thereof charged with the duty of investing or loaning the funds of the company and, provided, such bonds be secured by collateral worth at least fifty (50) per cent more than their par value and not more than one-third of the total value of the collateral security be shares of stock. The officers of such corporation shall report quarterly during the months of January, April, July and October of each year to the commission a list of such investments so made by them, and the commission may, if such investments or any of them seem injudicious, require the sale of same. But no investment in the securities named in sub-sections 1 or 4 of this section may be made in an amount exceeding the market value of such securities, at the date of such investment. Every domestic company doing business in other states or in foreign countries, may invest the funds required to meet its obligations incurred in such other state or foreign country, and in conformity to the laws thereof, in the same kind of securities of such other state or foreign country that such company is by law allowed to invest in this state. A life insurance company may lend a sum not exceeding the legal reserve which it maintains upon a policy upon the pledge to it of said policy and its accumulations as collateral security, but this section shall not authorize one insurance company to obtain by purchase or otherwise, the control of any other insurance company. A domestic company may invest in such real property as is necessary for the home offices of its business and may rent space therein not immediately required for its own use, provided, that such investment shall not reduce the surplus assets, exclusive of such investment, to less than fifty (50) per cent of the minimum capital required by law of such company; provided, further, that such investment shall not be made by a domestic mutual insurance company that will reduce the surplus assets, exclusive of such investment, of such company to less than fifty thousand dollars (\$50,000.00). All investments, loans and deposits of the funds and securities of each domestic company and all purchases on behalf of every such company and all sales made of the property and effects of such company shall be made in its corporate name, and no officer or other person having any authority in the investment or disposition of its funds, shall accept or receive, except for the company, or be the beneficiary of, either directly or remotely, any fee, gift or other consideration for or on account of any loan, deposit, purchase, sale, payment or exchange made by or on behalf of such company, or be pecun-

iarly interested therein either as borrower, principal, co-principal, agent, attorney or beneficiary. No investment, sale or loan, except loans upon its own policies, shall be made which has not first been authorized by the board of directors, or by a committee thereof charged with the duty of investing or loaning the funds of the company, nor shall any deposit be made in a banking institution unless such bank has first been approved as bank of deposit by the board of directors or said committee thereof, and unless a vote authorizing such investment, sale or loan, or approval of the place of deposit, has been recorded in the books of the company. Every domestic company may acquire title to any property under the conditions of any mortgage owned by it, or by the purchase or set-off on execution upon judgment for debts, due it previously contracted in the course of its business, or by purchase in settlement for debts; and such company shall dispose of all such personal property within one (1) year and real property within three (3) years from the time of acquiring same, but the commission, upon proper showing and application may extend such period a reasonable time, not exceeding two (2) years.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act shall become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—October 7, 1948.

Filed in the Office of the Secretary of State—October 7, 1948.

CHAPTER 8

HOUSE BILL NO. 30

AN ACT

MAKING AN ADDITIONAL APPROPRIATION TO THE ATTORNEY-GENERAL, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the other appropriations, the sum of five thousand dollars is hereby appropriated to the Attorney-General.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the purpose of defraying the necessary expenses for personal services, in and out of state travel and other incidental expenses of the Attorney-General in connection with the intervention by Arizona in a civil action filed in the Federal District Court in Washington, D. C., by certain reservation Indians seeking an injunction against Secretary of Interior Krug, Federal Security Administrator Oscar Ewing, Secretary of the Treasury Snyder and Comptroller General Lindsay C. Warren.

Sec. 3. EXEMPTION. The funds hereby appropriated shall remain available until the need for the same or any part thereof as set forth in section 2 hereby shall no longer exist.

Sec. 4. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act shall become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—October 7, 1948.

Filed in the Office of the Secretary of State—October 7, 1948.

CHAPTER 9

SENATE BILL NO. 11

AN ACT

MAKING AN APPROPRIATION TO THE STATE HOSPITAL FOR THE INSANE, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of one-hundred and nine thousand, two-hundred and twenty-three dollars and forty-seven cents, (\$109,223.47) is hereby appropriated to the Arizona State Hospital for the remainder of the 37th fiscal year.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section one are ninety-five thousand, two hundred eighty-eight dollars and sixty-three cents

(\$95,288.63), for the reactivation and operation of the State hospital area of the former Florence prisoner of war camp and thirteen thousand, nine-hundred thirty-four dollars and eighty-four cents (\$13,934.84) for insurance on state hospital property.

Sec. 3. EMERGENCY. To preserve the public peace, health and safety, it is necessary that this act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—October 13, 1948.

Filed in the Office of the Secretary of State—October 13, 1948.

CHAPTER 10

HOUSE BILL NO. 15

AN ACT

MAKING A DEFICIENCY APPROPRIATION TO THE SECRETARY OF STATE.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of six thousand five hundred forty-five dollars forty-six cents is appropriated to the secretary of state, to satisfy a deficiency existing in the fund created by subdivision 6, section 1, chapter 142, Laws of 1947, regular session, for the purpose of preparing, printing and distributing initiative and referendum publicity pamphlets.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—October 13, 1948.

Filed in the Office of the Secretary of State—October 14, 1948.

CHAPTER 11

HOUSE BILL NO. 27

AN ACT

MAKING AN APPROPRIATION TO THE STATE PRISON FOR THE PAYMENT OF ASSESSMENTS FOR NEW WELL CONSTRUCTION, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of three thousand nine hundred eighty-two dollars fifty cents is appropriated to the state prison.

Sec. 2. PURPOSE. The purpose of the appropriation made under the provisions of section 1 is to satisfy special assessments of the San Carlos irrigation and drainage district for new well construction, due March 1, 1948, March 1, 1949, and March 1, 1950.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—October 13, 1948.

Filed in the Office of the Secretary of State—October 14, 1948.

CHAPTER 12

HOUSE BILL NO. 29

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE PRISON, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of subdivision 31, section

1, chapter 142, Laws of 1947, regular session, the sum of twenty-four thousand dollars is appropriated to the state prison for the thirty-seventh fiscal year, to be available for other current expenditures.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—October 13, 1948.

Filed in the Office of the Secretary of State—October 14, 1948.

CHAPTER 13

HOUSE BILL NO. 35

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION FOR THE PAYMENT OF THE CURRENT AND CONTINGENT EXPENSES OF THE EIGHTEENTH LEGISLATURE, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of nine thousand dollars is appropriated, and the remaining balance appropriated in chapter 1, seventh special session, Laws of 1948, is hereby reappropriated for the operation of the House of Representatives, Eighteenth Legislature. The sum of two thousand nine hundred dollars is appropriated, and the remaining balance appropriated in chapter 1, seventh special session, Laws of 1948, is hereby reappropriated for the operation of the Arizona State Senate, Eighteenth Legislature.

Sec. 2. PURPOSE. The purpose of the appropriations and reappropriations made under the terms of section 1 is to provide for the payment of the current and contingent expenses of the Eighteenth Legislature.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act shall become

immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—October 13, 1948.

Filed in the Office of Secretary of State—October 14, 1948.

CHAPTER 14

HOUSE BILL NO. 36

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF LIBRARY AND ARCHIVES FOR THE STATE LEGISLATIVE BUREAU, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of three thousand dollars (\$3,000.00) is appropriated to the department of library and archives, for the state legislative bureau.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 shall be expended for defraying expenses of the state legislative bureau.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—October 13, 1948.

Filed in the Office of Secretary of State—October 14, 1948.

CHAPTER 15

HOUSE BILL NO. 37

AN ACT

MAKING AN APPROPRIATION TO THE GOVERNOR, FOR THE FUND FOR CAPITOL BUILDING AND GROUNDS, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The sum of one hundred and fifty dollars (\$150.00) is appropriated to the governor, for the fund for capitol building and grounds.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to defray the expense of extra janitors and supplies for the eighteenth legislature.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act shall become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—October 13, 1948.

Filed in the Office of the Secretary of State—October 14, 1948.

CHAPTER 16**HOUSE BILL NO. 5****AN ACT**

CALLING A SPECIAL ELECTION TO SUBMIT PROPOSED AMENDMENTS TO THE CONSTITUTION; PROVIDING FOR PUBLICITY, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. SPECIAL ELECTION. Under the authority of section 1, article XXI, Constitution of Arizona, a special election is called to be held November 2, 1948, concurrently with the regular general election to be held on such date, and to be conducted by the officers conducting said regular election.

Sec. 2. PURPOSE. The purpose of the special election called under the provisions of section 1 is to submit to a vote of the people an amendment of the Constitution providing for succession to the office and to the powers and duties of Governor, at a date not permitting full compliance with the provisions for publicity prescribed by section 60-107, Arizona Code of 1939.

Sec. 3. PUBLICITY. The secretary of state shall cause to be printed in pamphlet form a true copy of the title and text of each such proposed amendment, with the number and form in which the title thereof will be printed on the official ballot, together with such arguments as may be submitted to him, within seven days from the date of approval of this Act, but not later than October 19, 1948.

Any person may file with the secretary of state an argument advocating or opposing any measure with respect to which the referendum has been invoked. Each such argument shall be signed by each such person sponsoring the same, or shall be signed by the officers of an organization sponsoring the same. Any person or organization may publish his arguments simultaneously with the publication of the title and text of each such proposed amendment, provided, however, that the person filing and publishing any such argument shall pay for the cost of such publication.

Not less than ten days before the special election, as provided in section 1, the secretary of state shall cause each such proposed amendment to be published for a period of at least three days in a daily newspaper or, if there is no such newspaper, at least one time in a weekly newspaper in every county of the state in which a newspaper shall be published. Within ten days before the special election, called as provided in section 1, the secretary of state shall cause to be delivered to the board of supervisors in each county a quantity of such publicity pamphlets equal to the number of registered voters in each county, according to the registration lists of each county as shown by the last prior primary election. It shall be the duty of the election board at said special election, as provided in section 1, to offer one copy of said publicity pamphlet to each elector applying to vote.

Sec. 4. APPROPRIATION. The sum of five thousand dollars is appropriated to the secretary of state to defray the expenses incurred in carrying out the provisions of section 3.

Sec. 5. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act shall become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—October 15, 1948.

Filed in the Office of the Secretary of State—October 15, 1948.

CHAPTER 17

HOUSE BILL NO. 38

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE ARIZONA STATE BOARD OF SOCIAL SECURITY AND WELFARE AND/OR THE ARIZONA STATE DEPARTMENT OF PUBLIC WELFARE FOR THE REMAINDER OF THE 37TH FISCAL YEAR, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of section 1, chapter 4, Laws of 1947, first special session, there is hereby appropriated to the State Board of Social Security and Welfare and/or the Arizona State Department of Public Welfare as provided by House Bill No. 32 for the remainder of the thirty-seventh fiscal year, the sum of one million two hundred twenty-three thousand one hundred twenty dollars (\$1,223,120.00) to be available for the following purposes and in the following amounts:

	<u>For the remainder of the 37th fiscal year</u>
Administration, state office	
Commissioner's Salary	\$ 800.00
Other Personal Services — Additional Em- ployees	5,720.00
Legal Services — Special Assistant Attorney General	4,000.00
State Travel	250.00
Out-of-state Travel	1,000.00
Subscriptions and organization dues	100.00
Subscriptions for services and reports from Phoenix and Tucson for Social Service Ex- change	1,800.00
Capital Outlay—Bookkeeping Machine	1,000.00
Other current expenditures	750.00
	<hr/>
Total administration of state office	\$ 15,420.00

	<u>For the remainder of the 37th fiscal year</u>
Administration, county offices	
Personal services—additional employees which may include present part-time employees	46,700.00
State Travel	2,400.00
Subscriptions	100.00
Capital Outlay	\$ 1,000.00
Total administration of county offices	\$ 50,200.00
Merit System	500.00
Total administration	\$ 66,120.00
Old age assistance	150,000.00
Aid to dependent children	900,000.00
Aid and services to the blind	50,000.00
Foster home care	40,000.00
Crippled Children's Medical and Hospital services	17,000.00
Grand Total	\$1,223,120.00

Sec. 2. ADDITIONAL PERSONNEL. The appropriations for personal services made herein shall be for the following additional employees:

State Department:

- 1 Consultant, Blind Service
- 3 Stenographers (1)

County Offices:

- Apache County
 - 1 Social Worker
- Cochise County
 - 2 Social Workers
- Coconino County
 - ½ Social Worker
- Gila County
 - 1 Social Worker
 - ½ Stenographer

Graham County	
	½ Social Worker
	1 Clerk-Typist
Greenlee County	
	½ Social Worker
Maricopa County	
	5 Social Workers
	1 Case Work Supervisor
	3½ Stenographers
	3 Clerk-Typists
Mohave County	
	1 Social Worker
Navajo County	
	1 Social Worker
Pima County	
	2½ Social Workers
	2 Stenographers
	1 Clerk-Typist
	1 Clerk
Pinal County	
	2 Social Workers
	1 Stenographer
Santa Cruz County	
	½ Social Worker
Yavapai County	
	½ Social Worker
	1 Stenographer
Yuma County	
	1 Stenographer

and provided, however, that no funds appropriated under this Act for personal services, except for the commissioner and part-time employees now on the state or any county payroll shall be used to pay the salary of any person employed by the state or any county department of public welfare on the effective date of this Act. Nor shall any of said funds appropriated for salaries to the state department or any county department be used for any department other than that specified in such appropriation and provided that the number of additional employees of the state department or any county department shall not exceed the number set forth herein.

