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1962 SESSION LAWS

Twenty-fifth Legislature

Second Regular Session

WESLEY BOLIN

Secretary of State

STATE OF ARIZONA

1961-1962

U. S. ELECTIVE OFFICIALS

Office	Name and Party	Address
SENATORS:	Carl Hayden (D)	Phoenix
	Barry Goldwater (R)	Phoenix
REPRESENTATIVES:		
	District 1—John J. Rhodes (R)	Mesa
	District 2—Morris K. Udall (D)	Tucson

(Addresses as given are home addresses. Official mail should be addressed to Washington, D. C.)

STATE ELECTIVE OFFICIALS

1961-1962

SUPREME COURT	Name	Address
	Judge—Charles C. Bernstein (D)	225 Capitol Bldg.
	Judge—Renz L. Jennings (D)	225 Capitol Bldg.
	Judge—Lorna E. Lockwood (D)	225 Capitol Bldg.
	Judge—Jesse Udall (R)	225 Capitol Bldg.
	Judge—Fred C. Struckmeyer, Jr. (D)	225 Capitol Bldg.
GOVERNOR	Paul J. Fannin (R)	Capitol Bldg.
SECRETARY OF STATE	Wesley Bolin (D)	Capitol Bldg.
ATTORNEY GENERAL	Robert Pickrell (R)	108 Capitol Bldg.
AUDITOR	Jewel W. (Mrs. Lon) Jordan (D)	Senate Office Bldg.
STATE TREASURER	J. W. Kelly (D)	Senate Office Bldg.
SUPT. OF PUBLIC INSTRUCTION	W. W. "Skipper" Dick (D)	101 Capitol Bldg.
MINE INSPECTOR	R. V. (Roy) Hersey (D)	Capitol Bldg.
TAX COMMISSION:		
	Chairman—Warren Peterson (D)	House Office Bldg.
	Member—Thad M. Moore (D)	House Office Bldg.
	Member—William E. Stanford (D)	House Office Bldg.
CORPORATION COMMISSION:		
	Chairman—E. T. "Eddie" Williams, Jr. (D)	Office Bldg. West Second Floor
	Member—A. P. (Jack) Buzard (D)	Office Bldg. West Second Floor
	Member—George F. Senner, Jr. (D)	Office Bldg. West Second Floor

ARIZONA COURTS
1961-1962
U. S. DISTRICT COURT IN ARIZONA

Judge David W. Ling ..... Phoenix and Prescott
Judge James Walsh ..... Tucson and Globe
Judge Arthur Davis ..... Phoenix
Carl Muecke, U. S. Dist. Attorney ..... Phoenix
Miss Jo Ann Diamos, Asst. Dist. Attorney ..... Tucson
Sheldon Green, Asst. Dist. Attorney ..... Phoenix
James J. Brosnahan, Asst. Dist. Attorney ..... Phoenix
Arthur E. Ross, Asst. Dist. Attorney ..... Phoenix
John Lindberg, Asst. Dist. Attorney ..... Phoenix
A. M. Meyer, U. S. Marshal ..... Tucson
Richard S. Griffith, Chief Dep. Marshal ..... Tucson
Stanley A. Jerman, Referee in Bankruptcy ..... Phoenix
William H. Loveless, Clerk ..... Phoenix
Catherine A. Dougherty, Chief Deputy Clerk ..... Tucson
Edward Dougherty, Probation Officer ..... Phoenix
Fred Baker, Official Reporter ..... Tucson
Jane Horswell, Official Reporter ..... Phoenix

SUPREME COURT OF ARIZONA

Fred C. Struckmeyer, Jr., Chief Justice ..... State House, Phoenix
Lorna E. Lockwood, Judge ..... State House, Phoenix
Renz L. Jennings, Judge ..... State House, Phoenix
Charles C. Bernstein, Vice Chief Justice ..... State House, Phoenix
Jesse A. Udall, Judge ..... State House, Phoenix
Miss Sylvia Hawkinson, Clerk ..... State House, Phoenix

SUPERIOR COURT OF ARIZONA

Judge	County	County Seat
J. Smith Gibbons	Apache	St. Johns
Anthony T. Deddens	Cochise	Bisbee
Laurance T. Wren	Coconino	Flagstaff
Robert E. McGhee	Gila	Globe
Ruskin Lines	Graham	Safford
Porter Murry	Greenlee	Clifton
Ross F. Jones	Maricopa, Division 1	Phoenix
Francis J. Donofrio	Maricopa, Division 2	Phoenix
Henry S. Stevens	Maricopa, Division 3	Phoenix
R. C. Stanford, Jr.	Maricopa, Division 4	Phoenix
E. R. Thurman	Maricopa, Division 5	Phoenix
Warren L. McCarthy	Maricopa, Division 6	Phoenix
George M. Sterling	Maricopa, Division 7	Phoenix
Fred J. Hyder	Maricopa, Division 8	Phoenix
Laurens L. Henderson	Maricopa, Division 9	Phoenix
Yale McFate	Maricopa, Division 10	Phoenix
Jack D. Hays	Maricopa, Division 11	Phoenix
Robert L. Myers	Maricopa, Division 12	Phoenix
Kenneth C. Chatwin	Maricopa, Division 13	Phoenix
Charles P. Elmer	Mohave	Kingman
Don T. Udall	Navajo	Holbrook
John Molloy	Pima, Division 1	Tucson
Lee Garrett	Pima, Division 2	Tucson
Robert O. Roylston	Pima, Division 3	Tucson
Herbert F. Krucker	Pima, Division 4	Tucson
Raul H. Castro	Pima, Division 5	Tucson

W. C. Truman—Pinal, Division 1 ..... Florence
T. J. Mahoney—Pinal, Division 2 ..... Florence
Gordon Farley—Santa Cruz ..... Nogales
Jack L. Ogg—Yavapai ..... Prescott
William W. Nabours—Yuma, Division 1 ..... Yuma
John A. McQuire—Yuma, Division 2 ..... Yuma

CLERKS OF THE SUPERIOR COURT

Meryl R. Gillespie (D)—Apache ..... St. Johns
M. E. "Rusty" McPherson (D)—Cochise ..... Bisbee
Mary P. Lewis (D)—Coconino ..... Flagstaff
Arnold M. Ambos (D)—Gila ..... Globe
Lena H. Garcia (D)—Graham ..... Safford
Harriet Sweeting (D)—Greenlee ..... Clifton
Walter S. Wilson (D)—Maricopa ..... Phoenix
C. B. "Kirk" Tatum (D)—Mohave ..... Kingman
Lafe S. Hatch (D)—Navajo ..... Holbrook
Grayce Gibson O'Neill (D)—Pima ..... Tucson
Clyde H. LaMar (D)—Pinal ..... Florence
Mrs. Dorothy Titcomb (D)—Santa Cruz ..... Nogales
Nellie Marshall Prince (D)—Yavapai ..... Prescott
James B. McLay (D)—Yuma ..... Yuma

ELECTIVE COUNTY OFFICIALS FOR ARIZONA

1961-1962

COUNTY	COUNTY SEAT	ASSESSOR	ATTORNEY
Apache	St. Johns	Ben B. Slade (D)	D. L. Greer (D)
Cochise	Bisbee	Sam R. Clark (D)	Lloyd C. Helm (D)
Coconino	Flagstaff	Jeff Ferris (D)	Robert Warden (D)
Gila	Globe	Margaret H. Webb (D)	Harold Beelar (D)
Graham	Safford	Robert Goodman (D)	Alvin F. Krupp (D)
Greenlee	Clifton	William Paterson (D)	Lloyd Fernandez (D)
Maricopa	Phoenix	C. L. Sparks (D)	Charles N. Ronan (D)
Mohave	Kingman	W. D. Lawe (D)	Carl D. Hammond (D)
Navajo	Holbrook	Kenneth (Ken) DeWitt (D)	Fred O. Wilson (D)
Pima	Tucson	A. E. (Jack) Bade (D)	Harry Ackerman (D)
Pinal	Florence	Wyly Parsons (D)	E. D. "Bud" McBryde (D)
Santa Cruz	Nogales	Richard (Dick) Harris (D)	James D.Hathaway (D)
Yavapai	Prescott	Joel H. Baldwin (D)	George M. Ireland (R)
Yuma	Yuma	Otis Shipp (D)	Eugene Jefferson (Jeff) Richards (D)

COUNTY	COUNTY SEAT	RECORDER	SHERIFF
Apache	St. Johns	Virgie Heap (D)	Edgar B. Merrill (D)
Cochise	Bisbee	P. W. Newbury (D)	O. P. "Phil" Olander (D)
Coconino	Flagstaff	Edna Mae Thornton (D)	Cecil C. Richardson (D)
Gila	Globe	Miss Doris Parkin (D)	Jack Jones (D)
Graham	Safford	Lyle H. Grant (D)	H. (Skeet) Bowman (D)
Greenlee	Clifton	Mrs. Don C. Marsh (D)	Fred Carrell (D)
Maricopa	Phoenix	N. C. "Kelly" Moore (D)	L. C. "Cal" Boies (D)

Mohave	Kingman	Peggy B. Smith (D)	D. W. "Bill" Harris (D)
Navajo	Holbrook	Elda R. Probst (D)	Glen L. Flake (D)
Pima	Tucson	Anna Sullinger (D)	Waldon V. Burr (D)
Pinal	Florence	Sophie M. Smith (D)	Laurence R. White (D)
Santa Cruz	Nogales	Mrs. G. Espinosa Moreno (D)	Robert L. Connor (D)
Yavapai	Prescott	Frank C. Bauer (D)	James G. Cramer (D)
Yuma	Yuma	Vernon C. Wright (D)	Lee E. Echols (D)

COUNTY	COUNTY SEAT	SCHOOL SUPERINTENDENT	TREASURER
Apache	St. Johns	Roland S. Hamblin (D)	Wallace DeWitt (D)
Cochise	Bisbee	Patricia (Pat) Goren (D)	F. C. Alexander (D)
Coconino	Flagstaff	Bessie Kidd Best (R)	Rose Stacy (D)
Gila	Globe	Jess G. Hayes (D)	Roy Wood (D)
Graham	Safford	Guy H. Lorenson (D)	Lola Hubbard (D)
Greenlee	Clifton	Esthermae F. Kleinman (D)	Gladys Sidebotham (D)
Maricopa	Phoenix	John Barry (D)	John A. Foote (D)
Mohave	Kingman	Bernice B. Hulet (D)	Ruth Moser (D)
Navajo	Holbrook	Margaret Porter (D)	A. L. (Tony) Johnson (D)
Pima	Tucson	Florence Reece (D)	Carroll H. Christian (D)
Pinal	Florence	Mary C. O'Brien (D)	Alice M. Diffin (D)
Santa Cruz	Nogales	Cora Everhart (D)	Claude Rutledge (D)
Yavapai	Prescott	Sarah Folsom (R)	Paul J. Wedepohl (D)
Yuma	Yuma	Gwyneth Ham (D)	Coila Smith (D)

COUNTY BOARDS OF SUPERVISORS OF ARIZONA

1961-1962

APACHE COUNTY—St. Johns

Dist. No. 1 Arlo B. Lee (D) St. Johns
Dist. No. 2 Wallace Ashcroft (D) Eagar
Dist. No. 3 J. J. (Joe) Linnane (D) Chambers
Clerk: Benj. Burgess

COCHISE COUNTY—Bisbee

Dist. No. 1 Bert B. Watkins (D) Warren
Dist. No. 2 Joe G. Good (D) Douglas
Dist. No. 3 W. R. (Bill) Moore (D) Willcox
Clerk: Mrs. Harriett Heister

COCONINO COUNTY—Flagstaff

Dist. No. 1 Joe D. Tissaw, Sr. (R) Flagstaff
Dist. No. 2 Harold L. Huffer (D) Flagstaff
Dist. No. 3 E. H. (Eddie) Weigel (D) Williams
Clerk: Jane Burns

GILA COUNTY—Globe

Dist. No. 1 Ben Armer (D) Globe
Dist. No. 2 J. J. McGoey (D) Miami
Dist. No. 3 James H. Dowdy (D) Miami
Clerk: Louise Rothengatter

GRAHAM COUNTY—Safford

Dist. No. 1 Vearl A. Lines (D) Safford
Dist. No. 2 Leo Cluff (D) Thatcher
Dist. No. 3 Willie Hinton (D) Ft. Thomas
Clerk: Harold Gietz

GREENLEE COUNTY—Clifton

Dist. No. 1 G. M. Callicotte (D) Clifton
Dist. No. 2 Clifford C. Martin (D) Morenci
Dist. No. 3 Leslie A. Billingsley (D) Duncan
Clerk: Matt Danenhauer

MARICOPA COUNTY—Phoenix

Dist. No. 1 James E. Lindsay (D) Phoenix
Dist. No. 2 B. W. Burns (R) Phoenix
Dist. No. 3 Mrs. James T. O'Neill (D) Phoenix
Clerk: Mrs. Rhea Averill

MOHAVE COUNTY—Kingman

Dist. No. 1 George C. Ricca (D) Oatman
Dist. No. 2 R. L. (Bob) Peart (D) Kingman
Dist. No. 3 Lee Stephens (D) Kingman
Clerk: Mrs. Mabel B. Bailey

NAVAJO COUNTY—Holbrook

Dist. No. 1 Ben R. Hunt (D) Holbrook
Dist. No. 2 H. R. McHood (D) Winslow
Dist. No. 3 Hal Butler (D) Snowflake
Clerk: Dorothy J. Leavitt

PIMA COUNTY—Tucson

Dist. No. 1 Dennis Weaver (R) Tucson
Dist. No. 2 Pete Rubi (D) Tucson
Dist. No. 3 Thomas S. Jay (D) Ajo
Clerk: Mrs. Elsa B. Hanna

PINAL COUNTY—Florence

Dist. No. 1 Jay Bateman (D) Box 403, Oracle
Dist. No. 2 Estil Osborn (D) Superior
Dist. No. 3 David C. Davis (D) Coolidge
Clerk: Mrs. Eleanor K. Caffall

SANTA CRUZ COUNTY—Nogales

Dist. No. 1 Marcelino Varona (D) Nogales
Dist. No. 2 Phil (F. J.) Baffert (D) Nogales
Dist. No. 3 K. W. (Bill) Holbrook (R) Patagonia
Clerk: Henry Valencia

YAVAPAI COUNTY—Prescott

Dist. No. 1 John J. Pruitt (D) Prescott
Dist. No. 2 Marvin E. Rohrer (R) Prescott
Dist. No. 3 Taylor E. Estes (D) Clarkdale
Clerk: Bert Jagerson

YUMA COUNTY—Yuma

Dist. No. 1 Jim Fuquay (D) Yuma
Dist. No. 2 M. L. Mitchell (D) Yuma
Dist. No. 3 Robert K. Nissen (D) Parker
Clerk: R. L. Odom

JUSTICES OF THE PEACE AND CONSTABLES

1961-1962

APACHE COUNTY

DISTRICT	JUSTICE OF PEACE	CONSTABLE
St. Johns	Edward E. Carter (D) St. Johns, Arizona	Carl J. Mineer (D) St. Johns, Arizona
Concho	E. M. DeGlane (D) Concho, Arizona	Libor Garcia (D) Concho, Arizona
McNary	Merlin F. Nikolaus (D) McNary, Arizona	Roland E. Jones (D) McNary, Arizona
Round Valley, Greer, Eagar, Springerville	Don Burk (D) Eagar, Arizona	G. L. Maxwell (D) Springerville, Arizona
Puerco	William C. McDonald (D) Sanders, Arizona	Robert J. Roberts (D) Lupton, Arizona
Vernon	Milton A. Gillespie (D) Vernon, Arizona	Donald E. Goodman (D) Vernon, Arizona
Alpine, (Nutrioso)	Emery Mangum (D) Nutrioso, Arizona	Marion Lee (D) Nutrioso, Arizona
Ft. Defiance, Ganado, Maverick	None	None

COCHISE COUNTY

Ash, Naco, Bisbee, Don Luis, Warren, Lowell	L. T. Frazier (D) Bisbee, Arizona	M. H. (Pappy) Wood (D) Bisbee, Arizona
Douglas, Central, Bridge, Lusk, McNeal, Webb, Paradise, Pirtleville, Whitewater	George W. Martin (D) Douglas, Arizona	D. W. (Jack) Murray (D) Douglas, Arizona
Benson, Pool, Robinson, St. David	Harold W. Holcomb (D) Benson, Arizona	Bill George (D) St. David, Arizona
Cochise, Dos Cabezas, Dragoon, El Dorado, Pearce, Wilgus, Willcox	W. L. (Bill Chastain (D) Willcox, Arizona	None
Tombstone	Joe T. Castles, III (D) Tombstone, Arizona	Barney Hockstad (D) Tombstone, Arizona
Bowie, San Simon	T. W. Cooke (D) Bowie, Arizona	None
Sierra Vista, Buena, Fairbank, Hereford, Huachuca City	Carl B. Egts (D) Sierra Vista, Arizona	None

COCONINO COUNTY

Flagstaff, Bellemont, Morman Lake, Tuba City, Cameron, Canyon Diablo, Leupp, Happy Jack, Red Lake	James F. Brierley (D) Flagstaff, Arizona	Cliff Simmons (D) Flagstaff, Arizona
Williams, Parks	Thomas E. Way (R) Williams, Arizona	Laura Cole (D) Williams, Arizona
Grand Canyon		Buford B. Belgard (R) Grand Canyon, Arizona
Fredonia, Marble Canyon	Mrs. Vonda McKinney (D) Fredonia, Arizona	Donald W. Johnson (D) Fredonia, Arizona
East Flagstaff	Goldie P. Newsum (D) Box 147 Winslow, Arizona	None
Sedona	Elmer A. Purtyman (D) Sedona, Arizona	None
Page	John Van Gaasbeek (D) Page, Arizona	Frank Hilton (D) Page, Arizona

GILA COUNTY

DISTRICT	JUSTICE OF PEACE	CONSTABLE
Globe	Clyde Shute (D) Globe, Arizona	W. S. (Buff) Edwards (D) Globe, Arizona
Miami, Claypool, Central Heights	John Carpenter (D) Miami, Arizona	W. P. (Bill) Ellis (D) Miami, Arizona
Hayden, Winkelman	Rex Curtis (D) Hayden, Arizona	Wm. A. (Cy) Pratt (D) Hayden, Arizona
Roosevelt, Payson	Calvin N. Greer (D) Payson, Arizona	Wm. Earl Jackson (D) Payson, Arizona
Young	Wm. L. Turner (D) Young, Arizona	Carl Thurlo (D) Young, Arizona
Pine	Isaac Hunt (D) Pine, Arizona	Lyman E. Bruce (D) Pine, Arizona

GREENLEE COUNTY

Clifton, Blue, Eagle	Henry G. Marquez (D) Clifton, Arizona	A. M. (Tony) Rodriguez Clifton, Arizona (D)
Morenci	John C. Cooper, Sr. (D) Morenci, Arizona	C. J. "Ike" Russell (D) Morenci, Arizona
Duncan, Franklin	J. E. George (D) Duncan, Arizona	

GRAHAM COUNTY

Safford	W. E. (Walt) Clifford (D)	None
Thatcher	Wilford Peterson (D) Box 112, Pima, Arizona	None
Ft. Thomas	Lymond D. Holyoak (D)	None
Bonita	James DuBois (D)	None

MARICOPA COUNTY

Buckeye, Arlington, Palo Verde, Liberty, Tonopah	Bill Meck (D) Buckeye, Arizona	Murrell Flood (D) Buckeye, Arizona
Queen Creek, Chandler, Higley	Coy Beasley (D) Chandler, Arizona	Charlie Southard (D) Chandler, Arizona
Gila Bend, Homestead, Sentinel	John H. Hunt (R) Gila Bend, Arizona	Jack Mullenax (D) Gila Bend, Arizona
Glendale	C. F. Carden (D) Glendale, Arizona	George Mencke (D) Glendale, Arizona
Alma, Lehi, Fish Creek, Sunflower, Mesa	Lawrence E. Mulleneaux Mesa, Arizona (D)	A. W. Hawkins (D) Mesa, Arizona
Cotton City, Peoria	Jack Ramsay, Jr. (D)* Peoria, Arizona (D)	Dean B. Robbins, Jr. (D) Peoria, Arizona
East Phoenix	Ida Westfall (D) Phoenix, Arizona	J. G. Hickey (D) Phoenix, Arizona
West Phoenix	Al J. Flood (D) Phoenix, Arizona	A. B. Spain (D) Phoenix, Arizona
Northeast Phoenix	Charles F. Coppock (R) Phoenix, Arizona	George J. Krum (R) Phoenix, Arizona
Northwest Phoenix	C. Stanley Kimball (D) Phoenix, Arizona	Eugene J. Bennett (D) Phoenix, Arizona
Scottsdale	Ben E. Fox (D) Scottsdale, Arizona	James A. Howard (D) Scottsdale, Arizona
Kyrene, Tempe	Ralph W. Fowler (D) Tempe, Arizona	John H. Gregg (D) Tempe, Arizona
Avondale, Orme, Cartwright, Cashion, Fowler, Goodyear, Tolleson	Harold Van Landingham Tolleson, Arizona (D)	R. H. Brummell (D) Avondale, Arizona
Wickenburg, Aguila, Morristown	R. L. Westall (D) Wickenburg, Arizona	Clyde A. Hall (D) Wickenburg, Arizona

*Appointed to replace Harmon S. Puckett, Jr., resigned.

MOHAVE COUNTY

DISTRICT	JUSTICE OF PEACE	CONSTABLE
Kingman, Yucca, Oatman, Chloride, Hackberry, Alamo Crossing, Owens, etc.	Ora Gruninger (D) Kingman, Arizona	Todd Long (D) Kingman, Arizona
Littlefield	Clifford Peterson (D) Littlefield, Arizona	Afton Reber Littlefield, Arizona
Mt. Trumbull	James G. Bundy (D) Mt. Trumbull, Arizona	Daniel A. Bundy Mt. Trumbull, Arizona
Short Creek, Cane Beds, Tuweep, Moccasin	Lorenzo Brown (R) Short Creek, Arizona	Dan Barlow Short Creek, Arizona
Bullhead City, Davis Dam	Nathaniel "Joe" Ericson Bullhead City, Ariz. (D)	Amund Oswood Bullhead City, Arizona

NAVAJO COUNTY

Holbrook, Kayenta, Woodruff	Dave J. Stouffer (R) Holbrook, Arizona	Nick Apodaca (D) Holbrook, Arizona
Winslow, Oraibi, Polacca, Tees To, Toreva	Ladd T. Thomas (D) Winslow, Arizona	W. T. (Walt) Schmerfeld Winslow, Arizona (D)
Snowflake, Taylor, Heber, Overgaard	Don Spencer Black, Jr. Snowflake, Arizona (R)	Timothy A. Carragher Snowflake, Arizona (R)
Showlow, Cibecue, Linden, Shumway, Clay Springs & Pinedale	W. Clark Gardner (D) Showlow, Arizona	Charles T. Knox (D) Showlow, Arizona
Joseph City	Newell Kay (D) Joseph City, Arizona	John Bushman (D) Joseph City, Arizona
Lakeside, Pinetop, Whiteriver	Frank E. Thomas (D) Pinetop, Arizona	Thomas W. Frost (D) Lakeside, Arizona
Keams Canyon (Hopi Reservation)	John W. Lee (R) Keams Canyon, Arizona	Thorton Maho (D) Keams Canyon, Arizona

PIMA COUNTY

Tucson 1	Alice N. Truman (D) Courthouse, Tucson	Robert Sigourney (R) Courthouse, Tucson
Tucson 2	Clark H. Johnson (D) Courthouse, Tucson	Ed F. Echols (D) Courthouse, Tucson
Tucson 3	Noel Talley (D) Ajo, Arizona	Thomas F. Larremore (D) Ajo, Arizona
Tucson 4	Norman H. Green (D) Courthouse, Tucson	William Sartori (D) Courthouse, Tucson

PINAL COUNTY

Florence	Lottie Devine (D) Florence, Arizona	Pete C. Van Haren (D) Florence, Arizona
Casa Grande, Sacaton	George Pickerel (D) Casa Grande, Arizona	Glyn Rogers (D) Casa Grande, Arizona
Eloy, Red Rock	Norman Murphey (D) Eloy, Arizona	Hubert Wilks (D) Eloy, Arizona
Stanfield, Maricopa	Ray Taylor (D) Stanfield, Arizona	E. L. Hollingsworth (D) Stanfield, Arizona
Mammoth, Oracle, San Manuel, Tiger, Hayden Jct.	W. L. (Bill) Swink (D) Mammoth, Arizona	Earl M. Moore (D) Mammoth, Arizona
Coolidge	S. A. Westerman (D) Coolidge, Arizona	Asa F. Gardner (D) Coolidge, Arizona
Ray, Kelvin	Kelly Haddad (D) Ray, Arizona	Ray Gartin (D) Ray, Arizona
Superior	Dale D. Webb (D) Superior, Arizona	Alex Arnett (D) Superior, Arizona
Goldfield, Apache Jct.	Norman L. Teason (D) Rt. 2, Box 568, Mesa	Grady Haskins (D) Rt. 2, Box 568, Mesa
Maricopa	Frank Lombard (D) Maricopa, Arizona	Silas Woods (D) Maricopa, Arizona

SANTA CRUZ COUNTY

DISTRICT	JUSTICE OF PEACE	CONSTABLE
Nogales, Santa Cruz	Fred U. Allen (D) Nogales, Arizona	Raul A. Romero (Bachelor Party) Nogales, Ariz.
Patagonia, San Rafael, Elgin	Oliver J. Rothrock (D) Patagonia, Arizona	

YAVAPAI COUNTY

Ash Fork	J. J. Slamon (R) Ash Fork, Arizona	
Bagdad	Edgar Keelis (D) Bagdad, Arizona	Sid Despain (D) Bagdad, Arizona
Camp Verde, Beaver Creek, Cherry Creek, Childs Congress-Yarnell, Castle Hot Springs, Rincon Constellation Mayer, Bumble Bee, Cleator, Crown King, Humboldt, Rock Springs	Lisle A. Watts (R) Camp Verde, Arizona Jerold P. Kolar (R) Yarnell, Arizona Marion T. Burleson (D) Humboldt, Arizona	T. A. Parsons (D) Camp Verde, Arizona
Prescott, Camp Wood, Chino Valley, Groom Creek, Hillside, Kirkland, Miller Valley, Skull Valley, Wagoner, Walnut Creek, Walnut Grove, Whipple	Dan Seaman (D) Prescott, Arizona	Wendell P. Hatch (D) Prescott, Arizona
Seligman	Catherine Wilder (R) Seligman, Arizona	
Upper Verde, Clarkdale, Cottonwood, Jerome, Oak Creek, Red Rock	Francis Murray (D) Clarkdale, Arizona	

YUMA COUNTY

Yuma, Dome, Laguna, Rood, Crane, Blaisdell	Ersel C. Byrd (D) Yuma, Arizona	Wm. N. Meador (D) Yuma, Arizona
Somerton, Gadsden	Herman Frauenfelder (D) Somerton, Arizona	John Pool, Jr. (D) Somerton, Arizona
Wellton, Roll, Mohawk, Aztec, Hyder	Geo. T. Witten (D) Wellton, Arizona	
Quartzsite, Cibola	George Hagely (D) Quartzsite, Arizona	Charles H. Oldham (D) Quartzsite, Arizona
Salome, Wenden, Vicksburg	W. D. Davis (D) Salome, Arizona	Floyd Balliett (D) Salome, Arizona
Parker, Bouse	O. N. Hamilton (D) Parker, Arizona	

ACTS

MEMORIALS AND RESOLUTIONS

of the

SECOND REGULAR SESSION

of the

TWENTY-FIFTH LEGISLATURE

of the

STATE OF ARIZONA

1962

SECOND REGULAR SESSION CONVENED

JANUARY 8, 1962

SECOND REGULAR SESSION ADJOURNED SINE DIE

MARCH 22, 1962 AT 7:59 P.M.

PUBLICATION AUTHORIZED

Paragraph 9a, Section 41-121,

Arizona Revised Statutes as amended by

Chapter 81, Laws of 1957

Twenty-third Legislature

First Regular Session.

Chapter 150, Laws of 1962

Second Regular Session, Twenty-fifth Legislature

NOTICE: There are a few misspellings, other errors and punctuation mistakes in the body of this volume, which originated in the original 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 Regular Session of the Twenty-fifth Legislature of the State of Arizona, as they appear on file in the office of the Secretary of State of the State of Arizona.

That the Second Regular Session of the Twenty-fifth Legislature of the State of Arizona was convened at the Capitol in the City of Phoenix, January 8, 1962, and adjourned sine die on the 22nd day of March, 1962.

IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary of State and affixed the Great Seal of the State of Arizona, this 9th day of April, 1962.

WESLEY BOLIN
Secretary of State

MEMBERS OF THE SENATE

TWENTY-FIFTH LEGISLATURE

OF ARIZONA

1961-1962

County	Name and Party	Address
Apache	Bert J. Colter (D)	Springerville
	Albert F. Anderson (R)	St. Johns
Cochise	Dan S. Kitchel (D)	Bisbee
	A. R. Spikes (D)	Douglas
Coconino	Fred F. Udine (D)	Williams
	Robert W. Prochnow (D)	Flagstaff
Gila	Clarence L. Carpenter (D)	Miami
	William A. Sullivan (D)	Globe
Graham	John Mickelson (D)	Thatcher
	Darvil B. McBride (D)	Thatcher
Greenlee	M. L. (Marshall) Simms (D)	Clifton
	Carl Gale (D)	Duncan
Maricopa	Joe Haldiman, Jr. (D)	Phoenix
	Evan Mecham (R)	Glendale
Mohave	Robert E. Morrow (D)	Kingman
	Thelma Bollinger (D)	Kingman
Navajo	Glenn Blansett (D)	Joseph City
	J. Morris Richards (D)	Winslow
Pima	David Wine (D)	Tucson
	Hiram S. (Hi) Corbett (R)	Tucson
Pinal	Ben Arnold (D)	Coolidge
	Charles S. Goff (D)	Casa Grande
Santa Cruz	Frank A. Bennett (D)	Nogales
	R. G. Michelena (D)	Nogales
Yavapai	David H. Palmer (D)	Prescott
	Sam Steiger (R)	Prescott
Yuma	Harold C. Giss (D)	Yuma
	Ray H. Thompson (D)	Parker

MEMBERS OF THE HOUSE

TWENTY-FIFTH LEGISLATURE

OF ARIZONA

1961-1962

District	Name and Party	Address
	APACHE COUNTY	
	Walter Pulsipher (D)	St. Johns Box 451
	COCHISE COUNTY	
1.	Clyde M. Dalton (D)	Bisbee
2.	A. J. (Jack) Gilbert (D)	Warren
3.	James A. "Jim" Elliott (D)	Douglas 1450 13th St.
4.	W. L. "Tay" Cook (D)	Willcox
	COCONINO COUNTY	
1.	Thos. M. (Tommy) Knoles, Jr. (D)	Flagstaff Box 179
2.	Harold J. Scudder (D)	Williams
	GILA COUNTY	
1.	Louis B. Ellsworth, Jr. (D)	Globe Box 49
2.	Nelson D. Brayton (D)	Miami 823 Merritt St.
3.	Edwynne C. "Polly" Rosenbaum (D)	Globe Box 609
	GRAHAM COUNTY	
1.	Gordon L. Hoopes (D)	Safford 14 Elm Ave.
2.	Milton Lines (D)	Pima

GREENLEE COUNTY

1. Tom W. Berry (D) ..... Clifton
   Box 791

2. G. O. (Sonny) Biles (D) ..... Morenci
   Box 747

MARICOPA COUNTY

1. Marshall Humphrey (R) ..... Chandler
   700 Carla Vista Dr.

2. Wm. S. (Bill) Porter (R) ..... Mesa
   15 E. 2nd Ave.

3. L. Waldo DeWitt (R) ..... Mesa
   1018 W. 8th St.

4. L. Alton (Pat) Riggs (D) ..... Tempe
   315 Encanto Drive

5. Elmer King (D) ..... Phoenix
   250 W. Buist

6. Carl Austin (D) ..... Phoenix
   4442 S. 8th Pl.

7. Bob Stump (D) ..... Phoenix
   2850 Westward Blvd.

8. Gilbert Gray (D) ..... Phoenix
   714 W. Pima St.

9. J. D. Holmes (D) ..... Phoenix
   1614 E. Adams St.

10. Martin P. Toscano (D) ..... Phoenix
    1038 N. 25th Pl.

11. David B. Kret (R) ..... Scottsdale
    2420 N. 73rd St.

12. Ralph W. Koch (R) ..... Phoenix
    2526 N. 32nd St.

13. Conrad James Carreon (D) ..... Phoenix
    806 N. 3rd St.

14. Archie C. Ryan (D) ..... Phoenix
    2044 E. Granada Rd.

15. (Mrs. Wm. C.) Gerry Eliot (R) ..... Phoenix
    340 W. Latham

16. Robert H. (Bob) Hutto (D) ..... Phoenix
2905 W. Garfield St.

17. S. Earl Pugh (D) ..... Phoenix
3440 W. Palm Lane

18. Derek Van Dyke (R) ..... Phoenix
1838 Palmcroft Way, N.W.

19. Robert C. (Bob) Wilcox (R) ..... Phoenix
515 E. Thomas Rd.

20. W. V. (Pat) Vipperman (D) ..... Phoenix
1811 N. 28th St.

21. Don Reese (R) ..... Scottsdale
6203 E. Joshua Tree Lane

22. Elmer T. Burson (R) ..... Phoenix
3401 N. 34th Pl.

23. F. A. (Rocky) Crane (D) ..... Phoenix
1928 E. Mitchell Dr.

24. Ruth Peck (R) ..... Phoenix
510 E. Medlock Drive

25. George W. Eubank (R) ..... Phoenix
1017 W. Indianola Ave.

26. Robert (Bob) Brewer (R) ..... Phoenix
2536 W. Mulberry Drive

27. George W. Peck (D) ..... Phoenix
4651 N. 30th Ave.

28. Bill Stephens (D) ..... Phoenix
5735 N. 32nd Drive

29. Priscilla H. Hays (R) ..... Phoenix
727 W. Palo Verde Drive

30. F. A. (Jake) Higgins (R) ..... Phoenix
1915 E. Rancho Drive

31. Isabel Burgess (R) ..... Phoenix
4710 N. 35th Way

32. Arthur B. Schellenberg (R) ..... Phoenix
212 E. Hayward Ave.

33. Merle E. Hays (D) ..... Phoenix
1137 E. Orchid Lane

34. Gene B. McClellan (R) ..... Phoenix
8307 N. 29th Drive

35. W. B. Barkley (D) ..... Glendale
40 West E Ave.

36. John Wood (R) ..... Phoenix
2201 W. Coolbrook Ave.

37. T. C. (Doc) Rhodes (D) ..... Avondale
Box 446

MOHAVE COUNTY

J. J. Glancy (D) ..... Kingman
1712 Jefferson St.

NAVAJO COUNTY

1. Augusta T. Larson (R) ..... Lakeside
Box 238

2. Lee F. Dover (D) ..... Winslow
1100 Warren Ave.

PIMA COUNTY

1. E. S. (Bud) Walker (D) ..... Ajo
1541 Rocalla Avenue

2. Arnold Elias (D) ..... Tucson
323 N. Westmoreland

3. Etta Mae Hutcheson (D) ..... Tucson
337 South 4th Ave.

4. W. M. (Bill) Carson (D) ..... Tucson
162 West District

5. Dr. Thomas D. Fridena (D) ..... Tucson
717 North 6th Ave.

6. Douglas S. Holsclaw (R) ..... Tucson
1746 East 5th St.

7. Doris Varn (R) ..... Tucson
2717 East Waverly

8. David G. Hawkins (R) ..... Tucson
2233 East 4th St.

9. John C. (Jack) Jordan (D) ..... Tucson
5202 Genematas Drive

10. Alvin Wessler (R) .....Tucson
1711 N. Desmond Lane

11. Ray Martin (D) .....Tucson
3946 Calle de Jardin

12. John H. Haugh (R) .....Tucson
Rt. 5 Box 161

13. Thomas C. Webster (R) .....Tucson
6951 E. Hayne Place

14. Joe D. Ybarra (D) .....Tucson
438 East 33rd St.

15. Nicholas Traficanti (R) .....Tucson
3118 E. Blackledge Dr.

16. Harold L. Cook (D) .....Tucson
2746 Stratford Drive

PINAL COUNTY

1. Charles Moody (D) .....Coolidge
Box 537

2. Frederick S. Smith (D) .....Superior
Box 425

3. E. B. Thode (D) .....Casa Grande
913 North Olive Drive

SANTA CRUZ COUNTY

Robert R. (Bob) Hathaway (D) .....Nogales
Duquesne Road

YAVAPAI COUNTY

1. Mabel S. Ellis (D) .....Prescott
107 East Gurley St.

2. Raymond Rowland (R) .....Prescott
806 Country Club Dr.

3. Milton O. "Mo" Lindner (D) .....Clarkdale
Box 608

YUMA COUNTY

1. Cecil D. Miller (D) .....Yuma
Box 11

2. Robert Klauer (D) .....Yuma
Box 1412

3. Clara Osborne Botzum (D) .....Parker

ORDER OF ACTS

ORDER OF ACTS

TWENTY-FIFTH LEGISLATURE

SECOND REGULAR SESSION

Chapter	Bill No.	Contents
1	HB 57	Relating to Elections; providing for new residents and persons who move from this state to vote for presidential electors; providing for conditional enactment, and amending title 16, chapter 1, Arizona Revised Statutes, by adding article 3, sections 16-171 to 16-175, inclusive. Approved February 21, 1962 Effective June 21, 1962
2	HB 52	Relating to Alcoholic Beverages; prescribing qualifications for licenses, and amending section 4-202, Arizona Revised Statutes. (Emergency clause) Approved February 26, 1962 Effective February 26, 1962
3	HB 89	Relating to Public Health; regulating hospitals, maternity homes, nursing homes and sheltered care homes, and amending sections 36-401, 36-421, 36-441, 36-442, 36-442.01 and 36-446, Arizona Revised Statutes. Approved March 2, 1962 Effective June 21, 1962
4	HB 112	Authorizing the exchange of certain state land to the City of Phoenix in exchange for property from the City of Phoenix to State of Arizona for the use of the National Guard. (Emergency clause) Approved March 2, 1962 Effective March 2, 1962
5	HB 111	Relating to Livestock and Animals; providing for vaccination and licensing of guide dogs without fee, and amending section 24-366, Arizona Revised Statutes. Approved March 2, 1962 Effective June 21, 1962