Sec. 3. FEDERAL GRANTS. The appropriation made under the provisions of section 1, with the exception of the amounts designated for administration, is in addition to funds

granted to the state by the federal government for the same purposes, but shall be deemed to include the sums deposited in the state treasury to the credit of the state board of social security and welfare pursuant to the provisions of section 73-1322, Arizona Code of 1939. The appropriation for administration is the total appropriation for such purpose, and is deemed to include all sums paid the state by the federal government for administration under Public Law 719, Seventy-ninth Congress, title 5.

Sec. 4. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act shall become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—October 25, 1948.

Filed in the Office of the Secretary of State—October 25, 1948.

CHAPTER 18

HOUSE BILL NO. 31

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA NATIONAL GUARD; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. In compliance with provisions of H. B. 37, Chapter 41, Laws of the Fifth Special Session of the 18th Legislature, the sum of thirty-five thousand dollars (\$35,000.00) is hereby appropriated to the National Guard of Arizona for armory buildings for the Military Department.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 hereof is for the purpose of completing the transfer of certain state land occupied by the State National Guard as an armory in Mesa, Arizona, to the Mesa School District in compliance with the terms of H. B. 37, Chapter 41, Laws of the Fifth Special Session of the 18th Legislature; said H. B. 37 containing the further provisions that said Mesa School District shall furnish to the State of Arizona five (5)

acres of land and pay the sum of thirty-five thousand dollars (\$35,000.00) into the general fund of the State of Arizona, which sum is made in said H. B., subject to appropriation to the National Guard for armory buildings for the Military Department.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act shall become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—October 25, 1948.

Filed in the Office of the Secretary of State—October 25, 1948.

CHAPTER 19

HOUSE BILL NO. 28

AN ACT

RELATING TO THE INSTITUTE OF EDUCATIONAL REHABILITATION, AMENDING CHAPTER 7, LAWS OF 1947, SECOND SPECIAL SESSION, EIGHTEENTH LEGISLATURE, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. APPROPRIATION. The appropriations made under the terms of section 1, Laws of 1947, Second Special Session, Eighteenth Legislature are amended to read:

Section 1. APPROPRIATION, INSTITUTE OF EDUCATIONAL REHABILITATION.

	<u>For the 37th fiscal year</u>
Personal Services	\$ 38,620.40
Other Current expenditures, Capital outlay and necessary improvements	139,940.35
Total	<u>\$178,560.75</u>

Sec. 2. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure to take effect as provided by law.

Approved by the Governor—October 25, 1948.

Filed in the Office of Secretary of State—October 25, 1948.

CHAPTER 20

HOUSE BILL NO. 32

AN ACT

PROVIDING FOR THE CREATION OF STATE AND COUNTY DEPARTMENTS OF PUBLIC WELFARE AND STATE AND COUNTY BOARDS OF PUBLIC WELFARE; FIXING THE POWERS AND DUTIES OF THE DEPARTMENTS AND BOARDS; RELATING TO OLD AGE ASSISTANCE, ASSISTANCE TO NEEDY BLIND, ASSISTANCE TO DEPENDENT CHILDREN, CHILD PLACEMENT AND GENERAL ASSISTANCE; PROVIDING FOR ADMINISTRATION BY THE STATE BOARD OF PUBLIC WELFARE OF ALL TYPES OF ASSISTANCE; TRANSFERRING THE POWERS AND FUNCTIONS OF THE STATE DEPARTMENT OF SOCIAL SECURITY AND WELFARE TO THE STATE DEPARTMENT OF WELFARE, AND AMENDING ARTICLES 1, 2, 3, 4, 5 AND 6 OF CHAPTER 70, ARIZONA CODE OF 1939, AS AMENDED, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Article 1 of chapter 70, Arizona Code of 1939, as amended, is amended to read:

Article I

DEPARTMENT OF PUBLIC WELFARE

70-101. DEFINITIONS. As used in this Act, unless the context otherwise requires:

“State department” means the Arizona state department of public welfare.

“County department” means the county department of public welfare.

“State board” means the Arizona state board of public welfare.

“County board” means the county board of public welfare.

“Commissioner” means the commissioner of the Arizona state department of public welfare.

“Applicant” means a person who has applied for assistance

or services under the terms of this Act, or a person who has applied for assistance or services under the terms of this Act who has custody of a dependent child.

“Recipient” means any person who has received assistance or services under the terms of this Act, or a person with whom a dependent child is living while receiving assistance under the terms of this Act.

“Assistance” means money payments to a person or persons in need as provided for in this Act.

“Services” means aid, other than money payments, rendered to a person or persons in need as provided for in this Act.

“Dependent child” means a needy child under the age of sixteen, or under the age of eighteen if regularly attending schools, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and whose relatives liable under the law for his support are not able to provide adequate care and support of such child without public assistance, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, or aunt, in a place of residence maintained by one or more of such relatives as his or their own home.

“Child welfare agency” or “agency” means any agency or institution maintained by a municipality, county, person, firm, corporation, association, or organization to receive dependent, neglected, delinquent, or mentally or physically handicapped children for care and maintenance or for placement in a family home or any institution that provides care for unmarried mothers and their children.

70-102. ARIZONA STATE DEPARTMENT OF PUBLIC WELFARE. There is hereby created the Arizona state department of public welfare which shall consist of a state board of public welfare, a commissioner of public welfare, and such other officers and employees as may be hereinafter authorized.

70-103. ARIZONA STATE BOARD OF PUBLIC WELFARE. The state board shall consist of five members appointed by the Governor, by and with the advice and consent of the senate, on a basis of recognized interest in and knowledge of the problems of public welfare. The members of the state board shall be appointed without regard to political affiliations for overlapping terms of five years. The first appointment shall be made on the third Monday in January

1949 when there shall be appointed one member for a term ending January 31, 1951, and one member for a term ending January 31, 1952; and on July 1, 1949 there shall be appointed one member for a term ending January 31, 1953, and one member for a term ending January 31, 1954; and on July 1, 1950 there shall be appointed one member for a term ending January 31, 1955. Thereafter all appointments shall be for a term of five years, except that any vacancy occurring in the membership of the board for any cause shall be filled by appointment by the Governor; a member thus appointed by the Governor shall be a member in good standing until such time as the senate may convene and confirm or deny confirmation of the appointment. If the appointment shall be confirmed by the senate, the member thus appointed shall serve the remainder of the unexpired term; if confirmation of the appointment is denied by the senate, a new member shall then be appointed by the Governor, by and with the advice and consent of the senate, to serve the unexpired term. The board shall hold regular monthly meetings and, in addition, may hold such special meetings as the board may determine desirable for the good of the department. The absence from six regular monthly meetings on the part of any board member during any twelve month period shall be considered to constitute a resignation, and a new member shall be appointed to fill the unexpired term. Every member appointed as prescribed above, and all members of the present board of social security and welfare shall serve as members of the board of public welfare until his successor shall have been duly appointed and qualified except that any member who offers himself as a candidate for public office shall automatically be disqualified for membership on the board.

70-104. COMPENSATION AND EXPENSES OF STATE BOARD MEMBERS. For services rendered while attending general or special meetings of the board, or while performing official duties for the board, each member of the state board shall, in addition to receiving actual and necessary expenses as provided by law, be paid the sum of fifteen dollars per day; provided, that no board member shall receive compensation for more than a total of forty-five days for the first fiscal year and not in excess of thirty days of service during any fiscal year thereafter, and provided further that no board member who is otherwise on the public payroll, shall receive such payment if such payment is prohibited by law or general practice.

70-105. DUTIES OF THE STATE BOARD. It shall be the duty of the state board to supervise, control and administer as a board the state department of public welfare, and to select a commissioner for the state department, in accord-

ance with the qualifications set forth in this Act, who shall serve at the pleasure of the state board and whose salary shall be fixed by the state board in amount not to exceed six thousand dollars per annum. The state board shall be responsible for the adoption of all policies, rules and regulations for the government of the state and county departments, and all administrative and executive duties and responsibilities of the state department shall be discharged by the commissioner subject to the authority of the state board. The state board shall have the power and it shall be its duty to regulate the fixing of minimum standards of service and to fixing of salary schedules for the classified services based upon training, experience and general ability for persons selected for positions in the state and county departments.

The state board shall provide for holding a minimum of one general meeting every six months, which meeting shall be attended by all members of the state and county board, the division heads of the state department and such other personnel as the state board may direct.

70-106. STATE COMMISSIONER. The commissioner of the state department shall be appointed by the state board wholly on the basis of his training, ability, and experience in welfare administration.

70-107. DUTIES OF THE COMMISSIONER. (a) The commissioner shall serve as the executive and administrative officer of the state department and shall be secretary of the state board.

(b) The commissioner shall prepare annually a full report of the operations and administration of the state department together with recommendations and suggestions, and such report shall be submitted to the Governor not later than three months after the close of the fiscal year.

(c) The commissioner, subject to the approval of the state board, shall appoint such personnel in the state department as may be necessary for the efficient performance of the duties prescribed in this Act.

(d) The commissioner shall cooperate with the federal government in any reasonable manner, by agreements or otherwise, as may be necessary to qualify for federal grants for assistance and/or services in conformity with the provisions of this Act.

(e) The commissioner, subject to the approval of the state

board shall do all things necessary and proper for the efficient execution of the provisions of this Act.

70-108. ACTIVITIES OF THE STATE DEPARTMENT.

The state department shall be charged with the administration of all public welfare activities of the state as hereinafter provided. The state department shall:

(a) Administer all forms of public relief and assistance except those which by law are administered by other departments, agencies or boards.

(b) Approve the incorporation of charitable agencies.

(c) Administer all child welfare activities, including importation of children; licensing and supervising of private and local public child-caring agencies and institutions; the care of dependent, neglected, and delinquent children in foster family homes, or in institutions, especially children placed for adoption.

(d) Establish and administer a program of service for children who are crippled or who are suffering from conditions which lead to crippling, which shall provide for developing, extending, and improving services for locating such children, and for providing for medical, surgical, corrective, and other services, and care, and facilities for diagnosis, hospitalization, and aftercare; supervise the administration of those services included in the program which are not administered directly by it; extend and improve any such services, including those in existence on the effective date of this Act; cooperate with medical, health, nursing, and welfare groups and organizations, and with any agency of the state charged with the administration of laws providing for vocational rehabilitation of physically handicapped children; to cooperate with the federal government, through its appropriate agency or instrumentality in developing, extending, and improving such services; and receive and expend all funds made available to the department by the federal government, for services to crippled children, the state or its political subdivisions, or from other sources, for such purposes.

(e) Develop such agencies as it may deem necessary for providing services to the blind including the prevention of blindness, the location of blind persons, medical service for eye conditions, vocational guidance and training of the blind, placement of blind persons in employment, instruction of the adult blind in their homes, and other social services for blind persons, or cooperate with such similar agencies already established.

(f) Assist other departments, agencies and institutions of the state and federal governments, when so requested, by performing services in conformity with the purposes of this Act.

(g) Act as the agent of the federal government in the furtherance of any functions of the state department.

(h) Carry on research and compile statistics relative to the entire public welfare program throughout the state, including all phases of dependency, defectiveness; cooperate with the superior courts in cases of delinquency and related problems; and develop plans in cooperation with other public and private agencies for the prevention as well as treatment of conditions giving rise to public welfare and social security problems; to make the necessary expenditures in connection therewith.

(i) Make such rules and regulations, and take such action deemed necessary or desirable to carry out the provisions of this Act, and which are not inconsistent therewith.

(j) Administer such additional welfare functions as are hereby or may hereinafter be vested in it by law.

70-109. PERSONNEL. (a) The state board shall:

1. Classify all positions in the administration of this article (except that of the state commissioner).

2. Fix standards for all positions included in the classification.

3. Formulate, without regard to the state minimum wage law (section 56-101), salary schedules for the services so classified.

4. Provide for the fair and impartial selection, appointment, and retention of all personnel (except the commissioner and attorney) on the basis of open competitive merit examinations, notice of which shall be published in the press of the state not less than thirty days before the holding thereof; and provide for a fair and impartial system of separation from service through resignation or removal.

5. Provide for annual merit ratings of all employees in the services so classified, and provide for the use of those ratings in connection with promotions, layoffs, discipline, removal, and salary increments.

6. Establish such rules and regulations as are necessary to maintain standards established by the state department.

7. Determine the number of personnel to be employed in each classification in the state office and in the several county offices.

(b) All officers and employees of the state and county departments, as hereinbefore prescribed, shall be employed in accordance with the provisions of this section.

70-110. DEPARTMENTAL ORGANIZATION. There shall be created in the state department such divisions as the state board may find necessary for effective administration.

70-111. COUNTY BOARDS. (a) In each county there shall be a county board of public welfare, consisting of one member of the county board of supervisors and two citizen members, residents of different communities of the county, appointed by the county board of supervisors without regard to political affiliations, which county board shall select its own chairman who shall serve for a period of one year. Upon the expiration of the terms of the present members the county board of supervisors shall appoint one citizen member for a term ending January 31, 1950, and one citizen member for a term ending January 31, 1952. Thereafter all citizen members shall be appointed for a term of four years. The member of the county board of supervisors who shall be appointed to the county board of public welfare shall be appointed to serve for a term which shall correspond to his term, or the remainder of his term, as a member of the county board of supervisors.

In the event of a vacancy occurring in the membership of the board for any cause, the county board of supervisors shall appoint a member, subject to qualifications of this Act, to serve for the unexpired term.

The board shall hold regular monthly meetings and, in addition, may hold such special meetings as the board may determine desirable for the good of the department. The absence from six regular monthly meetings on the part of any board member, during any twelve-month period, shall be considered to constitute a resignation and a new member shall be appointed by the county board of supervisors to fill the unexpired term. Every member appointed as prescribed above shall serve until his successor shall have been duly appointed and qualified, except that any citizen member who offers himself as a candidate for public office shall automatically be disqualified for membership on the board.

70-112. COMPENSATION AND EXPENSE OF COUNTY BOARD MEMBERS. For services rendered while attending general or special meetings of the board, or while performing official duties for the board, each citizen member of the board shall, in addition to receiving the actual and necessary expenses as provided by law, be paid the sum of ten dollars per day; provided, that no board member shall receive compensation for more than a total of thirty days of service during any fiscal year; and provided further that no board member who is otherwise on the public payroll shall receive such payment if such payment is prohibited by law or general practice.

70-113. DUTIES OF COUNTY BOARDS. (a) The several county boards shall be under the direct supervision and control of the state department, and shall perform such duties as may be prescribed by the state department.

(b) It shall be the duty of the county boards to assist the state department in the administration of welfare and relief work in their respective counties; to keep the state department fully informed with respect to social welfare conditions therein; to cooperate with local private relief, welfare, and charitable organizations; to advise county and municipal authorities on questions of welfare, relief, distribution of funds, and social security, and generally, with the approval of the state department, to do those things necessary and proper, within their respective jurisdictions, to carry out the purposes of this Act.

(c) Each county board may employ a full-time executive secretary, and such other employees as may be necessary for the discharge of the duties of the board.

70-114. COUNTY DEPARTMENTS OF PUBLIC WELFARE. There is hereby created a county department of public welfare in each of the counties in Arizona which shall consist of the county board of public welfare, a county executive secretary and such other officers and employees as is provided for in this Act. Such personnel shall maintain an office in the county seat in quarters assigned and provided by the county board of supervisors.

70-115. POWER; ADMINISTRATION OF STATE FUNDS.

(a) The state department shall have the power to institute or approve work projects in any county for the employment of dependent unemployed persons receiving relief therefor.

(b) The state department shall act as the official agency for the state in any social welfare activity initiated by the

federal government and to administer any state funds that may at any time be appropriated or made available for the relief of dependent persons, except as may otherwise be provided by law.

70-116. TRANSFERS. As of the effective date of this Act:

(a) All records, files, and property, including office equipment, of the state board or department of social security and welfare are transferred to the state department of public welfare.

(b) Any unexpended balance of any appropriations made for the said board or department is made available to the state department of public welfare for the purpose of carrying out its duties and performing its obligations.

(c) All obligations, including the obligation to process applications for assistance or services, and the obligation to pay assistance or render services to recipients, of the said board or department are transferred to the state department of public welfare; provided, however, that no assistance shall be paid to any transferred recipient who does not meet and maintain the requirements set forth in this Act.

(d) All officers and employees, together with their relative standing and position under the merit system, of the said board or department are transferred to the department of public welfare; however, no such officer or employee so transferred shall be retained until and unless he shall meet the requirements as may be provided for in this Act, and provided further that no employee shall be retained if such retention is contrary to any provision of this Act.

70-117. CONFIDENTIAL NATURE OF RECORDS. (a) The state department shall have the power to make and enforce only such rules and regulations regarding the confidential nature and use of the records as may be required by federal law. The county departments shall make no rules or regulations regarding the confidential nature of the records.

70-118. ADMINISTRATIVE EXPENSES. (a) Administrative expenses of the state and/or county departments and/or boards shall be paid out of the funds made available for that purpose or objective by the legislature of the state of Arizona or by the federal government or any of its agencies.

(b) In this section, "administrative expenses" does not include: 1. grants in cash or kind to or for the benefit of

needy persons; 2. the cost of providing shelter and subsistence for needy persons; 3. the cost of rendering child welfare and crippled children's services; 4. the cost of distributing surplus commodities; 5. the cost of sponsoring work relief projects, either independently or in cooperation with any state or federal agency.

70-119. EXPENDITURES FOR PUBLIC WELFARE. The total amount which may be expended in any fiscal year by the state department for each of the objects and purposes provided by this Act, and any amendments thereto, shall, in no event, exceed the amount appropriated in the biennial general appropriation bill for each such object or purpose and any funds granted by the federal government for such object or purpose, together with such additional amounts as may be appropriated therefor by any special legislative appropriation bill other than section 73-1322, Arizona Code of 1939, as amended by initiative measure of 1942. If at the end of any fiscal year, there shall be an unencumbered balance of the appropriation for such fiscal year made to the state department for any such object or purpose, such balance shall be deemed to consist exclusively of funds other than those credited to the state department of public welfare pursuant to section 73-1322, Arizona Code of 1939, as amended by initiative measure of 1942.

70-120. ABSENCE IN SERVICE OF THE STATE OF ARIZONA OR OF THE UNITED STATES. Absence in the service of the state of Arizona or of the United States shall not be deemed to interrupt residence in this state, as provided in this Act, if a domicile is not acquired outside the state.

70-121. RESIDENCE IN THE STATE AFTER ASSISTANCE GRANTED. Any recipient of assistance desiring to reside outside of Arizona in excess of ninety days shall execute a form provided by the state department. Such form shall require the recipient to express his intent as to establishing legal residence outside of Arizona, or his intent and purpose for remaining outside of Arizona in excess of ninety days. If it is the intent of the recipient to establish legal residence outside of Arizona, he may continue to receive assistance from Arizona while residing in another state until such time as he meets the residence eligibility requirements for assistance in that state, or he may continue to receive assistance from Arizona for a period or periods the total of which does not exceed five years, whichever period is the lesser.

In no event shall any person continue to receive assistance

under this Act after he has received assistance from Arizona, while residing in another state, for a period or periods totaling five years or more.

70-122. DETERMINATION OF AGE AND PLACE OF BIRTH OF APPLICANT. In the event the state or county departments reject an application for assistance or service because of insufficient proof of age, and place of birth, the applicant may apply to the superior court of the county of his residence for a determination of his age and place of birth. The court shall hear the matter as expeditiously as possible, without a jury, and shall determine the age and place of birth of the applicant. The court shall admit as evidence writings in family bibles and baptismal records, if satisfied as to the authenticity thereof, and shall consider such other evidence as would be admissible in a civil action in which age or place of birth is a material issue. The court shall certify the age and place of birth of the applicant, as determined by it, to the county department, and the age and place of birth so certified shall be deemed to be the age and place of birth of the applicant for purposes of this Act.

70-123. APPLICATION FOR ASSISTANCE. Application for any form of assistance or service under this Act shall be made to the county in which the applicant resides. The application shall be in writing or reduced to writing in the manner and upon the forms prescribed by the state department and shall be verified by the oath of the applicant. Such application shall contain a statement of the amount of property both personal and real in which the applicant has an interest and of all income which he may have at the time of the filing of the application, and a statement of any property assigned or transferred within the five years immediately prior to the filing of the application for assistance, and such further information as may be prescribed by the state department.

70-124. INVESTIGATION OF APPLICATION. Whenever a county department receives an application for any form of assistance or service under this Act, an investigation and record shall promptly be made of the circumstances and such other information as may be required by the rules of the state department.

The county and/or state departments and the officers and authorized representatives thereof shall have the power to conduct examinations, subpoena witnesses, require the attendance of witnesses, and the production of books, records and papers, and shall pay all such witnesses the same fees and

mileage as are now paid witnesses in civil actions under section 34-131, Arizona Code of 1939. The officers and employees designated by the state department may also administer oaths and affirmations.

70-125. GRANTING OF ASSISTANCE. Upon the completion of such investigation the county department shall report its findings and recommendations to the state department, or an authorized representative of the state department, who shall decide whether the applicant is eligible for the assistance or service applied for under the provisions of this Act and shall determine the amount of such assistance or service and the date on which such assistance or service shall begin.

The applicant shall be notified of the decision in writing. Such assistance shall be paid monthly to the applicant. When an application is rejected in whole or in part, or when modification of the assistance is made, written notice shall be given to the applicant. Such notice shall carry information as to the opportunity for a fair hearing.

If assistance is granted, the state department shall make an award setting forth the date thereof, the recipient's name, age and residence, the amount of monthly assistance, and such other determination or information as it may deem necessary; and shall certify the facts with respect thereto on a blank to be prescribed by it, to the state auditor. Such award shall be binding until changed, modified, suspended, discontinued, or until the death of the recipient; and assistance shall commence on the date specified in the award.

No grants of assistance, except general assistance provided for in article 6 hereof, shall be paid from state funds unless matched by federal funds to the full extent in which the federal government will participate pursuant to the provisions of the Federal Social Security Act and all amendments thereto; provided, however, that if funds appropriated by Congress to the various states for old age assistance, aid to the blind, and aid to dependent children, are for any reason not available to the state for use in paying the above grants, the portion of each of such grants represented by the portion thereof to be paid from state funds only shall nevertheless be paid to each of such recipients.

70-126. PAYMENT OF ASSISTANCE. When an assistance award is made, the certification herein provided for to the state auditor shall, until modified, suspended or discontinued by order of the state department, or until the death of the recipient, be authority to the said official to draw his

warrant in payment of such assistance out of the proper fund provided for in this Act. The payment of assistance installments shall be by means of a warrant or warrants which shall be signed by the recipient before such warrant will be honored.

70-127. APPEAL TO THE STATE DEPARTMENT. If an application is not forwarded by the county board with its findings and recommendations to the state department within a reasonable time after the filing of the application or if the application is denied in whole or in part by the state department, the applicant or recipient may appeal to the state department in a manner and form prescribed by the state department. The state department shall, upon receipt of such an appeal, give the applicant or recipient an opportunity for a fair hearing.

The state department may also, upon its own motion, receive and consider any application upon which a recommendation has not been made by the county department within a reasonable time. The state department may make such additional investigation as it may deem necessary, and shall make such decision as to the granting of assistance or service and the amount of assistance or service to be granted the applicant as in its opinion is justified and in conformity with the provisions of this Act. If the application is denied in whole or in part by the state department, or if any award or assistance or service is modified or cancelled by the state department, the applicant or recipient may appeal to the state department. The state department shall, upon receipt of such an appeal, give the applicant or recipient an opportunity for a fair hearing. All decisions of the state department shall be final, and shall be binding upon the county department.

70-128. PERIODIC RECONSIDERATION AND CHANGE IN AMOUNT OF ASSISTANCE. All assistance or service grants made under this Act shall be reconsidered by the county departments as frequently as may be required by the rules of the state department. After such further investigation as the county department may deem necessary, or the state department may require, the amount of assistance or service may be changed or assistance or service may be entirely withdrawn if the state department finds that the recipient's circumstances have altered sufficiently to warrant such action. The state department may, at any time, cancel and revoke assistance or service for cause, and it may for cause suspend assistance or service for such period as it may deem proper. All such decisions shall be subject to review, and the granting of an opportunity for a fair hearing by the state department as provided in this Act.