Chapter	Bill No.	Contents
6	HB 10	Making an appropriation to the Industrial Commission of Arizona to be credited to the account of William Owen Hughes and expended as provided in paragraph 3, Section 23-1241, Arizona Revised Statutes. Approved March 5, 1962 Effective March 5, 1962
7	HB 60	Making an appropriation to the Secretary of State for payment of balance of a bill owed Sims Printing Company for printing rules and regulations of the State Welfare Department. (Emergency clause) Approved March 5, 1962 Effective March 5, 1962
8	HB 61	Making a supplemental appropriation to the Post Auditor. (Emergency clause) (Failed to pass the House with sufficient vote to enact the emergency clause) Approved March 5, 1962 Effective March 5, 1962
9	HB 65	Making a supplemental appropriation to the Apprenticeship council. (Emergency clause) Approved March 5, 1962 Effective March 5, 1962
10	HB 150	Making a supplemental appropriation to the Arizona Interstate Stream Commission. Approved March 6, 1962 Effective March 6, 1962
11	HB 35	Making an appropriation to the Superintendent of Public Instruction for the division of special education. (Emergency clause) Approved March 7, 1962 Effective March 7, 1962
12	HB 120	Relating to the State Bar of Arizona; creating the office of President-Elect; providing for election of officers, and amending sections 32-239 and 32-240, Arizona Revised Statutes. (Emergency clause) Approved March 7, 1962 Effective March 7, 1962

Chapter	Bill No.	Contents
13	HB 95	Relating to Education; providing for the education of crippled children, and amending sections 15-1001 and 15-1002, Arizona Revised Statutes. Approved March 8, 1962 Effective July 1, 1962
14	HB 50	Relating to Marriage; prescribing certain marriages as being void and prohibited, and amending section 25-101, Arizona Revised Statutes. Approved March 12, 1962 Effective June 21, 1962
15	HB 123	Making an appropriation to the Arizona Pioneers' Home for drawings and specifications for proposed construction. (Emergency clause) Approved March 12, 1962 Effective March 12, 1962
16	HB 230	Making an appropriation to the Arizona Game and Fish Department for completing construction of the Lynx Creek Dam. (Emergency clause) Approved March 12, 1962 Effective March 12, 1962
17	HB 125	Relating to the Registrar of Contractors; prescribing additional duties; prescribing an additional salary, and amending title 32, chapter 10, Article 1, Arizona Revised Statutes, by adding section 32-1103.01. (Emergency clause) (Failed to pass the House with sufficient vote to enact the emergency clause) Approved March 13, 1962 Effective June 21, 1962
18	HB 210	Relating to installment loans; prescribing amount of installment loans and methods of prepayment, and amending section 6-254, Arizona Revised Statutes. Approved March 13, 1962 Effective June 21, 1962

Chapter	Bill No.	Contents
19	HB 240	Relating to Education; providing that state assistance of school districts in educating children whose parents are employed by certain state institutions and stations shall be from the state general fund; amending section 15-1214, Arizona Revised Statutes, and making an appropriation. (Emergency clause) Approved March 13, 1962 Effective March 13, 1962
20	HB 82	Relating to State Employees' Retirement System; providing for prior service credit; authorizing a recomputation of annuities of retired members who have prior service credit, and amending section 38-747, Arizona Revised Statutes. Approved March 13, 1962 Effective July 1, 1962
21	HB 191	Relating to Boating; prescribing registration of identification number; prescribing use of taxes resulting from the sale of motor vehicle fuel for watercraft; prescribing administration of the Lake Improvement Fund; amending sections 5-306.05, 5-315, 28-1502, 28-1520 and 28-1521, Arizona Revised Statutes, and amending title 28, chapter 9, article 1, Arizona Revised Statutes, by adding section 28-1502.01. Approved March 13, 1962 Effective June 21, 1962
22	HB 260	Relating to the appropriation to the department of law for the purpose of opposing the request for a permit by the Southern Pacific Railroad Company to abandon operations of the railroad in Cochise County; providing for the removal of the limitation on the appropriation, and amending chapter 104, section 4, laws of 1960. (Emergency clause) Approved March 13, 1962 Effective March 13, 1962

Chapter	Bill No.	Contents
23	HB 232	Relating to Employment of Women; prescribing equal wage rates for females and variations to the wage rates; prescribing penalties, and amending title 23, chapter 2, Arizona Revised Statutes, by adding article 6.1, sections 23-340 and 23-341. Approved March 14, 1962 Effective June 21, 1962
24	HB 88	Relating to Taxation of Income; prescribing exclusions from gross income, and amending section 43-112, Arizona Revised Statutes. Approved March 14, 1962 Effective June 21, 1962
25	SB 10	Relating to County Officers, and authorizing payment of legally incurred expenses by the Gila County Board of Supervisors. (Emergency clause) Approved March 14, 1962 Effective March 14, 1962
26	SB 16	Authorizing the exchange of certain state land to county of Graham in exchange for property from the county to the state for use of the National Guard. (Emergency clause) Approved March 14, 1962 Effective March 14, 1962
27	SB 30	Making a reallocation of funds from the Secretary of State to the state general fund. (Emergency clause) Approved March 14, 1962 Effective March 14, 1962
28	SB 31	Making a supplemental appropriation to the State Tax Commission. (Emergency clause) Approved March 14, 1962 Effective March 14, 1962
29	SB 40	Making a supplemental appropriation to the Board of Directors of State Institutions for Juveniles. (Emergency clause) Approved March 14, 1962 Effective March 14, 1962

Chapter	Bill No.	Contents
30	SB 55	Relating to Public Finances; providing that claims against the state shall contain a statement executed by the claimant declaring under penalties of perjury that the claim is a true, correct and valid claim and amending section 35-181, Arizona Revised Statutes. (Emergency clause) Approved March 14, 1962 Effective March 14, 1962
31	SB 80	Relating to Sanitary Districts; providing for the term, appointment and election of the board of directors thereof, and amending section 36-1309, Arizona Revised Statutes. Approved March 14, 1962 Effective June 21, 1962
32	SB 90	Relating to the Board of Regents of the Universities and State College of Arizona; authorizing an increase in the amount of bonds to be issued for the purpose of acquiring projects at Arizona State University, and amending section 3, chapter 123, Laws of 1961, First Regular Session. (Emergency clause) Approved March 14, 1962 Effective March 14, 1962
33	SB 92	Making an appropriation to the Governor for erection of a plaque to commemorate Fred T. Colter. (Emergency clause) Approved March 14, 1962 Effective March 14, 1962
34	SB 105	Making an appropriation to the Arizona State Parks Board for the relief of the Arizona Water Company. (Emergency clause) Approved March 14, 1962 Effective March 14, 1962
35	SB 106	Making an appropriation to the Corporation Commission for the use of the Securities Division thereof. (Emergency clause) (Failed to pass the House with sufficient vote to enact clause). Approved March 14, 1962 Effective March 14, 1962

Chapter	Bill No.	Contents
36	SB 135	Making an appropriation to the Superintendent of Public Instruction for the purpose of completing a pilot project relating to courses of study, pupil accounting, and printing thereof. (Emergency clause) Approved March 14, 1962 Effective March 14, 1962
37	SB 198	Authorizing the Board of Supervisors of Yuma County to make payment of claims legally incurred but remaining unpaid. (Emergency clause) Approved March 14, 1962 Effective March 14, 1962
38	SB 201	Authorizing the Board of Supervisors of Maricopa County to make payment of claims legally incurred but not submitted within the statutory period. (Emergency clause) Approved March 14, 1962 Effective March 14, 1962
39	SB 113	Relating to School Finance; providing for the payment of obligations within one month after the close of a fiscal year, and amending title 15, chapter 12, Article 1, Arizona Revised Statutes, by adding section 15-1204. Approved March 16, 1962 Effective June 21, 1962
40	SB 127	Relating to Education; providing for the acceptance and expenditure of private grants for educational purposes, and amending title 15, chapter 11, Arizona Revised Statutes, by adding article 3.1, sections 15-1151 and 15-1152. (Emergency clause) Approved March 16, 1962 Effective March 16, 1962
41	HB 68	Making an appropriation to the state department of health for the purpose of equipping and furnishing the Tuberculosis Sanatorium. Approved March 16, 1962 Effective March 16, 1962

Chapter	Bill No.	Contents
42	HB 194	Relating to Motor Vehicles; prescribing gross weight of vehicles and loads, and amending section 28-1009, Arizona Revised Statutes. Approved March 16, 1962 Effective June 21, 1962
43	SB 73	Relating to Elections and Electors; providing for use of poll lists on election days by representatives of each political party to determine which electors have voted; prescribing form of fifty foot limit notice, and amending sections 16-862 and 16-892, Arizona Revised Statutes. Approved March 19, 1962 Effective June 21, 1962
44	SB 5	Relating to the State Employees' Retirement System; providing for the investment and reinvestment of monies in the fund, and amending section 38-757, Arizona Revised Statutes. Approved March 20, 1962 Effective June 21, 1962
45	SB 7	Relating to Divorce Judgment; partitition proceedings; division of property; liens on separate property; ownership of property not provided for in judgment, and amending section 25-318, Arizona Revised Statutes. Approved March 20, 1962 Effective June 21, 1962
46	SB 108	Making a supplemental appropriation and reallocation of funds to the State Board of Directors for Junior Colleges. (Emergency clause) Approved March 20, 1962 Effective March 20, 1962
47	SB 109	Relating to certificates of indebtedness, and making an appropriation for the relief of PBSW Supply and Equipment Company. (Emergency clause) Approved March 20, 1962 Effective March 20, 1962

Chapter	Bill No.	Contents
48	SB 123	Making an appropriation for the relief of Henry Lesem. (Emergency clause) Approved March 20, 1962 Effective March 20, 1962
49	SB 124	Making an appropriation to the Arizona Commission of Indian Affairs. (Emergency clause) Approved March 20, 1962 Effective March 20, 1962
50	SB 145	Making an appropriation to the Arizona State Board of Crippled Children's Services. (Emergency clause) Approved March 20, 1962 Effective March 20, 1962
51	SB 146	Relating to Aeronautics; providing for changing the name of the state Aviation Authority, providing for five-year staggered terms of members of the Authority, and amending sections 2-121, 2-122, 2-123, 2-131 and 2-303, Arizona Revised Statutes. Approved March 20, 1962 Effective June 21, 1962
52	SB 159	Relating to the Crime of Rape; providing degrees thereof; defining the same; providing punishment therfor, and amending sections 13-611 and 13-614, Arizona Revised Statutes. Approved March 20, 1962 Effective June 21, 1962

Chapter	Bill No.	Contents
53	SB 185	Relating to Professional Corporations; authorizing the formation of professional corporations; providing for a title; definitions; exclusions; applicability of general corporation laws; preserving professional relationship and responsibility; providing for a corporate name and the investment of funds; setting forth the nature of the corporate activity; providing for the number of incorporators, continuity of life, centralized management, corporate liability and transferability of interest; preserving the disciplinary powers of boards, and amending title 10, Arizona Revised Statutes, by adding chapter 3, article 1, sections 10-901 to 10-909, inclusive. (Emergency clause) Approved March 20, 1962 Effective March 20, 1962
54	SB 230	Making an appropriation to the Attorney General—Department of Law. (Emergency clause) Approved March 20, 1962 Effective March 20, 1962
55	SB 235	Making an appropriation to the Department of Liquor Licenses and Control for the relief of John Klomparens. (Emergency clause) Approved March 20, 1962 Effective March 20, 1962
56	SB 236	Making a supplemental appropriation to the Department of Liquor Licenses and Control. (Emergency clause) Approved March 20, 1962 Effective March 20, 1962
57	SB 240	Making a reallocation of funds to the special donations account maintained for the benefit of Crippled Children. (Emergency clause) Approved March 20, 1962 Effective March 20, 1962

Chapter	Bill No.	Contents
58	SB 47	Relating to Corporations and Associations; providing for interest rates on amounts over three thousand five hundred dollars to be determined by lender and borrower, and amending title 10, chapter 1, article 4, Arizona Revised Statutes, by adding section 10-177. Approved March 20, 1962 Effective June 21, 1962
59	SB 58	Relating to the retirement of Judges; retirement benefits for widows of judges; and amending sections 38-801 and 38-802, Arizona Revised Statutes. (Emergency clause) Approved March 20, 1962 Effective March 20, 1962
60	SB 72	Relating to Dairies and Dairying; requiring license to sell at wholesale milk or dairy products or both; exception; out-of-state inspections; prescribing license fee, and amending section 3-607, Arizona Revised Statutes. Approved March 20, 1962 Effective June 21, 1962
61	SB 32	Making an appropriation to the State Planning and Building Commission for the relief of the Mountain States Telephone and Telegraph Company. (Emergency clause) Approved March 21, 1962 Effective March 21, 1962
62	SB 38	Making an appropriation to the division of vocational rehabilitation for case service for vocationally handicapped persons. (Emergency clause) Approved March 21, 1962 Effective March 21, 1962
63	SB 42	Making an appropriation to the Arizona Development Board. (Emergency clause) Approved March 21, 1962 Effective March 21, 1962

Chapter	Bill No.	Contents
64	SB 45	Relating to Taxation; prescribing exemptions to the transaction privilege taxes; and amending section 42-1321, Arizona Revised Statutes. Approved March 21, 1962 Effective June 21, 1962
65	SB 94	Making an appropriation to the Arizona State Parks Board for the purpose of assembling historical data and materials at the Mohave County Historical Society Building. Approved March 21, 1962 Effective March 21, 1962
66	SB 202	Relating to Taxation of Income; providing for the taxability of nonprofit religious organizations on unrelated income, and amending section 43-149, Arizona Revised Statutes. Approved March 21, 1962 Effective December 31, 1961
67	HB 6	Relating to Motor Vehicles; prescribing a form of certificate for use on traffic citation forms and complaints; punishment, and amending title 28, chapter 6, article 20, Arizona Revised Statutes, by adding section 28-1062. Approved March 21, 1962 Effective June 21, 1962
68	HB 54	Making an appropriation to the State Board of Directors for Junior Colleges for payment of the state's share of capital outlay for construction of Junior Colleges. Approved March 21, 1962 Effective March 21, 1962

Chapter	Bill No.	Contents
69	HB 122	Relating to the Superintendent of Public Buildings maintenance; authorizing the superintendent to contract for installation and maintenance of a central telephone switchboard system for all state departments; authorizing the superintendent to operate the central telephone system; creating a telephone revolving fund; reallocating funds; amending title 41, chapter 5, article 5, Arizona Revised Statutes, by adding Sections 41-974 and 41-975, and repealing sections 41-571.16 and 41-571.17, Arizona Revised Statutes. Approved March 21, 1962 Effective June 21, 1962
70	HB 124	Making an appropriation to the State Planning and Building Commission for the purpose of erecting a monument on the capitol grounds which honors Arizona War Heroes. (Emergency clause) Approved March 21, 1962 Effective March 21, 1962
71	HB 126	Relating to Crimes; prescribing punishment for trespass, and amending section 13-712, Arizona Revised Statutes. Approved March 21, 1962 Effective June 21, 1962
72	HB 131	Making an appropriation to the State Board of Directors for Junior Colleges for the purpose of operational funds and continuing capital outlay funds expenditures for Graham County Junior College District. (Emergency clause) Approved March 21, 1962 Effective March 21, 1962
73	HB 151	Making an appropriation to the Arizona Pioneers' Historical Society. Approved March 21, 1962 Effective March 21, 1962

Chapter	Bill No.	Contents
74	HB 217	Relating to Labor; permitting an exception to the limitation on labor of girls, and amending title 23, chapter 2, article 3, Arizona Revised Statutes, by adding section 23-244.01. (Emergency clause) Approved March 21, 1962 Effective March 21, 1962
75	HB 275	Relating to Motor Vehicles; providing for use of flashing amber light on rear of vehicle used in the official delivery of United States Mail, and amending section 28-871, Arizona Revised Statutes. Approved March 21, 1962 Effective June 21, 1962
76	HB 276	Relating to Motor Vehicles; providing for the issuance of single-trip permits; prescribing fees, and amending title 28, chapter 5, article 1, Arizona Revised Statutes, by adding section 28-501.01. Approved March 21, 1962 Effective June 21, 1962
77	HB 308	Relating to Water; exempting flood control and other districts formed by a county, city or town from payment of fees, and amending section 45-2193, Arizona Revised Statutes. Approved March 21, 1962 Effective June 21, 1962
78	SB 43	Relating to the Arizona Development Board, and providing for a reallocation of funds. (Emergency clause) Approved March 22, 1962 Effective March 22, 1962
79	SB 57	Relating to Professions and Occupations; prescribing compensation of members of State Dental Board; providing for the licensing of dentists; prescribing annual registration fee of dental hygienists, and amending sections 32-1206, 32-1232, 32-1236 and 32-1287, Arizona Revised Statutes. Approved—March 22, 1962 Effective June 21, 1962

Chapter	Bill No.		Contents
80	SB	63	Relating to Employment Security; fixing the compensation of the members of the commission, and amending section 23-641, Arizona Revised Statutes. Approved March 22, 1962 Effective July 1, 1962
81	SB	64	Relating to Employment Security; enabling an employer to obtain a reduced contribution rate after one year of chargeability; deleting special rate computations; defining "Compution Date" and "Average Annual Payroll", and amending sections 23-604 and 23-729, Arizona Revised Statutes. Approved March 22, 1962 Effective July 1, 1962
82	SB	65	Relating to Employment Security; deleting requirement that term purchase agreements entered into by the commission for acquisition of lands and buildings be approved by the United States Department of Labor, and amending section 23-649, Arizona Revised Statutes. Approved March 22, 1962 Effective June 21, 1962
83	SB	71	Relating to the Commissioners on Uniform State Laws; providing for terms and compensation; providing for membership in National Conference, and amending sections 41-591 and 41-592, Arizona Revised Statutes. (Emergency clause) Approved March 22, 1962 Effective March 22, 1962
84	SB	87	Relating to the Board of Regents of the Universities and State College of Arizona; authorizing an increase in amount of bonds to be issued for the purpose of acquiring projects at the University of Arizona, and Arizona State College at Flagstaff; amending section 3, chapter 120, laws of 1961, first regular session, and amending section 3, chapter 118, laws of 1961, first regular session. (Emergency clause) Approved March 22, 1962 Effective March 22, 1962

Chapter	Bill No.	Contents
85	SB 129	Relating to Game and Fish; providing for licensing on a calendar-year basis; amending sections 17-101, 17-332, 17-339, 17-343, 17-344 and 17-362, Arizona Revised Statutes. Approved March 22, 1962 Effective June 21, 1962
86	SB 137	Relating to Dogs and other animals; provid- for licensing and vaccination; permitting the establishment of county pounds; creating the office of county enforcement agent; prescribing methods of quarantine and for disposing of dogs and other animals suspected of having rabies; repealing title 24, chapter 2, article 8, sections 24-361 to 24-385, inclusive, Arizona Revised Statutes, and amending title 24, chapter 2, Arizona Revised Statutes, by adding a new article 8, sections 24-361 to 24-377, inclusive. Approved March 22, 1962 Effective June 21, 1962
87	SB 147	Relating to County Officers, and authorizing payment of legally incurred expenses by the Pinal County Board of Supervisors. (Emergency clause) Approved March 22, 1962 Effective March 22, 1962
88	SB 161	Relating to aggravated assault or battery; providing punishment therefor, and amending section 13-245, Arizona Revised Statutes. Approved March 22, 1962 Effective June 21, 1962
89	SB 163	Relating to Property; providing for the creation of horizontal property regimes; providing for withdrawal of the property from such regime; partition and limitation of partition; and amending title 33, Arizona Revised Statutes, by adding chapter 4.1, article 1. (Emergency clause) Approved March 22, 1962 Effective March 22, 1962

Chapter	Bill No.	Contents
90	SB 186	Relating to Minors; authorizing emancipated minors to secure hospital, medical and surgical care, authorizing consent for emergency medical attention to minor by person in loco parentis, and amending title 44, chapter 1, article 3, Arizona Revised Statutes, by adding sections 44-132 and 44-133. Approved March 22, 1962 Effective June 21, 1962
91	SB 187	Relating to Aeronautics; authorizing the State Aviation Authority to accept and administer certain real property, and amending section 2-123, Arizona Revised Statutes. Approved March 22, 1962
92	SB 207	Relating to Education; providing Teachers' Housing Facilities; and amending section 15-442, Arizona Revised Statutes. Approved March 22, 1962 Effective June 21, 1962
93	SB 208	Relating to Professions and Occupations; providing qualifications of professional nurses; prescribing grounds for denial, revocation or suspension; providing for investigation of complaints and hearings; amending sections 32-1632, 32-1663 and 32-1664, Arizona Revised Statutes, and repealing section 32-1662, Arizona Revised Statutes. Approved March 22, 1962 Effective June 21, 1962
94	SB 210	Relating to Cities and Towns providing for issuance of revenue bonds and refunding bonds; refunding utility purchase contracts; validating the obligations to be refunded thereby; and amending section 9-535.01, Arizona Revised Statutes. (Emergency clause) Approved March 22, 1962 Effective March 22, 1962
95	HB 44	Relating to Motor Vehicles; prescribing form of operator's and chauffeur's license, and amending section 28-422, Arizona Revised Statutes. Approved March 22, 1962 Effective June 21, 1962

Chapter	Bill No.	Contents
96	HB 45	Relating to Motor Vehicles; prescribing an increase in motor vehicles fees; providing for conditional enactment, and amending section 28-205, Arizona Revised Statutes. Approved March 22, 1962 Effective June 21, 1962
97	HB 214	Relating to Crimes; prescribing penalties for breaking into coin-operated vending contrivances, and amending title 13, chapter 2, article 38, Arizona Revised Statutes, by adding section 13-676. Approved March 22, 1962 Effective June 21, 1962
98	HB 273	Relating to State Officers and Employees; prescribing duties, revising salaries and subsistence for travel of state officers and employees; amending sections 3-101, 3-111, 3-484, 3-602, 3-709, 4-111, 4-112, 5-106, 6-111, 6-112, 8-304, 8-316, 8-403, 8-405, 12-203, 15-124, 15-143, 15-815, 17-201, 17-211, 18-107, 20-141, 20-146, 23-101, 23-222, 24-102, 24-121, 24-151, 26-102, 26-321, 27-121, 27-122, 27-141, 28-201, 28-1121, 31-201, 31-404, 32-305, 32-503, 32-1103, 32-1206, 32-1503, 32-1604, 32-1607, 32-1802, 32-1804, 32-1903, 32-2002, 32-2106, 32-2201, 36-135, 36-205, 37-131, 38-624, 40-109, 41-101, 41-142, 41-171, 41-191, 41-332, 41-501, 41-511.05, 41-525.02, 41-604, 41-704, 41-922, 41-1323, 42-103, 44-1811, 44-1812, 44-2111, 46-112 and 46-151, Arizona Revised Statutes; amending title 32, chapter 10, Article 1, Arizona Revised Statutes, by adding section 32-1103.01; amending title 41, chapter 1, article 2, Arizona Revised Statutes, by adding section 41-121.01; amending title 41, chapter 8, article 2, Arizona Revised Statutes, by adding section 41-1327, and repealing sections 38-603, 38-604 and 38-605, Arizona Revised Statutes, and making an appropriation. Approved March 22, 1962 Effective, Portion of Bill, July 1, 1962 Portion of Bill, January 1, 1963

Chapter	Bill No.	Contents
99	HB 116	Relating to State Government; prescribing additional duties for the Post Auditor, and amending title 41, chapter 8, article 2, Arizona Revised Statutes, by adding section 41-1327. (Emergency clause) (Failed to pass the House with sufficient vote to enact the emergency clause) Approved March 22, 1962 Effective June 21, 1962
100	SB 180	Relating to Taxation of Income; providing an additional exemption for persons sixty-five years of age or over, and amending sections 43-127, Arizona Revised Statutes. Approved March 22, 1962 Effective June 21, 1962
101	SB 243	Relating to Public Finances; providing that claims against the state shall contain a statement sworn to by the claimant; providing that effective January, 1963, claims against the state shall contain a statement executed by the claimant declaring under penalties of perjury that the claim is a true, correct and valid claim; prescribing effective dates; repealing chapter 30, laws of 1962; amending title 35, chapter 1, article 5, Arizona Revised Statutes, by adding a new section 35-181 and section 35-181.01. (Emergency clause) Approved March 22, 1962 Effective, Section 1, March 22, 1962; Section 2 shall expire on December 31, 1962; and section 3 shall become effective on January 1, 1963.

Chapter	Bill No.	Contents
102	HB 139	Relating to Oil and Gas; defining common purchaser of crude oil, petroleum and gas; prescribing duties and prohibiting discrimination; providing for unit operation of one or more pools or parts thereof in a field; providing for substituted service upon drilling permittees; making technical changes in oil and gas conservation act of 1951; amending sections 27-501, 27-504, 27-516, 27-520, 27-522 and 27-527, Arizona Revised Statutes; amending title 27, chapter 4, article 1, Arizona Revised Statutes, by adding sections 27-507.01, 27-508.01 and 27-513.01; amending title 27, chapter 4, Arizona Revised Statutes, by adding a new article 1.1, sections 27-531 to 27-540, inclusive, and repealing sections 27-507 and 27-508, Arizona Revised Statutes. Approved March 22, 1962 Effective June 21, 1962
103	HB 141	Relating to Taxation; amending section 42-227.01, Arizona Revised Statutes, to in-include helium and other non-hydrocarbon gases in the definition of gas. Approved March 22, 1962 Effective after June 30, 1962
104	HB 164	Relating to Firearms; providing for control of hunting and the conducts of rifle ranges within municipal limits; regulating the use and handling of firearms; prescribing penalties; amending section 13-917, Arizona Revised Statutes, and amending title 13, chapter 3, article 7, Arizona Revised Statutes, by adding section 13-917.01. Approved March 22, 1962 Effective June 21, 1962
105	HB 193	Relating to Corporations; contents of articles as respects designating character of business, and amending section 10-122, Arizona Revised Statutes. Approved March 22, 1962 Effective June 21, 1962

Chapter	Bill No.	Contents
106	HB 266	Relating to Savings and Loan Associations; defining limitations on the apportionment of profits, and amending section 6-440, Arizona Revised Statutes. Approved March 22, 1962 Effective June 21, 1962
107	HB 267	Relating to Savings and Loan Associations; providing for authorized investment in obligations of members, and amending section 6-445, Arizona Revised Statutes. Approved March 22, 1962 Effective June 21, 1962
108	HB 127	Relating to Courts and Civil Proceedings; prescribing the method of submitting disputes to arbitration by agreements; repealing title 12, chapter 9, article 1, sections 12-1501 12-1511, inclusive, Arizona Revised Statutes; amending title 12, chapter 9, Arizona Revised Statutes by adding a new article 1, sections 12-1501 to 12-1516, inclusive, and amending title 12, chapter 12, article 1, Arizona Revised Statutes, by adding section 12-2101.01. Approved March 23, 1962 Effective June 21, 1962
109	HB 207	Relating to the Arizona Interstate Stream Commission; conferring additional powers and duties upon the Arizona Interstate Stream Commission; providing for the employment of a state water engineer by the Arizona Interstate Stream Commission, and amending title 45, chapter 2, article 1, Arizona Revised Statutes, by adding sections 45-512 and 45-513. Approved March 23, 1962 Effective June 21, 1962
110	HB 231	Relating to Education; granting authority to school districts to provide programs for trainable retarded children, and amending title 15, chapter 10, Arizona Revised Statutes, by adding article 8, sections 15-1081 to 15-1083, inclusive, and making an appropriation. Approved March 23, 1962 Effective July 1, 1962

Chapter	Bill No.	Contents
111	HB 283	Making an appropriation to the Arizona Highway Department. (Emergency clause) Approved March 23, 1962 Effective March 23, 1962
112	HB 87	Relating to Education; providing that Board of Trustees may sell school property required for a public purpose to the state, county or city, and amending section 15-442, Arizona Revised Statutes. (Emergency clause) Approved March 22, 1962 Effective March 22, 1962
113	SB 39	Relating to Waters; prescribing rights of the state in appropriation of water; permitting transfer of water rights appurtenant to crop land for municipal and recreational purposes under certain conditions and limitations; uses of transferred water rights; application for transfer and notice; orders of state land commissioner, finality; injunction; appeal, and amending sections 45-141, 45-142, 45-147, 45-150 and 45-172, Arizona Revised Statutes. Approved March 23, 1962 Effective June 21, 1962
114	SB 192	Relating to Education; providing a revloving fund to be used for specific purposes in disbursing school lunchroom and program monies, and amending section 15-1124, Arizona Revised Statutes. (Emergency clause) Approved March 23, 1962 Effective March 23, 1962

Chapter	Bill No.	Contents
115	SB 205	Relating to Barbering; prescribing qualifications of barbers, apprentices, probationary instructors and instructors; prescribing powers, duties and compensation of the barber board and the chairman and vice-chairman thereof; prescribing qualifications for barber schools and shops; prescribing fees; amending sections 32-301, 32-304, 32-305, 32-323, 32-325, 32-328, 32-329, 32-331, and 32-351, Arizona Revised Statutes; amending title 32, chapter 3, article 2, Arizona Revised Statutes, by adding sections 32-334, and repealing sections 32-326 and 32-333, Arizona Revised Statutes. Approved March 23, 1962 Effective June 21, 1962
116	SB 220	Relating to Corporations; providing for annual reports to be filed and fees to be paid by non-profit corporations, and amending sections 10-104 and 10-211, Arizona Revised Statutes. Approved March 23, 1962 Effective June 21, 1962
117	HB 91	Relating to Welfare; amending sections 46-101, 46-112, 46-113, 46-114, 46-132, 46-135, 46-136, 46-137, 46-151, 46-152, 46-161, 46-162, 46-163, 46-171, 46-204, 46-205, 46-206, 46-207, 46-209, 46-213, 46-215, 46-232, 46-233, 46-252, 46-254, 46-272, 46-292, and 46-311, Arizona Revised Statutes, and repealing sections 46-115, 46-202, 46-235, 46-236 and 46-401, Arizona Revised Statutes, and making an appropriation. (Emergency clause) (Failed to pass the House with sufficient vote to enact the emergency clause) Approved March 23, 1962 Effective March 23, 1962
118	HB 334	Making a supplemental appropriation to the State Department of Public Welfare. Approved March 23, 1962 Effective March 23, 1962

Chapter	Bill No.	Contents
119	SB 133	Relating to Domestic Relations; creating a court of conciliation; prescribing the powers and duties thereof, and amending title 25, chapter 3, Arizona Revised Statutes, by adding article 7, sections 25-381.01 to 25-381.21, inclusive. Approved March 23, 1962 Effective June 21, 1962
120	SB 224	Relating to Taxation; prescribing the basis for future budgets of city or town; and amending title 42, chapter 2, article 4, Arizona Revised Statutes, by adding section 42-303.01. (Emergency clause) Approved March 23, 1962 Effective March 23, 1962
121	HB 7	Relating to Public Health and Safety; authorizing the state department of health and boards of supervisors to study air pollution problems and accept grants of monies, and amending title 36, chapter 6, Arizona Revised Statutes, by adding article 8, sections 36-771 to 36-776, inclusive. (Emergency clause) Approved—March 27, 1962 Effective March 27, 1962
122	HB 74	Relating to Motor Vehicles; requiring inspection of school buses semiannually and other motor vehicles annually; providing for establishing inspection stations; providing for the issuance of permits to stations and the use and revocation thereof; prescribing penalties; amending sections 28-982 and 28-983, Arizona Revised Statutes, and amending title 28, chapter 6, article 17, Arizona Revised Statutes, by adding sections 28-984 to 28-990, inclusive. Approved March 27, 1962 Effective June 21, 1962
123	HB 170	Relating to Labor; prescribing hours and conditions of labor for women employees, and amending section 23-281, Arizona Revised Statutes. Approved March 27, 1962 Effective June 21, 1962

Chapter	Bill No.	Contents
124	HB 198	Relating to Elections; prohibiting removal, alteration, defacing or covering of political signs, and amending title 16, chapter 10, article 1, Arizona Revised Statutes, by adding section 16-1312. Approved March 27, 1962 Effective June 21, 1962
125	HB 264	Making an appropriation to the Arizona State Parks Board. Approved March 27, 1962 Effective March 27, 1962
126	HB 272	Relating to the De-annexation and severance of part of the City of Tempe, Arizona, and to the annexation of the same parcel of land to the City of Phoenix, Arizona. (Emergency clause) Approved March 27, 1962 Effective March 27, 1962
127	HB 296	Making an appropriation to the State Planning and Building Commission. (Emergency clause) Approved March 27, 1962 Effective March 27, 1962
128	SB 17	Relating to Education; permitting Junior College Districts to allow attendance of students from without the district; providing for payment of costs thereof by county of residence, and amending section 15-693, Arizona Revised Statutes. Approved March 27, 1962 Effective June 21, 1962
129	SB 25	Authorizing the State Hospital Board to expend certain funds, and making an appropriation. (Emergency clause) Approved March 27, 1962 Effective March 27, 1962
130	SB 35	Authorizing the National Guard to sell the Old Armory in Flagstaff, Arizona. (Emergency clause) Approved March 27, 1962 Effective March 27, 1962