70-129. NO FEES TO BE PAID. No person shall make any charge or receive any fee for representing an applicant or recipient of assistance or service in any proceedings hereunder except such fees as shall be determined by the state board, provided however, that this shall not apply to representation in criminal proceedings brought pursuant to any section of this Act.

70-130. RECOVERY FROM A RECIPIENT. If at any time during the continuance of any assistance or service under this Act, the recipient thereof becomes or is possessed of or is entitled to, or receives any property or income in excess of the amount stated in the application, or becomes ineligible for assistance or service under this Act, it shall be the duty of the recipient to notify the county department within thirty days of such fact, and the department shall after investigation either terminate the assistance or service or alter the amount thereof in accordance with the circumstances; and any excess assistance theretofore paid may be recovered by action at law.

If it is found that a recipient has obtained assistance or service by wilful misrepresentation, he shall be liable for the amount of the assistance paid in excess of the amount to which the recipient was legally entitled and an additional equal amount as liquidated damages.

70-131. FRAUDULENT ACTS. Whoever knowingly obtains, or attempts to obtain, or aids, or abets any person to obtain by means of a false statement or representation, or by impersonation, or by other fraudulent device:

1. Assistance or service to which he is not entitled;
2. Assistance or service greater than that to which he is justly entitled;
3. Payment of any forfeited installment grant; or aids or abets in buying or in any way disposing of the property of a recipient of assistance or service without the consent of the state department, with intent to defeat the purpose of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than two hundred and fifty dollars or be imprisoned for not more than three months, or be both so fined and imprisoned in the discretion of the court. In assessing the penalty, the court shall take into consideration the amount of money fraudulently received.

70-132. DUTY TO REPORT VIOLATIONS. Upon be-

coming aware that any applicant or recipient has, by misstatement, or by withholding facts, or otherwise, violated, or attempted to violate, knowingly or unknowingly, any provision of this Act which violation or attempted violation resulted in, or if undiscovered, would have resulted in the applicant or recipient receiving assistance or service, or in receiving more assistance or service, than that to which he was otherwise, or would have been otherwise justly entitled under the provisions of this Act, it shall be the duty of the person interviewing or consulting with such applicant for, or recipient of assistance or services to promptly make a written report, giving complete details, of such fact to the state department. The failure of any such person to make such report, or the failure of his or her supervisor or supervisors, if aware of the fact, to see that such employee makes such report shall be cause for immediate dismissal from the services of the department of public welfare.

70-133. VIOLATION PENALTY. Whoever violates any provision of this Act for which no penalty is specifically provided shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding two hundred and fifty dollars or to undergo imprisonment in the county jail not exceeding three months, or both.

70-134. ASSISTANCE NOT ASSIGNABLE. Assistance granted under this Act shall not be transferable or assignable, at law or in equity, and none of the money paid or payable under this Act shall be subject to execution, levy, attachment, garnishment or other legal process, or to the operation of any bankruptcy or insolvency law.

70-135. LIMITATIONS OF ACT. All assistance or service granted under this Act shall be deemed to be granted and to be held subject to the provisions of any amending or repealing Act that may hereafter be passed, and no recipient shall have any claim for compensation, or otherwise, by reason of his assistance or service being affected in any way by any amending or repealing Act.

70-136. DUTIES OF ATTORNEY GENERAL; OTHER COUNSEL. The attorney general shall be the legal advisor of the department, and shall give such legal service as the state department or commissioner may require. He shall prosecute and defend in the name of the state all actions necessary to carry out the provisions of this chapter; provided, however, that upon request of the state department the attorney general shall designate for such time and purposes as the state department may require, an attorney whose compen-

sation shall be fixed by the state department and shall be a charge against the administration fund.

70-137. **PERSONAL LIABILITY OF OFFICERS AND EMPLOYEES.** Neither the officers and/or employees of the state and/or county departments of public welfare shall be personally liable, except to the state of Arizona, for any official act done or omitted in connection with the performance of their respective duties under the provisions of this Act.

70-138. **NON-COMMUNIST AFFIDAVIT.** Any employee of the state or county board, including the commissioner and members of state and county boards, shall be entitled to draw compensation only after subscribing to an affidavit that he is not now, nor has been within a period of three years preceding the signing of the affidavit, a member of the Communist party or the Communist political association or any organization declared to be subversive by the attorney general of the United States, nor is affiliated with, or supports any organization that believes in or teaches the overthrow of the government of the United States either by force or any illegal or unconstitutional method.

Such affidavit shall be filed with the state auditor.

Sec. 2. Article 2 of chapter 70, Arizona Code of 1939, as amended, is amended to read:

Article 2

OLD AGE ASSISTANCE

70-201. **ADMINISTRATION.** Old age assistance as provided for in this article shall be administered by the Arizona state department of public welfare subject to the provisions of Article 1 of this Act.

70-202. **ELIGIBILITY FOR ASSISTANCE.** Assistance shall be granted under the provisions of this article to any person who meets and maintains the following requirements:

1. Is not less than sixty-five years of age.
2. Is a citizen of the United States.
3. Has resided in the state for not less than five years within the nine years, and continuously for not less than one year, immediately preceding the date of application for assistance, and the applicant shall be required to prove that he meets the residence requirements herein prescribed.

4. Is not an inmate of or being maintained by any municipal, state or federal institution at the time of receiving assistance except as a guest of the home for aged and infirm Arizona pioneers. An inmate of any such institution, except a penal institution, may make application for assistance but the assistance, if granted, shall not begin until after he ceases to be an inmate. This paragraph shall not be construed to prohibit the granting of assistance to a person temporarily confined in an institution for medical or surgical care.

5. If employable shall not refuse to accept employment available to him; provided, however, that if the conditions involved in the employment available to such person are not satisfactory to him, the county department after making thorough investigation and upon written finding of fact in each case, shall determine whether or not the acceptance of such employment shall be required as a condition of eligibility for assistance.

6. Does not own an interest or equity the value of which has not been measured in terms of a true approximate cash market value in any property, business enterprise, association, company, estate or any holdings of whatever nature.

7. Has not, within five years prior to the receipt of assistance, or during the continuation of assistance, made an assignment or transfer of property without fair consideration either with the intent of rendering himself eligible for assistance or of increasing his need for assistance under this article, or has not within five years prior to making application, or during the continuance of assistance, made a transfer of any property for any consideration other than negotiable assets approximating the true cash market value of such property.

8. Does not have resources in excess of the following:

(a) Household furnishings used by the recipient and his family in his usual place of residence.

(b) Wearing apparel and necessary personal effects.

(c) A dwelling house in which such person resides and the contiguous land upon which it is situated.

(d) Livestock used primarily for domestic purposes.

(e) One automobile.

(f) Life insurance, provided the beneficiary of such insurance is the estate of the insured, provided, however, that where substantial injustice would result to either the re-

recipient or his legal heirs by the enforcement of this provision, the state department may on an individual case basis waive this requirement and permit such recipient to retain life insurance not payable to the estate.

(g) A burial lot in a cemetery.

(h) Other property or assets of any description in this or any other state, including the fair value of non-homestead property, the combined true approximate market value of which does not exceed six hundred dollars.

70-203. INELIGIBILITY FOR OTHER PUBLIC ASSISTANCE. No person receiving assistance under this article shall at the same time receive any other public assistance by virtue of any provision of this Act.

70-204. AMOUNT OF ASSISTANCE. In determining the amount of assistance which a recipient may receive, it shall be the duty of the state and county departments to consider and take into account living conditions and all facts and circumstances surrounding the applicant or recipient, including his earning capacity, income and resources, from whatever source received; the amount of assistance when added to all other income, resources, support and maintenance shall provide such person with a reasonable subsistence compatible with the mode of life to which the recipient is accustomed. In each case an assistance plan shall be adopted based upon the foregoing.

In no event shall the amount of assistance paid to any recipient under the provisions of this article be in an amount when added to income from all other sources will cause the total income to exceed:

1. One hundred dollars per month if the recipient is living with self-supporting relatives, or if self-supporting relatives are living with the recipient, or

2. One hundred ten dollars per month if the recipient does not live with self-supporting relatives, and self-supporting relatives do not live with the recipient.

In no event, however, shall the total amount of assistance paid under the provisions of this article to any recipient exceed:

1. Fifty dollars per month if the recipient is living with self-supporting relatives, or if self-supporting relatives are living with the recipient, or

2. Sixty dollars per month if the recipient does not live with self-supporting relatives, and self-supporting relatives do not live with the recipient.

70-205. CLAIM FOR ASSISTANCE GRANTED.

1. CLAIM AGAINST THE ESTATE. Upon the death of any recipient of old age assistance the state of Arizona shall have a claim against his estate for the total amount of assistance paid to such recipient subsequent to the effective date of this Act, which claim shall be that of a general creditor. Provided, however, that no claim shall be filed against the estate of any recipient leaving a surviving spouse, a minor child, or any unmarried mentally handicapped child who is not confined in any public institution. Provided further, that no claim shall be filed against the first five hundred dollars valuation of any estate as valued by the inventory and appraisal in the probate of said estate.

2. DISPOSITION OF FUNDS RECOVERED. It shall be the duty of the state department or its authorized representatives to pursue the legal procedure necessary to collect the claims heretofore provided for.

The federal government shall be entitled to that percentage of any indebtedness recovered computed according to the rate of federal participation in the payments to the recipient or under any agreement entered into between the state department and the federal government upon which is dependent federal grants-in-aid extended to the state of Arizona, and this amount shall be determined by the state department and in no case shall exceed the amount contributed by the federal government to such person.

The state department shall forward all moneys so recovered to the treasurer of Arizona for deposit in the proper account. The state department shall certify to the state auditor a statement of the amount so received from the recipient or the estate of such recipient to which the federal government is entitled pursuant to any agreement entered into between the state department and the federal government or any agency thereof, upon which is dependent federal grants-in-aid extended to the state of Arizona for the purposes of this Act, and the state department shall certify to the federal security agency the amount of their proportion of such recovery which may be deducted from subsequent grants made by the federal security agency to the state department for each category of assistance.

3. DUTY TO REPORT CHANGE IN STATUS. If at any time during the continuance of assistance the recipient thereof becomes or is possessed of or entitled to, or receives, any property or income in excess of the amount stated in the application, or becomes ineligible for assistance under this Act, it shall be the duty of the recipient to notify the county department within thirty days of such fact, and the department shall after investigation either terminate the assistance or alter the amount thereof in accordance with the circumstances; and any excess assistance theretofore paid may be recovered by action at law.

If it is found that a recipient has obtained assistance by wilful misrepresentation, he shall be liable for the amount of the assistance paid in excess of the amount to which the recipient was legally entitled and an additional equal amount as liquidated damages.

70-206. RELATIVES' RESPONSIBILITY. If any recipient has within the state a spouse or adult child or children reasonably able to support him, such spouse, adult child or children shall be responsible for his support. If such spouse, adult child or children fail to provide such support the county department shall, with the aid of the attorney general or any civil legal officer of the county wherein such assistance is granted, proceed against the kindred in the order of their responsibility to support, i.e., first the spouse and second the adult child. Upon such demand the attorney general or any civil legal officer of the county wherein such assistance is granted shall, on behalf of said county department, maintain an action in the superior court of the county wherein such assistance is granted, against said relatives, in the order named, to recover for the state such portion of the assistance granted as said relative is able to pay, and to secure an order requiring the payment of any sums which may become due in the future for which the relative may be liable. Upon the failure of any county department to take such action within a reasonable length of time, it shall be the duty of the state department to see that such required action is taken. Any sum so recovered shall be forwarded by the county department to the state department, which department shall in turn forward all moneys so recovered to the treasurer of Arizona for deposit in the proper account. The state department shall certify to the state auditor a statement of the amount of moneys so received to which the federal government is entitled, pursuant to any agreement entered into between the state department and the federal government or any agency thereof, upon which is dependent federal grants-in-aid extended to the state of Arizona for the purposes of this article, and the state department shall certify to the federal security

agency the amount of their proportion of such recovery which may be deducted from subsequent grants made by the federal security agency to the state department for each category of assistance.

70-207. FUNERAL EXPENSES. On the death of the recipient, reasonable funeral expenses, not exceeding seventy-five dollars, unless in the opinion of the state board local conditions show the amount to be insufficient for the purpose required, but in no case to exceed one hundred dollars, may be paid by the state board, if the estate of the deceased is insufficient to pay the same, provided that burial shall be made in a cemetery not intended for indigent burials.

Sec. 3. Article 3 of chapter 70, Arizona Code of 1939, as amended, is amended to read:

Article 3

BLIND ASSISTANCE

70-301. ADMINISTRATION. Blind assistance as provided for in this article shall be administered by the Arizona state department of public welfare subject to the provisions of Article 1 of this Act.

70-302. ELIGIBILITY FOR BLIND ASSISTANCE. Assistance shall be granted under the provisions of this article to any person who meets and maintains the following requirements:

1. Has no vision, or whose vision, with correcting glasses, is so defective as to prevent the performance of ordinary activities for which his eyesight is essential.
2. Is sixteen years of age, or older, except that any person irrespective of age shall be eligible for medical treatment to restore sight or prevent blindness.
3. Lost his eyesight while a resident of the state or shall have resided in the state for not less than five years within the nine years, and continuously for not less than one year, immediately preceding the date of application for assistance and the applicant shall be required to prove that he meets the residence requirements herein prescribed.
4. Has not sufficient income or other resources to provide a reasonable subsistence compatible with the mode of life to which the applicant is accustomed.

5. Is not an inmate of or being maintained by any municipal, state, or federal institution at the time of receiving assistance. An inmate of an institution may make application for assistance, but the assistance, if granted, shall not begin until after he ceases to be an inmate. This paragraph shall not be construed to prohibit the granting of assistance to a person temporarily confined in an institution for medical or surgical care.

6. Has not within five years prior to the receipt of assistance, or during the continuance of assistance, made an assignment or transfer of property without fair consideration either with the intent of rendering himself eligible for assistance or of increasing his need for assistance under this article, or has not within five years prior to making application, or during the continuance of assistance, made a transfer of any property for any consideration other than negotiable assets approximating the true cash market value of such property.

7. Does not, during the period of receiving assistance, solicit alms.

8. Is not receiving old age assistance, but benefits, as authorized by section 70-310 of this article, may be extended to any person currently receiving old age assistance.

70-303. INELIGIBILITY FOR OTHER PUBLIC ASSISTANCE. No person receiving assistance under this article shall at the same time receive any other public assistance by virtue of any provisions of this Act.

70-304. AMOUNT OF ASSISTANCE. In determining the amount of assistance which a recipient may receive, it shall be the duty of the state and county departments to consider and take into account living conditions and all facts and circumstances surrounding the applicant or recipient, including his earning capacity, income and resources, from whatever source received; the amount of assistance when added to all other income, resources, support and maintenance shall provide such person with a reasonable subsistence compatible with the mode of life to which the recipient is accustomed. In each case an assistance plan shall be adopted based upon the foregoing.

In no event shall the amount of assistance paid to any recipient under the provisions of this article, exceed the sum of seventy dollars for any calendar month.

70-305. EYE EXAMINATIONS. The state department shall:

1. Fix the fees to be paid for examination of applicants, such fees to be paid out of funds appropriated to the state department.

2. Designate the procedure to be followed in securing a competent medical examination for the purposes of determining the cause of blindness and treatment thereof in the individual applicant for assistance.

3. Promulgate rules and regulations stating in terms of ophthalmic measurements the amount of visual activity which an applicant may have and still be eligible for assistance.

70-306. **ADVISORY COMMITTEE.** The state department shall appoint an advisory committee, of which the superintendent of the state school for the deaf and blind, and the superintendent of public health shall be ex officio members, which shall make a study and recommend to the state department a program of constructive service for the blind, with special emphasis upon prevention, cure, and rehabilitation. Funds appropriated under this Act may be utilized for the purpose of providing such constructive service.

70-307. **EXAMINATION BY PHYSICIAN.** No application shall be approved until the applicant has been examined by a licensed medical practitioner. The examining physician shall certify in writing upon forms prescribed by the state department as to diagnosis, prognosis, and visual acuity of the applicant.

70-308. **REEXAMINATION AS TO EYESIGHT.** Every recipient shall submit to a reexamination as to his eyesight at least once every three years, unless excused therefrom by the state department, and at other times when required to do so by the county or state department. He shall also furnish any information required by the county or state department.

70-309. **RESTORATION OF EYESIGHT.** No assistance under this Act shall be granted or continued to any person who, unless excused by the state department, refuses medical, surgical, or other treatment, when his eyesight may be partially or wholly restored by such treatment, and a certificate in writing to that effect is made by an ophthalmologist. Any person denied assistance under this provision may appeal to the state department in the manner hereinbefore provided.

70-310. **EXPENSES FOR TREATMENT.** Temporary assistance may be granted by the state department to any applicant or additional assistance granted to any recipient who is

in need of treatment either to prevent blindness or to restore his eyesight whether or not he is blind as defined in section 70-302 of this Act. The assistance may include necessary traveling and other expenses to receive treatment from a hospital or clinic designated by the state department.

70-311. FUNERAL EXPENSES. On the death of the recipient, reasonable funeral expenses, not exceeding seventy-five dollars, unless in the opinion of the state board local conditions show the amount to be insufficient for the purpose required, but in no case to exceed one hundred dollars, may be paid by the state board, if the estate of the deceased is insufficient to pay the same, provided that burial shall be made in a cemetery not intended for indigent burials.

Sec. 4. Article 4 of chapter 70, Arizona Code of 1939, as amended, is amended to read:

Article 4

DEPENDENT CHILDREN

70-401. ADMINISTRATION. Dependent children assistance as provided for in this article shall be administered by the Arizona state department of public welfare subject to the provisions of Article 1 of this Act.

70-402. ELIGIBILITY FOR ASSISTANCE. Assistance shall be given under this Act to any dependent child: (a) who has resided in this state for one year immediately preceding the application for such assistance; or who was born within the state within one year immediately preceding the application, and whose mother has resided in the state one year immediately preceding the birth of said child; (b) whose parent or parents or person or persons acting in the parents place if employable shall not refuse to accept available employment and provided further that any employable child in the family shall not refuse to accept available employment. The determination of employability and the conditions under which employment shall be required shall be determined by state department ruling, except that alleged unemployability because of physical or mental incapacity shall be determined by the state department in accordance with the provisions of subsection 8, section 70-602, Article 6 of this Act.

70-403. INELIGIBILITY FOR OTHER PUBLIC ASSISTANCE. No person receiving assistance under this article shall at the same time receive any other public assistance by virtue of any provisions of this Act.

70-404. AMOUNT OF ASSISTANCE. In determining the amount of assistance which a recipient may receive, it shall be the duty of the state and county departments to consider and take into account living conditions and all facts and circumstances surrounding the applicant or recipient, including his earning capacity, income and resources, from whatever source received; the amount of assistance when added to all other income, resources, support and maintenance shall provide such person with a reasonable subsistence compatible with the mode of life to which the recipient is accustomed. In each case an assistance plan shall be adopted based upon the foregoing.

In no event shall the amount of assistance paid to any recipient under the provisions of this article be in amount which when added to income from all other sources will cause the total income to exceed:

One hundred twenty-five dollars for a family containing one dependent child, and twenty-five dollars for each additional dependent child.

In no event, however, shall the total amount of assistance paid under the provisions of this article to any recipient exceed the sum of:

Seventy dollars for a family containing one dependent child, and eighteen dollars for each additional dependent child; provided, however, in no event shall any one family receive assistance in excess of one hundred seventy-eight dollars per month.

70-405. RELATIVES' RESPONSIBILITY. If any recipient or any dependent child has a spouse, father or mother legally responsible for his support, and who are reasonably able to support him but who fails to provide such support, the county department shall, with the aid of the attorney general or civil legal officer of the county wherein such assistance is granted, proceed against the kindred in the order of their responsibility to support, i.e., first the spouse, second the father, and third, the mother. Upon such demand the attorney general or other civil legal officer of the county wherein such aid is granted shall, on behalf of said county department, maintain an action in the superior court of the county wherein such assistance is granted, against said relatives, in the order named, to recover for the state such portion of the assistance granted as said relative is able to pay, and to secure an order requiring the payment of any sums which may become due in the future for which the relative may be liable.

Upon the failure of any county department to take such action, it shall be the duty of the state department to see that such required action is taken. Any sums so recovered shall be forwarded by the county department to the state department, which department shall in turn forward all moneys so recovered to the treasurer of Arizona for deposit to proper account.

Sec. 5. Article 5 of chapter 70, Arizona Code of 1939, as amended, is amended to read:

Article 5

CHILD PLACEMENT

70-501. ADMINISTRATION. Child placement as provided for in this article shall be administered by the Arizona state department of public welfare subject to the provisions of Article 1 of this Act.

70-502. AUTHORITY. The state department of public welfare shall: 1. exercise supervision over all child welfare agencies; 2. advise and cooperate with the governing boards thereof; 3. assist the staffs of such agencies by means of advice on progressive methods and procedures of child care and improvement of services; and, 4. assist in the development of community plans for child care.

70-503. STANDARDS OF CHILD CARE. The state department, in cooperation with the state board of health and with the child welfare agencies under its supervision, shall formulate standards of child care and services for children, including care in foster homes, to which all child welfare agencies shall conform.

70-504. HEALTH ADVICE AND SANITATION INSPECTION. The state board of health or its authorized representative shall have power to visit any child welfare agency and advise it on matters affecting the health of children, and to inspect the sanitation of premises used for their care.

70-505. LICENSE FOR CHILD WELFARE AGENCY.
(a) A child welfare agency shall not receive any child for care or maintenance or for placement in a family home unless licensed therefor by the state department. Application for a license shall be made on a form prescribed by the state department.

(b) Before issuing a license the state department shall investigate the activities and standards of care of the agency,

and if satisfied as to the need for the agency, its financial stability, its conformity with the standards of care prescribed by the department, the good character of the applicant, and that the equipment of the agency and its services are conducive to the welfare of children, a license shall be issued. A provisional license may be issued to any agency whose services are needed but which is temporarily unable to conform to the established standards of care.

(c) Each license shall specify in general terms the kind of child welfare work the licensee is authorized to undertake, the number of children that can be received, their ages and sex, and, if authorized to place and supervise children in family homes, the area that the agency is equipped to serve.

(d) Every license shall expire June 30 of each year, and may be renewed annually on application by the agency, except that provisional licenses may be issued for not more than three years.

70-506. REVOCATION. The state department shall have power to revoke the license of any child welfare agency or the certificate of any unsupervised foster home for wilful violation of any provision of the Act or failure to maintain the standards of care prescribed by the department. Notice in writing of the grounds of the proposed revocation shall be given the holder of the license or certificate. Upon request of the holder, a public hearing shall be held before the state board of public welfare, after not less than thirty days' written notice, at which the holder shall have the right to present testimony and confront witnesses.

70-507. OPERATION WITHOUT LICENSE. Whenever the state department has reason to believe that any person is conducting or maintaining a child welfare agency without a license, it shall cause an investigation to be made, and if the person is so conducting a child welfare agency the department shall either issue a license or take action to prevent continued operation of the agency. The superior court shall have jurisdiction to issue an injunction restraining the operation of a child welfare agency without a license.

70-508. APPROVAL OF INCORPORATION. Before issuing a charter for the incorporation of any organization for the purpose of receiving children for care or for placement in family homes, the corporation commission shall transmit a copy of the petition for incorporation, together with all information in its possession pertaining to the proposed corporation, to the state department of public welfare. The charter shall not be issued until the department certifies to the

corporation commission that it has investigated the need for the services proposed and the merits of the proposed corporation and recommends the issuance of the charter. Application for the amendment of the existing charter of any such corporation shall be similarly referred and shall be granted only upon the approval of the department.

70-509. RECORDS AND REPORTS. Each child welfare agency shall keep such records regarding the children in its care as the state department may prescribe, and shall report to the department, upon request, such facts as it may require. All records and information in the possession of the department or any child welfare agency regarding children and their parents or relatives shall be deemed confidential, and shall be disclosed only pursuant to rules prescribed by the state department.

70-510. ACCEPTANCE OF CHILDREN BY AGENCY. A licensed child welfare agency may accept any child, of a class, age and sex specified in its license, from the child's parent, guardian, or relative, or a child which is lawfully committed thereto, and shall care for and control the child until discharged to its parent, relative, or guardian, transferred to another child welfare agency, or otherwise lawfully committed to another. A licensed child welfare agency may assume the care, custody, and guardianship of the person or estate of a child, or both, during its minority, upon the order of a court having jurisdiction.