Chapter	Bill No.	Contents
131	SB 49	Relating to Juries; prescribing the number of Jurors in Criminal and Civil actions in courts not of record, and amending section 21-103, Arizona Revised Statutes. Approved March 27, 1962 Effective June 21, 1962
132	SB 56	Making a reallocation of funds and an appropriation to the Arizona State School for the Deaf and the Blind. (Emergency clause) Approved March 27, 1962 Effective March 27, 1962
133	SB 98	Relating to office of Commissioner of Public Building and Safety; designating the Director of Insurance as Commissioner and setting his salary; prescribing powers and duties of the Commissioner, and amending title 20, Arizona Revised Statutes, by adding chapter 7, article 1, sections 20-1701 to 20-1709, inclusive. Approved March 27, 1962 Effective June 21, 1962
134	SB 107	Making an appropriation to the Livestock Sanitary Board. (Emergency clause) Approved March 27, 1962 Effective March 27, 1962
135	SB 116	Relating to County Officers; prescribing the salaries thereof; amending sections 11-418, 11-420, 11-422, and 11-423, Arizona Revised Statutes, and repealing sections 11-410, 11-419, and 11-421, Arizona Revised Statutes. Approved March 27, 1962 Effective July 1, 1962

Chapter	Bill No.	Contents
136	SB 164	Repealing section 9-518, Arizona Revised Statutes; relating to cities or towns engaging in the public utility business; providing for condemnation under the power of eminent domain of the plant and property of public utilities by cities or towns; providing the procedure therefor; amending title 9, chapter 5, article 2, Arizona Revised Statutes, by adding section 9-518; continuing consistent statutory provisions in force; and declaring an emergency. (Failed to pass the House with sufficient vote to enact the emergency clause) Approved March 27, 1962 Effective June 21, 1962
137	SB 199	Relating to Education; eliminating the requirement that noncertificated employees be employed by written contract, and amending section 15-443, Arizona Revised Statutes. Approved March 27, 1962 Effective June 21, 1962
138	SB 209	Relating to Public Officers and Employees; providing that meetings and proceedings held by an administrative or legislative body of the state or a political subdivision thereof shall be open to the public; providing minutes of such public proceedings shall be open to the public; providing for a penalty, and amending title 38, chapter 3, Arizona Revised Statutes, by adding article 3.1, sections 38-431 to 38-431.06, inclusive. Approved March 27, 1962 Effective June 21, 1962
139	SB 232	Relating to County Officers and to Private Process Servers; prescribing fees chargeable in civil actions by sheriffs, constables and private process servers, and amending section 11-445, Arizona Revised Statutes. Approved March 27, 1962 Effective June 21, 1962
140	SB 238	Making and appropriation to the State Department of Public Buildings Maintenance. (Emergency clause) Approved March 27, 1962 Effective March 27, 1962

Chapter	Bill No.	Contents
141	HB 144	Providing for adoption of foundling children, and amending section 8-103, Arizona Revised Statutes. Approved March 28, 1962 Effective June 21, 1962
142	HB 205	Relating to Alcoholic Beverages; providing for an increase in Luxury Privilege Taxes on alcoholic beverages; changing certain license fees for the sale of alcoholic beverages, and amending sections 4-209 and 42-1204, Arizona Revised Statutes. (Emergency clause) Approved March 28, 1962 Effective March 28, 1962
143	SB 139	Relating to Narcotics; providing for enforcement of laws relating to Narcotics by the Superintendent of Liquor Licenses and Control; fixing salary, and amending section 4-112, Arizona Revised Statutes. Approved March 28, 1962 Effective June 21, 1962
144	SB 85	Making an appropriation to the Board of Regents of the Universities and State College of Arizona for the acquisition and preparation of lands for the use of Arizona State College at Flagstaff. (Emergency clause) Approved March 28, 1962 Effective March 28, 1962
145	SB 91	Making an appropriation to the Board of Regents of the Universities and State College of Arizona for the acquisition and preparation of lands for the use of Arizana State University. (Emergency clause) Approved March 28, 1962 Effective March 28, 1962

Chapter	Bill No.		Contents
146	SB	88	Making an appropriation to the Board of Regents of the Universities and State College of Arizona for the acquisition and preparation of lands for the use of the University of Arizona. (Emergency clause) Approved March 28, 1962 Effective March 28, 1962
147	SB	83	Making an appropriation to the Board of Regents of the Universities and State College of Arizona for the construction of a building, utility tunnels, roads, walks, and water drainage and sewer systems; purchase and installation of equipment and furnishings; extension of service facilities, and the general improvement of the campus and grounds of Arizona State College at Flagstaff. (Emergency clause) Approved March 28, 1962 Effective March 28, 1962
148	SB	89	Making an appropriation to the Board of Regents of the Universities and State College of Arizona for the construction, additions to, remodeling and alteration of buildings, utility tunnels, streets and roadways; purchase and installation of equipment and furnishings; extension of service facilities, and the general improvement of the campus and other property of Arizona State University. (Emergency clause) Approved March 28, 1962 Effective March 28, 1962
149	SB	86	Making an appropriation to the Board of Regents of the Universities and State College of Arizona for the construction, completion, additions to, alteration and remodeling of buildings and utility tunnels; purchase and installation of equipment and furnishings; extension of service facilities, and the general improvement of the campus and other property of the University of Arizona. (Emergency clause) Approved March 28, 1962 Effective March 28, 1962

Chapter	Bill No.	Contents
150	HB 333	Relating to appropriations for the different departments of the State, for State Institutions, and for Public Schools. Approved March 28, 1962 Effective July 1, 1962

Vetoed Measure

	SB 191	Relating to public improvement districts; providing for the formation of districts to provide parking areas or to purchase electricity or gas for lighting public streets and parks, and amending title 9, chapter 6, article 2, Arizona Revised Statutes, by adding sections 9-711 and 9-712. (Emergency clause) Disapproved March 28, 1962

GOVERNOR'S MESSAGE

MESSAGE

of

PAUL FANNIN

Governor of Arizona

to

The Second Regular Session

of the

Twenty-fifth Legislature

January 8, 1962

Mister President, Mister Speaker, members of the Arizona Senate and House of Representatives, fellow Arizonans:

It is a pleasure to welcome you to the Second Regular Session of the 25th Arizona Legislature. Many of us are beginning our fourth year of working together in the common enterprise of leadership in a vigorous and dynamic state. Some notable achievements have resulted, and you have well earned the commendation and appreciation of the people of the whole State of Arizona.

There have been areas of legislative concern during the time we have worked together in which our achievements have been less noteworthy, or lacking altogether. To these areas I will once again direct your attention, in some cases with a new urgency born of the critical demands upon our national strength and leadership in the world today.

The growth, progress, and shifting circumstances of this state continue to bring before us new opportunities to grasp, new challenges to meet, and new problems for which solutions must be found. To these I will also direct your attention today, and again in some cases with an urgency arising from the perilous times in which we live.

As we begin the year 1962 our lives are overshadowed by world tensions of greater magnitude than men or nations have ever experienced before. International complexities thrust themselves upon the pattern of state an local affairs, and call for wisdom and decision beyond the range of our own immediate interests. Every action at the state level must be taken in the light of how it affects the nation's well-being.

Our greatest need today is for the cooperation of all groups and all people in a united resolve to uphold forever the cause of freedom which gave birth to this nation.

Underlying the entire structure of national defense and world leadership is the economic strength of the historic free

enterprise system. While some states have faltered in recent years in their attention to a healthy economic climate—and have suffered accordingly—the people of Arizona have indicated repeatedly an adherence to sound principles, private initiative, and individual responsibility. The results are self-evident and nationally known. We are at or near the top in every index of growth and progress.

Our concern today must be to continue this record, and improve upon it. Arizona has reached a point where energy and imagination are needed at every level of state and local government to realize the full potential of the future before us.

Generally speaking our economy is healthy and vigorous, but there are exceptions, and in this era of unparalleled growth we must take whatever steps are necessary to stimulate rather than retard economic progress.

At the same time increasing attention must be given to our human and social obligations. Neither economics nor human compassion can be advanced at the expense of the other; neither can be neglected without in the end jeopardizing the other.

The rising cost of public services performed by state and local governments demands the utmost economy—not to curtail or interfere with services which are necessary, but to provide the full measure of such services for the money being spent.

Responsibility for the full utilization of both the human resources and the natural resources of this state is yours in the weeks ahead. It is to be expected that matters brought to your attention will be carefully examined and honestly decided on their own merits and not for political purposes or from partisan considerations. A sense of public duty should weigh heavily upon each of us as we begin this session, and I trust no one will support or oppose legislation only to oppose the source from which it may come.

In making the following requests, then, I urge you to consider solely the strengthening of Arizona's economic and social structure at every point where it is in your means to do so.

ECONOMIC RESPONSIBILITY — STATE ADMINISTRATION

Of utmost importance to the financial strength of our state is the achievement of maximum efficiency, economy, and responsibility in the management of public funds. The growth of state government throughout the nation—in the scope of its operations, in structure and staff, and in scale of financing—has caused every state to re-examine its system of management. With Arizona's rate of population growth leading all states, with personal income expanding at a rate of nearly two hundred million dollars per year, with rapidly increasing

complexities of financial management and control in every area of our economy both public and private, and with the constantly greater responsibilities of sound management imposed by a larger state budget each year to keep pace with our growth, it is imperative that Arizona's fifty-year-old financial structure be brought into line with modern business methods and administration.

Coordination and consolidation are urgently needed not only for more efficiency but for greater responsibility to the public. Numerous widely dispersed and overlapping financial transactions presently carried on by a multitude of state agencies should be brought together in a single agency where careful scrutiny and constant review are possible. The creation of such an agency will increase the efficiency, reduce the cost, and make much more responsible to the people of Arizona the management of our state budget—a budget now in excess of two hundred million dollars.

1. Therefore, I recommend that you adopt a constitutional amendment to be submitted to the voters next fall providing for a State Department of Finance, which will include a Bureau of the Budget, a State Purchasing Agency, and such other fiscal operations of the state as may be desirable.

Employment costs are one of the principal expenses of state government, and the quality of the people employed determines in large part not only the services the public has a right to receive, but the cost and quality of state government. Approximately 8,700 people exclusive of those in education are employed by the state. Many agencies on their own initiative have made use of the occupational analysis services of the Employment Service Division of the State Employment Security Commission and have established organizational charts and job duty statements. Basically, however, our state government is still operating under antiquated personnel policies. There is no uniformity or relationship between the classification and compensation plans of the various agencies. There are many instances of inadequate pay scales to attract and retain qualified personnel to perform properly in this big business of state government. There are no uniform conditions of employment governing such matters as annual vacations and sick leave.

2. Therefore, I recommend that a division be established within the Employment Security Commission to administer a job classification program, and that uniform salaries, hours, vacations and sick leave be established for all state agencies.

ECONOMIC PROGRESS AND STRENGTH

One of the most vitally important problems facing our state today is the need for improvement in the administration of our precious water resources. This problem is brought sharply into focus now because of the present status of Arizona's con-

tinuing effort to obtain and develop our fair share of Colorado River water. The Supreme Court is today beginning the final hearing which will end a long and bitter legal battle. We have every right to expect that our state will win the right to divert and put to use within Arizona a total amount of some 2,800,000 acre feet of water from the main stream of the Colorado River, including that which has already been contracted for by entities in the Yuma and Wellton-Mohawk areas. The existing contracts should under no circumstances be jeopardized.

It has been a matter of great concern to me and to a host of others interested in the development of our state that we have no agency authorized to take action or otherwise correlate the needs and requests of the various areas of Arizona in the division and utilization of Arizona's share of the waters of the Colorado River.

As you know, the delivery of Colorado River water into Arizona is subject to the terms of the Lake Mead contract, ratified by the Legislature in February, 1944. The contract provides that deliveries of water for use within Arizona shall be made to individuals, irrigation districts, corporations or political subdivisions in the state dealing individually with the Secretary of the Interior.

The problem of importing Colorado River water into most areas of the state can be accomplished only through an extensive system of works on a scale involving numerous groups and political subdivisions. Our aim must be to join together in a concerted public effort whereby all available water will be brought into the state by means of a comprehensive system which will make such water available. It is contemplated that, with the backbone of such a system of works completed ,the waters so delivered may then be put to use in serving the greatest public interest in all parts of our state.

The accomplishment of such a plan requires the exercise of a high order of ability in the fields of law, engineering and economics. We are fortunate in having already laid a good foundation upon which to build. In cooperation with the State of Arizona, the Bureau of Reclamation has studied and conceived a basic plan of improvement. Concurrently, the Arizona Interstate Stream Commission has diligently, and I believe successfully, led the legal battle. All these past efforts have received the active support and assistance of individuals, irrigation and industrial interests, civic groups and others throughout the State, all concerned with the vital importance of adequate water supplies.

I submit that the time has come when we must take advantage of the progress made, and undertake immediate preparations for the State of Arizona to utilize the water I am confident the Supreme Court will declare is rightfully ours.

3. Therefore, I recommend that the Arizona Interstate Stream Commission be extended the authority for and on behalf of the State of Arizona to consult and advise with the Secretary of the Interior in respect to the delivery of water of the Colorado River, and contracts therefore.

Today, Arizona holds the unenviable distinction of being the only state within the Colorado River Basin without a separate department for management of all its water resources. Moreover, we are alone among all the 17 western states in this regard. I think it high time we begin to move in the direction of a well-rounded organization concerned with the development and sustained management of our water resources similar to those established and proven workable by some of our sister western states.

Our present procedures follow this pattern: Under the existing State Water Code, the supervision and control of the waters of the State and of the appropriation and distribution thereof, except distribution of water reserved to special officers appointed by courts under existing judgments or decrees, are vested in the State Land Department. The present laws provide that various other functions relating to the administration of water and water facilities are vested in the State Land Commissioner; the State Highway Engineer, acting in the designated capacity of State Engineer; the Resources Board; the Board of Reservoir Control and Operation, and the State Certification Board.

This clumsy machinery, although adequate at one time, is outmoded today, especially as we see before us the horizon of a new era in water resources in Arizona.

4. Therefore, I recommend that an office of State Water Engineer within the Interstate Stream Commission be established, and that as many of the above functions as may be administratively possible be consolidated within this office.

In addition to water let me direct your attention to the great wealth of other natural resources in Arizona upon which much of our growth and strength depend. The most efficient and beneficial development, production, and use of all of our resources call for planning and coordination. Experienced personnel in the field of resource study and use under the direction of a central administration are needed. Many activities by such agencies as the Land Department, Bureau of Mineral Resources, Bureau of Mines at the University of Arizona, The Rocky Mountain Forest and Range Experimental Station at Arizona State University, and the Division of Forestry at the Arizona State College at Flagstaff—each of them valuable contributions in themselves—may be considerably enhanced in their combined value to Arizona's development through coordination.

Last year I asked you to give your consideration to the establishment of a State Council of Natural Resources. The need for such a coordinating and planning agency is no less urgent today than it was a year ago. Additional study of the best means to accomplish the necessary purpose leads me now to alter my proposal in one important respect. Rather than to create a new agency, the excellent facilities of the present State Development Board may be utilized.

From its inception in 1954, the Development Board has geared its industrial development efforts around resource studies, believing that industry will develop more rapidly and become more economically sound in areas where basic resources are utilized to their best advantage.

5. Therefore, I propose that the Legislature create, within the organizational structure of the Development Board, a natural resources division to further plan, explore and develop to the State's best economical advantage all natural resources found within our boundaries.

The Department would be charged with the responsibility of market studies, new product development and other best uses of the State's multiple natural resources, and at the earliest date possible a classification of land values within the State.

With these changes I further recommend, that the name of the Arizona Development Board be changed to the Arizona Development and Resources Board.

Arizona appears to be on the threshold of accelerated drilling and exploration programs for oil, gas and helium by independent, individual and major oil company operators. There are presently wells being drilled in Yuma, Pima, Yavapai, Navajo and Apache Counties. At Navajo in Apache County a two and one-half million dollar plant is in production refining helium from the famous Pinta Dome Helium field from which the State of Arizona should derive substantial royalty revenues.

An excellent brochure on oil, gas and helium in Arizona is receiving wide distribution throughout the nation.

To implement the flow of venture and risk capital and to encourage the oil and gas industry to do further exploration work in Arizona, it is vitally necessary to protect correlative rights.

6. Therefore, I recommend the enactment of legislation proposed by the Oil and Gas Conservation Commission to include common purchaser and ratable take legislation, and a compulsory poolwide unitization statute.

Manufacturing in recent years has become the leading industry in Arizona, with an estimated income in 1961 of 740 million dollars. Every encouragement must be given to con-

tinuing the growth and diversity of this industrial production, especially in the smaller communities throughout the state. Considerable progress has been made in this respect.

But in spite of our tremendous gains in industrial development over the past few years, we cannot afford to rest on any laurels. We must continually strengthen our publicity and promotional campaigns in the months ahead to keep Arizona's growth before the decision makers of the nation.

Out-of-state promotions of all types, those pertaining to the manufacturing industry, and those strengthening our visitor industry, must be carried on. At this session of the Legislature, the Arizona Development Board is asking $25,000 supplemental appropriation to insure our participation in the Seattle World's Fair which opens April 21 and runs through October 21.

It is estimated that more than 10,000,000 people will be exposed to the Arizona exhibit and I feel it absolutely necessary for Arizona to be represented at this important West Coast World's Fair, the first in many years. The travel through our State will no doubt be substantially increased by this event.

This year we also have an outstanding opportunity to gain widespread public attention for Arizona through the commemoration of fifty years of statehood. The Arizona Semi-Centennial Commission, established by the 24th Legislature for the purpose of planning and programming a year-long celebration in 1962, has worked diligently since its inception planning for this most important event.

A comprehensive program is ready, and an adequate appropriation by the 25th Legislature is now necessary to bring the program to fruition.

7. I recommend that a supplementary appropriation be made immediately to meet the budget being submitted by the Semi-Centennial Commission.

Second to manufacturing in income, but with a rate of growth last year greater than any other segment of our economy—and fundamental to the well-being and prosperity of any people—is agriculture. It is a source of pride to all of us that Arizona agriculture makes a greater contribution to the national economy than many states where a higher percentage of farm products go into warehouses of the Federal Government. In the last five years Arizona has provided the nation with approximately one and one-half percent of its total crops, but has been responsible for less than one-tenth of one percent of the surplus commodity inventory held by the Federal Government.

Fifteen separate state agencies provide services and liaison with agricultural production in Arizona. This is commendable in the scope of the encouragement and assistance it represents, but long out of date in efficiency and economy. Forty-

six states have consolidated Departments of Agriculture, and two of the remaining have a unified system of some kind. We are one of two in the nation neglecting to recognize the changing times and modernization of agricultural needs. We cannot continue to pursue as haphazardly as we are now doing the responsibilities we have to this basic part of our growth and strength.

8. Therefore, I recommend that legislation be enacted creating a Department of Agriculture, headed by a Commission of seven members whose qualifications would include being actively engaged in the production of agricultural products. Commission members should represent the various major types of commodities produced in Arizona. The Commission of Agriculture would employ a Director who would be the Administrative officer of the Department, but not be a member of the Commission. The purpose of such a department would be to consolidate into a single administrative unit as many of the boards, commissions, offices and agencies now operating as separate entities in connection with agriculture as may be considered advisable by the major agricultural interests within the State.

I am advised that the livestock industry does not deem it appropriate to have the Livestock Sanitary Board included in this consolidation.

The most favorable opportunity we have today for a significant expansion of Arizona farm income is in sugar beet production. Since the Castro seizure of control in Cuba resulted in ending United States sugar imports from that country, the Department of Agriculture has gone all over the world to supply the American demand.

Farmers in this and other western states are willing and eager to produce the sugar formerly supplied by Cuba, but Federal legislation must be enacted to give us the necessary quota. The Governor's Sugar Beet Committee, headed by Mr. Floyd Smith, has worked long and hard to bring this about. Several of us went to Washington and testified before the House Committee on Agriculture. Other western states are working in the same way, and there is cooperation between old growers and potential growers and between political parties. Most opposition comes from eastern sugar interests.

9. It is my earnest request that the 25th Arizona Legislature join in this effort by adopting a Joint Memorial to the Congress of the United States calling for passage this year of legislation giving a substantial amount of the former Cuban sugar quota to domestic sugar beet growers.

The strength of Arizona, and thus the strength of the nation, can be further advanced by long-overdue changes in Federal land policies affecting the orderly transfer of public domain

to private ownership. The entire structure of government in the United States, from the smallest municipality or improvement district to the Federal Government with its ninety billion dollar annual budget, is to an important degree dependent upon taxes paid by private citizens owning homes and other private property and those operating private businesses. In Arizona approximately thirteen percent of the land is all that is privately owned. For the national interest as well as our own expansion, the tax-paying private ownership of land must grow as rapidly—and yet as orderly as possible.

Legislation will be introduced in the present Session of Congress by Arizona's Congressional Delegation to provide for a responsible, efficient program of facilitating the transfer of Federally-owned lands to State and local governments for sale to private individuals for industrial, commercial, and residential expansion.

10. Therefore, I ask that this Legislature adopt a Memorial to the Congress of the United States urging immediate passage of this vitally needed land transfer legislation.

In 1959 the 86th Congress enacted Public Law 86-373, amending the Atomic Energy Act of 1954. In effect this authorized the Federal Atomic Energy Commission to release regulatory authority—on by-product materials, source materials, and special nuclear materials, in quantities not sufficient to form a critical mass—to the various states.

Like many other Arizonans, I heartily endorse the transferring of Federal authority and control to the State Government. An Arizona Atomic Energy Committee, representing a cross section of our economic life, has been meeting for over a year studying the transfer of this regulatory authority.

11. Therefore, in the interest of protecting public health and stimulating industrial development in this Space Age, I recommend the enactment of legislation in which the State of Arizona could take full advantage of the authority granted in Public Law 86-373.

EDUCATION

Ultimately the strength and preservation of our nation depends upon the quality of our schools, because they have the major responsibility of preparing the next generation of Americans to meet tests perhaps greater even than those we face. Our schools not only train the technicians, engineers, scientists, business and professional people, and political leaders, but they are custodians of our entire American heritage.

That heritage must not only be preserved but it must be passed on to every American citizen as a fundamental part of our educational system. It is inconceivable that a boy or girl

any where in the United States should complete twelve years of public schooling, or even eight, without acquiring a knowledge of the origins and principles of the American way of life, a basic familiarity with its ideals, and a devotion to its purposes. We cannot let ourselves become so absorbed in material pursuits, or so concerned with the proliferation of educational techniques and subject matter, that we lose contact with the realities of fundamental Americanism.

Those realities are spread out on every page of American history and economics. They are available for every American child to absorb and appreciate. It is the duty of the schools to provide the time and place.

12. Therefore, I recommend that the Legislature adopt legislation to insure that the State Board of Education institute in the elementary and secondary schools a continuous program of American history and courses comparing American free enterprise with Socialism and Communism.

The quality of education in Arizona must be second to none. We cannot be satisfied with what is just good enough—it must be the best. I believe the people of Arizona are willing and determined to pay the cost if they can be assured of the results.

Many of our school financing problems cannot be solved properly at the State level until we have greater uniformity in property valuation and property tax assessments in all of our counties.

To meet our educational needs most effectively and efficiently we should give additional State support to districts where it is most needed. We must recognize the necessity of providing an equal educational opportunity for all of our children if we, and they, are to realize their maximum potential. The county equalization fund which you establisher in 1959 is certainly a step in the right direction, but the job should be done at the State level.

It is true that constitutional amendments will be necessary before the State can distribute any funds on a relative need basis. Such new constitutional powers, however, would be unacceptable to the people so long as the present disparity in property assessments remain.

Property valuations and assessments would be the basis for determining the need in distributing additional State per capita student aid to school districts distressed because of lack of adequate tax valuation and comparitively large school populations.

Furthermore, the State cannot provide capital funds, on either a grant or a loan basis, for the construction of schools in districts suffering from over-crowding or double sessions with

any equity until property valuations and assessments are basically uniform.

13. Therefore, I recommend the enactment of legislation which will enable and compel the tax assessing authorities in the State to value all property for tax purposes on a uniform basis according to equitable formulas protective of home owners, and thereafter to maintain statewide uniformity in assessment procedures and practices.

I make this recommendation with the warning that the initial cost will be great and unless there is a stern mandate requiring year to year maintenance of such uniform practices and procedures any foundation expenditure for reappraisal would be an utter waste of taxpayers' money.

In our efforts to provide proper financing for the public schools, we cannot simply dismiss our educational obligations by spending more money. Good schools do cost money, and we must provide every dollar that is necessary to have the best. But a dollar sign cannot be attached to quality of training, to knowledge, or to the American heritage. An educational program second to none cannot be equated with spending more money on buildings, facilities, administration, or any other costs. The money must be spent wisely and where needed. It would be better to spend a limited amount well than to spend large amounts carelessly.

We have a good school program in Arizona, but we can and must make it better.

Public education more than almost any other governmental service is a sharing of responsibility and influence between educators and lay citizens. Arizona should remove the Constitutional barrier against lay citizens who are not directly employed in our educational system serving on the State Board of Education.

We must, of course, have professional leadership, but we must also have the influence, the understanding and support of citizens from all walks of life. Arizona is almost the only State that does not recognize this in the structure of its State Board of Education.

Furthermore, since the office of Superintendent of Public Instruction should be directly under the State Board of Education, it is almost universally felt among educators and many others that this office should be filled by appointment.

14. Therefore, I recommend that the Legislature refer to the ballot a Constitutional amendment requiring that membership on the State Board of Education be representative of the general public, as well as of the profession of education, and that the office of Superintendent of Public Instruction

be made appointive with professional qualifications by the State Board of Education.

The most important single function of the State Government affecting standards of excellence in our public schools is in the certification of teachers. This is a function admittedly requiring the professional judgment and experience of educators, including those scholars on our college and university campuses who are thoroughly conversant with the subject matter areas of public school curricula.

A proposal to utilize more fully this professional assistance is now being given careful consideration by the State Board of Education, and I am confident that our standards in Arizona will reflect increasingly high levels of solid intellectual and cultural achievement.

There are many students, we know, whose best interests are not served by an extensive concentration upon the arts and sciences, but who are entitled to the finest program of technical or vocational education it is possible to provide.

Moreover, if Arizona is to continue to enjoy sound economic development we must provide an increasing number of our youth with modern marketable skills. If we are to hold our welfare needs to a minimum we must be sure that our educational system produces employable young people.

Much has been done in years past in the area of vocational training, particularly in agriculture and some of the building trades. In a few short years, however, our economy has changed drastically. Today there are relatively few jobs for unskilled labor. Fewer and fewer persons are required to produce our food or to construct and maintain our buildings, highways and railroads. More and more educated, well-trained men and women will be needed in the technical, semi-engineering fields and in the service industries.

The State, through the Arizona Development Board, Chambers of Commerce, and other organizations, does a great deal to improve our economy by attracting new jobs and payrolls. The State, therefore, has a very real responsibility in helping to provide the proper labor force for this expanding economy through modern, realistic technical-vocational education.

We must now determine the responsibility of the State, the public school districts, and industry in financing and encouraging modern technical-vocational training. We need the combined thinking of legislators, educators, industrial managers, labor, and personnel experts.

15. Therefore, so that we may plan well for the future, I recommend the establishment, in this session, of a technical-vocational education survey committee similar to the Junior

College Survey Committee so wisely created by the 24th Legislature.

The State Examiner's Report of December 22, 1961, has indicated a need to insure more systematic and efficient handling of school financial records in many school districts. The Examiner's Report states, and I quote: "Accounting systems now in use have been thoroughly reviewed and are considered to be generally incompetent of producing necessary and reliable information for effective financial management or meaningful financial reports and statements."

16. Therefore, I recommend that you enact legislation to require the establishment of a uniform accounting system in all public schools.

Finally, Arizona's educational system can and must be strengthened at the higher levels of scholarly endeavor. The college population explosion in the decade ahead is a staggering responsibility to prepare for, but it is also a promise of greater human resources and intellectual wealth than have ever been available to any people at any time.

17. Therefore, I urge you to support a vigorous and productive system of higher education, with particular attention to the needs of our new Junior College system, and increasing attention to scholarship and research at the undergraduate and graduate levels of our universities and college.

SOCIAL AND HUMAN OBLIGATIONS

Turning now to the important matter of assistance to the needy and unfortunate through public welfare programs, we know that increasing attention throughout the nation is being focused upon possible weaknesses in some of these programs. When we consider the genuine human needs that exist, and realize that welfare constitutes Arizona's third largest public expenditure, it is impossible to overemphasize the importance of this function.

It must also be recognized that the economic, military, and political strength of a nation will suffer serious damage if human and social weaknesses are ignored or inadequately dealt with.

Our approach to the problems that arise must first of all be one of compassion for our fellowmen whose lives have encountered misfortune and adversity. Effective rehabilitation should be our goal wherever possible.

Pursuant to my suggestion of last year, several legislative committees have been reviewing the welfare needs of our people, and the members of these committees are to be commended for the fine work they have done.

It is widely recognized that public assistance, in order to serve the worthy purpose for which it is intended, should be based not merely upon eligibility but upon need. No attempt should be made to embarrass welfare recipients or subject them to humiliation. But to insure against possible abuses being perpetuated to the point of requiring punitive action, there must be a regular system of scrutiny. By guarding against abuses and waste in the welfare program it will be possible to aid more adequately those in greatest need.

18. Therefore, I recommend that the Legislature restore once again the provision — deleted in 1955 — for quarterly reporting to the Public Welfare Department by every recipient as a basis for showing a continuation of need.

Juvenile delinquency is a matter of growing concern to the people of Arizona, and a disturbing waste of the human resources of our nation. Especially tragic are the cases of first offender boys and girls.

19. Therefore, I recommend that an institution be established in the State with complete educational and rehabilitation facilities for the purpose of rehabilitating first offender juveniles.

We are aware of other problems in family relations which come to public attention through statistics on divorce, desertion, illegitimacy and sometimes crimes of violence. Whatever progress may be made toward checking this deterioration of family strength and unity will, I am sure, have the utmost support of every one of us. There are complicated human and social factors involved, and perhaps the pattern of our laws governing marriage, separation and divorce require attention.

I have appointed a study committee on divorce and family problems to examine carefully the various facets of this whole situation. This committee, representing a wide range of professional experience and civic leadership, will be available for whatever assistance it may contribute to you in considering legislation in this area.

Our Indian citizens in Arizona have a desire to develop their opportunities for the betterment not only of themselves but for the good of all the State. It is through the offices of the Arizona Commission of Indian Affairs, set up by the 21st Legislature, that we of the Executive and Legislative branches are able to keep better informed of the activities of our Indian tribes, and through this agency of the state government we may give them increasing encouragement in their endeavors to better their living conditions and the economic development now being carried on. This is one more way in which we can also help strengthen the economy of the state and the nation.

20. Therefore, I recommend that an appropriation be made to equip adequately the office and provide additional per-

sonnel for the Commission of Indian Affairs to sufficiently perform its functions.

CIVIL DEFENSE

The condition of world affairs today requires that we live under a constant shadow of nuclear war. National defense has always been, and of necessity must be, a Federal responsibility, and civil defense cannot be separated from national defense. It is a function that requires national coordination and a high degree of interstate cooperation, as well as dependence by all the states upon the strength and preparedness of each. Arizona is willing and ready to accept its share of this responsibility.

We do not have available yet a complete Federal civil defense program. One definite part of such a program that is underway is a survey, marking and stocking project—and Arizona may take pride in the fact that it leads all other states in the progress of this undertaking.

I am in hopes that the Federal program will be finalized during this legislative session so that the adaptability of the proposals to the needs of the State and areas within the State can be determined. I trust that this Federal program will be submitted before adjournment so that a special session dealing with this most important topic will not be necessary. Pertinent materials that I have received on the subject of civil defense have been given to the appropriate committees. Any additional materials of importance from the Federal departments will be forwarded. I have taken steps to arrange for a visit of the Federal Regional Director of Civil Defense of the national Department of Defense so that he will be available to appear before the appropriate legislative committees to present the Federal program when it is completed.

Our State Civil Defense Director and the Advisory Council have been working in close cooperation with Federal authorities. They stand ready to work with you in developing a good civil defense program.

In the meantime, there are two steps which may be taken, and in my opinion should be taken.

21. I recommend the establishment of a home guard at least in cadre form to be placed under the authority of the Adjutant General.

22. I further recommend the enactment of a minimum standards code for the sale, construction and installation of shelters.

TRAFFIC SAFETY

Legislative needs in the field of traffic safety remain essentially the same. We continue to strive for better educated and better disciplined drivers, operating mechanically safer vehicles on better highways.

For a second time the state's Traffic Safety Coordinating Council is recommending a legislative program which will be presented for your consideration. I would like to direct your attention to some of those recommendations in special need of action.

We are discovering that mechanical defencts in our motor vehicles account for a larger percentage of accidents than has been suspected. Current studies at the School of Legal Medicine at Harvard indicate that the number may be **twice** as large as supposed.

The Coordinating Council is convinced that regular Motor Vehicle Inspection will reduce the toll on our highways. I am certain that many of you are similarly convinced.

23. Therefore, I urge you to adopt legislation providing for annual inspection of passenger cars and semi-annual inspection of commercial vehicles and those carrying passengers, including school busses.

Legislation which would enable Arizona to enter into compacts with the other States for the purpose of formalizing the exchange of driver license information, and for the purpose of more promptly granting approval for the use of newly developed safety equipment, is a must if we as States are to fulfill our responsibilities and prevent Federal intervention in these areas.

Several of you have attended recent meetings at which specific compacts were explained and discussed. I am certain that the final drafts which will be placed in your hands for consideration will impress you. They have resulted from more than a year of careful study and analysis by a group of the nation's leaders in the field of traffic safety—including such groups as the President's Committee for Traffic Safety, of which your colleague, Senator Ben Arnold, is an esteemed member, the National Safety Council, the Highway Users Association and many others.

24. Therefore, I ask that you enact the enabling legislation which has been prepared for interstate traffic safety compacts.

Our citizens have a right to be protected from dangerous, irresponsible drivers who have a defiant attitude toward law enforcement. I specifically refer to drivers who deliberately attempt to run away from enforcement officers, thereby en-

dangering their own lives, the lives of officers, and the general public. An irresponsible attitude toward appearing in court in response to a citation should also be corrected.

25. Therefore, I strongly recommend enactment of the proposal you will receive which denies the driving privilege to those who willfully fail to appear in court in response to a citation, and prescribes additional severe penalties for those who willfully attempt to elude officers.

ADDITIONAL STATE NEEDS

There are numerous additional matters requiring your attention in the present Session of which you are fully aware. I would like to call your attention to the need for changes in our elections laws, both to protect the sanctity of the franchise and to correct certain inequities in the election process.

26. Specifically, I recommend that absentee voting procedures be made more responsible by requiring publication of the names of persons applying for absentee ballots.

27. I also recommend that voting requirements be amended to permit new residents to vote for President and Vice President if they are otherwise eligible.

Another problem is the difficulty of absentee voting for servicemen's families. Members of the Armed Forces stationed overseas or in other states may receive absentee ballots by mailing in a standard post card application form available at their base. Their families living with them must write to the proper County Office at home, ask for an application form, wait for the form to arrive, and then mail it back before receiving their ballots.

In view of the fact that we have many Arizona servicemen stationed away from home who families are with them, and these citizens are certainly as dedicated and concerned about public affairs as the rest of our people here at home, their right to vote should be made as convenient as the necessary safeguards of the election process will allow.

28. Therefore, I recommend that additional legislation be enacted in cooperation with the Federal Government under Public Law 296, 84th Congress, extending the absentee voting procedure for servicemen to their families as well.

It is generally recognized that a problem of air pollution exists throughout the United States in most metropolitan areas, and Arizona's abundance of clean, fresh air is not immune to this potential threat. We should profit from the experience of our neighbors to the west, rather than assume that they have a monopoly on air pollution. To insure the health and progress of the people of Arizona for the future, air pollution must be checked now; and a great deal of public support has already

been given the Arizona Air Pollution Research Committee in this regard.

29. I recommend that you give serious consideration to the measures which have been suggested by this committee toward prevention of air pollution.

You will note that I have reserved comment on some subjects of importance to our State. These I will cover in a separate message at a later date.