70-511. PLACEMENT IN FAMILY HOME. (a) A licensed child welfare agency, if so authorized in its license, shall have power to place a child in a family home for care or for adoption. The agency shall maintain careful supervision of all children placed by it in family homes, and its representatives shall visit the homes as often as may be necessary to promote the welfare of the children. The responsibility of the agency for a child placed in a family home shall be defined in writing and accepted by the person receiving the child. Any child so placed may be taken from the family home whenever the responsible child welfare agency is satisfied that the child's welfare requires it. A child welfare agency shall not receive from any person legally adopting a child any compensation therefor; and a person receiving a child from a child welfare agency for the purpose of adoption shall not receive any compensation for the care, clothing, or medical attendance of the child.

(b) Except as otherwise provided in this section or by law, no person other than its parent, guardian, or relative within the second degree of consanguinity or affinity shall

place any child under the care and control of any other person.

70-512. CONSENT TO ADOPTION. Whenever a child welfare agency licensed to place children for adoption has the permanent care, custody, and guardianship of a child, and the rights of the parents of the child have been terminated by order of a court or by a legally executed relinquishment of parental rights, the child welfare agency may give legal consent to the adoption of the child. The parents or the surviving parent of a child, or the mother of a child born out of wedlock, may relinquish the child to a child welfare agency licensed to place children for adoption by a written statement signed before two witnesses and acknowledged before a representative of the child welfare agency. No such relinquishment shall be valid unless a copy be approved by and filed with the state department of public welfare. Except in proceedings for adoption, or except as provided in this section, a parent shall not voluntarily assign nor otherwise transfer to another his rights and duties with respect to the permanent care, custody, and control of his child under sixteen years of age.

70-513. UNSUPERVISED FOSTER HOME. Any family home not under the supervision of a child welfare agency in which one or more children under sixteen years of age, separated from parent or guardian and not related by consanguinity or affinity to the person maintaining the home, are received, cared for, or maintained, for compensation or otherwise, shall be deemed to be an unsupervised foster home. A person shall not conduct an unsupervised foster home without being certified therefor by the department.

70-514. CERTIFICATE FOR UNSUPERVISED FOSTER HOME. An unsupervised foster home shall not be certified until an investigation of the home and its standards of care has been made by the department or by a licensed child welfare agency serving as its representative. Any home that conforms to the established standards of care prescribed by the department shall receive a certificate, which shall be in force until revoked by the department as provided in section 6 (70-506). The certificate shall show the name of the persons certified to conduct the home, its location, and the number of children that may be received and cared for at one time.

70-515. SUPERVISION OF FOSTER HOME. The state department or its authorized representative shall visit every certified foster home as often as may be necessary to assure that proper care is given to the children therein. Every certified foster home shall maintain a record of the children

received, which record shall include such facts in regard to the children and their care, in such form and manner, as may be prescribed by the state department.

70-516. REMOVAL FROM FOSTER HOME. Whenever the state department determines that a child in a certified foster home or an unsupervised foster home, or in any foster home under the supervision of a child welfare agency, is subject to undesirable influences or lacks proper care and management, it shall notify the county department of public welfare in the county in which the home is located, or the child welfare agency, as the case may be, to take the necessary action to remove the child and arrange for its care.

70-517. VIOLATIONS; PENALTIES. Any agency, society, association, institution or person whether incorporated or unincorporated and the individual or individuals acting for or in its name who shall hereafter carry on the work of caring for children or children and adults or of placing children for care without having first procured a license as a child welfare agency as provided for in this Act, or shall wilfully fail or refuse to report as required by the foregoing provision of this Act, or who shall wilfully obstruct or hinder the child welfare division of the state department or its agents in inspection or investigation of the agency, societies, associations, institutions or persons under its control or charge, or any person knowingly or wilfully violating any of the other provisions of this Act shall be guilty of a misdemeanor.

Sec. 6. Article 6 of chapter 70, Arizona Code of 1939, is amended to read:

Article 6

GENERAL ASSISTANCE

70-601. ADMINISTRATION. General assistance as provided for in this article shall be administered by the Arizona state department of public welfare, subject to the provisions of Article 1 of this Act.

70-602. ELIGIBILITY FOR GENERAL ASSISTANCE. No person shall be entitled to general assistance, or to receive employment relief, from any agency supported in whole or in part by the state or any political subdivision thereof who does not meet and maintain the following requirements:

1. Has resided in the state continuously for a period of at least three years immediately preceding the date of applica-

tion for such relief, provided that temporary absence from the state for a total of not to exceed one year during the said three year period shall not render the applicant ineligible for assistance. The applicant shall be required to prove that he meets the residence requirements herein prescribed.

2. Nothing in this section shall be construed to prevent the granting of assistance in emergency cases to a person who does not meet the residence requirements as herein provided.

3. Is not an inmate of or being maintained by any municipal, state or federal institution at the time of receiving assistance. An inmate of any such institution, except a penal institution, may make application for assistance but the assistance, if granted, shall not begin until after he ceases to be an inmate. This paragraph shall not be construed to prohibit the granting of assistance to a person temporarily confined in an institution for medical or surgical care.

4. Has not, within five years prior to the receipt of assistance, or during the continuance of assistance, made an assignment or transfer of property without fair consideration either with the intent of rendering himself eligible for assistance or of increasing his need for assistance under this article, or has not within five years prior to making application for assistance, or during the continuance of assistance, made a transfer of any property for any consideration other than negotiable assets approximating the true cash market value of such property.

5. Does not own an interest or equity, the value of which has not been measured in terms of a true approximate, cash market value in any property, business enterprise, association, company, estate or any holdings of whatever nature.

6. Does not have resources in excess of the following:

(a) Household furnishings used by the recipient and his family in his usual place of residence.

(b) Wearing apparel and necessary personal effects.

(c) Life insurance, the face value of which does not exceed five hundred dollars, provided however that where substantial injustice would result to the recipient or his heirs by the enforcement of this provision the state department may on an individual case basis, waive this requirement and permit such recipient to retain such life insurance in excess of this amount.

(d) A burial lot in a cemetery.

(e) Other property or assets of any description, the combined true approximate cash value of which does not exceed five hundred dollars, provided such property or assets is being used primarily for essential family living or to produce income or resources for essential family living.

7. If employable, shall accept employment if such employment is available to him. Provided, however, that if the conditions involved in the employment available to such person are not satisfactory to him, the county board after making thorough investigation and upon written finding of fact in each case, shall determine whether or not the acceptance of such employment shall be required as a condition of eligibility for assistance. In the event of a recipient receiving, or an applicant for, assistance because of physical or mental unemployability it shall be the duty of the county department, in all cases where such unemployability is not obvious, to cause such recipient or applicant to submit to an examination, or examinations, before a medical doctor, or medical doctors, of the county department's own choosing, to determine whether or not such applicant or recipient is unemployable and if upon such examination it is determined that the recipient or applicant is not unemployable, no assistance shall be granted because of alleged physical or mental unemployability. The state department is hereby given authority to pay from the proper account any costs involved in such examinations, provided that the state department shall not pay the cost of any examination for an applicant who has not otherwise established his eligibility, including his claim of physical or mental unemployability, for assistance.

8. Owns no real or personal property outside the state of Arizona.

70-603. INELIGIBILITY FOR OTHER PUBLIC ASSISTANCE. No person receiving assistance under this article shall at the same time receive any other public assistance by virtue of any provisions of this Act.

70-604. GENERAL ASSISTANCE NOT TO SUPPLEMENT OTHER FORMS OF PUBLIC ASSISTANCE. General assistance may not be used to supplement any grants for old age assistance, blind assistance, and aid to dependent children assistance, as provided in this Act.

70-605. RELATIVES' RESPONSIBILITY. If any recipient of general assistance has within the state a spouse, father or mother legally responsible for his support, and who are

reasonably able to support him, but who fail to provide such support, the county department shall, with the aid of the attorney general or any civil legal officer of the county wherein such assistance is granted, proceed against the kindred in order of their responsibility to support, i.e., first the spouse, second the father, and third, the mother. Upon such demand the attorney general or any civil legal officer of the county wherein such aid is granted shall, on behalf of said county department, maintain an action in the superior court of the county wherein such assistance is granted, against said relatives, in the order named, to recover for the state such portion of the assistance granted as said relative is able to pay, and to secure an order requiring the payment of any sums which may become due in the future for which the relative may be liable. Upon the failure of any county department to take such action within a reasonable length of time, it shall be the duty of the state department to see that such required action is taken. Any sum so recovered shall be forwarded by the county department to the state department, which department shall in turn forward all moneys so recovered to the treasurer of Arizona for deposit to the proper account.

70-606. METHOD OF ADMINISTRATION OF GENERAL ASSISTANCE. Notwithstanding any provision in this Act providing for payment of all assistance by warrant, general assistance may be administered either upon payment by warrant as provided in section 70-126 hereof, or in such other manner as may be determined by the state department.

Sec. 7. SEVERABILITY. If any portion, section or clause of this Act shall, for any reason, be declared unconstitutional, invalid or not in accordance with the provisions of the Federal Social Security Act, such adjudication shall not affect the remainder of the Act, and where any conflict shall occur with the Federal Social Security Act, that Act shall control.

Sec. 8. COMPLIANCE BY DEPARTMENTS WITH ACT. The state and county departments of public welfare shall have the period of six months within which to comply fully with all requirements of this Act relative to determination of need and fixing of grants thereunder.

Sec. 9. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act shall become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—October 25, 1948.

Filed in the Office of the Secretary of State—October 26, 1948.

RESOLUTIONS

SENATE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION

ON THE DEATH OF HON. SIDNEY P. OSBORN.

Whereas, in the early morning hours of May 25, 1948, the Messenger of Death summoned Sidney Preston Osborn, Governor of Arizona, in the sixty-fifth year of his life and the eighth of his service as chief executive.

Governor Osborn was a native son. Born in Phoenix of pioneer parents; educated in the public schools of Phoenix; except for two years in Washington as secretary to Arizona's Delegate in Congress, his early experiences with the practical side of life were in Phoenix. But if his situation was local, his outlook, his vision, his interests and his ambitions were broad. A firm believer in the welfare of the people, and in just and efficient government administered in their behalf, he aspired to usefulness in the furtherance of these high objectives.

In 1910 he was chosen as a delegate—the youngest of fifty-two—to the Constitutional Convention which drafted Arizona's Constitution, and gave his support to the measures which caused that document to be hailed as one of the nation's most progressive basic laws. In 1912 he was elected as Arizona's first Secretary of State—the youngest in the Union—and served in that post during three terms. Until 1940, when he was chosen as Governor, he published a weekly newspaper which under his direction never relaxed in advocacy of the views which formed the foundation stone of his public concern. In 1942, 1944 and 1946 he was re-elected with steadily ascending majorities. In the latter year, at the inception of the election campaign, and while in the prime of life and the full enjoyment of physical vigor, he was attacked by an incurable malady which, while it rendered an active canvass impracticable, had no effect upon his aims, his ardor, or his faith, nor upon the public favor. He served until the end with distinction and unswerving fidelity—an example for the ages, of unconquerable spirit, unflinching courage, unyielding determination—of bravery beyond the call of duty. Therefore

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

1. The death of Governor Sidney P. Osborn is a public misfortune of major magnitude, an irreparable loss to all of Arizona. By the passing of this distinguished native son and four-times chief executive all heads are bowed in sorrow. The members of this body, without respect to shades of political views, reverently acknowledge that loss.

2. To the bereaved wife, mother, brothers, daughter and other relatives the deepest sympathy of the people of Arizona is extended through their legislative representatives.

Adopted by the House September 15, 1948, by the following vote: 58 Ayes, 0 Nays, 0 Absent, 0 Excused.

Adopted by the Senate September 15, 1948 by the following vote: 16 Ayes, 0 Nays, 3 Not voting.

Approved by the Governor—September 16, 1948.

Filed in the Office of the Secretary of State—September 17, 1948.

SENATE JOINT RESOLUTION NO. 2

A JOINT RESOLUTION

DESIGNATING THE FIRST WEEK OF OCTOBER, 1948, AS "EMPLOY THE PHYSICALLY HANDICAPPED WEEK."

Whereas, the strength of our nation and the future of Arizona lies in continued full production and the utilization of the skill of every citizen capable of rendering service to industry and government.

Among the skilled and non-skilled workers of Arizona are the physically handicapped, including a great number of veterans, who find it difficult if not impossible to secure employment, even in activities in which their disability is not an employment handicap.

Surveys of governmental and industrial agencies have proved that the handicapped are able to perform their assigned tasks with equal, and frequently greater ability than their fellow workers who suffer no handicap. Many progressive industries are now employing the physically handicapped in important phases of production. These handicapped workers have demonstrated their ability, when properly assigned, to compete satisfactorily with their more able-bodied co-workers in all phases of industrial and occupational activities.

The employment of handicapped workers in jobs which they are willing and able to perform will not only increase the productivity and prosperity of the state and nation, but will encourage these worthy citizens to avail themselves of existing facilities for rehabilitation and training, and bring to them an opportunity for economic independence and full participation in our democratic life. Therefore Be it resolved by the Legislature of the State of Arizona:

1. The attention of prospective employers of the state is directed to the capabilities and great need for employment of the physically handicapped.

2. The first week of October, 1948, is designated as "Employ the physically handicapped week," and labor, civic and industrial groups are called upon to lend full support to the observance of the week to enlist public aid and interest in effectuating full employment of the physically handicapped.

Adopted by the House September 30, 1948, by the following vote: 51 Ayes, 0 Nays, 0 Absent, 7 Excused.

Adopted by the Senate September 30, 1948, by the following vote: 18 Ayes, 0 Nays, 1 Not voting.

Approved by the Governor—October 7, 1948.

Filed in the Office of the Secretary of State—October 7, 1948.

HOUSE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION

ON THE DEATH OF HON. A. R. LYNCH.

Whereas, on July 2, 1948, Hon. Andrew Richmond Lynch died at his home in Phoenix, aged seventy-eight years.

Mr. Lynch arrived in Arizona in 1904, residing first at Safford and practicing law in Graham and Greenlee Counties. In 1922 he moved to Phoenix, serving as assistant attorney-general, and later filling a post of responsibility with the Arizona state corporation commission.

In recognition of his interest in government and knowledge of jurisprudence, Mr. Lynch was honored by the people of Graham County by election as a delegate to the Constitutional Convention of 1910, which wrote the Constitution under which Arizona became a member of the Union. He was an active participant in the Convention's deliberations, serving on three highly important committees: Judiciary, Public Service Corporations, and Style, Revision and Compilation. He was one of the signers of the Constitution.

Mr. Lynch was quite naturally chosen by the people of Graham County to represent them in the House of Representatives of the First State Legislature, and in that body he served with the ability which had distinguished him as a member of the Constitutional Convention, his experience in the parent body proving of value to the Legislature and to his constituency. Therefore

Be it Resolved by the Legislature of the State of Arizona:

1. The passing of Hon. Andrew J. Lynch—constitution maker, legislator and lawyer—is noted with deep regret, and heartfelt sympathy is extended to the surviving widow, son and daughters.

Passed the House September 15, 1948 by the following vote: 58 Ayes, 0 Nays, 0 Absent, 0 Excused.

Passed the Senate September 16, 1948 by the following vote: 16 Ayes, 0 Nays, 3 Not voting.

Approved by the Governor—September 16, 1948.

Filed in the Office of the Secretary of State—September 17, 1948.

HOUSE CONCURRENT RESOLUTION NO. 1

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO GUBERNATORIAL SUCCESSION.

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

1. The following amendment of sections 1 and 6, article V, Constitution of Arizona, is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

Section 1. The Executive Department shall consist of Governor, Secretary of State, State Auditor, State Treasurer,

Attorney General, and Superintendent of Public Instruction, each of whom shall hold his office for two years beginning on the first Monday of January next after his election.

The persons, respectively, having the highest number of votes cast for the office voted for shall be elected, but if two or more persons shall have an equal and the highest number of votes for any one of said offices, the two Houses of the Legislature at its next regular session shall elect forthwith, by joint ballot, one of such persons for said office.

The officers of the Executive Department during their terms of office shall reside at the seat of government where they shall keep their offices and the public records, books, and papers. They shall perform such duties as are prescribed by the Constitution and as may be provided by law.

Section 6. In the event of the death of the Governor, or his resignation, removal from office, or permanent disability to discharge the duties of the office, the Secretary of State, if holding by election, shall succeed to the office of Governor until his successor shall be elected and shall qualify. If the Secretary of State be holding otherwise than by election, or shall fail to qualify as Governor, the Attorney General, the State Auditor, the State Treasurer, or the Superintendent of Public Instruction, if holding by election, shall, in the order named, succeed to the office of Governor. The taking of the oath of office as Governor by any person specified in this section shall constitute resignation from the office by virtue of the holding of which he qualifies as Governor. Any successor to the office shall become Governor in fact and entitled to all of the emoluments, powers and duties of Governor upon taking the oath of office.

In the event of the impeachment of the Governor, his absence from the State, or other temporary disability to discharge the duties of the office, the powers and duties of the office of Governor shall devolve upon the same person as in case of vacancy, but only until the disability ceases.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next general election (or at a special election called for that purpose), as provided by article XXI, Constitution of Arizona.

Adopted by the House this 23rd day of September, 1948 by the following vote: 49 Ayes, 2 Nays, 0 Absent, 7 Excused.

Adopted by the Senate this 11th day of October, 1948 by the following vote: 16 Ayes, 0 Nays, 3 Not voting.

Filed in the Office of the Secretary of State—October 13, 1948.

HOUSE CONCURRENT RESOLUTION NO. 9

A CONCURRENT RESOLUTION

REQUESTING THE RETURN OF HOUSE BILL NO. 4, DELIVERED TO THE GOVERNOR'S OFFICE OCTOBER 2, 1948; FOR FURTHER CONSIDERATION OF THE LEGISLATURE.

Be it Resolved by the House of Representatives of the State of Arizona, the Senate concurring:

Whereas, in conformity with Article 4, Section 12 and Article 5, Section 7, Constitution of Arizona relative to an error in the engrossed copy of House Bill No. 4 sent to the Governor's office on October 2, 1948, and;

Whereas, it is the concensus of opinion that the error in repealing Section 54-811, Arizona Code, 1939, Amended, was unintentional by the drafters of the amendment to House Bill No. 4, and;

Whereas, it is the desire of this body to correct said error in order that there may be no question as to the intent of the Legislature or of the constitutionality of the act, therefore;

BE IT RESOLVED by the House of Representatives, Eighteenth Legislature, Seventh Special Session, of the State of Arizona, the Senate concurring; that we respectfully request the return of House Bill No. 4 to this body for correction in order to remove any doubt as to our intent or to its constitutionality.

Adopted by the House October 6, 1948, by the following vote: 42 Ayes, 7 Nays, 0 Absent, 8 Excused.

Adopted by the Senate October 7, 1948, by the following vote: 16 Ayes, 0 Nays, 3 Not voting.

Approved by the Governor—October 7, 1948.

Filed in the Office of the Secretary of State—October 7, 1948.

HOUSE RESOLUTION NO. 4

A RESOLUTION

REQUESTING THE STATE TAX COMMISSION TO RENDER A REPORT ON SALES, LUXURY AND INCOME TAX COLLECTIONS.

Whereas, under the provisions of chapter 30, Laws of 1948, fifth special session, an appropriation was made to enable the state tax commission to employ, beginning October 1, five additional auditors, with a view to insuring the more effective collection of sales, luxury and income taxes legally and rightfully owing to the state.

It is important that the Committee on Ways and Means of the House of Representatives of the Nineteenth Legislature have complete and accurate information regarding the results obtained by this ac-

cession to the force of auditors engaged in the handling of reports of taxpayers of the classes referred to. Therefore

Be it Resolved by the House of Representatives of the State of Arizona:

1. That the state tax commission be and is requested to render to the Committee on Ways and Means of the House of Representatives, not later than February 1, 1949, a report of the activities of the additional auditors provided for under the terms of chapter 30 above referred to, together with a statement of the results of such activities and of any collections of taxes attributable thereto.

Adopted by the House this 29th day of September, 1948 by the following vote: 50 Ayes, 1 Nay, 7 Excused.

Filed in the Office of the Secretary of State—September 29, 1948.

HOUSE RESOLUTION NO. 5

A RESOLUTION

ON THE MISCONDUCT OF MR. KARTUS.

Be it resolved by the House of Representatives of the State of Arizona:

WHEREAS, evidence produced from testimony given before a special House committee indicates that SIDNEY KARTUS, member of the House, has incited, aided and abetted certain persons in acts intended to coerce and intimidate members of the Eighteenth Legislature in consideration of legislation now pending, and

WHEREAS, said Sidney Kartus has consistently followed a course of conduct:

1. By constant personal vilification and impugning of the motives of members of the Legislature.

2. By continually and with full knowledge making false statements calculated and intended to deceive the public as to legislation and the motives of members of the Legislature in their vote thereon.

3. By intentionally arousing the passion and prejudice of groups which are unable to care for themselves, thus trafficking in human misery, to enhance his own personal popularity.

WHEREAS, such acts are inimical to good government because of aspersions cast upon the legislative division of the sovereign government of Arizona, and

WHEREAS, such actions are repugnant and unethical, affronting the peace and dignity of this body, its members and the citizens of the State by their nature:

NOW, THEREFORE, BE IT RESOLVED, that the membership of the House must take cognizance of the gravity of the conduct of

said members in attempting to bring about unwarranted and unfounded public contempt and condemnation of this whole body by proceeding pursuant to the provisions of Article 4, part 2, section 11 of the Constitution of Arizona.

Adopted by the House October 1, 1948, by the following vote: 42 Ayes, 13 Nays, 1 Absent, 2 Not voting.

Filed in the Office of the Secretary of State—October 2, 1948.

HOUSE RESOLUTION NO. 6

A RESOLUTION

ON THE MISCONDUCT OF MR. ROBLES

Be it resolved by the House of Representatives of the State of Arizona:

WHEREAS, evidence produced from testimony given before a special House committee indicates that FRANK G. ROBLES, member of the House, has incited, aided and abetted certain persons in acts intended to coerce and intimidate members of the Eighteenth Legislature in consideration of legislation now pending, and

WHEREAS, said Frank G. Robles has consistently followed a course of conduct:

1. By constant personal vilification and impugning of the motives of members of the Legislature.
2. By continually and with full knowledge making false statements calculated and intended to deceive the public as to legislation and the motives of members of the Legislature in their vote thereon.
3. By intentionally arousing the passion and prejudice of groups which are unable to care for themselves, thus trafficking in human misery, to enhance his own personal popularity.
4. By ignoring and flouting acknowledged democratic parliamentary practices and refusing to abide by rules adopted pursuant thereto.

WHEREAS, such acts are inimical to good government because of aspersions cast upon the legislative division of the sovereign government of Arizona, and

WHEREAS, such actions are repugnant and unethical, affronting the peace and dignity of this body, its members and the citizens of the State by their nature:

NOW, THEREFORE, BE IT RESOLVED, that the membership of the House must take cognizance of the gravity of the conduct of said members in attempting to bring about unwarranted and unfounded public contempt and condemnation of this whole body by proceeding pursuant to the provisions of Article 4, part 2, section 11 of the Constitution of Arizona.

Adopted by the House October 1, 1948, by the following vote: 47 Ayes, 9 Nays, 0 Absent, 1 Not voting.

Filed in the Office of the Secretary of State—October 2, 1948.

HOUSE RESOLUTION NO. 7

A RESOLUTION

SETTING UP COMMITTEE TO STUDY INDIAN ECONOMY ON INDIAN RESERVATIONS IN THE STATE OF ARIZONA AND REQUESTING THE COOPERATION OF THE STATE OF NEW MEXICO, THE FEDERAL DEPARTMENTS AND THE INDIAN TRIBAL COUNCILS.

Whereas, the United States holds in trust for the Indians more than 19,000,000 acres of land in the State of Arizona, such acreage being over one-fourth of the entire area of the State, and

Whereas, the Indian population for which this land is held constitutes about one-tenth of the total population of the State, and

Whereas, such proportions of area and population constitute an enormous economic potential in the entire welfare of the State, and

Whereas, both Federal and State legislation may be required to insure that such potential may be turned into an asset rather than a liability to both the Federal and State governments; now therefore

Be it Resolved by the House of Representatives of the State of Arizona:

1. That a special committee of eight be appointed from the membership of the House to gather information on the Indian economy of the state, especially on Indian Reservations.

2. That such committee be instructed to contact the appropriate officials of the State of New Mexico and cooperate with such officials in seeking a solution of such Indian problems as are common to both states.

3. That copies of this resolution be transmitted to the Arizona delegation in the National Congress with a view to instituting a concerted cooperative effort on the part of all Federal and State departments interested in solving the Indian problem.

4. That members of the various Indian Tribal Councils be requested to participate in the study and preparation of a long-range Indian program to establish the Indian economy of the States of Arizona and New Mexico on a sound economic basis and assist and encourage the individual Indian to become self-supporting on a decent plane of living.

Adopted by the House this 14th day of October, 1948.

Filed in the Office of the Secretary of State—October 14, 1948.