It is the experience of all legislatures to receive a stream of requests to appropriate money to do the things many people and groups would like to have us do. This Session, I am sure, will be no exception, and I ask you simply to bear in mind that your duty is to all of the people and their greatest good. Proposals for additional spending should be given strict scrutiny in the light of what we can and must afford—not in the light of what we would like to be able to afford.

Every citizen deserves this consideration. In addition, a home in Arizona is a goal of many retired citizens from every part of the nation. Considering that many are on fixed incomes, we must insure that our economy and tax structure remain conducive to their being with us.

When you are trying to decide which, if any, of the bills now being introduced in the Legislature are good for you and your fellow citizens, the following check list may help you decide:

1. Is it necessary? Or is it something that is not really needed, or perhaps, being provided for already?

2. Can we afford it? Remember, there is no limit to what we would like, but there is a limit to what we can afford.

3. What will it cost ultimately? Many proposals are like icebergs—only a small fraction of the total cost is apparent on the surface.

4. How will it affect basic liberties?

If it imposes unreasonable or illegal restraints on your life or that of others, it should be vigorously opposed. Realize—a free society isn't perfect. It is by far the best there is or ever has been.

5. Is it the best balanced interest of all? If it is designed to benefit a small group or special interest while taking unfair advantages of others, work for its defeat.

6. Is it a 'foot-in-the-door' proposition? Compromising a little now may bring an oppressive burden later in more regulations or more taxes or a combination of both.

7. Does it place too much power in the hands of one individual or group? Once decisive power is granted to a non-

elected public official, a commission, board or council, the private citizens lose effective control.

8. Does it recognize the importance of the individual and the minority? This is a cornerstone of our republic.

9. Is its appeal based on emotional propaganda or facts? The farther a proposition gets away from the facts, the more critical one should be.

10. Does it square with your moral convictions? If so, work for it, fight for it; if not, oppose it.

This State is fortunate in having a Legislature made up of so many experienced, well-qualified and dedicated persons. As in the past, I shall consider it a great honor to work with you in your tasks. My office will always be open to any of you for whatever assistance I may be able to render.

With God's help, and with open-minded cooperation, we shall fulfill our obligations as public officials to the people of Arizona.

The strength and progress of our great State will contribute in full measure to the strength of the nation as we perform wisely and well.

I assure you of my determination to do so to the best of my ability.

Thank you.

PAUL FANNIN
Governor

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GOVERNOR'S SUPPLEMENTAL MESSAGE

SUPPLEMENTAL MESSAGE

of

PAUL FANNIN

Governor of Arizona

to

The Second Regular Session

of the

Twenty-fifth Legislature

February 5, 1962

Mister President, Mister Speaker, members of the Arizona Senate and House of Representatives, fellow Arizonans:

It is my privilege and responsibility to address you today on matters of such grave importance to the State of Arizona as to require a separate supplemental message.

First, let me emphasize the fact that this is **not** a budget message.

A budget for the fiscal year 1962-1963 was submitted to members of the Appropriations Committees in December, and copies of that budget were subsequently distributed to all members of the Legislature. That budget was prepared independently by 93 separate state agencies.

In preparing a budget for the Legislature, Arizona has no responsible method of analyzing the large number of budget requests assembled for your consideration. These requests represent whatever the departments, boards, commissions and other agencies decide to ask for.

It is unfair to your appropriations committees to burden them with the work in two months that should have been performed systematically throughout the year under the supervision of a Budget Director.

The total amount requested for 1962-1963 to carry on the business of state government is $164,445,694.49. This is an increase in requests of $18,805,886.05—or approximately 13 per cent—over the previous year, with some departments asking for increases of more than 30 per cent.

I know your Appropriations Committees have been examining these budget requests as carefully as time permits, conscious of the serious responsibility to the people of Arizona to spend their money wisely. Nevertheless, it must be realized that the greatest part of the millions of dollars you are asked to appropriate cannot, under the present system, be adequately reviewed or sufficiently analyzed in the time available.

This is the situation which led me in my message on January 8 to recommend the establishment of a State Budget Bureau within a Department of Finance. It is vitally necessary that we do this, both for the efficiency and savings it would give us in the management of state government in Arizona and to better enable our State to meet the challenge of the times.

Our state government and the State it serves differ in many significant respects from what they were in 1910 when the Constitution was drafted. The population has grown from 204,354 to more than 1,350,000. Population projections indicate that this rapid growth will continue.

In response to population changes, as well as to other forces, old state services have been expanded and new ones added. The growing responsibilities of state government are shown in the size of the annual budget expenditures, which have increased from less than ½ million dollars in 1912 to the 164 million dollars requested this year. This pronounced growth in state expenditures alone argues convincingly for more efficient and responsible methods in budget management.

While I strongly recommend the establishment of a Department of Finance, I recommend at the the very least that you immediately provide for a Budget Director with an adequate staff to perform the functions of review, coordination, and analysis of budget preparation on a year-round basis.

Adequate support of our schools to provide the best education possible is of such vital importance that I must again call your attention to this responsibility. School costs have increased since the School Finance Act of 1959 to the point where additional state action is necessary to prevent overburdening the home owning taxpayers. With the school age population continuing to grow faster than the adult population, we know that school costs will continue to rise.

As I have pointed out in previous messages, every dollar added to the state budget which exceeds estimated revenue and cash on hand must be raised by the property tax. In order to provide additional funds for education without increasing property taxes, it is absolutely essential that the revenue be provided in some other way.

Therefore, I recommend that the increased funds necessary for educational purposes be provided through an increase in the state excise tax on tobacco.

It is estimated that each additional tax of two cents on cigarettes will produce an additional three million dollars for the relief of home owning taxpayers.

The over-all economy of our State and its relationship to state revenue and expenditures has been the subject of a careful, objective study during the past several months by a group of distinguished experts. The results of that study have been presented to me, summarized as follows:

The study reveals that it is possible the Arizona economy will continue to advance in the decade from 1960 to 1970 at a rate of growth established in the period between 1950 and 1960.

The expenditures from Arizona's General Fund have been increasing at the rate of 13 per cent annually. When the causes are known, this does not necessarily signal alarm, but rather suggests the exercise of caution in the relationship between revenue and expenditures in future years.

Actually, when projected to 1965 on their respective rates of growth between 1950 and 1960, the General Fund revenue and expenditure are in balance at 159 million dollars each, but when projected to 1970 expenditure from the General Fund exceeds revenue to that account by 20 million dollars.

While the total expenditure from the General Fund grew at an annual rate of 13 per cent in the past decade, the growth rate of yield from income taxes was 8.3 per cent; from luxury taxes 6.2 per cent; and from excise privilege (sales) taxes 10.1 per cent.

Among the major taxes contributing to General Fund revenue, the general property tax has experienced the largest rate of growth at 13½ per cent per year, on the average, between 1950 and 1960.

In the light of the rate of growth of the other sources of taxation, it is significant to note that this increase in property taxation is occasioned by the very nature of the ad valorem property tax. The reason for this growth in property taxes is that it must make up the difference between expenditures and the revenue from all other sources.

An index of per capita economic ability reflecting taxpaying capacity for Arizonans was computed, and this indicates an average annual increase in such ability over the ten year period 1950 to 1960 of 3.2 per cent. This capacity has been projected to 1970 at the same rate.

When per capita tax collections are plotted for the period 1950 to 1960 longside basic per capita economic ability, it is apparent that per capita taxation has been increasing more rapidly than has the basic per capita economic ability.

In 1960, the amount by which general revenue exceeded expenditure provided 15 million dollars, or 5.9 per cent of revenue, as a working cash balance.

As Arizona grows, larger cash balances will be required. The flow of cash through the General Fund is of particular importance because, as you realize, this is the real current working cash balance for the State of Arizona. A look at the daily balances of this account reveals substantial fluctuations.

The study indicates that a substantial cash balance representing a significant per cent of general revenue is required for orderly fiscal operations of the State.

I have heard again, as in the past, comment in regard to an anticipated "surplus" of state funds at the end of this fiscal year, June 30. There are those, apparently, who still believe that a cash carry over in the Arizona State General Fund is a free surplus, the spending of which would not have to be made up by property taxes.

This is a dangerous fallacy which, if acted upon, would result in the State being unable to meet its current obligations without being forced to register warrants.

I would like to re-emphasize a fact brought to your attention last year regarding the so-called "surplus."

Any unencumbered cash carry over, according to law, must be used, along with anticipated income from other sources, in determining the state property tax.

We could not operate the state, under the legal restrictions of debt limitation in the Constitution, without carry over funds which in effect provide us with working capital. I illustrated this in detail in my message to you of January 25, 1961.

In giving your attention to the budgetary matters I have discussed here today, I am sure you will think not of how much of the taxpayers' money there is to spend, but of how well the funds entrusted to your judgement can be used; not of the interest of one faction or another, but of the well-being of all Arizona; not of today or this year alone, but of the future that lies ahead of us.

We are challenged by opportunities rarely given to any people to grow and prosper. The obligation to use our resources wisely and well rests upon each one of us.

We must ask ourselves: "What are we aiming at? What is our real objective?"

I think you will agree with me it is to advance the economic growth of our State through encouraging the propserity of all our citizens, and to attract new people and new industry—to make Arizona a constantly better place in which to live—and to protect the home owning taxpayer so that living in Arizona will be as gratifying economically as it is pleasant and stimulating in every other way.

You may be sure I will work with you sincerely to accomplish this purpose. My office is open to any of you for whatever assistance I may be able to render.

Thank you.

PAUL FANNIN,
Governor

* * *

ACTS

ACTS

CHAPTER 1

House Bill No. 57

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR NEW RESIDENTS AND PERSONS WHO MOVE FROM THIS STATE TO VOTE FOR PRESIDENTIAL ELECTORS; PROVIDING FOR CONDITIONAL ENACTMENT, AND AMENDING TITLE 16, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3, SECTIONS 16-171 TO 16-175, INCLUSIVE.

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

Section 1. Title 16, chapter 1, Arizona Revised Statutes, is amended by adding article 3, sections 16-171 to 16-175, inclusive, to read:

ARTICLE 3. SPECIAL PROVISIONS RELATING TO PRESIDENTIAL ELECTIONS

16-171. AUTHORITY TO VOTE IN PRESIDENTIAL ELECTION AFTER MOVING FROM STATE

A. Each person who is properly registered as an elector in any precinct in this state and who has removed to another state shall retain his right to vote in the precinct from which he has removed for presidential electors to be nominated or elected, but for no other offices, for a period of fifteen months after such removal, provided he has not, during such period, become an elector in such other state. The provisions of this section shall be in addition to and not in substitution for any voting rights otherwise enjoyed by an elector of this state.

B. Votes cast in accordance with the provisions of this section shall be by absentee ballot. The form of the ballot shall be prescribed by the secretary of state pursuant to the provisions of article 2, chapter 7, of this title.

16-172. ELIGIBILITY OF NEW RESIDENT TO VOTE

A person who has been a resident of this state for less than one year prior to the date of a presidential election shall be entitled to vote for presidential electors in such election, but

for no other offices, provided he was either a qualified elector in another state immediately prior to his removal to this state or would have been eligible to vote in such other state had he remained there until such election, and provided further that he would be a qualified elector in this state except that he has not resided in the state for one year.

16-173. APPLICATION FOR BALLOT

A. A person who is qualified under section 16-172 to vote for presidential electors shall not be required to register in this state in order to vote but shall apply for and cast his ballot as provided in this section and section 16-174.

B. Application for such ballot shall be made in person to the office of the county recorder during regular office hours at any time within one year next preceding a presidential election. The application shall be in the form of an affidavit signed in the presence of the county recorder or one of his deputy registration officers in substantially the following form:

"APPLICATION FOR NEW RESIDENT VOTER'S BALLOT FOR PRESIDENTIAL ELECTION

State of Arizona)
) ss
County of.....)

I,....., do solemnly swear that I am a citizen of the United States; that prior to establishing residence in this state, my legal residence was in the.....precinct of the.....ward of the (town, village, city) of....., county of....., state of.....and residing at .....street; that on the day of the next presidential election, I shall be at least twenty-one years of age and that I have been a legal resident of this state since....., 19....., residing at.....street, in the..... precinct of.....county; that I have resided in such precinct less than one year, and that I am qualified to vote for presidential electors at the election to be held November....., 19.....; and that I hereby make application for an official presidential ballot.

Subscribed and sworn to before me Signed:.....
this.....day of....., A.D. 19.....
....."

Signature of witnessing officer

C. Upon receipt of such application, the county recorder

shall immediately forward to the applicant's election clerk, or equivalent official, of his former residence a request for proof that the applicant was a qualified voter in such state immediately prior to his removal to Arizona, or that he would have been qualified to vote for president and vice president or presidential electors, had he remained a legal resident of such state and complied with such state's legal requirements for voting. Such request shall include a form of certificate of proof. The forms of request for proof and certificate of proof, sent to the official of the applicant's former residence, shall be prepared by the county recorder.

16-174. BALLOT AFFIDAVIT; FORM; RECEIPT AND DELIVERY OF BALLOT

A. If the county recorder is satisfied that the certification required in subsection C of section 16-173 is in good order, the county recorder shall notify the applicant, in writing, that satisfactory proof of eligibility has been received and that he is entitled to vote in person for the presidential electors not sooner than fifteen days nor later than one day prior to the subsequent presidential election. The applicant, upon receiving a ballot containing the names of candidates for the office of presidential electors, shall mark the ballot in the presence of the county recorder in such manner that such officer cannot know how such ballot is marked. He shall then fold the ballot in the presence of the county recorder so as to conceal the markings, deposit and seal it in an envelope furnished by the recorder and execute the affidavit prescribed in subsection B.

B. The envelope shall bear upon its face the name and official title of the county recorder and upon the other side a printed affidavit in substantially the following form:

"State of Arizona)
) ss
County of.....)

I,....., do solemnly swear that I am a citizen of the United States; that on the day of the next election I shall be at least twenty-one years of age; that within one year from this date I established permanent residency in the state of Arizona and am a resident of the.....precinct of the county of....., residing at.....in the city of ....., in the county of.....and the state of Arizona; that immediately prior to my removal to this state I resided in the state of....., county of....., (city, town, village) of....., where I was a qualified elector at the time of my removal or where I would have been

qualified to vote in the next presidential election had I maintained by residency there.

Subscribed and sworn to before me ..... this.....day of..... Signature of voter

.....
Signature of witnessing officer"

C. The county recorder shall enclose the envelope containing the ballot in a carrier evelope which shall be securely sealed and endorsed with the name and qualified title of the county recorder and the words, "This envelope contains the vote for presidential electors of a new resident and must be opened only at the polls on election day while such polls are open," and the county recorder shall keep the envelope in his office until delivered by him to the absentee election board. The county recorder shall deliver the ballots of such new residents to the absentee election board and the board shall canvass and tally such ballots in the manner prescribed by law for absentee ballots.

16-175. VIOLATIONS; PENALTIES

A. Any person who swears falsely to an affidavit required under the provisions of this article is guilty of a felony punishable by imprisonment in the state prison for not less than two years nor more than five years.

B. An officer of an election who fails, neglects or refuses to perform any duty required of him under this article is guilty of a misdemeanor.

Sec. 2. CONDITIONAL ENACTMENT

This act shall not become effective until such time as the constitution of Arizona is amended by vote of the people to permit the qualifications of voters voting for presidential electors at a general election to be as prescribed by law.

Approved by the Governor—February 21, 1962.

Filed in the Office of the Secretary of State—February 21, 1962.

CHAPTER 2

House Bill No. 52

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; PRESCRIBING QUALIFICATIONS FOR LICENSEES, AND AMENDING SECTION 4-202, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 4-202, Arizona Revised Statutes, is amended to read:

4-202. QUALIFICATIONS OF LICENSEES; CORPORATIONS; AGENTS; TRANSFERS; VALIDATIONS

A. Every spirituous liquor licensee, other than a club licensee, a corporation licensee, a hotel-motel licensee, or a restaurant licensee shall be a citizen of the United States and a bona fide resident of the state. If a partnership, each partner shall be a citizen of the United States and a bona fide resident of the state. If a corporation, it shall be a domestic corporation or a foreign corporation which has qualified to do business in this state, and shall hold its license through an agent.

B. All licenses now held or owned by a corporation either in its name of through its agent or representative are declared valid and subsisting licenses, provided, that an application shall be made to the superintendent of the department of liquor licenses and control within ninety days after the effective date of this section to transfer such license to an agent of the corporation who may be the same person now acting as such, as provided in subsection C of this section.

C. A corporation which conforms to the qualifications prescribed by subsection A shall own the entire equitable interest in its license through an agent provided the agent is otherwise qualified to hold a spirituous liquor license. The agent shall be subject to the penalties prescribed for any violation of the law relating to alcoholic beverages. Upon the death or resignation or discharge of an agent of a corporation holding a spirituous liquor license, the license shall be assigned forthwith to another qualified agent selected by the corporation.

D. No license shall be issued to any person who, within one year prior to application therefor, has violated any provision of a spirituous liquor license theretofore issued or has had a license revoked. No license shall be issued or renewed to any

person who, within five years prior to application therefor, has been convicted of a felony involving moral turpitude. No corporation shall have its annual license issued or renewed unless it has on file with the superintendent a list of its officers and directors and any stockholders who own ten per cent or more of the corporation. No corporation shall have its spirituous liquor license issued or renewed if any of its officers or directors or any stockholders who own ten per cent or more of the corporation have within five years been convicted of a felony involving moral turpitude.

E. Subsection A shall not be construed to prevent any club, holding a valid license on March 22, 1952, from continuing the club or from renewing its license, subject to compliance with the provisions of law and rules and regulations of the superintendent.

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 26, 1962.

Filed in the Office of the Secretary of State—February 26, 1962.

CHAPTER 3

House Bill No. 89

AN ACT

RELATING TO PUBLIC HEALTH; REGULATING HOSPITALS, MATERNITY HOMES, NURSING HOMES AND SHELTERED CARE HOMES, AND AMENDING SECTIONS 36-401, 36-421, 36-441, 36-442, 36-442.01 AND 36-446, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 36-401, Arizona Revised Statutes, is amended to read:

36-401. DEFINITIONS

In this chapter, unless the context otherwise requires:

1. "Hospital" means an institution for the diagnosis, care or treatment of two or more unrelated persons suffering from illness, injury or deformity, or for the rendering of obstetrical or other medical or nursing care other than in an emergency. The word hospital shall not be construed to include the office or clinic of a physician or practitioner nor shall patients recovering from minor surgical procedures be classed as hospital patients.

2. "Nursing home" means a facility, other than a hospital or maternity home, in which continuing nursing care on a twenty-four hour basis, by a graduate nurse licensed in Arizona, or other nursing personnel meeting standards adopted by the state board of health, is provided, and in which medical services are prescribed by or performed under the direction of a physician or surgeon licensed to practice in Arizona, for two or more unrelated persons who are not acutely ill and not in need of hospital care.

3. "Maternity home" means a residence or similar building in which the only service rendered is to maternity patients and infants born therein. Any home which receives more than one maternity patient, exclusive of relatives, within a six-month period is deemed to be a maternity home.

4. "Sheltered care home" means a facility, other than a hospital, maternity home or nursing home, for two or more unrelated persons who are not acutely ill, which renders personal care and assistance with meals, dressing, medications prescribed by a physician or surgeon licensed in Arizona, and other personal assistance of a similar type, and includes homes for the aged and infirm who do not need skilled nursing care.

Sec. 2. Sec. 36-421, Arizona Revised Statutes, is amended to read:

36-421. POWERS OF DEPARTMENT OF HEALTH IN REGULATING HOSPITALS AND OTHER HEALTH CENTERS

A. The state department of health shall, with the advice of the hospital advisory council:

1. Make or cause to be made inspections of institutions which apply for or hold a license required by this chapter.

2. Approve plans and specifications for new construction or alterations or additions to institutions regulated by this chapter.

3. Employ such personnel as it deems necessary to carry out the provisions of this chapter.

4. Provide and adopt reasonable minimum standards necessary for regulating institutions required by this chapter to be licensed.

5. Adopt rules and regulations governing the licensing of institutions required by this chapter to have licenses.

6. In the case of nursing homes and sheltered care homes, adopt, promulgate, repeal and amend reasonable rules and regulations with relation to construction, sanitation, lighting, ventilation, fire protection, accommodations for patients and personnel requirements.

7. Adopt such other rules and regulations as it deems necessary to carry out the provisions of this chapter.

B. The provisions of regulations adopted by the board under the authority conferred by this section shall be observed throughout the state and shall be enforced by each local board of health, but nothing herein shall be deemed to limit the right of any local board of health or county board of supervisors to adopt such ordinances, rules and regulations as authorized by law within its jurisdiction, provided that such ordinances, rules and regulations do not conflict with the state law and are equal to or more restrictive than the provisions of the regulations of the state board of health.

C. The state department of health may, in the name of the state, bring an action to enjoin any person, partnership, corporation or association, or any state or local governmental unit or agency thereof, from establishing or maintaining any institution regulated by this chapter without first obtaining a license therefor. It shall be sufficient in such action to allege that the defendant did on a certain date and in a certain place establish or maintain such an institution without a license.

Sec. 3. Sec. 36-441, Arizona Revised Statutes, is amended to read:

36-441. HOSPITAL, MATERNITY HOME, NURSING HOME AND SHELTERED CARE HOME LICENSES; ISSUANCE BY STATE DEPARTMENT OF HEALTH

A. No person, partnership, association or corporation, nor any state, county or local governmental unit, nor any division, department, board or agency thereof, shall establish, conduct or maintain in this state a hospital, maternity home, nursing

home, or sheltered care home without first obtaining a license therefor in the manner provided by this chapter.

B. The state department of health shall issue a hospital, maternity home, nursing home, or sheltered care home license to an institution which complies with the provisions of this chapter and the rules and regulations adopted thereunder.

Sec. 4. Sec. 36-442, Arizona Revised Statutes, is amended to read:

36-442. APPLICATION FOR LICENSE; CONTENTS; FEE; RESTRICTIONS; RENEWAL

A. Application for a hospital, maternity home, nursing home, or sheltered care home license shall be made to the state department of health on a form prescribed by the department, and shall state:

1. The full name and address of the institution for which license is sought.

2. The full name and address of the owner.

3. The names of persons who control the institution.

4. The type of institution to be operated.

5. Such other information as the state department of health deems necessary.

B. The application shall be signed, in the case of an individual or partnership, by the owner of the institution, or in the case of a corporation, by two of the officers thereof, or in the case of a governmental unit, by the head of the governmental department having jurisdiction thereof.

C. The application shall be filed under oath with the state department of health. If the application is for a hospital or maternity home license, a fee of ten dollars shall be paid. If the application is for a nursing home or sheltered care home license, a fee of five dollars shall be paid. If the license is denied, the fee shall be refunded to the applicant.

D. A license shall be issued only for the premises and to the persons named in the application and shall not be transferable or assignable. A license expires one year from the date of issuance, and in the case of hospitals or maternity homes, a fee of ten dollars, and in the case of nursing homes or sheltered care homes a fee of five dollars shall be charged for the

renewal thereof. Each institution shall post its license in a conspicuous place.

Sec. 5. Sec. 36-442.01, Arizona Revised Statutes, is amended to read:

36-442.01. ISSUANCE OF LICENSE

Upon receipt of an application for license the state department of health shall issue a license if it appears applicant is a person of good moral character, is fit and qualified, and if the maternity home, nursing home, sheltered care home, or hospital meets the requirements of this chapter.

Sec. 6. Sec. 36-446, Arizona Revised Statutes, is amended to read:

36-446. UNLAWFUL ACTS

It is unlawful in any maternity home, nursing home, sheltered care home, or hospital to:

1. House, care for or permit the housing or care of patients in an attic or basement, on a floor, or in any area not approved by the state department of health in compliance with rules and regulations adopted and promulgated under this chapter relating to the physical and mental condition of the patient.

2. Abuse, neglect, or submit to cruel treatment of any patient.

3. Use portable kerosene heaters or lamps for the purpose of heating or lighting.

Approved by the Governor—March 2, 1962.

Filed in the Office of the Secretary of State—March 2, 1962.

CHAPTER 4

House Bill No. 112

AN ACT

AUTHORIZING THE EXCHANGE OF CERTAIN STATE LAND TO THE CITY OF PHOENIX IN EXCHANGE FOR PROPERTY FROM THE CITY OF PHOENIX TO THE STATE OF ARIZONA FOR THE USE OF THE NATIONAL GUARD.

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

Section 1. AUTHORIZATION TO GOVERNOR TO CONVEY PROPERTY

The governor is authorized and directed to convey the following described property now being used by the national guard to the city of Phoenix in exchange for the conveyance by the city of Phoenix of the property described in section 2 by cancellation and reassignment of lease and by deed approved as to form by the attorney general and by the adjutant general of the state of Arizona.

Lots 1, 3, 5, 7 and 9 of block 70 of the city of Phoenix as per map recorded in book 1, page 5 of maps in the office of the county recorder of Maricopa county.

Sec. 2. CONVEYANCE BY THE CITY OF PHOENIX TO THE STATE OF ARIZONA

The city of Phoenix in consideration for the transfer and conveyance of the property described in sections 1 shall, prior to such transfer, convey to the state of Arizona for the use of the national guard the following described property:

All of block 28 of Grand Avenue addition, a subdivision of the city of Phoenix, according to the official map thereof as recorded in book 1 of maps, at page 9 thereof.

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, 1962.

Filed in the Office of the Secretary of State—March 2, 1962.

CHAPTER 5

House Bill No. 111

AN ACT

RELATING TO LIVESTOCK AND ANIMALS; PROVIDING FOR VACCINATION AND LICENSING OF GUIDE DOGS

WITHOUT FEE, AND AMENDING SECTION 24-366, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 24-366, Arizona Revised Statutes, is amended to read:

24-366. VACCINATION AND LICENSING OF GUIDE DOG WITHOUT FEE

A guide dog belonging to a blind person who is a resident of the state shall upon application by the owner to the sheriff, and on presentation of proper proof, be vaccinated and licensed pursuant to this article without payment of a fee.

Approved by the Governor—March 2, 1962.

Filed in the Office of the Secretary of State—March 5, 1962.

CHAPTER 6

House Bill No. 10

AN ACT

MAKING AN APPROPRIATION TO THE INDUSTRIAL COMMISSION OF ARIZONA TO BE CREDITED TO THE ACCOUNT OF WILLIAM OWEN HUGHES AND EXPENDED AS PROVIDED IN PARAGRAPH 3, SECTION 23-1241, ARIZONA REVISED STATUTES.

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

Section 1. APPROPRIATION; PURPOSE

The sum of nine hundred ninety-three dollars sixty cents is appropriated to the industrial commission of Arizona to be credited to the account of William Owen Hughes and expended as provided by the terms of paragraph 3, section 23-1241, Arizona Revised Statutes, for private medical service, hospitalization and medicines, and to reimburse the account for monies paid to the Arizona State tuberculosis sanatorium.

Sec. 2. EXEMPTIONS

The appropriation made under the terms of section 1 is exempt from the provisions of sections 35-173 and 35-190, Arizona

Revised Statutes, relating to quarterly allotments and lapsing of appropriations.

Approved by the Governor—March 5, 1962.

Filed in the Office of the Secretary of State—March 5, 1962.

CHAPTER 7

House Bill No. 60

AN ACT

MAKING AN APPROPRIATION TO THE SECRETARY OF STATE FOR PAYMENT OF BALANCE OF A BILL OWED SIMS PRINTING COMPANY FOR PRINTING RULES AND REGULATIONS OF THE STATE WELFARE DEPARTMENT.

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

Section 1. APPROPRIATION; PURPOSE

The sum of three thousand one hundred sixty-nine dollars five cents is appropriated to the secretary of state to be available for payment of the balance of a bill owed the Sims Printing company for work performed in printing the rules and regulations of the state welfare department.

Sec. 2. EXEMPTION

The appropriation made by the terms of section 1 is exempt from the provisions of section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

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 5, 1962.

Filed in the Office of the Secretary of State—March 5, 1962.

CHAPTER 8

House Bill No. 61

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE POST AUDITOR.

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

Section 1. APPROPRIATION; PURPOSE

In addition to the appropriation made under the terms of subdivision 7, section 1, chapter 129, Laws of 1961, first regular session, the sum of one thousand dollars is appropriated to the post auditor in the amounts and for the purposes following:

1. Six hundred dollars for "Current Fixed Charges", for rental of machinery, for reproduction of reports.

2. Four hundred dollars for "Travel—Out-of-State".

Sec. 2. EXEMPTION

The appropriation made under the terms of section 1 is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing 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.

Failed to pass the House with sufficient vote to enact the emergency clause.

Approved by the Governor—March 5, 1962.

Filed in the Office of the Secretary of State—March 5, 1962.

CHAPTER 9

House Bill No. 65

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE APPRENTICESHIP COUNCIL.

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

Section 1. APPROPRIATION; PURPOSE

In addition to the appropriation made under the terms of subdivision 57, section 1, chapter 129, Laws of 1961, first regular session, the sum of three hundred dollars is appropriated to the apprenticeship council to be immediately available for "Travel—Out-of-State."

Sec. 2. EXEMPTION

The appropriation made under the terms of section 1 is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing 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 5, 1962.

Filed in the Office of the Secretary of State—March 5, 1962.

CHAPTER 10

House Bill No. 150

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE ARIZONA INTERSTATE STREAM COMMISSION.

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

Section 1. APPROPRIATION; PURPOSE

In addition to the appropriation made under the terms of subdivision 86, section 1, chapter 129, Laws of 1961, the sum of fifty thousand dollars is appropriated to the Arizona interstate stream commission to reimburse the professional services account.

Sec. 2. EXEMPTIONS

The appropriation made by this act is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing of appropriations.

Approved by the Governor—March 6, 1962.

Filed in the Office of the Secretary of State—March 6, 1962

CHAPTER 11

House Bill No. 35

AN ACT

MAKING AN APPROPRIATION TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR THE DIVISION OF SPECIAL EDUCATION.

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

Section 1. APPROPRIATION; PURPOSE

In addition to the appropriation made under the terms of subdivision 51, section 1, chapter 129, Laws of 1961, the sum of three hundred seven thousand four hundred twenty dollars is appropriated from the state general fund to the superintendent of public instruction to be available for the division of special education and to be expended as prescribed by section 15-1019, Arizona Revised Statutes.

Sec. 2. EXEMPTION

The appropriation made under the terms of section 1 is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing 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 7, 1962.

Filed in the Office of the Secretary of State—March 7, 1962.

CHAPTER 12

House Bill No. 120

AN ACT

RELATING TO THE STATE BAR OF ARIZONA; CREATING THE OFFICE OF PRESIDENT-ELECT; PROVIDING FOR ELECTION OF OFFICERS, AND AMENDING SECTIONS 32-239 AND 32-240, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 32-239, Arizona Revised Statutes, is amended to read:

32-239. OFFICERS OF STATE BAR

A. The officers of the state bar shall be a president, a president-elect, two vice-presidents, a secretary and a treasurer.

B. The term for the office of president shall expire at the conclusion of the annual meeting, and the president-elect whose term expired at the same annual meeting shall automatically become the president and assume the duties of such office.

C. The president-elect and vice-presidents shall be elected from its membership by the board of governors at the annual meetings. The newly elected president-elect and vice-presidents shall assume the duties of their respective offices at the conclusion of the annual meeting at which they are elected.

D. The secretary and the treasurer shall be selected annually by the board of governors.

E. The officers of the state bar shall continue in office until their successors are elected and qualified.

F. An officer may be removed from his office by the vote of ten or more members of the board of governors cast in favor of his removal at a meeting called for such purpose.

G. A vacancy in any office caused other than by expiration of a term may be filled by the board of governors at a meeting called for such purpose.

Sec. 2. Sec. 32-240, Arizona Revised Statutes, is amended to read:

32-240. DUTIES OF OFFICERS

The president shall preside at all meetings of the state bar and board of governors, and if absent or unable to act, one of the vice-presidents shall preside. The president-elect shall be an ex-officio member of all committees and act as liaison between bar committees and the board of governors. Additional duties of the president, president-elect, vice-presidents and the secretary and treasurer may be prescribed by the board of governors.

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 7, 1962.

Filed in the Office of the Secretary of State—March 7, 1962.

CHAPTER 13

House Bill No. 95

AN ACT

RELATING TO EDUCATION; PROVIDING FOR THE EDUCATION OF CRIPPLED CHILDREN, AND AMENDING SECTIONS 15-1001 AND 15-1002, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 15-1001, Arizona Revised Statutes, is amended to read:

15-1001. CONTINUING APPROPRIATION; EXPENDITURE

A. There is appropriated annually to the state superintendent of public instruction thirty-one thousand eight hun-

dred dollars for payment of expenses incurred in the education of children as provided by subsection B. The appropriation is exempt from the quarterly allotment or expenditure limitations of section 35-173, providing for the allotment of appropriations to classes and objects.

B. Thirty thousand dollars of the continuing appropriation made under subsection A shall be expended by the state superintendent of public instruction for the education of patients at the crippled children's hospital and one thousand eight hundred dollars of the appropriation shall be expended by the Pima county school superintendent for the education of crippled children.

Sec. 2. Sec. 15-1002, Arizona Revised Statutes, is amended to read:

15-1002. DISBURSEMENT OF APPROPRIATION

The Pima county school superintendent shall present his claims for expenditures made under the provisions of this article to the state superintendent of public instruction, who, upon approval, shall file them with the state auditor as provided by law. The state superintendent of public instruction shall expend the funds provided by the terms of this article and present his claims for expenditures as provided by law.

Sec. 3. EFFECTIVE DATE

This article shall become effective on July 1, 1962.

Approved by the Governor—March 8, 1962.

Filed in the Office of the Secretary of State—March 8, 1962.

CHAPTER 14

House Bill No. 50

AN ACT

RELATING TO MARRIAGE; PRESCRIBING CERTAIN MARRIAGES AS BEING VOID AND PROHIBITED, AND AMENDING SECTION 25-101, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 25-101, Arizona Revised Statutes, is amended to read:

25-101. VOID AND PROHIBITED MARRIAGES

Marriages between parents and children, including grandparents and grandchildren of every degree, between brothers and sisters of the one-half as well as the whole blood, and between uncles and nieces, aunts and nephews and between first cousins, is prohibited and void.

Approved by the Governor—March 12, 1962.

Filed in the Office of the Secretary of State—March 12, 1962.

CHAPTER 15

House Bill No. 123

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA PIONEERS' HOME FOR DRAWINGS AND SPECIFICATIONS FOR PROPOSED CONSTRUCTION.

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

Section 1. APPROPRIATION; PURPOSE

The sum of seventy thousand seven hundred forty-one and twenty-five one hundredths dollars is appropriated to the Arizona pioneers' home, to become immediately available for the working drawings and specifications for the proposed construction and furnishing of a new addition, consisting of six floors.

Sec. 2. EXEMPTION

The appropriation made by this act is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing 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 12, 1962.

Filed in the Office of the Secretary of State—March 12, 1962.

CHAPTER 16

House Bill No. 230

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA GAME AND FISH DEPARTMENT FOR COMPLETING CONSTRUCTION OF THE LYNX CREEK DAM.

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

Section 1. APPROPRIATION; PURPOSE

The sum of seventy-five thousand dollars is appropriated from the game and fish fund to the Arizona game and fish department for the purpose of completing construction of the Lynx creek dam near Prescott.

Sec. 2. EXEMPTION

The appropriation made by the terms of section 1 is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing 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 12, 1962.

Filed in the Office of the Secretary of State—March 12, 1962.

CHAPTER 17

House Bill No. 125

AN ACT

RELATING TO THE REGISTRAR OF CONTRACTORS; PRESCRIBING ADDITIONAL DUTIES; PRESCRIBING AN ADDITIONAL SALARY, AND AMENDING TITLE 32, CHAPTER 10, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1103.01.

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

Section 1. Title 32, chapter 10, article 1, Arizona Revised Statutes, is amended by adding section 32-1103.01, to read:

32-1103.01. ADVISER TO DIRECTOR OF CIVIL DEFENSE; SALARY

A. The registrar of contractors shall be an adviser to the director of civil defense in all matters of construction work performed in relation to civil defense.