MEMORIALS



HOUSE CONCURRENT MEMORIAL NO. 1

A CONCURRENT MEMORIAL

PROTESTING THE PROPOSED CLOSING OF THE AMERICAN
CONSULATE AT AGUA PRIETA, SONORA.

To the United States Department of State, Washington, D. C.:

Your memorialist respectfully represents:

Disquieting reports have reached Arizona to the effect that by directive of the State Department of the United States Consulate at Agua Prieta, Sonora, will at an early date be permanently closed.

These reports, assuming their accuracy, fill American Citizens on both sides of Arizona's international frontier with dismay, and excite their unanimous and vigorous protest.

The Consulate at Agua Prieta has been and is of incalculable value to Arizonans, of whom there are many doing business in northern Sonora, and especially at the important Cananea and Nacozari copper mines. These copper camps constitute, in reality, large American colonies, the residents of which expend the greater part of their incomes in the adjacent Arizona trade areas. The blow which the closure of the United States Consulate would strike these American Citizens would immeasurably increase the severe handicap they already suffer because of the continuous aggressions of communistic agents working out of Mexico City.

The incumbent consular representation at Agua Prieta has achieved splendid success in the creation of an atmosphere of good will for Americans below the border; in the strengthening of the good neighbor policy and securing the cordial cooperation of our sister republic of Mexico, so important in the present condition of world affairs. Discontinuation of the consulate in question would seriously imperil this favorable situation.

Therefore

Your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, urgently requests:

1. That the decision, if there has been such decision, to close the United States Consulate at Agua Prieta be rescinded.

2. That every effort be exerted to maintain the neighborly relations now existing between the citizens of the border states of Arizona and Sonora.

Adopted by the House September 29, 1948, by the following vote: 49 Ayes, 2 Nays, 0 Absent, 7 Excused.

Adopted by the Senate September 30, 1948, by the following vote: 19 Ayes, 0 Nays, 0 Not voting.

Approved by the Governor—October 6, 1948.

Filed in the Office of the Secretary of State—October 7, 1948.

**BILLS VETOED
BY THE
GOVERNOR**

LAWS OF ARIZONA
EXECUTIVE OFFICE
STATE HOUSE
PHOENIX, ARIZONA

October
Twenty-sixth
1948

Mr. Curtis M. Williams
Acting Secretary of State
State Capitol
Phoenix, Arizona

My dear Mr. Secretary:

Herewith I am sending you Senate Bill No. 8, "An Act relating to flood control; and empowering the County of Pima, The City of Tucson, and the Town of South Tucson to furnish to the Department of the Army and any other authorized agent of the United States assurances of cooperation in the construction of flood control works; and authorizing the levy of taxes; and declaring an emergency".

I have disapproved this bill because under the provisions of Section 4 it is mandatory that the unanimous approval of all members of the City Council of the City of Tucson, the Town of South Tucson and the members of the Board of Supervisors of Pima County must be obtained before any expenditures may be made in connection with the flood control project for the City of Tucson and South Tucson.

Legislation of this kind is bad legislation, in that it places too much power in the hands of any single individual of the three governmental agencies referred to above.

When we place the destiny of a community at the discretion of any single individual it circumscribes the democratic system of government which we strive so earnestly to uphold.

Badly as this legislation is needed for the protection of the inhabitants of the City of Tucson and surrounding country, I feel that I would be derelict in my duty were I to approve this measure. The bill is therefore disapproved.

Sincerely,

/s/ DAN E. GARVEY
Governor

DEG:E

SENATE BILL NO. 8

AN ACT

RELATING TO FLOOD CONTROL; AND EMPOWERING
THE COUNTY OF PIMA, THE CITY OF TUCSON, AND
THE TOWN OF SOUTH TUCSON TO FURNISH TO

THE DEPARTMENT OF THE ARMY AND ANY OTHER AUTHORIZED AGENT OF THE UNITED STATES ASSURANCES OF COOPERATION IN THE CONSTRUCTION OF FLOOD CONTROL WORKS; AND AUTHORIZING THE LEVY OF TAXES; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. POWER TO COOPERATE IN FLOOD CONTROL PROJECT. In addition to the general powers vested in counties, cities and towns and the governing bodies thereof, the county of Pima and the city of Tucson and the town of South Tucson are empowered to furnish to the department of the army or any other authorized agent of the United States, such assurances of local cooperation as may be required, in conformity with the provisions of section 3 of the Act of Congress approved December 22, 1944 (Public 534, 78th Congress, 2nd session), in connection with the construction, at the expense of the United States as authorized by such Act, of a project for local flood protection for the city of Tucson and vicinity, Arizona, in the Gila river basin.

Sec. 2. LIMITATION OF POWER. Pursuant to the powers granted by the provisions of section 1, Pima county, the city of Tucson and the town of South Tucson are authorized to: 1. acquire by condemnation and provide, without cost to the United States, lands, easements and right of ways necessary for the construction of the flood control project; 2. bear the expense of necessary utility, highway or bridge relocations; 3. agree to hold and save the United States or any agency, department or officer thereof free from any claim for damages arising from the construction of such works; 4. maintain and operate, upon completion, all works in accordance with regulations prescribed by the department of the army or an authorized agent of the United States; 5. each pay, at its discretion, any part of its respective share of any expense or liability incurred under this Act from available unallocated or unappropriated public funds or from unallocated or unappropriated portion of its postwar public works reserve fund, or issue warrants on the flood control fund as provided for by section 3, and pay such warrants from the next succeeding tax levy; 6. establish and enforce flood channel limits and regulations satisfactory to the department of the army or any authorized agent of the United States for the protection of the flood-carrying capacity of the channel; and, 7. do all things deemed necessary to carry out the provisions of this Act.

Sec. 3. TAX LEVY. (a) The governing bodies of the

county of Pima, city of Tucson, and town of South Tucson are each authorized to levy such tax upon the real and personal property situate within its limits as may be necessary to pay their respective shares of the costs and expenses incurred in carrying out the purposes of this Act, and in acquiring lands, easements and right of ways required for the construction of the flood control project. Such taxes shall be levied and collected as and when other taxes of the political subdivision are collected, and the receipts therefrom shall be placed in the treasury of the tax levying body in a fund to be known as the flood control fund.

(b) The tax levy authorized by this section shall not be subject to the limitations on tax levies or flood controls prescribed by section 73-504, 73-505, and 17-355, Arizona Code of 1939, as amended.

Sec. 4. EXPENSES AND COSTS. All costs and expenses herein authorized and incurred pursuant to this act shall be shared by the county of Pima, the city of Tucson and the town of South Tucson in accordance with the terms of an agreement to be entered into between the county of Pima, the city of Tucson and the town of South Tucson, unanimously adopted and approved by each governing body of said county, city and town.

Sec. 5. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Disapproved by the Governor—October 25, 1948.

Filed in the Office of the Secretary of State—October 26, 1948.

EXECUTIVE OFFICE

STATE HOUSE

PHOENIX, ARIZONA

October
Twenty fifth
1948

Mr. Curt M. Williams
Acting Secretary of State
Phoenix, Arizona

My dear Mr. Secretary:

House Bill No. 4, An Act prescribing requirements for certification of instructors in vocational education, was at the time of its introduction in the Seventh Special Session of the Eighteenth Legis-

lature, a much needed item of legislation. However, due to the failure of the Legislature to appropriate adequate funds to effectuate an expanded vocational training program, the bill becomes useless as an emergency measure. I am reliably informed that it could not become operative before next September, and then only if the Nineteenth Legislature convening in January should make adequate appropriation.

For this reason I am disapproving this bill.

With respect to the second section of House Bill No. 4, which concerns the signing of an anti-communist affidavit by each of the teachers in our schools in order to prevent any misunderstanding let me point out that every person who receives a certificate to teach in the Arizona schools is now and has been required to sign the same oath of office which is taken by every elective and appointive official of the state binding them not only to support but to "defend against all enemies whatsoever" the constitution of the United States and the Constitution of Arizona.

All of us abhor un-democratic doctrines, including communism, fascism and nazi-ism and I can assure you that I will do everything within my power to eradicate any and all subversive movements whatever that may be within our midst. I am particularly interested in the efforts being made to prevent the employment of any person connected with our school system who has any communistic or other subversive tendencies.

I believe that our teachers are patriotic citizens who devote their time and energies to the welfare of our children and I also feel quite sure that they would be the first to detect and report any teacher or other employee in the school system of our state who were not loyal to our state and our nation.

House Bill No. 4, which I have today disapproved, says merely that no teacher shall be entitled to receive compensation from public funds "until he shall make and file in the office of the Superintendent of Public Instruction an affidavit that he not now, nor has been within a period of three years preceding the signing of the affidavit, a member of the Communist Party or the Communist Political Association or any organization declared to be subversive by the Attorney General of the United States, nor is affiliated with, or supports any organization that believes in or teaches the overthrow of the government of the United States either by force or any illegal or unconstitutional method."

The bill does not contain an enforcement clause.

The oath to which every Arizona teacher today subscribes, before being granted a teacher's certificate, reads as follows:

"I do solemnly swear that I will support the Constitution of the United States and the Constitution and laws of the State of Arizona; that I will true faith and allegiance bear to the same, and defend them against all enemies whatsoever, and that I will faithfully and impartially discharge the duties of (office) according to the best of my ability, so help me God."

The proposed affidavit in House Bill No. 4, I submit, is bad legislation in three major respects. In the first place it singles out one

group of public employees, then it further singles out one subversive movement by name, and thirdly it overlooks the fact that the communist doctrine is based upon deception and that therefore no real communist would hesitate to sign any kind of oath or affidavit designed to defeat his aims.

Furthermore, the bill enacted by the Legislature in the Seventh Special Session, provides that no teacher shall be entitled to receive compensation from the public funds if he or she has been, within a period of three years preceding the signing of the affidavit, a member of X X X any organization declared to be subversive by the Attorney General of the United States. This provision is eminently unfair in that it does not take into consideration that there have been organized in the past few years a number of associations with high-sounding patriotic names and misleading titles which later proved to be subversive in concept. Under this bill, if it were permitted to become law, persons who innocently and inadvertently became members of such organizations within the past three years, and then later withdrew when they discovered the true nature of the association, would be subject to losing not only their jobs but their privilege to teach, and their careers would be ruined. Such an affidavit appears to me to be more in the nature of a legal permit to pry into the private lives of our teachers, without redress, than a guarantee of loyalty to the sovereign state. The oath which the teachers are now taking I believe to be much stronger and more enforceable. I am confident our teachers are, on the whole, fine upstanding people with the interest of our children and the future welfare of our country at heart.

Therefore, for these reasons, and because of its questionable constitutionality, I disapprove House Bill No. 4.

Sincerely,

/s/ DAN E. GARVEY
Governor

DEG:E

HOUSE BILL NO. 4

AN ACT

RELATING TO EDUCATION; PRESCRIBING REQUIREMENTS FOR TEACHING; AMENDING SECTION 54-804, AMENDING ARTICLE 8, CHAPTER 54, ARIZONA CODE OF 1939, BY ADDING SECTION 54-804a, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Section 54-804, Arizona Code of 1939, is amended to read:

54-804. EXAMINATION OF TEACHERS. Every person

applying for a certificate authorizing him to become superintendent, principal, or teacher in any public school or college shall, in addition to other requirements, successfully complete a course in and pass a satisfactory examination upon the provisions and principles of the Constitution of the United States, and of Arizona. A person who has not met the requirements of this section at the time application for a certificate is made, but has met all other requirements, may be granted a certificate for not to exceed one year. No additional certificate may be granted until all requirements have been fulfilled as provided by the regulations of the state board of education governing certification of teachers. A noncertified person, qualified under the federal and state plans for vocational education shall be exempt from the provisions of this section for the purpose of acting as an instructor for special adult and evening classes.

Sec. 2. Section 54-804, Arizona Code of 1939, as amended, is amended by adding Section 54-804a to read:

54-804a. NON-COMMUNIST AFFIDAVIT. No person applying for a certificate authorizing him to become superintendent, principal or teacher in any public school or college shall be entitled to receive a certificate, nor shall any superintendent, principal or teacher be entitled to receive compensation from public funds for such services, until he shall make and file in the office of the superintendent of public instruction an affidavit that he is not now, nor has been within a period of three years preceding the signing of the affidavit, a member of the communist party or the communist political association or any organization declared to be subversive by the attorney-general of the United States, nor is affiliated with, or supports any organization that believes in or teaches the overthrow of the government of the United States either by force or any illegal or unconstitutional method.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety, it is necessary that this Act shall become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Disapproved by the Governor—October 25, 1948.

Filed in the Office of the Secretary of State—October 26, 1948.

LAW OF ARIZONA

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