B. For the additional duties assigned to him by this section, the registrar of contractors shall receive an additional salary not to exceed four thousand eight hundred dollars per year, but in no event shall the registrar's total salary exceed twelve thousand dollars per year. The additional salary provided for in this section shall be paid for from the contractors' license 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.

Failed to pass the House with sufficient votes to enact the emergency clause.

Approved by the Governor—March 13, 1962.

Filed in the Office of the Secretary of State—March 13, 1962

CHAPTER 18

House Bill No. 210

AN ACT

RELATING TO INSTALLMENT LOANS; PRESCRIBING AMOUNT OF INSTALLMENT LOANS AND METHODS OF PREPAYMENT, AND AMENDING SECTION 6-254, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 6-254, Arizona Revised Statutes, is amended to read:

6-254. INSTALLMENT LOANS

A. A person, partnership, corporation, bank or trust company organized under any law of this state, and a national bank doing business in this state, may make installment loans of the following classes:

1. In an amount not exceeding one thousand dollars if the total payment to be made by the borrower for interest or discount in connection with the transaction is not in excess of eight dollars per one hundred dollars per year to be added to the principal amount of the loan, calculated from the date of the indebtedness payable in installments.

2. In an amount exceeding one thousand dollars, but not exceeding three thousand five hundred dollars, if the total payment to be made by the borrower for interest or discount in connection with the transaction is not in excess of eight dollars per one hundred dollars per year on the first one thousand dollars of the loan and six dollars per one hundred dollars per year on the amount of the loan in excess of one thousand dollars, to be added to the principal amount of the loan, calculated from the date of the indebtedness payable in installments.

B. If prepayment in full is made at any time during the term of the loan by cash, a new loan, renewal or refinancing, the borrower shall be refunded or credited that portion of the total interest or discount which the sum of the periodic time balances scheduled to follow the installment date nearest the date of prepayment in full bears to the sum of all scheduled periodic time balances as computed in accordance with the rule commonly known as the rule of seventy-eighths from rules, regulations, charts and tables of direct ratio refund methods based upon the refinancing rebate schedule of the federal housing authority and the chart of decimal equivalents computed for the 1954 internal revenue code of the United States, provided, however, the provisions of this subsection shall not impair the obligation of the borrower to pay any reasonable collection costs and fees incurred by the lender in the event of delinquency, and provided further, where the amount of such refund or credit would be less than one dollar, no refund or credit need be made.

Approved by the Governor—March 13, 1962.

Filed in the Office of the Secretary of State—March 13, 1962.

CHAPTER 19

House Bill No. 240

AN ACT

RELATING TO EDUCATION; PROVIDING THAT STATE ASSISTANCE OF SCHOOL DISTRICTS IN EDUCATING CHILDREN WHOSE PARENTS ARE EMPLOYED BY CERTAIN STATE INSTITUTIONS AND STATIONS SHALL BE FROM THE STATE GENERAL FUND; AMENDING SECTION 15-1214, ARIZONA REVISED STATUTES, AND MAKING AN APPROPRIATION.

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

Section 1. Sec. 15-1214, Arizona Revised Statutes, is amended to read:

15-1214. ASSISTANCE OF SCHOOL DISTRICTS BY THE STATE

The state superintendent of public instruction shall assist public school districts in educating children whose parents or legal guardians are employed by and domiciled at the following state institutions and stations: the industrial school, the state hospital, the state prison, Arizona state school for the deaf and the blind, the Arizona children's colony or at ports of entry inspection stations. The assistance shall be the full per capita cost of the district less the amount of state and county aid apportioned to the districts under the provisions of sections 15-1211, 15-1212 and 15-1235. Claims for such payments shall be made by the districts through the county school superintendent to the state superintendent of public instruction. Such approved claims shall be paid by the state auditor and shall be a charge against the state general fund.

Sec. 2. APPROPRIATION; PURPOSE

The sum of thirty-six thousand five hundred dollars is appropriated from the state general fund to be available for the fiscal year ending June 30, 1962, for the purposes provided in section 1.

Sec. 3. EXEMPTION

The appropriation made by the provisions of section 2 is exempt from the provisions of section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

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 13, 1962.

Filed in the Office of the Secretary of State—March 13, 1962.

CHAPTER 20

House Bill No. 82

AN ACT

RELATING TO STATE EMPLOYEES' RETIREMENT SYSTEM; PROVIDING FOR PRIOR SERVICE CREDIT; AUTHORIZING A RECOMPUTATION OF ANNUITIES OF RETIRED MEMBERS WHO HAVE PRIOR SERVICE CREDIT, AND AMENDING SECTION 38-747, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 38-747, Arizona Revised Statutes, is amended to read:

38-747. PRIOR SERVICE CREDIT

A. Each member having state service immediately preceding July 1, 1953, or service for a political subdivision on and preceding the date such employer begins participation in the retirement system, shall be given prior service credits for such employment. If such member has obtained prior service credits in accordance with this section for employment by more than one employer, payment shall be from funds derived from each such employer.

B. The amount of the annual prior service credit shall be determined by one percent of average annual wages, not exceeding thirty-six hundred dollars per year, for the five years immediately preceding July 1, 1953, multiplied by the number of years, not exceeding thirty, of state employment prior to July 1, 1953. For members who were members of the Arizona teachers' retirement system prior to their membership in the state system, the years, not exceeding thirty, of service as a teacher, as that term is defined by section 15-1401, for the state, a political subdivision or any instrumentality, shall be

prior to July 1, 1943, for the purposes of determining the number of years for which prior service credit is granted.

C. A political subdivision may provide increased prior service pensions for its employees by executing a supplemental agreement through its governing body, and such agreement shall be drawn as provided by the terms of section 38-752.

D. For members who were employed in this state by the United States employment service or by the United States war manpower commission, or both, between July 21, 1941, and November 16, 1946, such employment, immediately preceded by or immediately followed by state service, shall be included in determining the number of years for which prior service credit is granted, if the federal government, through the employment security commission, pays into the prior service credits fund an amount determined by the retirement board as being sufficient to provide retirement benefits derived from prior service credit earned during such period of employment.

E. Each member shall file with the board a detailed statement of service for which he claims prior service credit. The board shall certify to each member the amount of prior service credit allowed and such certificates shall be conclusive for the purposes of this article, except that any member within ninety days from issuance of the certificate may request modification or correction thereof.

F. In computation of prior service under this article the following schedule shall govern:

1. Nine months or more of service during any fiscal year shall constitute a year of service.

2. Not less than six but less than nine months of service in any fiscal year shall constitute three-fourths of a year of service.

3. Not less than three but less than six months of service during any fiscal year shall constitute one-half year of service.

4. Less than three months service in any fiscal year shall not be considered.

G. Prior service credit shall be cancelled upon termination of employment by a member prior to accumulation of five years creditable service except as provided in subsections A and B of section 38-758.

Sec. 2. RECOMPUTATION

A member receiving an annuity in equal monthly installments derived from his retirement account, together with his prior service credit, shall have his annuity recomputed basing such recomputation on any increase in prior service credit provided by the terms of section 38-747, Arizona Revised Statutes. The increase in the annuity shall be effective for the month commencing July 1, 1962, and no increase shall be allowed for any period prior to July 1, 1962.

Sec. 3. EFFECTIVE DATE

The provisions of this act shall be effective on July 1, 1962.

Approved by the Governor—March 13, 1962.

Filed in the Office of the Secretary of State—March 13, 1962.

CHAPTER 21

House Bill No. 191

AN ACT

RELATING TO BOATING; PRESCRIBING REGISTRATION OF IDENTIFICATION NUMBER; PRESCRIBING USE OF TAXES RESULTING FROM THE SALE OF MOTOR VEHICLE FUEL FOR WATERCRAFT; PRESCRIBING ADMINISTRATION OF THE LAKE IMPROVEMENT FUND; AMENDNG SECTIONS 5-306.05, 5-315, 28-1502, 28-1520 AND 28-1521, ARIZONA REVISED STATUTES, AND AMENDING TITLE 28, CHAPTER 9, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-1502.01.

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

Section 1. Sec. 5-306.05, Arizona Revised Statutes, is amended to read:

5-306.05. IDENTIFICATION NUMBER

A. The owner of each watercraft requiring numbering by this state shall file an application for number with the Arizona motor vehicle division on forms approved by it. The application shall be signed by the owner of the watercraft and shall be accompanied by a fee of three dollars. Upon receipt of the application in approved form, the motor vehicle division shall enter the same upon the records of its office and issue to the applicant a certificate of number stating the number awarded

to the watercraft and the name and address of the owner. The owner shall paint on or attach to each side of the bow of the watercraft the identification number in such manner as may be prescribed by rules and regulations of the motor vehicle division in order that it may be clearly visible. The number shall be maintained in legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the watercraft for which issued whenever such watercraft is in operation.

B. The owner of any watercraft already covered by a number in full force and effect which has been awarded to it pursuant to then operative federal law or a federally approved numbering system of another state shall record the number prior to operating the watercraft on the waters of this state in excess of the ninety-day reciprocity period provided for in section 5-306.07. Such recordation shall be in the manner and pursuant to the procedure required for the award of a number under subsection A of this section, except that no additional or substitute number shall be issued.

C. If the ownership of a watercraft changes, a new application form with fee shall be filed with the motor vehicle division and a new certificate of number shall be awarded in the same manner as provided for in an orignial award of number.

D. In the event an agency of the United States government shall have in force an over-all system of identification numbering for watercraft within the United States, the numbering system employed pursuant to this article by the motor vehicle division shall be in conformity therewith.

E. The motor vehicle division may award any certificate of number directly or may authorize any person to act as agent for the awarding thereof. In the event a person accepts such authorization, he may be assigned a block of numbers and certificates therefor which upon award, in conformity with this article and with any rules and regulations of the motor vehicle division, shall be valid as if awarded directly by the motor vehicle division.

F. All records of the motor vehicle division made or kept pursuant to this section shall be public records.

G. Every certificate of number awarded pursuant to this article shall continue in full force and effect for a period of three years unless sooner terminated or discontinued in accordance with the provisions of this article. Certificates of number may be renewed by the owner in the same manner provided for in the initial securing of the same.

H. All certificates of number shall expire on July 1, 1962, and every three years thereafter. All certificates due to expire or that have expired shall be renewed before August 1 following the day of expiration.

I. The owner shall furnish the motor vehicle division notice of the transfer of all or any part of his interest other than the creation of a security interest in a watercraft numbered in this state pursuant to subsections A and B of this section or of the destruction or abandonment of such watercraft, within fifteen days thereof. Such transfer, destruction, or abandonment shall terminate the certificate of number of such watercraft, except that in the case of a transfer of a part interest which does not affect the owner's right to operate such watercraft, the transfer shall not terminate the certificate of number.

J. Any holder of a certificate of number shall notify the motor vehicle division within fifteen days, if his address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the motor vehicle division with his new address. The motor vehicle division may provide in its rules and regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

K. No number other than the number awarded to a watercraft or granted reciprocity pursuant to this article shall be painted, attached, or otherwise displayed on either side of the bow of such watercraft.

Sec. 2. Sec. 5-315, Arizona Revised Statutes, is amended to read:

5-315. LAKE IMPROVEMENT FUND; ADMINISTRATION

A. There shall be a state lake improvement fund and monies therein shall be credited to the account of each county in the same proportion that the number of registered watercraft in the county bears to the number of registered watercraft in the state determined as of January 1 for each year. Such monies shall be used only for the improvement of lakes where boats are permitted and shall be limited to the following:

1. Public launching ramps.

2. Public piers, marinas, or marine stadia.

3. Public toilets and sanitation facilities.

4. Public picnic tables and facilities.

5. Public parking areas.

6. Lake construction or improvement.

7. Marking buoys or other facilities to aid enforcement of this title.

B. The state lake improvement fund shall be administered by the director of the state parks board. Plans for projects involving expenditure of monies from such fund shall be submitted to the director by the board of supervisors of any county to whose account monies have been credited. The director shall examine such plans to determine if they come within those projects authorized and to determine if there are sufficient monies available for such project. If he finds the projects qualify and monies are available, he shall approve such plans and disburse such monies as claims against the state.

C. Counties may expend monies deposited to their credit in the lake improvement fund in any county on projects that will benefit residents of the credited county, and priority shall be given to projects where matching funds are made available from any agency of the federal government or any agency of the state, county or school district or from any private individual or agency.

Sec. 3. Sec. 28-1502, Arizona Revised Statutes, is amended to read:

28-1502. PAYMENT; DISTRIBUTION OF PROCEEDS

A. The license tax accrued in any calendar month shall be paid on or before the twenty-fifth day of the next succeeding calendar month to the vehicle superintendent, who shall promptly pay each month to the state treasurer for deposit in the lake improvement fund ninety per cent of the amount of money collected as a license tax on sales of motor vehicle fuel used in propelling watercraft commencing with the month following the conclusion of the survey conducted pursuant to section 28-1502.01, and then shall promptly pay seven tenths of all remaining monies to the state treasurer to be placed in the highway fund, and three tenths thereof to the several county treasurers, in the proportion that the sale of motor vehicle fuel in such county bears to the total sales of motor vehicle fuel throughout the state. The superintendent shall deduct all exemptions and refunds before making the division.

B. Two thirds of the money distributed to the counties shall be retained by the counties for the purposes set forth in this article, and the balance forthwith paid by each of the county treasurers to the several incorporated cities and towns within the boundaries of the county in proportion to their population as shown by the most recent United States census. If there is no incorporated city or town in a county, the amount allocated thereto shall revert to the county for the purposes provided by this article.

C. The tax accruing to the incorporated cities and towns shall be used by them as may be determined by the governing bodies thereof solely for improvement, construction, reconstruction or maintenance of municipal streets and highways and administrative expenses in connection therewith, including retirement of bonds issued after November 25, 1946, for the payment of which such revenues have been pledged, and for no other purposes. The tax so accruing to the incorporated cities and towns shall be kept in a separate fund and may be allowed to accumulate from year to year and shall not be subject to the provisions of article 4 of chapter 2, title 42.

D. The tax accruing to the counties shall be used by the counties as determined by the boards of supervisors thereof, for the construction, improvement or maintenance of county highways or bridges, or for the retirement of outstanding county highway bonds, or the payment of interest thereon.

Sec. 4. Title 28, chapter 9, article 1, Arizona Revised Statutes, is amended by adding section 28-1502.01, to read:

28-1502.01. TAXES PAID ON FUEL USED IN WATERCRAFT, SURVEY, COSTS

A. The percentage of the total license taxes paid on motor vehicle fuel that is used in propelling watercraft shall be determined by a statistical survey conducted by the department, or by a public or private agency selected by the director prior to July 1, 1962, and prior to July 1 of every three years thereafter. Each survey shall be completed within three months of the day begun. The superintendent shall use this percentage figure in determining the amount of license taxes collected each month on the sale of fuel used in watercraft.

B. The expense of the survey and the expense of other boating administrative duties required of the department shall be defrayed from ten per cent of the sum representing taxes paid on motor vehicle fuel used to propel watercraft.

Sec. 5. Sec. 28-1520, Arizona Revised Statutes, is amended to read:

28-1520. REFUNDS

A person who buys and uses motor vehicle fuel other than in motor vehicles upon the highways of the state and other than in watercraft upon the waterways of the state, or who buys such fuel and exports it, and who pays the license tax upon such fuel, shall be repaid the amount of the tax upon application made to the superintendent in accordance with this article.

Sec. 6. Sec. 28-1521, Arizona Revised Statutes, is amended to read:

28-1521. PROCEDURE TO COLLECT REFUND; VIOLATION; PENALTY; DISPOSITION OF UNCLAIMED REFUNDS ON AIRCRAFT FUEL

A. When motor vehicle fuel is sold to a person who claims he will be entitled to a refund of the tax because the motor vehicle fuel is not purchased for use in a motor vehicle or watercraft, the seller shall prepare in triplicate, on a form prescribed by the superintendent, an invoice setting forth the name and address of the purchaser, the number of gallons of motor vehicle fuel so sold and other information the superintendent requires. When the claim that the tax is refundable is based upon the fact that the fuel was used in aircraft, that fact shall be stated on the invoice. The seller shall give the original of the invoice to the purchaser at the time of sale, and shall mail the duplicate to the superintendent not later than Tuesday of the week next succeeding the sale.

B. Any person entitled to a refund of the motor vehicle fuel tax shall be reimbursed under the following conditions:

1. Application for refund shall be filed with the superintendent within six months from the date of purchase or invoice of the motor vehicle fuel with respect to which refund is claimed, and not thereafter.

2. The application shall be in the form prescribed and furnished by the superintendent, shall state the quantity of motor vehicle fuel with respect to which refund is claimed, the purpose for which used, date of purchase, from whom purchased and shall contain other information the superintendent requires. The original invoice or an acceptable duplicate showing the purchase shall accompany the application.

3. When a claim for refund on account of motor vehicle fuel exported is filed, the claimant shall make satisfactory proof of export to the superintendent and shall file the claim within three months from the date of export. The claim shall be in such form and contain such information as the superintendent requires. The original invoice or an acceptable duplicate shall accompany the claim.

4. Any person or distributor at the time he delivers motor vehicle fuel which will not be used on the highways or on the waterways shall color the fuel with a coloring matter prescribed and furnished by the superintendent in the manner prescribed by the superintendent. No charge shall be made for such coloring matter. The seller and buyer shall at the time of delivery of the fuel sign the invoice provided for in this section certifying that the fuel covered by the invoice has been colored. The superintendent may in his discretion in writing exempt the coloring of any fuel which may detract from its use. Motor vehicle fuel to be exported shall be exempt from coloring. It is unlawful for a person to operate a motor vehicle on the highways or a watercraft on the waterways using motor vehicle fuel which has been colored, and the superintendent or his authorized agents may take samples of fuel from fuel tanks of motor vehicles and watercraft in the enforcement of these provisions.

C. A person who violates any provision of this section, in addition to other penalties prescribed by law, shall not be allowed any refund on motor vehicle fuel purchased during the six months succeeding the date the superintendent advises such person by mail of the superintendent's discovery of the offense.

D. Any person whose right to refunds is suspended may institute an action in the superior court of Maricopa county to set aside the suspension.

E. When the conditions set forth in this section have been complied with, the superintendent shall determine the amount of refund due and shall certify and refund that amount.

F. In case of sales of motor vehicle fuel upon invoices stating that such fuel was used in aircraft, if the application for refund of the taxes upon such sales is not filed within the time provided in this section, then the superintendent shall determine from copies of the invoices received by him under the provisions of this section the amount of the unclaimed and unrefunded taxes, and shall transmit them to the state treasurer who shall credit them to the state aviation fund provided for by section 2-131.

Approved by the Governor—March 13, 1962.

Filed in the Office of the Secretary of State—March 13, 1962.

CHAPTER 22

House Bill No. 260

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF LAW FOR THE PURPOSE OF OPPOSING THE REQUEST FOR A PERMIT BY THE SOUTHERN PACIFIC RAILROAD COMPANY TO ABANDON OPERATIONS OF THE RAILROAD IN COCHISE COUNTY; PROVIDING FOR THE REMOVAL OF THE LIMITATION ON THE APPROPRIATION, AND AMENDING CHAPTER 104, SECTION 4, LAWS OF 1960.

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

Section 1. Chapter 104, section 4, Laws of 1960, is amended to read:

Sec. 4. EXEMPTION

The appropriation made under the terms of section 1 is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing of appropriations.

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 13, 1962.

Filed in the Office of the Secretary of State—March 13, 1962.

CHAPTER 23

House Bill No. 232

AN ACT

RELATING TO EMPLOYMENT OF WOMEN; PRESCRIBING

EQUAL WAGE RATES FOR FEMALES AND VARIATIONS TO THE WAGE RATES; PRESCRIBING PENALTIES, AND AMENDING TITLE 23, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 6.1, SECTIONS 23-340 AND 23-341.

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

Section 1. Title 23, chapter 2, Arizona Revised Statutes, is amended by adding article 6.1, sections 23-340 and 23-341, to read:

ARTICLE 6.1 EQUAL WAGES FOR WOMEN

23-340. DEFINITIONS

In this article, unless the context otherwise requires:

1. "Commission" means the industrial commission of Arizona.

2. "Employee" means every woman or man in receipt of or entitled to compensation for labor performed for any employer.

3. "Employer" means every person, firm, corporation, agent, manager, representative, contractor, subcontractor, principal or other person having control or direction of any woman or man employed at any labor, or responsible directly or indirectly for the wages of another.

4. "Female" means a woman of twenty-one years or over.

5. "Wage" or "wages" means any compensation for labor measured by time, piece, or otherwise.

23-341. WAGE RATES FOR FEMALES; EQUAL RATES; VARIATIONS; PENALTIES; ENFORCEMENT

A. Notwithstanding the other provisions of this chapter, no employer shall pay any female in his employ at wage rates less than the rates paid to male employees in the same establishment for the same quantity and quality of the same classification of work, provided, that nothing herein shall prohibit a variation of rates of pay for male and female employees engaged in the same classification of work based upon a difference in seniority, length of service, ability, skill, difference in duties or services performed, whether regularly or occasionally, difference in the shift or time of day worked, hours of work, or restrictions or prohibitions on lifting or moving objects in excess of specified weight, or other reasonable differentiation, factor or factors other than sex, when exercised in good faith.

B. Any employer who violates subsection A of this section is liable to the female employee affected in the amount of the wages of which such employee is deprived by reason of such violation.

C. Any affected female employee may register with the commission a complaint that the wages paid to her are less than the wages to which she is entitled under this section.

D. The commission shall take all proceedings necessary to enforce the payment of any sums found to be due and unpaid to such female employees.

E. Any female employee receiving less than the wage to which she is entitled under this section may recover in a civil action the balance of such wages, together with the costs of suit, notwithstanding any agreement to work for a lesser wage.

F. Any action based upon or arising under this section shall be instituted within six months after the date of the alleged violation, but in no event shall any employer be liable for any pay due under this section for more than thirty days prior to receipt by the employer of written notice of claim thereof from the female employee.

G. The burden of proof shall be upon the person bringing the claim to establish that the differentiation in rate of pay is based upon the factor of sex and not upon other differences, factor or factors.

Approved by the Governor—March 14, 1962.

Filed in the Office of the Secretary of State—March 14, 1962.

CHAPTER 24

House Bill No. 88

AN ACT

RELATING TO TAXATION OF INCOME; PRESCRIBING EXCLUSIONS FROM GROSS INCOME, AND AMENDING SECTION 43-112, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 43-112, Arizona Revised Statutes, is amended to read:

43-112. GROSS INCOME

(a) DEFINITION—"GROSS INCOME". Gross income includes gains, profits, and income derived from salaries, wages, or compensation for personal service, including personal service as an officer or employee of this state or the federal government, or any political division thereof or any agency or instrumentality of any one or more of the foregoing, of whatever kind and in whatever form paid, or from professions, vocations, trades, businesses, commerce, or sales, or dealings in property, whether real or personal, growing out of the ownership or use of or interest in such property; also from interest, rent, dividends, securities, or the transaction of any business carried on for gain or profit, or gains or profits and income derived from any source whatever, including interest which now or hereafter constitutionally may be taxed.

(b) EXCLUSIONS FROM GROSS INCOME. In computing the tax imposed under this title, "gross income" does not include any of the items specified in this subsection.

(1) LIFE INSURANCE—DEATH BENEFITS. Gross income does not include amounts received:

(A) Under a life insurance contract, paid by reason of the death of the insured or,

(B) Under a contract of an employer providing for the payment of such amounts to the beneficiaries of an employee, paid by reason of the death of the employee; whether in a single sum or otherwise (but if such amounts are held by the insurer, or the employer, under an agreement to pay interest thereon, the interest payments shall be included in gross income). The aggregate of the amounts excludible under (B) by all the beneficiaries of the employee under all such contracts of any one employer may not exceed five thousand dollars.

(2) LIFE INSURANCE OTHER THAN DEATH BENEFITS. Gross income also does not include amounts received (other than amounts paid by reason of the death of the insured and interest payments on such amounts and other than amounts received as annuities) under a life insurance or endowment contract, but if such amounts (when added to amounts received before the taxable year under such contract) exceed the aggregate premiums or consideration paid (whether or not paid during the taxable year) then the excess shall be included in gross income.

(3) ANNUITY. Gross income also does not include amounts received as an annuity under an annuity or endow-

ment contract, but if such amounts (when added to amounts received before the taxable year under such contracts) exceed the aggregate premiums or consideration paid (whether or not paid during the taxable year) then the excess shall be included in gross income.

(4) OTHER INSURANCE PROCEEDS. Gross income does not include amounts received (other than amounts paid by reason of the death of the insured under life insurance, endowment or annuity contracts) either during the term or at maturity or upon surrender of the contract, equal to the total amount of premiums paid thereon. In the case of a transfer for a valuable consideration by assignment or otherwise, of a life insurance, endowment or annuity contract or any interest therein, only the actual value of such consideration and the amount of the premiums and other sums subsequently paid by the transferee shall be excluded from gross income under paragraph (1). The preceding sentence shall not apply in the case of such a transfer if such contract or interest therein has a basis for determining gain or loss in the hands of a transferee determined in whole or in part by reference to such basis of such contract or interest therein in the hands of the transferor.

(5) ALIMONY PAID UNDER LIFE INSURANCE, ENDOWMENT, OR AN ANNUITY CONTRACT. Paragraphs (1), (2), (3) and (4) shall not apply with respect to so much of a payment under a life insurance, endowment, or annuity contract, or any interest therein, as is includible in gross income under subsection (e), (1), (2), (3) and (4).

(6) ANNUITIES FOR EMPLOYEES. If an annuity contract is purchased by an employer for an employee under a plan with respect to which the employer's contribution is deductible under section 43-123(p) or if an annuity contract is purchased for an employee by an employer exempt under section 43-147(a) (4), the employee shall include in his income the amounts received under such contract for the year received. If the employee paid any of the consideration for the annuity, the annuity shall be included in his income as provided in paragraphs (2), (3) and (4). The consideration for the annuity is the amount contributed by the employee.

(7) EMPLOYEE ANNUITIES, NONFORFEITABLE. Except as provided in paragraph (6), if the employee's rights under the contract are nonforfeitable other than for failure to pay future premiums, the amount contributed by the employer for such annuity contract on or after such rights become nonforfeitable shall be included in the income of the employee in the year in which the amount is contributed. This amount, together with any amounts contributed by the employee, shall

constitute the consideration paid for the annuity contract in determining the amount of the annuity required to be included in the income of the employee under paragraphs (2), (3), and (4).

(8) JOINT AND SURVIVOR'S ANNUITY. For purposes of paragraphs (2), (3), (4), (6) and (7), where amounts are received by a surviving annuitant under a joint and survivor's annunity contract and the basis of such survivor annuitant's interest is determined under section 43-153(a) (5) (A) the consideration paid for such survivor's annuity shall be considered to be an amount equal to such basis.

(9) GIFTS. Gross income also does not include the value of property acquired by gift, bequest, devise, or inheritance. There shall not be excluded from gross income under this paragraph the income from such property, or, in case the gift, bequest, devise, or inheritance is of income from property, the amount of income. For the purposes of this paragraph, if, under the terms of the gift, bequest, devise, or inheritance, payment, crediting, or distribution thereof is to be made at intervals, to the extent that it is paid or credited or to be distributed out of income from property, it shall be considered a gift, bequest, devise, or inheritance of income from property.

(10) TAX EXEMPT INTEREST. Gross income also does not include interest upon the obligations of this state or any political subdivision thereof, or the obligations of the United States or its possessions.

(11) AMOUNTS RECEIVED FOR INJURY OR SICKNESS. Except in the case of amounts attributable to, and not in excess of, deductions allowed under section 43-123 (x) (1), (2) and (3), gross income also does not include amounts received through accident or health insurance or under workmen's compensation acts as compensation for personal injuries or sickness, plus the amount of any damages received whether by suite or agreement on account of such injuries or sickness. Gross income does not include amounts received as a pension, annuity, medical retirement or similar allowance for personal injuries or sickness resulting from actice service in the armed forces of any country.

(12) MINISTER'S COMPENSATION. Gross income also does not include the rental value of a dwelling house and appurtenances thereof furnished to a minister of a religion as part of his compensation.

(13) COMPENSATION OF EMPLOYEES OF FOREIGN GOVERNMENT. Gross income also does not include wages,

fees, or salary of an employee of a foreign country (including a consular or other officer, or non-diplomatic representative) received as compensation for official services to that country:

(A) If the employee is not a citizen of the United States;

(B) If the services are of a character similar to those performed by employees of the United States in foreign countries; and

(C) If the foreign country and political subdivision thereof do not tax the wages, fees, or salaries of employees of the United States performing similar services in that country.

(14) DISCHARGE OF INDEBTEDNESS EVIDENCED BY SECURITY. Gross income does not include the amount of any income of a corporation attributable to the discharge, within the income year, of any indebtedness of the taxpayer, or for which the taxpayer is liable, evidenced by a security, as hereinafter defined, if the taxpayer makes and files at the time of filing the return, in such manner as the tax commission by regulation prescribes, its consent to the regulations prescribed under section 43-153 (b) (3). In such case the amount of any income of the taxpayer attributable to any unamortized premium, computed as of the first day of the income year in which such discharge occurred, with respect to such indebtedness shall not be included in gross income and the amount of the deduction attributable to any unamortized discount, computed as of the first day of the income year in which such discharge occurred, with respect to such indebtedness shall not be allowed as a deduction. "Security" means any bond, debenture, note, or certificate, or other evidence of indebtedness, issued by any corporation.

(15) DISCHARGE OF INDEBTEDNESS — RAILROAD CORPORATION — SEC. 77m, BANKUPTCY ACT. Gross income does not include the amount of any income attributable to the discharge, within the income year, of any indebtedness of a railroad corporation, as defined in section 77m of the national bankruptcy act, as amended, to the extent that such income is deemed to have been realized by reason of a modification in or cancellation in whole or in part of such indebtedness pursuant to an order of a court in a receivership proceeding or in a proceeding under section 77 of the national bankruptcy act, as amended. In such case the amount of any income of the taxpayer attributable to any unamortized premium, computed as of the first day of the income year in which such discharge occurred, with respect to such indebtedness shall not be included in gross income and the amount of the deduction attributable to any unamortized discount, computed

as of the first day of the income year in which such discharge occurred, with respect to such indebtedness shall not be allowed as a deduction. Paragraph (14) shall not apply with respect to any discharge of indebtedness to which this paragraph applies.

(16) LESSEE IMPROVEMENTS. Gross income also does not include income, other than rent, derived by a lessor of real property upon the termination of a lease, representing the value of such property attributable to buildings erected or other improvements made by the lessee.

(17) RECOVERY OF BAD DEBT, PRIOR TAX, OR DELINQUENCY AMOUNT. Gross income also does not include income attributable to the recovery during the taxable year of a bad debt, prior tax, or delinquency amount, to the extent of the amount of the recovery exclusion with respect to that debt, tax, or amount.

(18) BAD DEBT. As used in paragraph (17) "bad debts" means a debt on account of worthlessness or partial worthlessness of which a deduction was allowed for a prior taxable year.

(19) PRIOR TAX. As used in paragraph (17) "prior tax" means a tax on account of which a deduction or credit was allowed for a prior taxable year.

(20) DELINQUENCY AMOUNT. As used in paragraph (17) "delinquency amount" means an amount paid or accrued on account of which a deduction or credit was allowed for a prior taxable year and which is attributable to failure to file a return with respect to a tax, or pay a tax, within the time required by the law under which the tax is imposed, or to failure to file a return with respect to a tax or pay a tax.

(21) RECOVERY EXCLUSION. As used in paragraph (17) "recovery exclusion", with respect to a bad debt, prior tax, or delinquency amount, means the amount, determined in accordance with regulations prescribed by the tax commission, of the deductions or credits allowed, on account of such bad debt, prior tax, or delinquency amount, which did not result in a reduction of the taxpayer's tax under this title, reduced by the amount excludible in previous taxable years with respect to such debt, tax or amount under this paragraph.

(22) COMPENSATION FOR MILITARY SERVICE.

(A) Gross income also does not include the salary, wages, bonuses, allowances, and other compensation received by an individual for his services as a member of the armed forces of the United States, including any auxiliary branch thereof,

up to and including one thousand dollars per annum in the aggregate.

(B) Gross income also does not include amounts received during the taxable year as mustering out payments and terminal leave and unused leave pay and bonds, and educational benefits received under federal or state legislation with respect to services in the military or naval forces of the United States.

(23) OPTION PRICE — EMPLOYEE STOCK OPTIONS. Gross income also does not include any amount, other than the option price, received by any bank or corporation, or its parent or subsidiary bank or corporation, as consideration for the issuance of stock to an employee of such bank or corporation, as a result of the exercise by the employee of a "restricted stock option" as defined in section 43-160 (d) (1).

(24) CONSTITUTIONALLY EXEMPT INCOME. Gross income also does not include income which this state is prohibited from taxing under the constitution or laws of the United States of America or under the constitution of this state.

(25) FEDERAL CIVIL SERVICE BENEFITS. The amount of two thousand five hundred dollars or less received each year as annuities under the United States civil service retirement system from the United States government service retirement and disability fund.

(c) INVENTORIES, AS PRESCRIBED BY THE TAX COMMISSION. Whenever in the opinion of the tax commission the use of inventories is necessary in order clearly to determine the income of any taxpayer, inventories shall be taken by the taxpayer upon such basis as the tax commission may prescribe as conforming as nearly as may be to the best accounting practice in the trade or business and as most clearly reflecting the income.

(d) METHOD USED IN INVENTORYING GOODS.

(1) First in, last out method, permissible. A taxpayer may use the following method (whether or not the method has been prescribed under subsection (c)) in inventorying goods specified in the application required under paragraph (2):

(A) Inventory them at cost;

(B) Treat those remaining on hand at the close of the taxable year as being: first, those included in the opening inventory of the taxable year (in order of acquisition) to the ex-

tent thereof, and second, those acquired in the taxable year; and

(C) Treat those included in the opening inventory of the taxable year in which the method is first used as having been acquired at the same time and determine their cost by the average cost method.

(2) FIRST IN, LAST OUT METHOD, WHEN APPLICABLE. The method described in paragraph (1) may be used

(A) Only in inventorying goods (required under subsection (c) to be inventoried) specified in an application to use such method filed at such time and in such manner as the tax commission may prescribe; and

(B) Only if the taxpayer establishes to the satisfaction of the tax commission that the taxpayer has used no procedure other than that specified in subparagraph (B) and (C) of paragraph (1) in inventorying to ascertain the income, profit, or loss of the first taxable year for which the method described in paragraph (1) is to be used, for the purpose of a report or statement covering the taxable year to shareholders, partners, or other proprietors, or to beneficiaries, or for credit purposes.

(3) FIRST IN, LAST OUT METHOD, TAX COMMISSION TO PRESCRIBE REGULATIONS. The change to, and the use of, the described method shall be in accordance with such regulations as the tax commission may prescribe as necessary in order that the use of the method may clearly reflect income.

(4) FIRST IN, LAST OUT METHOD, INVENTORIED AT COST. In determining income for the taxable year preceding the taxable year for which the described method is first used, the closing inventory of such preceding year of the goods specified in the application shall be at cost.

(5) FIRST IN, LAST OUT METHOD, INCONSISTENT USE. If a taxpayer, having complied with paragraph (2), uses the method described in paragraph (1) for any taxable year, that method shall be used in all subsequent taxable years unless

(A) With the approval of the tax commission a change to a different method is authorized; or

(B) The tax commission determines that the taxpayer has used for any such subsequent taxable year some procedure other than that specified in subparagraph (B) of paragraph

(1) in inventorying the goods specified in the application to ascertain the income, profit or loss of such subsequent taxable year for the purpose of a report or statement covering such taxable year to shareholders, partners or other proprietors, or beneficiaries, or for credit purposes, and requires a change to a method different from that prescribed in paragraph (1) beginning with such subsequent taxable year or any taxable year thereafter.

In either of the above cases, the change to, and the use of the different method shall be in accordance with such regulations of the tax commission may prescribe as necessary in order that the use of such method may clearly reflect income.

(6) ADJUSTMENT OF NET INCOME, WHEN APPLICABLE. The net income of the taxpayer otherwise determined for the year of involuntary liquidation shall be adjusted according to the provisions of paragraphs (7) and (8):

(A) If, for any taxable year beginning after December 31, 1953, and while a state of war exists and prior to the termination of such war as proclaimed by the president of the United States, the closing inventory of a taxpayer inventorying goods under the method provided in this subsection reflects a decrease from the opening inventory of goods for this year; and

(B) If, at the time of the filing of the taxpayer's income tax return for such year, the taxpayer elects to have the provisions of paragraphs (6) through (15) apply and so notifies the tax commission; and

(C) If, at the time of such election, it is established to the satisfaction of the tax commission, in accordance with the rules and regulations prescribed by the tax commission, that such decrease is attributable to the involuntary liquidation of the inventory as defined in paragraph (9); and

(D) If the closing inventory of a subsequent taxable year, ending not more than four years after the termination of such war as proclaimed by the president of the United States, reflects a replacement, in whole or in part, of the goods so previously liquidated.

(7) ADJUSTMENT OF NET INCOME, METHOD. The taxpayer's net income shall be adjusted as follows:

(A) Increased by an amount equal to the excess, if any, of the aggregate cost of such goods reflected in the opening inventory of the year of involuntary liquidation over the aggregate replacement cost; or

(B) Decreased by an amount equal to the excess, if any, of the aggregate replacement cost of such goods over the aggregate cost thereof reflected in the opening inventory of the year of the involuntary liquidation.

(8) ADJUSTMENT OF TAXES. The taxes imposed by this title for the year of such liquidation and for all taxable years intervening between that year and the year of replacement shall be redetermined giving effect to adjustments provided for in paragraph (6). Any increase in taxes resulting from these adjustments shall be assessed and collected as a deficiency but without interest, and any overpayment so resulting shall be credited or refunded to the taxpayer without interest.

(9) DEFINITION — "INVOLUNTARY LIQUIDATION". As used in paragraphs (6) through (15), "involuntary liquidation" means the sale or other disposition of goods inventoried under the method described in this subsection, either voluntary or involuntary, coupled with a failure on the part of the taxpayer to purchase, manufacture, or otherwise produce and have on hand at the close of the taxable year in which a sale or other disposition occurred such goods as would, if on hand at the close of such taxable year, be subject to the provisions of this subsection if such failure on the part of the taxpayer is due, directly and exclusively:

(A) To enemy capture or control of sources of limited foreign supply;

(B) To shipping or other transportation shortages;

(C) To material shortages resulting from priorities or allocations;

(D) To labor shortages;

(E) To other prevailing war conditions, beyond the control of the taxpayer.

(10) REPLACEMENTS. If, in the case of any taxpayer subject to the provisions of paragraphs (6), (7) and (8), the closing inventory of the taxpayer for a taxable year, subsequent to the year of involuntary liquidation but prior to the complete replacement of the goods so liquidated, reflects an increase over the opening inventory of the goods for the taxable year, the goods reflecting such increase shall be considered, in the order of their acquisition, as having been acquired in replacement of the goods most recently liquidated (whether or not in a year of involuntary liquidation) and not previously replaced. If the liquidation was an involuntary

liquidation, the goods reflecting the increase shall be taken into purchases and included in the closing inventory of the taxpayer for the year of replacement at the inventory cost basis of the goods replaced.

(11) ELECTION, IRREVOCABLE. An election by the taxpayer to have the provisions of paragraphs (6) through (15) apply, once made, shall be irrevocable and shall be binding for the year of the involuntary liquidation and for all determinations for prior and subsequent taxable years insofar as they are related to the year of liquidation or replacement.

(12) ADJUSTMENT, WITHIN THREE YEARS. If the adjustments specified in paragraphs (6), (7) and (8) are, with respect to any taxable year, prevented, on the date of the filing of the income tax return of the taxpayer for the year of the replacement, or within four years from such date, by any provisions or rule of law (other than paragraphs (12) through (15)) such adjustments shall nevertheless be made if, in respect to the taxable year for which the adjustment is sought, a notice of proposed additional assessment is mailed or a claim for refund is filed, as the case may be, within four years after the date of the filing of the income tax return for the year of replacement.

(13) ADJUSTMENT, LIMITED TO EFFECT OF LIQUIDATION. If, at the time of the mailing of the notice of proposed additional assessment or the filing of the claim for refund, the adjustment is so prevented, then the amount of the adjustment authorized by paragraphs (6) through (15) shall be limited to the increase or decrease of the tax imposed by this title previously determined for the taxable year which results solely from the effect of paragraphs (6), (7) and (8). The tax previously determined shall be ascertained in accordance with rules and regulations prescribed by the tax commission.

(14) ADJUSTMENT, METHOD OF ASSESSMENT OR REFUND. The amount of the adjustment shall be assessed and collected, or credited or refunded in the same manner as if it were a deficiency or an overpayment, as the case may be, for such taxable year and as if, on the date of the filing of the income tax return for the year of the replacement, three years remain before the expiration of the periods of limitation upon assessment or the filing of claim for refund for the taxable year.

(15) ADJUSTMENT, BASED ON PARAGRAPH (6). The amount of the adjustment shall not be diminished by any credit or set-off based upon any item, inclusion, deduction, credit, exemption, gain, or loss, other than one resulting from

the effect of paragraphs (6), (7), and (8). The amount, if paid, shall not be recovered by a claim or suit for refund or suit for erroneous refund based upon any item, inclusion, deduction, credit, exemption, gain, or loss, other than one resulting from the effect of paragraphs (6), (7) and (8).

(e) ALIMONY, ETC.

(1) ALIMONY — PERIODIC PAYMENTS. In the case of a wife who is divorced or legally separated from her husband under a decree of divorce or of separate maintenance, periodic payments (whether or not made at regular intervals) received subsequent to such decree in discharge of, or attributable to property transferred (in trust or otherwise) in discharge of, a legal obligation which, because of the marital or family relationship, is imposed upon or incurred by such husband under such decree or under a written instrument incident to such divorce or separation shall be includible in the gross income of such wife. Such amounts received as are attributable to property so transferred shall not be includible in the gross income of such husband.

(2) MINOR'S SUPPORT. Paragraph (1) shall not apply to that part of any periodic payment which the terms of the decree or written instrument fix, in terms of an amount of money or a portion of the payment, as a sum which is payable for the support of minor children of the husband. In case any periodic payment is less than the amount specified in the decree or written instrument, that payment, to the extent of the sum payable for support, shall be considered a payment for such support.

(3) ALIMONY INSTALLMENT PAYMENTS OF LESS THAN TEN YEARS. Installment payments discharging a part of an obligation the principal sum of which is, in terms of money or property, specified in the decree or instrument shall not be considered periodic payments for the purposes of paragraphs (1) and (2).

(4) ALIMONY INSTALLMENT PAYMENTS OF MORE THAN TEN YEARS. An installment payment shall be considered a periodic payment for the purposes of paragraphs (1) and (2) if the principal sum, by the terms of the decree or instrument, may be or is to be paid within a period ending more than ten years from the date of such decree or instrument. But it shall be considered a periodic payment only to the extent that the installment payment for the taxable year of the wife (or if more than one installment payment for the taxable year is received during the taxable year, the aggregate of these installment payments) does not exceed ten per cent

of the principal sum. For the purposes of paragraph (3) and this paragraph, the portion of a payment of the principal sum which is allocable to a period after the taxable year of the wife in which it is received shall be considered an installment payment for the taxable year in which it is received.

(f) DEFINITION — "ADJUSTED GROSS INCOME". As used in this title, the term "adjusted gross income" means the gross income minus—

(1) The deductions allowed by section 43-123 which are attributable to a trade or business carried on by the taxpayer, if such trade or business does not consist of the performance of services by the taxpayer as an employee;

(2) The deductions allowed by section 43-123, which consist of expenses of travel, meals, and lodging while away from home, paid or incurred by the taxpayer in connection with the performance by him of services as an employee;

(3) The deductions allowed by section 43-123 (other than expenses of travel, meals, and lodging while away from home) which consist of expenses paid or incurred by the taxpayer, in connection with the performance by him of services as an employee, under a reimbursement or other expense allowance arrangement with his employer;

(4) The deductions (other than those provided in paragraphs (1), (5) or (6)) allowed by section 43-123, which are attributable to property held for the production of rents or royalties;

(5) The deductions (other than those provided in paragraph (1)) for depreciation and depletion, allowed by section 43-123 (l) and (m), to a life tenant of property or to an income beneficiary of property held in trust; and

(6) The deductions (other than those provided in paragraph (1)) allowed by section 43-123 as losses from the sale or exchange of property.

(g) DEALERS IN TAX EXEMPT SECURITIES

(1) "SHORT-TERM MUNICIPAL BONDS", INCOME FROM. In computing the gross income of a taxpayer who holds during the taxable year a short-term municipal bond (as defined in paragraph (2) (A)) primarily for sale to customers in the ordinary course of his trade or business.

(A) If the gross income of the taxpayer from such trade or business is computed by the use of inventories and his inven-

tories are valued on any basis other than cost, the cost of securities sold (as defined in paragraph (2) (B)) during such year shall be reduced by an amount equal to the amortizable bond premium that would be disallowed as a deduction for such year pursuant to section 43-123 (v) (1) (B) if the definition in section 43-123 (v) (3) of the term "bond" did not exclude such short-term municipal bond; or

(B) If the gross income of the taxpayer from such trade or business is computed without the use of inventories, or by use of inventories valued at cost, and the short-term municipal bond is sold or otherwise disposed of during such year, the adjusted basis (computed without regard to this subparagraph) of the short-term municipal bond shall be reduced by the amount of the adjustment that would be required under section 43-153 (b) (1) (D) if the definition in section 43-123 (v) of the term "bond" did not include such short-term municipal bond.

(2) DEFINITION—"SHORT-TERM MUNICIPAL BONDS". For the purposes of paragraph (1)—

(A) The term "short-term municipal bond" means any obligation issued by a government or political subdivision thereof if the interest on such obligation is excludible from gross income; but such term does not include such an obligation if (i) it is sold or otherwise disposed of by the taxpayer within thirty days after the date of its acquisition by him, or (ii) its earliest maturity or call date is a date more than five years from the date on which it was acquired by the taxpayer.

(B) The term "cost of securities sold" means the amount ascertained by subtracting the inventory value of the closing inventory of a taxable year from the sum of (i) the inventory value of the opening inventory for such year and (ii) the cost of securities and other property purchased during such year which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year.

Approved by the Governor—March 14, 1962.

Filed in the Office of the Secretary of State—March 14, 1962.

CHAPTER 25

Senate Bill No. 10

AN ACT

RELATING TO COUNTY OFFICERS, AND AUTHORIZING PAYMENT OF LEGALLY INCURRED EXPENSES BY THE GILA COUNTY BOARD OF SUPERVISORS.

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

Section 1. PAYMENT OF CLAIM

The board of supervisors of Gila county is authorized to expend from public funds the amount of seven hundred twenty-eight dollars sixty-three cents in full payment to Mike Buha, former owner of the Miami medical center pharmacy, for prescriptions filled and medical supplies furnished by him during the period May 5, 1958, through August 28, 1958, for indigent county patients. The amount due cannot now be legally paid by the board of supervisors since the fiscal year has lapsed in which such expenses were incurred.

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 14, 1962.

Filed in the Office of the Secretary of State—March 14, 1962.

CHAPTER 26

Senate Bill No. 16

AN ACT

AUTHORIZING THE EXCHANGE OF CERTAIN STATE LAND TO COUNTY OF GRAHAM IN EXCHANGE FOR PROPERTY FROM THE COUNTY TO THE STATE FOR THE USE OF THE NATIONAL GUARD.

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

Section 1. AUTHORIZATION TO GOVERNOR TO CONVEY PROPERTY

The governor is directed to convey the following described property to the county of Graham, provided that the county of Graham conveys to the state the property described in section 2:

Beginning at a point 1287 feet North and 660 feet West of the Southeast corner of Section 7, Township 7 South, Range 26 East of the Gila and Salt River Base and Meridian in Graham County, Arizona; thence West 125 feet; thence South 250 feet; thence East 125 feet; thence North 250 feet to place of beginning and containing 0.717 acres, more or less, being and lying wholly within the Southeast Quarter of the Southeast Quarter of Section 7, Township 7 South, Range 26 East & G&SRB&M.

Sec. 2. CONVEYANCE BY COUNTY TO THE STATE

The County of Graham in consideration for the transfer of the property described in section 1 shall prior to such transfer convey to the state of Arizona for the use of the national guard, the following described property:

Beginning at a point 32.50 feet South and 118.70 feet East of the Northwest corner of the Southeast Quarter of Section 29, Township 7 South, Range 26 East of the Gila and Salt River Base and Meridian in Graham County, Arizona; said distances measured respectively parallel to the North-South and East-West center lines of said Section 29, running thence South 330.00 feet; thence East 660.00 feet; thence North 330.00 feet; thence West 660.00 feet to point of beginning. The boundaries of this property being measured respectively parallel to the North-South and East-West center lines of said Section 29.

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 14, 1962.

Filed in the Office of the Secretary of State—March 14, 1962.

CHAPTER 27

Senate Bill No. 30

AN ACT

MAKING A REALLOCATION OF FUNDS FROM THE SECRETARY OF STATE TO THE STATE GENERAL FUND

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

Section 1. REALLOCATION

The sum of eight thousand seven hundred seventy-three dollars ninety-one cents standing to the credit of the secretary of state and in the "Publicity Pamphlet Argument Fund," state auditor's account number 5-0-19-000-0000, is reallocated to the state general 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.

Approved by the Governor—March 14, 1962

Filed in the Office of the Secretary of State—March 14, 1962.

CHAPTER 28

Senate Bill No. 31

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE TAX COMMISSION.

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

Section 1. APPROPRIATION; PURPOSE

In addition to the appropriation made under the terms of subdivision 12, section 1, chapter 129, Laws of 1961, first regular session, the sum of twenty-eight thousand five hundred dollars is appropriated to the state tax commission, to become immediately available for office supplies.

Sec. 2. EXEMPTION

The appropriation made under the terms of section 1 is exempt from the provisions of section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

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 14, 1962.

Filed in the Office of the Secretary of State—March 14, 1962.

CHAPTER 29

Senate Bill No. 40

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE BOARD OF DIRECTORS OF STATE INSTITUTIONS FOR JUVENILES.

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

Section 1. APPROPRIATION; PURPOSE

In addition to the sums appropriated under the terms of subdivision 34, section 1, chapter 129, Laws of 1961, first regular session, the sum of thirty-seven thousand five hundred seventy-three dollars eighty-three cents is appropriated to the board of directors of state institutions for juveniles, to be immediately available for the purpose of payment to the good shepherd school for girls for the cost of care of girl juvenile offenders during the months of May and June, 1961, for which sufficient funds were not available.

Sec. 2. EXEMPTION

The appropriation made under the terms of section 1 is exempt from the provisions of section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Sec. 3. EMERGENCY

To preserve the public peace, health and safety it is necessary that this act become immediately operative. It is there-

fore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 14, 1962.

Filed in the Office of the Secretary of State—March 14, 1962.

CHAPTER 30

Senate Bill No. 55

AN ACT

RELATING TO PUBLIC FINANCES; PROVIDING THAT CLAIMS AGAINST THE STATE SHALL CONTAIN A STATEMENT EXECUTED BY THE CLAIMANT DECLARING UNDER PENALTIES OF PERJURY THAT THE CLAIM IS A TRUE, CORRECT AND VALID CLAIM AND AMENDING SECTION 35-181, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 35-181, Arizona Revised Statutes, is amended to read:

35-181. PRESENTATION, APPROVAL AND PAYMENT OF CLAIMS AND PAYROLLS; AMENDED CLAIMS

A. All claims against the state for obligations authorized, required or permitted to be incurred by any state officer or agency, shall be paid only in the following manner:

The claimant shall present an itemized claim, executed by him under penalties of perjury and approved by the head official of each office or state agency under which the obligation was incurred, or by some other person thereof, if expressly authorized to approve the claim. Such claim shall be so presented within one year after the claim accrues, and not afterward. The claim shall then be presented to the state auditor and, if approved, the auditor shall draw his warrant therefor on the state treasurer, who shall pay it when countersigned by the governor but only from the appropriation made therefor.

B. The head of each budget unit shall prepare and present payrolls to the state auditor. The budget head shall certify on each payroll claim that the persons whose names appear have performed the services required by law, and the amount

opposite the name is due and unpaid. Each employee shall sign a payroll claim which acknowledges the amount opposite his name is due for services rendered and shall certify that he is a citizen of the United States.

C. No claim shall be presented to the state auditor for railroad mileage scrip books, and no warrants shall be issued by the state auditor in payment therefor.

D. Any claim made and approved contrary to subsection A, in the absence of fraud or bad faith on the part of the claimant or disbursing officer, may be amended at any time to conform to the requirements of subsection A and upon amendment such claim shall be exempt from the provisions of section 35-211.

E. Any public funds paid or received pursuant to law, in the absence of fraud or bad faith in the disbursement or receipt of such funds prior to such law being declared unconstitutional by the supreme court of the state of Arizona, shall be exempt from the provisions of section 35-211.

F. All claims executed as provided by the provisions of this section shall contain the following statement over the signature of the claimant:

"I declare under penalties of perjury that this claim has been examined by me and to the best of my knowledge and belief is a true, correct and valid claim."

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 14, 1962.

Filed in the Office of the Secretary of State—March 14, 1962.

CHAPTER 31

Senate Bill No. 80

AN ACT

RELATING TO SANITARY DISTRICTS; PROVIDING FOR THE TERM, APPOINTMENT AND ELECTION OF THE

BOARD OF DIRECTORS THEREOF, AND AMENDING SECTION 36-1309, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 36-1309, Arizona Revised Statutes, is amended to read:

36-1309. BOARD OF DIRECTORS; QUALIFICATIONS; TERM; APPOINTMENT; ELECTION; COMPENSATION; EXPENSES

A. A sanitary district having an area of one hundred sixty acres or more shall be governed by a board of directors with the number of members, but not less than three, specified in the petition for establishment of the district. The first directors shall be selected by the board of supervisors at the time the district is established. Members of the board of directors shall be qualified electors of the district, and, after the members first appointed by the board of supervisors, shall be elected by the qualified electors of the district. Immediately after the selection and qualification of the first directors, or immediately after the first regular election held subsequent to the enactment of this section by a sanitary district organized and existing prior to such enactment, the directors shall meet and divide themselves by lot into two classes as nearly equal in number as possible. Directors of the first class shall serve for a term of four years, and directors of the second class for a term of two years, and until their successors are elected and qualified. Thereafter at each regular election one director for each expired term shall be elected, and shall hold office for a term of four years, and until his successor is elected and qualified. The dates of elections and of expiration of terms of the directors shall be specified in the petition for establishment of the district.

B. A director who resides in an area which is deleted from the sanitary district during his term of office shall continue to serve until the next regular election, and until his successor is elected and qualified. If his term does not expire at that time, a new qualified director shall be elected to serve out the unexpired portion of the term.

C. A sanitary district having an area of less than one hundred sixty acres shall be governed by the board of supervisors of the county in which the district is located, and the board of supervisors shall be the board of directors of the district.

D. Each director of a sanitary district shall receive not to exceed fifteen dollars for each meeting of the board attended

by him plus necessary traveling expenses, but members of the board of supervisors when serving as 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 four meetings of the board during a calendar month.

Approved by the Governor—March 14, 1962.

Filed in the Office of the Secretary of State—March 14, 1962.

CHAPTER 32

Senate Bill No. 90

AN ACT

RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITIES AND STATE COLLEGE OF ARIZONA; AUTHORIZING AN INCREASE IN AMOUNT OF BONDS TO BE ISSUED FOR THE PURPOSE OF ACQUIRING PROJECTS AT ARIZONA STATE UNIVERSITY, AND AMENDING SECTION 3, CHAPTER 123, LAWS OF 1961, FIRST REGULAR SESSION.

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

Section 1. Sec. 3, chapter 123, Laws of 1961, first regular session, is amended to read:

Sec. 3. ISSUANCE OF BONDS

The institution is authorized from time to time to issue negotiable bonds in various amounts, but not exceeding in the aggregate the sum of three million dollars, for the purpose of acquiring projects in the form of one or more dormitory buildings and the equipment therefor, and the extension of heating, lighting and other service facilities in connection therewith. 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 forty years from the respective dates thereof, mature in such amount or amounts, bear interest at such rate or rates not exceeding five per cent per annum, payable semiannually, 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 term of re-

demption, 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 4, title 44, Arizona Revised Statutes.

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 14, 1962.

Filed in the Office of the Secretary of State—March 14, 1962.

CHAPTER 33

Senate Bill No. 92

AN ACT

MAKING AN APPROPRIATION TO THE GOVERNOR FOR ERECTION OF A PLAQUE TO COMMEMORATE FRED T. COLTER.

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

Section 1. APPROPRIATION; PURPOSE

The sum of seven hundred twenty-five dollars is appropriated to the governor, to be immediately available for the purpose of having prepared and placing in the state capitol building a memorial plaque commemorating the Honorable Fred T. Colter. The plaque shall be of such a size and design, and shall be placed in such manner as the Fred T. Colter memorial committee may recommend.

Sec. 2. EXEMPTION

The appropriation made under the terms of this act is exempt from the provisions of section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Sec. 3. LAPSING

All funds remaining unexpended and unencumbered upon completion of the purposes prescribed in section 1 shall immediately revert to the general fund of the state.

Sec. 4. EMERGENCY

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

Approved by the Governor—March 14, 1962.

Filed in the Office of the Secretary of State—March 14, 1962.

CHAPTER 34

Senate Bill No. 105

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA STATE PARKS BOARD FOR THE RELIEF OF THE ARIZONA WATER COMPANY.

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

Section 1. APPROPRIATION; RELIEF

The sum of one hundred forty-four dollars thirteen cents is appropriated to the Arizona state parks board, to be immediately available for payment to the Arizona water company for water service furnished to the Yuma territorial prison during the period January 26, 1961 to June 26, 1961, for payment of which sufficient funds were not available.

Sec. 2. EXEMPTION

The appropriation made under the terms of this act is exempt from the provisions of section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

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 14, 1962.

Filed in the Office of the Secretary of State—March 14, 1962.

CHAPTER 35

Senate Bill No. 106

AN ACT

MAKING AN APPROPRIATION TO THE CORPORATION COMMISSION FOR THE USE OF THE SECURITIES DIVISION THEREOF.

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

Section 1. APPROPRIATION; PURPOSE

The sum of twenty-one thousand, seven hundred fifty dollars is appropriated to the Arizona corporation commission to become immediately available for use of the securities division, in the amounts and for the purposes following:

1. To enable the securities division of the corporation commission to promulgate rules and regulations relating to the registration of securities and dealers as authorized by subsection A of section 44-1821, Arizona Revised Statutes, eleven thousand dollars.

2. Travel, out-of-state, for the securities division of the corporation commission, four thousand dollars.

3. Travel, state, for the securities division of the corporation commission, six thousand seven hundred fifty dollars.

Sec. 2. EXEMPTION

The appropriation made by the terms of section 1 is exempt from the provisions of section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

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 House with sufficient votes to enact the emergency clause.

Approved by the Governor—March 14, 1962.

Filed in the Office of the Secretary of State—March 14, 1962.

CHAPTER 36

Senate Bill No. 135

AN ACT

MAKING AN APPROPRIATION TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR THE PURPOSE OF COMPLETING A PILOT PROJECT RELATING TO COURSES OF STUDY, PUPIL ACCOUNTING, AND PRINTING THEREOF.

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

Section 1. APPROPRIATION; PURPOSE

The sum of three thousand dollars is appropriated to the superintendent of public instruction for the purpose of completing a pilot project relating to courses of study, pupil accounting, printing and other costs relating to the project.

Sec. 2. EXEMPTION

The appropriation made by the terms of section 1 is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing 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 14, 1962.

Filed in the Office of the Secretary of State—March 14, 1962.

CHAPTER 37

Senate Bill No. 198

AN ACT

AUTHORIZING THE BOARD OF SUPERVISORS OF YUMA COUNTY TO MAKE PAYMENT OF CLAIMS LEGALLY INCURRED BUT REMAINING UNPAID.

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

Section 1. AUTHORIZATION TO PAY CLAIMS

A. The board of supervisors of Yuma county is authorized to pay the sum of seven hundred forty-four dollars fourteen cents in full satisfaction of the following claims:

1.	Photostat Corporation	$ 318.95
2.	Mountain States Telephone and Telegraph Company	95.84
3.	Arizona Water Company	70.62
4.	Arizona Public Service Company	258.73
	TOTAL	$ 744.14

B. The claims set forth in subsection A were valid and legal claims for services rendered during the years 1958 and 1959 at the direction of the Yuma county board of supervisors, but sufficient funds were not available for payment of these claims at the time of their submission.

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 14, 1962.

Filed in the Office of the Secretary of State—March 14, 1962.

CHAPTER 38

Senate Bill No. 201

AN ACT

AUTHORIZING THE BOARD OF SUPERVISORS OF MARICOPA COUNTY TO MAKE PAYMENT OF CLAIMS LEGALLY INCURRED BUT NOT SUBMITTED WITHIN THE STATUTORY PERIOD.

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

Section 1. AUTHORIZATION TO PAY CLAIM

A. The board of supervisors of Maricopa county, notwithstanding the provisions of section 11-622, Arizona Revised Statutes, is authorized to pay to Motorola Communications and Electronics, Inc., the sum of one thousand four hundred forty dollars in full satisfaction of the following items:

1. Service on radio equipment for the period December 1, 1957 to February 28, 1958, six hundred seventy-one dollars.

2. Service on radio equipment for the period March 1, 1958 to May 31, 1958, six hundred forty-three dollars fifty cents.

3. Service on radio equipment for the period January 6, 1960 to April 13, 1960, one hundred twenty-five dollars fifty cents.

B. The claims set forth in subsection A were valid and legal claims for services rendered to the Maricopa county highway department, but were not submitted to the board of supervisors of Maricopa county within six months after the last item of each account accrued as prescribed by section 11-622, Arizona Revised Statutes.

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 14, 1962

Filed in the Office of the Secretary of State—March 14, 1962.

CHAPTER 39

Senate Bill No. 113

AN ACT

RELATING TO SCHOOL FINANCE; PROVIDING FOR THE PAYMENT OF OBLIGATIONS WITHIN ONE MONTH AFTER THE CLOSE OF A FISCAL YEAR, AND AMENDING TITLE 15, CHAPTER 12, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1204.

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

Section 1. Title 15, chapter 12, article 1, Arizona Revised Statutes, is amended by adding section 15-1204, to read:

15-1204. PROCEDURE FOR PAYMENT OF OBLIGATIONS AFTER CLOSE OF FISCAL YEAR; LAPSING OF FUNDS

A. Annually on or before June 30, each school district having outstanding obligations attributable to the budgetary allotments of the fiscal year just ending shall file with the county school superintendent, in the manner and upon a form prescribed by the state superintendent of public instruction and under oath, an "advice of encumbrance" for each item of outstanding obligations. The county school superintendent shall encumber such funds as are necessary and available to pay such properly entered encumbrances. Any cash balance remaining after encumbrances shall lapse, and the balance shall be used for reduction of school district taxes for the ensuing fiscal year.

B. The county school superintendent may draw warrants against the available balances of the budgetary items made for a fiscal year for a period of one month after the close of such fiscal year for payment of obligations incurred during the fiscal year for which such budget was approved or fulfillment of contracts properly made during such year and for no other purpose, if such goods were received or services rendered prior to the close of such fiscal year.

C. After expiration of the period of one month from the beginning of each fiscal year, the balance shall lapse and be applied as provided in subsection A of this section and no further payments shall be made on any claim for expenditures of such prior fiscal year.

Approved by the Governor—March 16, 1962.

Filed in the Office of the Secretary of State—March 16, 1962.

CHAPTER 40

Senate Bill No. 127

AN ACT

RELATING TO EDUCATION; PROVIDING FOR THE ACCEPTANCE AND EXPENDITURE OF PRIVATE GRANTS FOR EDUCATIONAL PURPOSES, AND AMENDING TITLE 15, CHAPTER 11, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3.1, SECTIONS 15-1151 AND 15-1152.

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

Section 1. Title 15, chapter 11, Arizona Revised Statutes, is amended by adding article 3.1, sections 15-1151 and 15-1152, to read:

ARTICLE 3.1. PRIVATE GRANTS FOR EDUCATIONAL PURPOSES

15-1151. PRIVATE GRANTS FOR EDUCATIONAL PURPOSES; ADMINISTRATION

A. The state board of education may accept on behalf of the state private grants for educational purposes.

B. The state board of education, following regular educational fiscal procedures authorized by law, shall be the chief educational authority for administration and supervision of the expenditure of private grants and the state treasurer shall be the trustee thereof.

15-1152. EXPENDITURE OF FUNDS; EXEMPTION

A. Prior to expenditure of any monies granted to the state board of education by a private organization, the state superintendent of public instruction shall present a plan governing the expenditure of such funds to the state board of education for approval.

B. Upon approval of the plan, by the state board of education the superintendent of public instruction may expend the private grants as provided in the plan.

C. Any funds granted to the state board of education as a private grant shall be exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing of appropriations.

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, 1962.

Filed in the Office of the Secretary of State—March 16, 1962.

CHAPTER 41

House Bill No. 68

AN ACT

MAKING AN APPROPRIATION TO THE STATE DEPARTMENT OF HEALTH FOR THE PURPOSE OF EQUIPPING AND FURNISHING THE TUBERCULOSIS SANATORIUM.

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

Section 1. APPROPRIATION; PURPOSE

The sum of four hundred fifty thousand dollars is appropriated to the state department of health for equipping and furnishing the tuberculosis sanatorium authorized by the terms of chapter 90, Laws of 1961.

Sec. 2. EXEMPTIONS

The appropriation made by the terms of section 1 is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing of appropriations.

Approved by the Governor—March 16, 1962.

Filed in the Office of the Secretary of State—March 16, 1962.

CHAPTER 42

House Bill No. 194

AN ACT

RELATING TO MOTOR VEHICLES; PRESCRIBING GROSS WEIGHT OF VEHICLES AND LOADS, AND AMENDING SECTION 28-1009, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 28-1009, Arizona Revised Statutes, is amended to read:

28-1009. GROSS WEIGHT OF VEHICLES AND LOADS

A. Subject to the limit upon the weight imposed upon the highway through any one axle as set forth in section 28-1008, the total gross weight with load imposed upon the highway by

any one group of two or more consecutive axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of the group of axles measured longitudinally to the nearest foot as set forth in the following table:

Distance in feet between first and last axles of group	Allowed load in pounds on group of axles
4	32,000
5	32,000
6	32,200
7	32,900
8	33,600
9	34,300
10	35,000
11	35,700
12	36,400
13	37,100
14	43,200
15	44,000
16	44,800
17	45,600
18	46,400

B. The total gross weight with load imposed on the highway by any vehicle or combination of vehicles where the distance between the first and last axles is more than eighteen feet shall not exceed that given for the respective distances in the following table:

Distance in feet	Allowed load in pounds
18	46,400
19	47,200
20	48,000
21	48,800
22	49,600
23	50,400
24	51,200
25	55,250
26	56,100
27	56,950
28	57,800
29	58,650
30	59,500
31	60,350
32	61,200
33	62,050
34	62,900
35	63,750

36	64,600
37	65,450
38	66,300
39	68,000
40	70,000
41	72,000
42	73,280
43	73,280
44	73,280
45	73,280
46	73,280
47	73,280
48	73,280
49	73,280
50	73.280
51	73,280
52	73,600
53	74,400
54	75,200
55	76,000
56 or over	76,800

C. The distance between axles shall be measured to the nearest even foot. When a fraction is exactly one-half foot the next larger whole number shall be used.

Approved by the Governor—March 16, 1962.

Filed in the Office of the Secretary of State—March 16, 1962.

CHAPTER 43

Senate Bill No. 73

AN ACT

RELATING TO ELECTIONS AND ELECTORS; PROVIDING FOR USE OF POLL LISTS ON ELECTION DAYS BY REPRESENTATIVES OF EACH POLITICAL PARTY TO DETERMINE WHICH ELECTORS HAVE VOTED; PRESCRIBING FORM OF FIFTY FOOT LIMIT NOTICE, AND AMENDING SECTIONS 16-862 AND 16-892, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 16-862, Arizona Revised Statutes, is amended to read:

16-862. "FIFTY-FOOT LIMIT" NOTICES; POSTING; PENALTY FOR VIOLATION

A. The board of supervisors shall furnish with the ballots for each polling place, three notices, printed on muslin in letters not less than two inches high, reading: "Fifty-foot limit" and underneath that heading the following:

"No person shall be allowed to remain inside these limits while the polls are open, except for the purpose of voting, and except the election officials, one representative of each political organization represented on the ballot, appointed by the chairman of the local committee of such political organization, and the challengers allowed by law. Voters having cast their ballots shall at once retire without the fifty-foot limit. A person violating any provision of this notice is quilty of a misdemeanor."

B. Before opening the polls, the election marshall shall post three fifty-foot limit notices approximately fifty feet, in different directions, from the entrance of the place in which the election is being held.

C. Any person violating any provision of the fifty-foot limit notice is guilty of a misdemeanor.

Sec. 2. Sec. 16-892, Arizona Revised Statutes, is amended to read:

16-892. POLL LISTS TO BE KEPT BY ELECTION CLERK; POSTING

A. Each election board clerk shall keep a list in duplicate of persons voting, and the name of each person who votes shall be entered thereon and numbered in the order of voting.

B. The poll list shall be written on one side only, and the copies thereof shall be legible carbon copies. Immediately upon the completion of each page of the poll list one copy shall, upon request, be given to a representative designated by each major political party.

Approved by the Governor—March 19, 1962.

Filed in the Office of the Secretary of State—March 19, 1962.

CHAPTER 44

Senate Bill No. 5

AN ACT

RELATING TO THE STATE EMPLOYEES' RETIREMENT SYSTEM; PROVIDING FOR THE INVESTMENT AND REINVESTMENT OF MONIES IN THE FUND, AND AMENDING SECTION 38-757, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 38-757, Arizona Revised Statutes, is amended to read:

38-757. FINANCING OF RETIREMENT SYSTEM; INVESTMENT OF FUNDS; LIMITATIONS

A. The board, after investigation and study, shall determine the method of financing the retirement system established by this article to insure the greatest return commensurate with sound financing adequately safeguarded. The board may invest and reinvest the monies in its funds as authorized by this section and may hold, purchase, sell, assign, transfer and dispose of any of the securities and investments in which any of the monies of its funds are invested, and, upon such sale, the proceeds thereof shall be redeposited in the funds of the board subject to reinvestment and payment therefrom by order of the board. The board may commingle securities and monies subject to the crediting of receipts and earnings and charging of payments to the appropriate funds established by this article.

B. The board may invest and reinvest the monies in its funds as follows:

1. Bonds or other evidences of indebtedness of the United States of America or any of its agencies or instrumentalities when such obligations are guaranteed as to principal and interest by the United States of America or by any agency or instrumentality thereof.

2. Bonds or other evidences of indebtedness of any state of the United States, or of any of the counties or incorporated cities, towns, or duly organized school districts of any state or territory of the United States.

3. Bonds, notes or evidences of indebtedness of any county, municipal, or municipal district utility within the United States, which are payable from revenues or earnings specifically pledged for the payment of the principal and interest on such obligations, and for the payment of which a lawful sinking fund or reserve fund has been established and is being maintained, but only if no default in payment or principal or interest on the obligations to be purchased has occurred within five years of the date of investment therein, or, if such obligations were issued less than five years prior to the date of investment, no default in payment of principal or interest has occurred on the obligations to be purchased nor on any other obligations of the issuer within five years of such investment.

4. Bonds, notes or evidences of indebtedness issued by any municipal improvement district in this or any other state to finance local improvements authorized by law, if the principal and interest of such obligations are payable from assessments on real property within such local improvement district. No such investment shall be made unless the face value of all such obligations, and similar obligations outstanding, do not exceed fifty per cent of the market value of the real property and improvements upon which such bonds or the assessments for the payment of principal and interest thereon are liens inferior only to the liens for general ad valorem property taxes. No such investment shall be made unless no default in payment of principal or interest on the obligations to be purchased has occurred within five years of the date of investment therein, or, if such obligations were issued less than five years prior to the date of investment, no default in payment of principal or interest has occurred on the obligations to be purchased or on any other obligation of the issuer within five years of such investment.

5. (a) Bonds, debentures, notes and other evidences of indebtedness issued, assumed, or guaranteed by any solvent institution created or existing under the laws of the United States or of any state, district or territory thereof, which are not in default as to principal or interest and which are secured by collateral worth at least fifty per cent more than the par value of the entire issue of such obligations, but only if not more than one third of the total value of such required collateral shall consist of common stock.

(b) Fixed interest bearing obligations which are not in default as to principal or interest, other than those described in subdivision (a) above, of such institutions if the net earnings of the issuing, assuming, or guaranteeing institution available for its fixed charges for a period of five fiscal years next

preceding the date of investment therein have averaged per year not less than one and one half times its average annual fixed charges applicable to such period and if during either of the last two years of such period such net earnings have been not less than one and one half times its fixed charges for such year.

6. Equipment trust obligations or certificates which in the opinion of the retirement board are adequately secured, or other instruments so secured and evidencing an interest in transportation equipment, wholly or in part within the United States, which carry the right to receive determined portions of rental, purchase, or other fixed obligatory payments to be made for the use or purchase of such transportation equipment.

7. Preferred or guaranteed stock or shares of any solvent institution created or existing under the laws of the United States or of any state, district, or territory thereof, if all of the prior obligations and prior preferred stocks, if any, of such institution at the date of acquisition are eligible as investments under this subsection and if the net earnings of such institution available for its fixed charges during either of the last two years shall have been, and during each of the last five years shall have averaged, not less than one and one half times the sum of its average annual fixed charges, if any, its average annual maximum contingent interest, if any, and its average annual preferred dividend requirements. For the purposes of this paragraph, such computation shall refer to the fiscal years immediately preceding the date of acquisition, and the term "preferred dividend requirement" shall be deemed to mean cumulative or noncumulative dividends, whether paid or not. The retirement system shall not invest more than two thirds of one per cent of its assets in the preferred stock of any one issuing company, nor shall the aggregate of its investments under this paragraph exceed ten per cent of its assets.

8. Nonassessable, except for taxes or wages, common stocks or shares of any solvent institution, created or existing under the laws of the United States or of any state, district or territory thereof if all the obligations and preferred stock, if any, of such institution are eligible as investments under the provisions of this subsection, and if such institution has earned, during a period of five fiscal years next preceding the date of acquisition, an aggregate sum applicable to dividends on its common shares equal at least to an aggregate sum which would have been sufficient to pay dividends of four per cent per annum on the par value (or in the case of shares having no par value, then upon the value upon which those shares were issued) of all its common shares outstanding during such period. The retirement system shall not, however, invest

more than two thirds of one per cent of its assets in the common stock or capital stock of any one issuing company, nor shall the aggregate of its investments under the provisions of this paragraph, at cost, exceed ten per cent of its assets.

9. Term contracts of sale and lease purchase agreements issued, agreed to or entered into by the federal government or any agency thereof or by the state or any department, agency or duly constituted authority of the state or a political subdivision thereof authorized by law to enter into contracts and agreements for the acquisition of lands and improvements thereon for public use, provided that such investments shall be repaid to the board at the prevailing rate of interest for private investments of a similar nature and that each such investment by the board does not exceed ninety per cent of the appraised valuation of the property securing the investment loan.

10. Interest bearing savings accounts or certificates of deposit insured in banks doing business in Arizona by the federal deposit insurance corporation, but only if they are secured by the depository to the same extent and in the same manner as required by the general depository law of the state.

11. Bonds, notes or other evidences of indebtedness which are secured by first mortgages upon improved unencumbered real property located in Arizona, but only upon condition that:

(a) No such mortgage loan acquired on any one property shall, at the time of investment by the board, exceed seventy-five per cent of the value of the real property securing the same, except that such loan may equal the amount of any guaranty by the United States of America or by any agency or instrumentality of the United States of America.

(b) Each such mortgage loan shall provide for amortization payments to be made by the borrower on the principal thereof at least quarterly in each year in amounts sufficient to completely amortize the loan within a period of twenty-five years, except that in the case of loans guaranteed or insured by the United States of America or by any agency or instrumentality of the United States of America, the amortization schedule may not exceed that permitted by such guaranteed or insured loan.

(c) The value of the real property securing such mortgage loan shall be as determined by an appraisal made by a member of the American institute of appraisers and no such mortgage loan shall be acquired except after such appraisal, except that in the case of loans guaranteed or insured by the United

States of America or by any agency or instrumentality of the United States of America, the value of the real property receiving such loan shall be as determined by an appraiser approved by the guaranteeing or insuring agency.

(d) No mortgage loan shall be originated or serviced by the board but shall be acquired from and serviced by an approved mortgagee of the federal housing administration doing business in Arizona.

C. The retirement board shall not have at any time any combination of investments in any one institution, agency, corporation, or political subdivision aggregating an amount exceeding five per cent of the assets of the retirement system, nor shall it have any combination of investments in any one industry other than the electric utility industry, the communications industry or in first mortgages upon improved unencumbered real property located in Arizona, exceeding ten per cent of the assets of the retirement system. The retirement board shall not have at any time any combination of investments in the electric utility industry or the communications industry, or in bonds, notes or other evidence of indebtedness which are secured by first mortgages or deeds of trust upon improved unencumbered roal property located in Arizona, exceeding twenty-five per cent of the assets of the retirement system. This restriction shall not apply to investments in general obligations of the United States of Amercia, and shall not apply to the investments owned by the retirement system at the effective date of this law.

Approved by the Governor—March 20, 1962.

Filed in the Office of the Secretary of State—March 20, 1962.

CHAPTER 45

Senate Bill No. 7

AN ACT

RELATING TO DIVORCE JUDGMENT; PARTITION PROCEEDINGS; DIVISION OF PROPERTY; LIENS ON SEPARATE PROPERTY; OWNERSHIP OF PROPERTY NOT PROVIDED FOR IN JUDGMENT, AND AMENDING SECTION 25-318, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 25-318, Arizona Revised Statutes, is amended to read:

25-318. DIVORCE JUDGMENT; PARTITION PROCEEDINGS; DIVISION OF COMMUNITY PROPERTY; LIENS ON SEPARATE PROPERTY; OWNERSHIP OF PROPERTY NOT PROVIDED FOR IN JUDGMENT

A. On entering a judgment of divorce the court shall order such division of the property of the parties as to the court seems just and right, according to the rights of each of the parties and their children, without compelling either party to divest himself or herself of title to separate property, except that as to property held by the parties either as joint tenants with right of survivorship, as tenants in common, or as tenants by the entirety, the court may in the same action, on its own initiative or on petition of either party, order division of such property, or enter an order directing partition of such property in the manner provided by title 12, chapter 8, article 7.

B. In lieu of obtaining an abstract of title as provided by section 12-1214, the court may direct that it be supplied with a report as to the condition of title prepared by any title insurance company authorized to transact business in Arizona.

C. If a sale of the property is directed, any of the parties to the partition proceeding may become the purchaser at such sale.

D. The court may impress a lien upon the separate property of either party to secure the payment of any interest or equity the other party has in or to such separate property, or any equity which may have arisen in favor of either party out of their property transfers and dealings during existence of the marriage relationship, or to secure the payment of any allowance for such support and maintenance of the wife or the minor children of the parties which may be directed under any other provision of this article.

E. The judgment shall specifically describe the real property affected by the lien imposed and the lien shall attach to the property only when a certified copy of the judgment is recorded in the office of the county recorded of each county wherein the property affected is located.

F. Any separate property of either party not subject to partition as provided in this section shall remain the separate property of the party free of all claims of the other party ex-

cept such encumbrance as may be imposed thereon under the provisions of subsections D and E.

G. The community property or the interest of the husband and wife in property held by them as joint tenants with rights of survivorship, or as tenants by the entirety, for which no provision whatsoever has been made in the judgment, or which is not partitioned as provided by this section, shall, from the date the judgment is filed with the clerk of the superior court in which the action is instituted, be held by the parties as tenants in common.

H. The judgment may direct that property theretofore held by the parties in joint tenancy, or tenancy by the entirety, shall, after entry of the judgment, continue to be so held if both parties have in writing requested the court to so provide in its judgment.

Approved by the Governor—March 20, 1962.

Filed in the Office of the Secretary of State—March 20, 1962.

CHAPTER 46

Senate Bill No. 108

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION AND REALLOCATION OF FUNDS TO THE STATE BOARD OF DIRECTORS FOR JUNIOR COLLEGES.

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

Section 1. APPROPRIATION; REALLOCATION OF FUNDS

A. In addition to the appropriation made under the provisions of subdivision 50, section 1, chapter 129, Laws of 1961, first regular session, the sum of two thousand one hundred dollars is appropriated to the state board of directors for junior colleges, to become immediately available for other current expenditures and capital outlay.

B. From the sum appropriated to the state board of directors for junior colleges under the terms of subdivision 50, section 1, chapter 129, Laws of 1961, first regular session, and allocated to "Personal Services" the sum of three thousand

dollars is reallocated to "Other Current Expenditures and Capital Outlay."

Sec. 2. EXEMPTION

The sums appropriated and reallocated under the provisions of section 1 are exempt from the terms of section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

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 20, 1962.

Filed in the Office of the Secretary of State—March 20, 1962.

CHAPTER 47

Senate Bill No. 109

AN ACT

RELATING TO CERTIFICATES OF INDEBTEDNESS, AND MAKING AN APPROPRIATION FOR THE RELIEF OF PBSW SUPPLY AND EQUIPMENT COMPANY.

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

Section 1. APPROPRIATION; PURPOSE

A. The sum of one thousand three hundred ninety-two dollars eighty cents is appropriated to the state board of directors of junior colleges for the relief of PBSW Supply and Equipment Company.

B. The appropriation made under the terms of subsection A is in full satisfaction and discharge of certificate of indebtedness number 27 issued by the state auditor to PBSW Supply and Equipment Company, representing the amount owed for supplies and equipment furnished to the state board of directors of junior colleges, the claim for which was submitted after July 31, 1961 and was in excess of the one thousand dollar limitation imposed by section 35-191, Arizona Revised Statutes.

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 20, 1962.

Filed in the Office of the Secretary of State—March 20, 1962.

CHAPTER 48

Senate Bill No. 123

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF HENRY LESEM.

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

Section 1. APPROPRIATION

The sum of one thousand seven hundred dollars is appropriated to Henry Lesem.

Sec. 2. BASIS OF CLAIM

The sum appropriated under the terms of section 1 is in full satisfaction of a claim against the state department of health for services rendered without compensation prior to the retirement of Henry Lesem.

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 20, 1962.

Filed in the Office of the Secretary of State—March 20, 1962.

CHAPTER 49

Senate Bill No. 124

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA COMMISSION OF INDIAN AFFAIRS.

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

Section 1. APPROPRIATION; PURPOSE

In addition to the appropriation made under the terms of subdivision 33, section 1, chapter 129, Laws of 1961, first regular session, the sum of nine hundred dollars is appropriated to the Arizona commission of Indian affairs, to be available for payment of the salary of a stenographer.

Sec. 2. EXEMPTION

The appropriation made under the terms of section 1 is exempt from the provisions of section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

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 20, 1962.

Filed in the Office of the Secretary of State—March 20, 1962.

CHAPTER 50

Senate Bill No. 145

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA STATE BOARD OF CRIPPLED CHILDREN'S SERVICES.

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

Section 1. APPROPRIATION; PURPOSE

The sum of one hundred thousand dollars is appropriated to the Arizona state board of crippled children's services to become immediately available for other current expenditures.

Sec. 2. EXEMPTION

The appropriation made under the provisions of section 1 is exempt from the terms of section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

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 20, 1962.

Filed in the Office of the Secretary of State—March 20, 1962.

CHAPTER 51

Senate Bill No. 146

AN ACT

RELATING TO AERONAUTICS; PROVIDING FOR CHANGING THE NAME OF THE STATE AVIATION AUTHORITY, PROVIDING FOR FIVE-YEAR STAGGERED TERMS OF MEMBERS OF THE AUTHORTY, AND AMENDING SECTIONS 2-121, 2-122, 2-123, 2-131 AND 2-303, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 2-121, Arizona Revised Statutes, is amended to read:

2-121. ARIZONA DEPARTMENT OF AERONAUTICS

There shall be an Arizona department of aeronautics.

Sec. 2. Sec. 2-122, Arizona Revised Statutes, is amended to read:

2-122. MEMBERS; APPOINTMENT; TERMS; COMPENSATION; TRAVEL EXPENSES

A. The department shall be composed of five persons appointed by the governor, selected on the basis of experience and interest in aviation, with consideration for geographical areas of the state.

B. Upon expiration of the terms of the members serving on the date this section takes effect, appointments to fill such vacancies shall be filled by the governor as follows: two members to be appointed in March, 1963, one for a term of three years and one for a term of four years; one member to be appointed in March, 1964, for a term of four years, and two members to be appointed in March, 1965, one for a term of four years and one for a term of five years. Thereafter, upon expiration of the term of any member, a successor shall be appointed for a term of five years. In the event of a vacancy caused other than by expiration of term, the appointment shall be for the unexpired term only.

Sec. 3. Sec. 2-123, Arizona Revised Statutes, is amended to read:

2-123. POWERS AND DUTIES; DIRECTOR

A. The department shall cooperate with all organizations, state, local and federal, for the purpose of encouraging and advancing aviation in this state.

B. The department may assemble and distribute to the public information relating to aviation, landing fields, beacons and other matters pertaining to aviation, and may accept in the name of the state federal monies made available for the advancement of aviation.

C. The department may distribute monies appropriated to it from the state aviation fund for construction and development of publicly owned and operated airport facilities in counties and incorporated cities and towns. The distribution of such monies shall be made according to the need for such facilities as shall be determined by the department.

D. The department shall administer the laws relating to aeronautics and shall make such rules and regulations concerning aviation as may be necessary to promote public safety and the best interests of aviation in the state.

E. The department may appoint a director to serve at its pleasure. The director shall have an aeronautical background as may be required by the board. The director shall act as the executive officer of the department and under its direction shall administer the aeronautical laws and enforce the rules

and regulations of the department. The salary of the director shall be fixed by the department, subject to legislative appropriation.

Sec. 4. Sec. 2-131, Arizona Revised Statutes, is amended to read:

2-131. AVIATION FUND; UNCLAIMED AVIATION GASOLINE TAXES; ADMINISTRATION

A. There shall be a state aviation fund. The state treasurer is directed to place to the credit of the fund all unclaimed and unrefunded aviation gasoline taxes transmitted to the state treasurer by the motor vehicle division of the Arizona highday department.

B. The Arizona department of aeronautics shall administer monies appropriated by the legislature out of the state aviation fund.

Sec. 5. Sec. 2-303, Arizona Revised Statutes, is amended to read:

2-303. ACCEPTANCE BY STATE OR MUNICIPALITIES OF FEDERAL OR OTHER AID

A. The state, county, city or town is authorized to accept, receive and receipt for federal and other monies, either public or private, for the acquisition, construction, enlargement, improvement, maintenance, equipment or operation of airports and other air navigation facilities, and sites therefor, and to comply with laws of the United States and rules and regulations made thereunder for the expenditure of federal monies upon airports and air navigation facilities.

B. The governing body of a county, city or town is authorized to designate the Arizona department of aeronautics as its agent to accept, receive and receipt for federal monies in its behalf for airport and other air navigation facility purposes and to contract for acquisition, construction, enlargement, improvement, maintenance, equipment or operation of such airports or other air navigation facilities, and may enter into an agreement with the authority prescribing the terms and conditions of such agency in accordance with federal laws, rules and regulations and applicable laws of this state.

C. Monies paid over by the United States shall be paid to the municipality under such terms and conditions as may be imposed by the United States in making the grant.

D. Contracts for acquisition, construction, enlargement, improvement, maintenance, equipment or operation of airports or other air navigation facilities, made by the state, county, city or town itself, or through the department shall be made pursuant to the laws governing the making of like contracts, but where the acquisition, construction, improvement, enlargement, maintenance, equipment or operation is financed wholly or partly with federal monies, the contracts may be let in the manner prescribed by the federal authorities, acting under the law of the United States, and rules or regulations thereunder, notwithstanding state law to the contrary.

Approved by the Governor—March 20, 1962.

Filed in the Office of the Secretary of State—March 20, 1962.

CHAPTER 52

Senate Bill No. 159

AN ACT

RELATING TO THE CRIME OF RAPE; PROVIDING DEGREES THEREOF; DEFINING THE SAME; PROVIDING PUNISHMENT THEREFOR, AND AMENDING SECTIONS 13-611 AND 13-614, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 13-611, Arizona Revised Statutes, is amended to read:

13-611. DEFINITION; DEGREES

A. Rape in the first degree is an act of sexual intercourse accomplished with a female, not the wife of the perpetrator, under any of the following circumstances:

1. Where the female is incapable, through lunacy or other unsoundness of mind, whether temporary or permanent, of giving legal consent.

2. Where the female resists, but her resistance is overcome by force or violence.

3. Where the female is prevented from resisting by threats of immediate and great bodily harm, accompanied by apparent power of execution, or by an intoxicating, narcotic or anaesthetic substance, administered by or with privity of the accused.

4. Where the female is at the time unconscious of the nature of the act, and this is known to the accused.

5. Where the female submits under a belief that the person committing the act is her husband, and this belief is induced by any artifice, pretense or concealment practiced by the accused with intent to induce such belief.

B. Rape in the second degree is an act of sexual intercourse with a female, not the wife of the perpetrator, under the age of eighteen years, under circumstances not amounting to rape in the first degree.

Sec. 2. Sec. 13-614, Arizona Revised Statutes, is amended to read:

13-614. PUNISHMENT

A. Rape in the first degree is punishable by imprisonment in the state prison for life, or for any term of years not less than five.

B. Rape in the second degree is punishable by imprisonment in the state prison for life or for any term of years in excess of one year, or by imprisonment in the county jail for not to exceed one year.

Approved by the Governor—March 20, 1962.

Filed in the Office of the Secretary of State—March 20, 1962.

CHAPTER 53

Senate Bill 185

AN ACT

RELATING TO PROFESSIONAL CORPORATIONS; AUTHORIZING THE FORMATION OF PROFESSIONAL CORPORATIONS; PROVIDING FOR A TITLE; DEFINITIONS; EXCLUSIONS; APPLICABILITY OF GENERAL CORPORATION LAW; PRESERVING PROFESSIONAL RELATIONSHIP AND RESPONSIBILITY; PROVIDING FOR A CORPORATE NAME AND THE INVESTMENT OF FUNDS; SETTING FORTH THE NATURE OF THE CORPORATE ACTIVITY; PROVIDING FOR THE NUMBER OF INCORPORATORS, CONTINUITY OF LIFE, CENTRALIZED MANAGEMENT, CORPORATE LIABILITY AND TRANSFERABILITY OF INTEREST; PRE-

SERVING THE DISCIPLINARY POWERS OF BOARDS, AND AMENDING TITLE 10, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 3, ARTICLE 1, SECTIONS 10-901 TO 10-909, INCLUSIVE.

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

Section 1. Title 10, Arizona Revised Statutes, is amended by adding chapter 3, article 1, sections 10-901 to 10-909, inclusive, to read:

CHAPTER 3

PROFESSIONAL CORPORATIONS

ARTICLE 1. GENERAL PROVISIONS

10-901. TITLE

This act may be cited as the "Professional Corporation Act."

10-902. DEFINITIONS

In this chapter, unless the context otherwise requires:

1. "Ancillary personnel" means such persons acting in their customary capacities, employed by those rendering a professional service who:

(a) Are not licensed to engage in the category of professional service for which a professional corporation was formed, and

(b) Work at the direction or under the supervision of those who are so licensed, and

(c) Do not hold themselves out to the public generally as being authorized to engage in the practice of the profession for which the corporation is licensed, and

(d) Are not prohibited by the board regulating the category of professional service rendered by the corporation from being so employed.

2. "Board" means the agency of this state having jurisdiction to grant a license to render the category of professional service for which a professional corporation has been organized.

3. "License" includes a license, certificate of registration or any other evidence of the satisfaction of the requirements of this state for the practice of a professional service.

4. "Professional corporation" means a corporation organized under this chapter solely for the purpose of rendering one category of professional service and which has as its shareholders, directors, officers, agents and employees only individuals who by this state are duly licensed to render that category of professional service.

5. "Professional service" means any personal service which requires as a condition precedent to the rendering thereof the obtaining of a license and which prior to the effective date of this chapter by reason of law could not be performed by a corporation.

10-903. EXCLUSIONS FROM CHAPTER

A. This chapter shall not apply to any persons within this state who prior to the passage of this chapter were permitted to render personal services by means of a corporation, nor to any corporations organized by them.

B. Nothing contained in this chapter shall alter the right of persons licensed to engage in the rendering of a professional service from so doing in any other business form permitted them by law.

C. Nothing contained in this chapter shall be construed to prohibit a professional corporation from employing ancillary personnel.

10-904. APPLICATION OF GENERAL CORPORATION LAW

Professional corporations shall be governed by the laws applicable to other Arizona private corporations organized for profit except insofar as such laws shall be limited or enlarged by or contrary to the provisions of this chapter, in any of which events this chapter shall be controlling.

10-905. PROFESSIONAL RELATIONSHIP AND RESPONSIBILITY

Nothing in this chapter shall be construed to alter any law applicable to the relationship between persons furnishing and receiving professional service, including but not limited to liability arising therefrom, and the shareholders of the corporation shall be and remain jointly and severally responsible for such liability.

10-906. CORPORATE NAME; INVESTMENT OF FUNDS

A. A professional corporation may adopt a name consisting of the full or last name of one of more of its shareholders or, if not otherwise prohibited by law or the canons of ethics of the profession concerned, may adopt a fictitious name.

B. The corporate name of a professional corporation shall end with any one of the following designations: "Professional Corporation", "P.C.", "Limited", "Ltd.", Professional Association", "P.A.", "Chartered".

C. A professional corporation may in its own name invest its funds in real estate, mortgages, stocks, bonds or any other type of investment, and may own real or personal property necessary or appropriate for rendering its professional service.

10-907. NATURE OF CORPORATE ACTIVITY

A. A professional corporation may only be organized for the purpose and may only engage in the rendering of one category of professional service.

B. A professional corporation may render professional service only through shareholders, directors, officers, agents and employees who are themselves duly licensed in that category of professional service.

C. No person who is not licensed in that category of professional service shall have any part in the ownership, management or control of the corporation, nor may any proxy to vote any shares of such corporation be given to a person who is not so licensed.

10-908. NUMBER OF INCORPORATORS; CONTINUITY OF LIFE; CENTRALIZED MANAGEMENT; CORPORATE LIABILITY; TRANSFERABILITY OF INTEREST

A professional corporation shall:

1. Be formed by two or more persons licensed to render the same category of professional service with the object and purpose of engaging in the practice of such profession and rendering such professional service and dividing the gains therefrom.

2. Be organized for a stated number of years, not in excess of twenty-five, subject to renewal pursuant to section 10-151.

3. Cease to exist only upon the first to happen of the following events:

(a) The death of the last surviving shareholder.

(b) Voluntary or involuntary dissolution pursuant to the laws governing the same for Arizona private corporations organized for profit.

4. Be governed by a board of directors elected by the shareholders and represented by officers elected by the board of directors, and, if desired, by an executive committee elected by the board of directors.

5. Provide that the private property of shareholders be exempt from liability for corporate debts except as set forth in section 10-905.

6. Permit shares to be transferable to persons duly licensed to perform the same category of professional service as that for which the professional corporation was organized, or to the professional corporation itself, provided that this shall not be construed to prohibit such further lawful restrictions thereon upon which the shareholders may agree.

10-909. DISCIPLINARY POWERS OF BOARDS; TRANSFER OF SHARES

A. No professional corporation may do any act which is prohibited to be done by persons licensed to practice the profession which the professional corporation is organized to render.

B. Each shareholder, director, officer, agent and employee of a professional corporation shall be subject to the rules and regulations adopted by and the disciplinary powers of the board regulating the category of professional service rendered by the professional corporation.

C. If any shareholder, director, officer, agent or employee of a professional corporation becomes legally disqualified to render the category of professional service for which the professional corporation was organized, the professional corporation shall forthwith terminate his employment.

D. Within ninety days following the death, insanity, bankruptcy, retirement, resignation, expulsion or other legal disqualification of a shareholder, all of the shares of such shareholder shall be transferred to or acquired by persons qualified to own such shares or by the corporation. Until such transfer is effected such shares shall not be entitled to be voted. Either in its articles of incorporation or its bylaws, the corporation shall fix the price or method of computing the same together with the schedule of payment therefor, for acquiring

such shares, in the event the shares are not otherwise acquired within said ninety days by persons qualified to own the same.

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 20, 1962.

Filed in the Office of the Secretary of State—March 20, 1962.

CHAPTER 54

Senate Bill No. 230

AN ACT

MAKING AN APPROPRIATION TO THE ATTORNEY GENERAL—DEPARTMENT OF LAW.

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

Section 1. APPROPRIATION

The sum of twenty thousand dollars is appropriated to the attorney general—department of law.

Sec. 2. PURPOSE

The appropriation made in section 1 shall be available to the attorney general—department of law for use in conducting an investigation into the rights and interests of the state of Arizona in and to the lands along the banks of the Colorado river, for legal representation for the state of Arizona in any actions involving this state as to the rights and interests of the state, and to report to the Legislature at the beginning of its regular sesson in 1963.

Sec. 3. EXEMPTION

The appropriation made by this act is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations, except that the unexpended and unencumbered funds of the appropriation as of March 1, 1963 shall on such date revert to the state 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—March 20, 1962.

Filed in the Office of the Secretary of State—March 20, 1962.

CHAPTER 55

Senate Bill No. 235

AN ACT

MAKING AN APPROPRIATION TO THE DEPARTMENT OF LIQUOR LICENSES AND CONTROL FOR THE RELIEF OF JOHN KLOMPARENS.

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

Section 1. APPROPRIATION; BASIS OF CLAIM

A. The sum of three hundred fifty dollars is appropriated to the department of liquor licenses and control for the relief of John Klomparens.

B. The sum appropriated under the terms of subsection A is for reimbursement of travel and other necessary expenses incurred by John Klomparens, an employee of the department of liquor licenses and control, in attending a narcotics school in Washington, D. C., during January 1961. Sufficient funds were not available during that fiscal year to reimburse Mr. Klomparens for his expenses.

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 20, 1962.

Filed in the Office of the Secretary of State—March 20, 1962.

CHAPTER 56

Senate Bill No. 236

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

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

Section 1. APPROPRIATION; PURPOSE

In addition to the appropriation made under the terms of chapter 129, section 1, subdivision 65, Laws of 1961, the sum of three hundred fifty dollars is appropriated to the department of liquor licenses and control, to be immediately available for Travel—Out-of-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 20, 1962.

Filed in the Office of the Secretary of State—March 20, 1962.

CHAPTER 57

Senate Bill No. 240

AN ACT

MAKING A REALLOCATION OF FUNDS TO THE SPECIAL DONATIONS ACCOUNT MAINTAINED FOR THE BENEFIT OF CRIPPLED CHILDREN.

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

Section 1. REALLOCATION OF FUNDS

From the reallocation made to the state department of public welfare under the terms of section 1, chapter 43, Laws of 1961, for the purpose of construction and equipping of a forty-bed patient wing to the crippled children's hospital, the sum of fifty thousand dollars is reallocated to the special donations account maintained for the benefit of crippled children.

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 20, 1962.

Filed in the Office of the Secretary of State—March 20, 1962

CHAPTER 58

Senate Bill No. 47

AN ACT

RELATING TO CORPORATIONS AND ASSOCIATIONS; PROVIDING FOR INTEREST RATES ON AMOUNTS OVER THREE THOUSAND FIVE HUNDRED DOLLARS TO BE DETERMINED BY LENDER AND BORROWER, AND AMENDING TITLE 10, CHAPTER 1, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 10-177.

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

Section 1. Title 10, chapter 1, article 4, Arizona Revised Statutes, is amended by adding section 10-177, to read:

10-177. INTEREST ON AMOUNTS OVER THREE THOUSAND FIVE HUNDRED DOLLARS

Any other provision of law, to the contrary, notwithstanding, any foreign or domestic corporation organized for pecuniary gain may in writing, pursuant to an authorizing resolution of its board of directors, agree to pay such rate of interest not exceeding twelve per cent per annum as such corporation may determine on any loan under which the principal balance to be repaid shall originally exceed the sum of three thousand five hundred dollars or on any series of advances of money pursuant to a loan agreement or undertaking if the principal balance to be repaid thereunder shall originally exceed the sum of three thousand five hundred dollars, or on any extension or renewal thereof, and as to any such transaction the claim or defense of usury by such corporation or its successor or anyone in its behalf is prohibited, provided that nothing contained in this section shall apply to any loan to a public, charitable, religious or other nonprofit corporation, nor to a

corporation the principal asset of which is a one or two-family dwelling.

Approved by the Governor—March 20, 1962.

Filed in the Office of the Secretary of State—March 21, 1962.

CHAPTER 59

Senate Bll No. 58

AN ACT

RELATING TO THE RETIREMENT OF JUDGES; RETIREMENT BENEFITS FOR WIDOWS OF JUDGES; AND AMENDING SECTIONS 38-801 AND 38-802, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 38-801, Arizona Revised Statutes, is amended to read:

38-801. ELIGIBILITY FOR RETIREMENT PAYMENTS; AMOUNT; WIDOWS' BENEFITS; APPLICATION

A. Every judge of the supreme court and every judge of the superior court who resigns his office or whose service is otherwise terminated as a judge and who has served for twenty years on the supreme court or on the superior court, or on the supreme court and superior court combined, shall, upon attaining the age of sixty-five years, receive monthly for the remainder of his life after the date of his application therefor an amount equal to two thirds of his monthly pay at the time of his resignation from office or the termination of his service, which shall be paid from the judges' retirement fund. If the amount standing to the credit of the fund at any time is insufficient to pay the full amount due all claimants entitled thereto, payment shall be made to the respective claimants pro rata only for that proportion of the total amount available in the fund which the amount due each claimant bears to the total amount due all claimants.

B. Any judge who hereafter resigns his office or whose service is otherwise terminated as judge and who has served not less than twelve years as judge on the supreme court or on the superior court, or on the supreme court and superior court combined, shall, upon attaining the age of sixty-five years, whether then in or out of office, be entitled to receive after

the date of his application therefor, an amount equal to the proportion of the maximum benefits provided for in subsection A that his total years of service as a judge bears to twenty years, but not exceeding the maximum amount provided for in subsection A.

C. The surviving widow of any judge who served not less than twelve years or who retired under the provisions of this article shall, after the death of such judge, whether then in or out of office, if such widow was married to such judge for not less than ten years, or who has reached the age of sixty-two years, receive monthly for the remainder of her life or until her remarriage, after the date of her application therefor, an amount equal to one third of the monthly benefits paid to such judge or to which such judge's service would have entitled him had he retired or attained the age of sixty-five years. If any refund has been made under the provisions of subsection B of section 38-804 for the benefit of any such judge or his widow, the amount so refunded shall be repaid to the state treasurer for the benefit of the retirement fund.

D. When a judge or widow of a judge is qualified for and desires to receive benefits under the provisions of this section, a written application shall be filed with the governor accompanied by an affidavit as to the judge's age or date of his death and the duration and particulars of his service. If it appears that the applicant is entitled to receive such benefits, the governor shall certify the applicant's name to the state auditor for payment of such benefits.

Sec. 2. Sec. 38-802, Arizona Revised Statutes, is amended to read:

38-802. RETIREMENT FOR PHYSICAL OR MENTAL INCAPACITY; APPLICATION; AMOUNT

A. A judge of the supreme or superior court who has served in either or both of such courts for not less than five years and who is permanently incapacitated, physically or mentally, to perform the duties of his office, may file with the governor, either personally or by his next friend or guardian, a written application for retirement, accompanied by an affidavit as to the duration and particulars of his service and the nature of his incapacity.

B. The governor shall appoint a board of three physicians licensed to practice in this state, who shall make an examination of the applicant and report the results thereof in writing. If in the opinion of a majority of the board the applicant is permanently incapacitated, physically or mentally, to perform

the duties of his office, the governor shall declare the applicant retired and the office vacant.

C. The governor shall file the report of the examining board with the secretary of state, and certify the name of the retired judge to the state auditor as entitled to the retirement payments provided for herein. Judges thus retired having ten years or more of such service shall receive the maximum benefits provided for in subsection A of section 38-801. Those having service of five years or more but less than ten shall receive an amount equal to the proportion of the maximum benefits provided for in subsection A of section 38-801 that his total years of service as a judge bears to ten years, but not exceeding the maximum amount provided for in subsection A of section 38-801.

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 20, 1962.

Filed in the Office of the Secretary of State—March 21, 1962.

CHAPTER 60

Senate Bill No. 72

AN ACT

RELATING TO DAIRIES AND DAIRYING; REQUIRING LICENSE TO SELL AT WHOLESALE MILK OR DAIRY PRODUCTS OR BOTH; EXCEPTION; OUT-OF-STATE INSPECTIONS; PRESCRIBING LICENSE FEE, AND AMENDING SECTION 3-607, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 3-607, Arizona Revised Statutes, is amended to read:

3-607. ANNUAL LICENSING OF DEALERS; REVOCATION; MUNICIPAL PERMIT; FEES

A. No person shall operate a milk distributing plant or a manufacturing milk processing plant, manufacture frozen dairy

products for retail only to the ultimate consumer, engage in the business of producer-distributor or producer-manufacturer, or engage in the business of selling at wholesale milk or dairy products, or both, without a license therefor, provided, however, nothing in this act shall be construed to require an Arizona dairy farm producing raw milk for sale to be processed to secure a license to operate.

B. Application for a license shall be in writing in such form as the commissioner prescribes and shall be accompanied by the required filing fee. Upon receipt of an application the commissioner or an authorized representative shall examine the premises in which the applicant proposes to do business, and if it appears that the applicant has complied with all provisions of law, the license shall be issued.

C. After issuance of the first annual license, a license may be issued by the commissioner upon inspection of the premises and payment not later than February 1 of each year of the required fee. The inspection shall be made by the commissioner or an authorized representative to determine whether the premises are maintained in compliance with law. A written report of the inspection shall be filed in the office of the commissioner. An annual license is valid for the period beginning January 1 and ending December 31 of each year, and a license not renewed on or before February 1 of each year shall be void.

D. Except as provided in this subsection, application for a license to produce grade A milk for human consumption shall be made in the manner prescribed by subsections A and B, and shall be valid until revoked for failure to comply with the provisions of this article relating to the production of milk. Notice of revocation shall be in writing, stating the cause therefor, and setting a time during which the licensee may correct the cause for revocation. If the cause for revocation is not corrected within the time specified, the commissioner, after hearing and three days notice of intention, may revoke the license. A person holding a permit issued by a municipality operating under the provisions of the standard milk ordinance of the United States bureau of public health shall be deemed to have a permit meeting the requirements of this article, provided the facilities have first been inspected and approved also by a resident Arizona inspector. Any expense incurred for such inspection shall be at the expense of the licensee.

E. Fees shall be paid as follows:

1. For a license or renewal of a license to operate a milk distributing plant or business, fifty dollars.

2. For a license or renewal of a license to operate a manufacturing milk processing plant, fifty dollars.

3. For a license or renewal of a license to engage in the manufacture of frozen dairy products for retail only to the ultimate consumer, ten dollars.

4. For a license or renewal of a license to engage in the business of producer-distributor or producer-manufacturer, twenty-five dollars.

5. For a license or renewal of a license to engage in the business of selling at wholesale milk or dairy products, or both, twenty-five dollars.

F. The commissioner or dairy inspectors are authorized to inspect premises affected by this article located without the state, who shall receive subsistence and travel expenses in the amount provided for state officers, which shall be paid to the inspector by the owner of the premises so inspected.

G. The provisions of this section shall not apply to the producer of raw milk.

Approved by the Governor—March 20, 1962.

Filed in the Office of the Secretary of State—March 21, 1962.

CHAPTER 61

Senate Bill No. 32

AN ACT

MAKING AN APPROPRIATION TO THE STATE PLANNING AND BUILDING COMMISSION FOR THE RELIEF OF THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY.

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

Section 1. APPROPRIATION; PURPOSE

A. The sum of one thousand five hundred fifty dollars eighty-three cents is appropriated to the state planning and building commission for the relief of the mountain states telephone and telegraph company.

B. The appropriation made under the terms of subsection A is in the amounts and for the purposes following:

1. Two hundred fifty dollars for moving of telephone cable made necessary by the remodeling of the state capitol building, the claim for which was incurred in September, 1959, but was not submitted within the statutory period.

2. Seven hundred sixty dollars forty-six cents for telephone service incurred by the corporation commission during the year 1958, for payment of which sufficient funds were not available.

3. Five hundred forty dollars thirty-seven cents for telephone service incurred by the corporation commission during the year 1960, for payment of which sufficient funds were not available.

Sec. 2. EXEMPTION

The appropriation made under the terms of section 1 is exempt from the provisions of section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

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 21, 1962.

Filed in the Office of the Secretary of State—March 21, 1962.

CHAPTER 62

Senate Bill No. 38

AN ACT

MAKING AN APPROPRIATION TO THE DIVISION OF VOCATIONAL REHABILITATION FOR CASE SERVICES FOR VOCATIONALLY HANDICAPPED PERSONS.

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

Section 1. APPROPRIATION; PURPOSE

In addition to the appropriation made under the terms of subdivision 52, section 1, chapter 129, Laws of 1961, the sum of twenty-two thousand five hundred dollars is appropriated

to the division of vocational rehabilitation to be available for case services for vocationally handicapped persons.

Sec. 2. EXEMPTION

The appropriation made by this act is exempt from the provisions of section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

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 21, 1962.

Filed in the Office of the Secretary of State—March 21, 1962.

CHAPTER 63

Senate Bill No. 42

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA DEVELOPMENT BOARD.

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

Section 1. APPROPRIATION; PURPOSE

In addition to the appropriation made under the terms of subdivision 92, section 1, chapter 129, Laws of 1961, first regular session, the sum of twenty-five thousand dollars is appropriated to the Arizona development board for the purpose of paying rental for space and defraying the costs of construction, dismantling, shipping and other costs necessary in presenting an Arizona display at the world's fair in Seattle, Washington, during the period April 21 to October 21, 1962. Any monies remaining in the appropriation, as provided in section 1, and unencumbered on June 30, 1963, shall revert to the general fund of the state.

Sec. 2. EXEMPTION

The sum appropriated under the provisions of section 1 is exempt from the terms of sections 35-173 and 35-190, Arizona

Revised Statutes, relating to quarterly allotments and lapsing 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 21, 1962.

Filed in the Office of the Secretary of State—March 21, 1962.

CHAPTER 64

Senate Bill No. 45

AN ACT

RELATING TO TAXATION; PRESCRIBING EXEMPTIONS TO THE TRANSACTION PRIVILEGE TAXES, AND AMENDING SECTION 42-1321, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 42-1321, Arizona Revised Statutes, is amended to read:

42-1321. DEDUCTIONS

A. This article shall not apply to:

1. Sales of gasoline upon which a tax has been imposed under the provisions of article 1, chapter 9, title 28.

2. Common or contract motor carriers of passengers or property paying a tax under provisions of section 40-641.

3. Sales of tangible personal property to a person licensed as a contractor under chapter 10 of title 32 who holds a valid privilege tax license for engaging or continuing in the business of contracting under this article when the tangible personal property so sold is incorporated or fabricated by the contractor into any structure, project, development or improvement in fulfillment of a contract therefor.

4. Sales in interstate or foreign commerce when prohibited from being so taxed by the constitution of the United States or the constitution of this state.

5. Tangible personal property purchased in this state by any hospital organized and operated exclusively for charitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

B. After June 30, 1956, the provisions of this article shall not apply to sales made directly:

1. To the United States government, its departments or agencies by a manufacturer, modifier, assembler or repairer.

2. To a manufacturer, modifier, assembler or repairer when such sales are of any ingredient or component part of products sold directly to the United States government, its departments or agencies by the manufacturer, modifier, assembler or repairer.

C. After June 30, 1956, there shall be deducted from the annual privilege tax fifty per cent of the amount of tax levied under the provisions of section 42-1312 upon any sale of tangible personal property made directly to the United States government, its departments or agencies, which is not exempt under the provisions of subsection B of this section.

D. In computing the tax levied by this article upon the activities classified in subdivision (a) of paragraph 2 of section 42-1310, the price shall be reduced by the actual freight paid by any person from the place of production to the place of delivery when the freight is included in the sales price of the products.

E. The commission shall require every person claiming an exemption provided by subsection B of this section, or the deduction provided by subsection C of this section, to file on forms prescribed by the commission at such times as the commission directs a sworn statement disclosing the name of the purchaser and the exact amount of sales upon which the exemption or deduction is claimed.

F. For the purpose of this section:

1. "Manufacturer" means a person who is principally engaged in the fabrication, production or manufacture of products, wares or articles for use from raw or prepared materials, imparting to such materials new forms, qualities, properties and combinations.

2. "Modifier" means a person who reworks, changes or adds to products, wares or articles of manufacture.

3. "Assembler" means a person who unites or combines products, wares or articles of manufacture so as to produce a change in form or substance without changing or altering the component parts.

4. "Repairer" means a person who restores or renews products, wares or articles of manufacture.

G. The definitions contained in subsection F of this section shall not be interpreted to include the following businesses, but the following listing is not intended to be nor shall it be interpreted to be a complete listing of the businesses which are excluded by subsection F from the tax exemption provided by subsection B of this section:

1. Mining, quarrying, smelting or producing for sale, profit or commercial use any oil, natural gas, limestone, sand, gravel, copper, gold, silver or other mineral product, compound or combination of mineral products, or felling, producing or preparing timber or any product of the forest for sale, profit or commercial use.

2. Producing or furnishing electricity, electric lights, current, power or gas, natural or artificial, or water.

3. Transmitting local or long distance messages or conversations by telephone, or messages by telegraph, from one point to another point in the state.

4. Operating pipe lines for transporting oil, or natural or artificial gas, through pipes or conduits from one point to another point in the state.

5. Job printing, engraving, embossing or copying.

6. Slaughtering animals for food, packing, processing or compounding meat or meat products.

7. Construction contracting.

Approved by the Governor—March 21, 1962.

Filed in the Office of the Secretary of State—March 21, 1962.

CHAPTER 65

Senate Bill No. 94

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA STATE PARKS BOARD FOR THE PURPOSE OF ASSEMBLING HISTORICAL DATA AND MATERIALS AT THE MOHAVE HISTORICAL SOCIETY BUILDING.

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

Section 1. APPROPRIATION; PURPOSE

A. The sum of one thousand five hundred dollars is appropriated to the Arizona state parks board, to be available for the purpose of entering into a cooperative agreement with the board of supervisors of Mohave county for the assembling of historical data and materials and to provide for a curator at the Mohave county historical society building.

B. The agreement shall be entered into in the manner and under the terms and conditions prescribed by sections 41-511.04 and 41-511.05, Arizona Revised Statutes.

Sec. 2. EXEMPTION

The appropriation made under the terms of section 1 is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing of appropriations.

Approved by the Governor—March 21, 1962.

Filed in the Office of the Secretary of State—March 21, 1962.

CHAPTER 66

Senate Bill No. 202

AN ACT

RELATING TO TAXATION OF INCOME; PROVIDING FOR THE TAXABILITY OF NONPROFIT RELIGIOUS ORGANIZATIONS ON UNRELATED INCOME, AND AMENDING SECTION 43-149, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 43-149, Arizona Revised Statutes, is amended to read:

43-149. TAXATION OF BUSINESS INCOME OF CERTAIN SECTION 43-147 ORGANIZATIONS

(a) In general. Every organization and trust described in subsection (b) shall be subject to the tax imposed under Section 43-102 upon its "Section 43-149" net income as defined in subsection (c).

(b) Organization subject to tax. The tax imposed under subsection (a) shall apply in the case of any organization, or trust, or church, or a convention or association of churches, which is exempt, except as provided in this section, from taxation under this title by reason of section 43-147 (a) (1) through (13), section 43-162 (a), and 43-165. Such taxes shall also apply to an organization described in section 43-147 (a) (8) if the income is payable to an organization which itself is subject to the tax imposed under this section or to a church or to a convention or association of churches.

(c) Definition - "Section 43-149 net income". The "Section 43-149" net income of an organization or trust or any church, convention or association of churches means the amount by which its unrelated business net income, as defined in subsection (d), exceeds one thousand dollars.

(d) Definition - "unrelated business net income". The term "unrelated business net income" means the gross income derived by any organization or trust or any church, convention or associaton of churches from any unrelated trade or business, as defined in subsection (e), regularly carried on by it, less the deductions allowable by section 43-123, which are directly connected with the carrying on of such trade or business, subject to the exceptions, additions, and limitations prescribed in this subsection.

(1) There shall be excluded all dividends, interest, and annuities, and all deductions directly connected with such income.

(2) There shall be excluded all royalties, including overriding royalties, whether measured by production or by gross or net income from the property, and all deductions directly connected with such income.

(3) There shall be excluded all rents from real property (including personal property leased with the real property), and all deductions directly connected with such rents.

(4) Notwithstanding paragraph (3) in the case of a section 43-149 lease (as defined in subsection (f)), there shall be included, as an item of gross income derived from an unrelated trade or business, the amount ascertained under subsection (i) (1), and there shall be allowed, as a deduction, the amount ascertained under subsection (i) (2).

(5) There shall be excluded all gains or losses from the sale, exchange, or other disposition of property other than (A) stock in trade or other property of a kind which would properly be includible in inventory if on hand at the close of the taxable year, or (B) property held primarily for sale to customers in the ordinary course of the trade or business.

(6) In computing the "unrelated business net income" there shall be allowed the net operating loss deduction provided in section 43-123 (s), except that (A) in computing such net operating loss for any taxable year, the amount of the net operating loss carry-back or carry-over to any taxable year shall be determined under said section 43-123 (s) without taking into account any amount of income or deduction which is excluded under this section in computing the unrelated business net income; and (D) the terms "preceding taxable year" and "preceding taxable years" as used in section 43-123 (s) shall not include any taxable year for which the organization was not subject to the provisions of this section.

(7) There shall be excluded all income derived from research for (A) the United States or any of its agencies or instrumentalities, or (B) any state or political subdivision thereof; and there shall be excluded all deductions directly connected wth such income.

(8) (A) In the case of a college, university, or hospital, there shall be excluded all income derived from research performed for any person, and all deductions directly connected with such income.

(B) In the case of an organization operated primarily for the purposes of carrying on fundamental research, the results of which are freely available to the general public, there shall be excluded all income derived from research performed for any person, and all deductions directly connected with such income.

(9) (A) In the case of any organization described in subsection (b), the so-called "charitable contribution" deduction allowed by section 43-123 (q) shall be allowed (whether or not directly connected with the carrying on of the trade or business), but shall not exceed five per cent of the unrelated

business net income computed without the benefit of this subparagraph.

(B) In the case of any trust described in section 43-162 (a), the so-called "charitable contribution" deduction allowed by section 43-162 (a) shall be allowed (whether or not directly connected with the carrying on of the trade or business), and for such purpose a distribution made by the trust to a beneficiary described in section 43-162 (a) (2) shall be considered as a gift or contribution. The deduction allowed by this subparagraph shall not exceed fifteen per cent of the unrelated business net income computed without the benefit of this subparagraph.

If a trade or business regularly carried on by a partnership, of which an organization is a member, is an unrelated trade or business with respect to such organization, such organization in computing its unrelated business net income shall, subject to the exceptions, additions, and limitations contained in paragraphs (1) through (9), above, include its share (whether or not distributed) of the gross income of the partnership from such unrelated trade or business and its share of the partnership deductions directly connected with such gross income. If the taxable year of the organization is different from that of the partnership, the amounts to be included or deducted in computing the unrelated business net income shall be based upon the income and deductions of the partnership for any taxable year of the partnership ending within or with the taxable year of the organization. In the case of an organization described in section 43-144 (b) (2) which is a member of a partnership of all whose members are organizations described in section 43-144 (b) (2), if a trade or business regularly carried on by such partnership is an unrelated trade or business with respect to such organization, such organization shall, for taxable years beginning before January 1, 1954, be allowed a deduction in an amount equal to the portion of the gross income of such partnership from such unrelated trade or business which such organization is required (by a provision of a written contract executed by such organization prior to January 1, 1964, which provision expressly deals with the disposition of the gross income of the partnership) to pay within the taxable year in discharge of indebtedness incurred by such organization in acquiring its share of such trade or business, or to irrevocably set aside within the taxable year for the discharge of such indebtedness (to the extent that such amount has been so paid or set aside) if (i) such partnership was formed prior to January 1, 1954, for the purpose of carrying on such trade or business, and (ii) substantially all the assets used in carrying on such trade or business where acquired by it or

by its members prior to such date. As used in the preceding sentence, the word "indebtedness" does not include indebtedness incurred after January 1, 1954.

(e) "Unrelated trade or business". The term "unrelated trade or business" means, in the case of any organization subject to the tax imposed by subsection (a), any trade or business the conduct of which is not substantially related (aside from the need of such organization for income or funds or the use it makes of the profits derived) to the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 43-147, except that such term shall not include any trade or business—

(1) In which substantially all the work in carrying on such trade or business is performed for the organization without compensation; or

(2) Which is carried on, in the case of an organization described in section 43-147(a) (4) by the organization primarily for the convenience of its members, students, patients, officers, or employees; or

(3) Which is the selling of merchandise, substantially all of which has been received by the organization as gifts or contributions.

The term "unrelated trade or business" means in the case of a trust computing its unrelated business net income under this section for the purpose of section 43-162(g) (1), any trade or business regularly carried on by such trust or by a partnership of which it is a member. If a publishing business carried on by an organization during an income year beginning before January 1, 1954, is, without regard to this sentence, an unrelated trade or business, but before the beginning of the third succeeding income year the business is carried on by it (or by a successor who acquired such business in a liquidation which would constitute a tax-free exchange under section 43-152 (b) (6) and (7)) in such manner that the conduct thereof is substantially related to the exercise or performance by such organization (or such successor) of its educational or other purpose or function described in section 43-147 (a) (4), such publishing business shall not be considered, for the income year, as an unrelated trade or business.

(f) "Section 43-149 lease". The term "section 43-149 lease" means a lease for a term of more than five years of real property by an organization or trust (or by a partnership of which it is a member), if at the close of the lessor's taxable year

there is a section 43-149 lease indebtedness (as defined in subsection (g)) with respect to such property. In computing the term of a lease which contains an option for renewal or extension, the term of such lease shall be considered as including any period for which such option may be exercised; and the term of any lease made pursuant to an exercise of such option shall include the period during which the prior lease was in effect. If real property is acquired subject to a lease, the term of such lease shall be considered to begin on the date of such acquisition. No lease shall be considered a section 43-149 lease if (1) such lease is entered into primarily, for purposes which are substantially related (aside from the need of such organization for income or funds or the use it makes of the rents derived) to the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption, or (2) the lease is of premises in a building primarily designed for occupancy, and occupied, by the organization. If a lease for more than five years to a tenant is for only a portion of the real property, and space in the real property is rented during the taxable year under a lease for not more than five years to any other tenant of the organization, leases of the real property for more than five years shall be considered as section 43-149 leases during the taxable year only if —

(A) The rents derived from the real property during the taxable year under such leases represents fifty per cent or more of the total rents derived during the taxable year from the real property; or the area of the premises occupied under such leases represents, at any time during the taxable year, fifty per cent or more of the total area of the real property rented at such time; or

(B) The rent derived from the real property during the taxable year from any tenant under such a lease, or from a group of tenants (under such leases) who are (i) members of an affiliated group or (ii) partners, represents more than ten per cent of the total rents derived during the taxable year from such property; or the area of the premises occupied by any one such tenant, or by any such group of tenants, represents at any time during the taxable year more than ten per cent of the total area of the real property rented at such time. For the purposes of this subparagraph an "affiliated group" means one or more chains of includible corporations connected through stock ownership with a common parent corporation which is an includible corporation if stock possessing at least ninety-five per cent of the voting power of all classes of stock and at least ninety-five per cent of each class of the non-voting stock of each of the includible corporations (except the com-

mon parent corporation) is owned directly by one or more of the other includible corporations and the common parent corporation owns directly stock possessing at least ninety-five per cent of the voting power of all classes of stock and at least ninety-five per cent of each class of the non-voting stock of at least one of the other includible corporations. As used in the preceding sentence, the term "stock" does not include non-voting stock which is limited and preferred as to dividends. As used in this subparagraph, the term "includible corporation" means any corporation except corporations exempt from taxation under section 43-147 and a corporation which is a resident of a foreign country.

(g) "Section 43-149 lease indebtedness". The term "Section 43-149 lease indebtedness" means, with respect to any real property leased for a term of more than five years, the unpaid amount of—

(1) The indebtedness incurred by the lessor in acquiring or improving such property;

(2) The indebtedness incurred prior to the acquisition or improvement of such property if such indebtedness would not have been incurred but for such acquisition or improvement; and

(3) The indebtedness incurred subsequent to the acquisition or improvement of such property if such indebtedness would not have been incurred but for such acquisition or improvement and the incurrence of such indebtedness was reasonably foreseeable at the time of such acquisition or improvement.

Where real property is acquired subject to a mortgage or other similar lien, the amount of the indebtedness secured by such mortgage or lien shall be considered (whether the acquisition was by gift, devise, or purchase) as an indebtedness of the lessor incurred in acquiring such property even though the lessor did not assume or agree to pay such indebtedness, except that where real property was acquired by a gift, bequest, or devise prior to January 1, 1954, subject to a mortgage or other similar lien, the amount of such mortgage or other similar lien shall not be considered as an indebtedness of the lessor incurred in acquiring such property.

Where real property was acquired by gift, bequest, or devise prior to January 1, 1954, subject to a lease requiring improvements in such property upon the happening of stated contingencies, indebtedness incurred in improving such property in accordance with the terms of such lease shall not be

considered as an indebtedness for purposes of this subsection. In the case of a corporation described in section 43-147 (a) (8), all of the stock of which was acquired prior to January 1, 1954, by an organization described in section 43-147 (a) (1), (4) or (5) or by a trust described in sections 43-162 (a) (2) and 43-165 (and more than one-third of such stock was acquired by such organization or trust by a gift or bequest), any indebtedness incurred by such corporation prior to January 1, 1954, and any indebtedness incurred by such corporation on or after such date in improving real property in accordance with the terms of a lease entered into prior to such date, shall not be considered as an indebtedness with respect to such corporation or such organization for purposes of this section. In determining the amount of the section 43-149 lease indebtedness where only a portion of the real property is subject to a section 43-149 lease, proper allocation to the premises covered by such lease shall be made of the indebtedness incurred by the lessor with respect to the real property.

(h) Definition - "real property". For the purposes of this section, the term "real property" and the term "premises" include personal property of the lessor leased by it to a lessee of its real estate if the lease of such personal property is made under, or in connection with, the lease of such real estate.

(i) Computation of unrelated business net income. In computing under subsection (d) the unrelated business net income for any taxable year:

(1) There shall be included with respect to each section 43-149 lease, as an item of gross income derived from an unrelated trade or business, an amount which is the same percentage (but not in excess of one hundred per cent) of the total rents derived during the taxable year under such lease as (A) the section 43-149 lease indebtedness, at the close of the taxable year, with respect to the premises covered by such lease is of (B) the adjusted basis, at the close of the taxable year, of such premises.

(2) There shall be allowed with respect to each section 43-149 lease, as a deduction to be taken into account in computing unrelated business net income, an amount which is the same percentage (but not in excess of one hundred per cent) of the sum determined under paragraph (3) as the amount determined under subparagraph (A) of paragraph (1) is of the amount determined under subparagraph (B) of such paragraph.

(3) The sum referred to in paragraph (2) is the sum of the following deductions allowable under section 43-123:

(A) Taxes and other expenses paid or accrued during the taxable year upon or with respect to the real property subject to the section 43-149 lease.

(B) Interest paid or accrued during the taxable year on the section 43-149 lease indebtedness.

(C) A reasonable allowance for exhaustion, wear and tear (including a reasonable allowance for obsolescence) of the real property subject to such lease.

Where only a portion of the real property is subject to the section 43-149 lease, there shall be taken into account under subparagraph (A), (B), or (C) only those amounts which are properly allocable to the premises covered by such lease.

Sec. 2. EFFECTIVE DATE

The provisions of this act shall be effective for taxable years beginning after December 31, 1961.

Approved by the Governor—March 21, 1962.

Filed in the Office of the Secretary of State—March 21, 1962.

CHAPTER 67

House Bill No. 6

AN ACT

RELATING TO MOTOR VEHICLES; PRESCRIBING A FORM OF CERTIFICATE FOR USE ON TRAFFIC CITATION FORMS AND COMPLAINTS; PUNISHMENT, AND AMENDING TITLE 28, CHAPTER 6, ARTICLE 20, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-1062.

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

Section 1. Title 28, chapter 6, article 20, Arizona Revised Statutes, is amended by adding section 28-1062, to read:

28-1062. CERTIFICATION OF TRAFFIC CITATION FORMS AND COMPLAINTS; CERTIFICATE; FALSE CERTIFICATION

A. Traffic citation forms or traffic complaints need not be sworn to if they contain a form of certification by the arresting officer in substance as follows:

"I hereby certify that I have reasonable grounds to believe and do believe that the person cited herein committed the offense described herein contrary to law."

B. A false certification under the provisions of subsection A shall constitute perjury.

Approved by the Governor—March 21, 1962.

Filed in the Office of the Secretary of State—March 21, 1962.

CHAPTER 68

House Bill No. 54

AN ACT

MAKING AN APPROPRIATION TO THE STATE BOARD OF DIRECTORS FOR JUNIOR COLLEGES FOR PAYMENT OF THE STATE'S SHARE OF CAPITAL OUTLAY FOR CONSTRUCTION OF JUNIOR COLLEGES.

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

Section 1. APPROPRIATION

A. The sum of two million dollars is appropriated to the state board of directors for junior colleges, to be placed in the capital outlay fund as required by subsection C of section 15-686, Arizona Revised Statutes, and to be available for expenditure and divided equally in the sum of five hundred thousand dollars each for the use of Yuma county junior college district, Graham county junior college district, Cochise county junior college district, and Pinal county junior college district.

B. The funds appropriated under the terms of subsection A shall become available for expenditure by each district in such manner as the state board of directors for junior colleges may prescribe, and then only upon the approval by each district of a bond issue for the purpose of paying the district's share of capital outlay expenditures, as required by subsections E and F, section 15-686, Arizona Revised Statutes.

Approved by the Governor—March 21, 1962.

Filed in the Office of the Secretary of State—March 21, 1962.

CHAPTER 69

House Bill No. 122

AN ACT

RELATING TO THE SUPERINTENDENT OF PUBLIC BUILDINGS MAINTENANCE; AUTHORIZING THE SUPERINTENDENT TO CONTRACT FOR INSTALLATION AND MAINTENANCE OF A CENTRAL TELEPHONE SWITCHBOARD SYSTEM FOR ALL STATE DEPARTMENTS; AUTHORIZING THE SUPERINTENDENT TO OPERATE THE CENTRAL TELEPHONE SYSTEM; CREATING A TELEPHONE REVOLVING FUND; REALLOCATING FUNDS; AMENDING TITLE 41, CHAPTER 5, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 41-974 AND 41-975, AND REPEALING SECTIONS 41-571.16 AND 41-571.17, ARIZONA REVISED STATUTES.

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

Section 1. Title 41, chapter 5, article 5, Arizona Revised Statutes, is amended by adding sections 41-974 and 41-975, to read:

41-974. AUTHORITY TO CONTRACT FOR TELEPHONE SERVICE; COST OF OPERATION; EMPLOYEES

A. The superintendent of public buildings maintenance shall enter into a contract with a public utility corporation authorized to do business in the state of Arizona, for the installation and maintenance of a centralized telephone switchboard in the capitol building, and to furnish full and complete telephone service to the state of Arizona, its officers, departments and agencies in the entire capitol area through the switchboard.

B. The superintendent shall operate the central switchboard system provided in subsection A and each office, department or other state agency shall pay from available funds the proportionate cost of the service as determined by the superintendent. In carrying out the provisions of this subsection the superintendent may employ telephone operators or any other employees required to administer efficiently the central switchboard system.

41-975. TELEPHONE REVOLVING FUND

There is created a telephone revolving fund for the purpose of the payment of any costs incurred in the operation of the

central switchboard system. All monies received by the superintendent in payment for telephone services shall be deposited in this fund.

Sec. 2. REPEAL

Sections 41-571.16 and 41-571.17, Arizona Revised Statutes, are repealed.

Sec. 3. REALLOCATION OF FUNDS

All unexpended and unencumbered monies in the telephone revolving fund terminated by the repeal of section 41-571.17, Arizona Revised Statutes, are reallocated and transferred to the telephone revolving fund established under this act.

Approved by the Governor—March 21, 1962.

Filed in the Office of the Secretary of State—March 21, 1962.

CHAPTER 70

House Bill No. 124

AN ACT

MAKING AN APPROPRIATION TO THE STATE PLANNING AND BUILDING COMMISSION FOR THE PURPOSE OF ERECTING A MONUMENT ON THE CAPITOL GROUNDS WHICH HONORS ARIZONA WAR HEROES.

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

Section 1. APPROPRIATION

The sum of five thousand five hundred dollars is appropriated to the state planning and building commission for the purpose provided by the terms of section 2.

Sec. 2. PURPOSE

The monies appropriated by the terms of section 1, shall be used by the state planning and building commission, or its successor, to erect a monument in an appropriate place on the state capitol grounds which honors the achievements of Arizona war heroes, namely, Ira Hayes, Sylvester Herrera and John Henry Pruitt. The monument shall contain space which will permit the state to honor other Arizona war heroes.

Sec. 3. EXEMPTION

The appropriation made by the terms of section 1 is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing of 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—March 21, 1962.

Filed in the Office of the Secretary of State—March 21, 1962.

CHAPTER 71

House Bill No. 126

AN ACT

RELATING TO CRIMES; PRESCRIBING PUNISHMENT FOR TRESPASS, AND AMENDING SECTION 13-712, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 13-712, Arizona Revised Statutes, is amended to read:

13-712. TRESPASS UPON PROPERTY; METHODS; PUNISHMENT

A person is guilty of a misdemeanor who wilfully commits any trespass by either:

1. Cutting down, destroying or injuring any kind of wood or timber standing or growing upon the lands of another, or carrying away any kind of wood or timber lying on such lands.

2. Maliciously injuring or severing from the freehold of another anything attached thereto, or the produce thereof.

3. Digging, taking or carrying away from a lot situated within the limits of an incorporated city or town, without license of the owner or legal occupant thereof, any earth, soil, stones, ores or minerals.

4. Digging, taking or carrying away from any land in a city or town, delineated on the map or plan of the city or town, or otherwise recognized or established as a street, alley, avenue or park, without license of the proper authorities, any earth, soil, stone, ores or minerals.

5. Putting up, affixing, fastening, printing or painting upon any private or public property, without license from the owner, a notice, advertisement or designation of, or a name for any commodity, whether for sale or otherwise, or any picture, sign or device intended to call attention thereto.

6. Wilfully opening, tearing down or destroying a fence on the enclosed land of another, or opening a gate, bar or fence of another and wilfully leaving it open without permission of the owner.

7. Maliciously tearing down, mutilating or destroying a signboard, or other notice forbidding shooting on private property.

8. Entering an enclosure belonging to or occupied by another for the purpose of hunting, shooting, killing or destroying game within the enclosure, without first having obtained permission from the owner of the enclosure.

9. Loitering or prowling upon the private property of another, without the consent of or lawful business with the owner or occupant thereof.

Approved by the Governor—March 21, 1962.

Filed in the Office of the Secretary of State—March 21, 1962.

CHAPTER 72

House Bill No. 131

AN ACT

MAKING AN APPROPRIATION TO THE STATE BOARD OF DIRECTORS FOR JUNIOR COLLEGES FOR THE PURPOSE OF OPERATIONAL FUNDS AND CONTINUING CAPITAL OUTLAY FUNDS EXPENDITURES FOR GRAHAM COUNTY JUNIOR COLLEGE DISTRICT.

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

Section 1. APPROPRIATION; PURPOSE

There is appropriated to the board of directors for junior colleges as authorized under sections 15-686 and 15-690, Arizona Revised Statutes, the sum of three hundred fifty-six thousand three hundred ninety dollars for use and expenditure as operational funds and continuing capital outlay funds for Graham county junior college district, as follows:

1. Operational funds:	
Estimated number of full time students (320x525)	$168,000.00
Excess of 320 full time students (326x350)	114,100.00
Total operational funds	282,100.00
2. Continuing capital outlay funds (646x115)	
(To be placed in capital outlay fund account)	74,290.00
Grand total	$356,390.00

Sec. 2. EXEMPTION

The appropriation made by this act is exempt from the provisions of section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

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 21, 1962.

Filed in the Office of the Secretary of State—March 21, 1962.

CHAPTER 73

House Bill No. 151

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA PIONEERS' HISTORICAL SOCIETY.

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

Section 1. APPROPRIATION; PURPOSE

The sum of one hundred thirty-five thousand dollars is appropriated to the Arizona pioneers' historical society for the purpose of making additions and improvements to the building in Tucson, Arizona, and to erect a combination lecture hall and exhibit room, which amount appropriated is to include additional heating, cooling and lighting for the new additions.

Sec. 2. EXEMPTION

The appropriation made by this act is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing of appropriations.

Approved by the Governor—March 21, 1962.

Filed in the Office of the Secretary of State—March 21, 1962.

CHAPTER 74

House Bill No. 217

AN ACT

RELATING TO LABOR; PERMITTING AN EXCEPTION TO THE LIMITATION ON LABOR OF GIRLS, AND AMENDING TITLE 23, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 23-244.01.

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

Section 1. Title 23, chapter 2, article 3, Arizona Revised Statutes, is amended by adding section 23-244.01, to read:

23-244.01. EXCEPTION TO HOURS OF LABOR FOR GIRLS SIXTEEN OR OVER

A. A girl sixteen years of age or older may be employed for work experience and may work until nine o'clock in the evening, provided she is enrolled as a student in a class complying with the standards of the Arizona state plan for vocational education.

B. The provisions of this section shall expire July 31, 1964.

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 21, 1962.

Filed in the Office of the Secretary of State—March 21, 1962.

CHAPTER 75

House Bill No. 275

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR USE OF FLASHING AMBER LIGHT ON REAR OF VEHICLE USED IN THE OFFICIAL DELIVERY OF UNITED STATES MAIL, AND AMENDING SECTION 28-871, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 28-871, Arizona Revised Statutes, is amended to read:

28-871. STOPPING, STANDING OR PARKING OUTSIDE OF BUSINESS OR RESIDENCE DISTRICT

A. Upon any highway outside of a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park or so leave the vehicle off that part of the highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of the stopped vehicles shall be available from a distance of two hundred feet in each direction upon the highway.

B. This section shall not apply to:

1. The driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.

2. No vehicle nor the driver thereof engaged in the official delivery of the United States mail shall stop on the right hand side of the highway for the purpose of picking up or deliver-

ing mail except if a clear view of the vehicle may be obtained from a distance of three hundred feet in each direction upon such highway or a flashing amber light not less than four inches in diameter with the letters "stop" printed thereon is attached to the rear of such vehicle. All such vehicles shall have a uniform sign not less than fourteen inches in diameter, approved by the highway department, with the words printed thereon, "U.S. Mail", attached to the rear of such vehicle.

Approved by the Governor—March 21, 1962.

Filed in the Office of the Secretary of State—March 21, 1962.

CHAPTER 76

House Bill No. 276

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR THE ISSUANCE OF SINGLE-TRIP PERMITS; PRESCRIBING FEES, AND AMENDING TITLE 28, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-501.01.

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

Section 1. Title 28, chapter 5, article 1, Arizona Revised Statutes, is amended by adding section 28-501.01, to read:

28-501.01. SINGLE-TRIP PERMIT; FEES

A. If it is desired to operate any vehicle referred to in subsection A of section 28-501 for a single trip and the vehicle is duly registered and licensed under the laws of any other state or country, the owner may make application to the motor vehicle division for a single-trip permit authorizing the interstate operation of such vehicle for a single trip through the state or for operation of such vehicle from any point on the Arizona border to a point within the state and return to the border.

B. The vehicle division, if satisfied as to the facts stated in the application, shall register and license the vehicle by issuance of an appropriate permit upon payment by the owner of a base issuance fee of fifty cents per trip permit in addition to the following fees:

1. One or two-axle vehicles weighing six thousand pounds or less when unladen, fifty cents for each one hundred miles

and major fraction thereof to be traveled on the highways of this state in any one trip; for any trip less than one hundred miles, and more than fifty miles, twenty-five cents; for any trip fifty miles or less, the base insurance fee only.

2. One or two-axle vehicles weighing six thousand and one to twelve thousand pounds when unladen, one dollar for each one hundred miles and major fraction thereof to be traveled on the highways of this state in any one trip; for any trip less than one hundred miles and more than fifty miles, fifty cents; for any trip fifty miles or less, twenty-five cents.

3. One or two-axle vehicles weighing over twelve thousand pounds when unladen, or a three-axle vehicle weighing twelve thousand pounds or less when unladen, one dollar fifty cents for each one hundred miles and major fraction thereof to be traveled on the highways of this state in any one trip; for any trip less than one hundred miles and more than fifty miles, seventy-five cents; for any trip fifty miles, or less, fifty cents.

4. Three-axle vehicles weighing over twelve thousand pounds when unladen, two dollars for each one hundred miles and major fraction thereof to be traveled on the highways of this state in any one trip; for any trip less than one hundred miles, and more than fifty miles, one dollar; for any trip of fifty miles or less, seventy-five cents.

C. The single-trip permit shall contain such information, shall be in such form, and shall be issued and displayed in or on the vehicle, under such rules and regulations as may be prescribed by the superintendent. The permits shall expire upon completion of the specific trip for which issued and shall not exceed a period of forty-eight hours from time of issuance unless an extension of time is authorized in writing by the superintendent.

D. If a vehicle for which a single-trip permit has been issued is operated otherwise than authorized in the permit, the owner shall apply for and obtain regular registration of the vehicle and pay the fees applicable at the time the terms of the permit are violated.

Approved by the Governor—March 21, 1962.

Filed in the Office of the Secretary of State—March 21, 1962.

CHAPTER 77

House Bill No. 308

AN ACT

RELATING TO WATER; EXEMPTING FLOOD CONTROL AND OTHER DISTRICTS FORMED BY A COUNTY, CITY OR TOWN FROM PAYMENT OF FEES, AND AMENDING SECTION 45-2193, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 45-2193, Arizona Revised Statutes, is amended to read:

45-2193. ESTIMATED COST OF WORK; APPLICATION FEES; EXEMPTION

A. The estimated cost of any such work shall include the cost of all labor and materials to be utilized in completing such work.

B. Application shall be accompanied by a filing fee of fifty dollars. There shall be a further fee paid at the time of filing the application, or upon receipt of the proceeds of bonds and prior to beginning actual work if the work is to be paid for from the proceeds of bonds, based upon the estimated cost of the work, as follows:

1. For the first two hundred fifty thousand dollars, one per cent of the estimated cost.

2. For the next seven hundred fifty thousand dollars, one-half of one per cent.

3. For the next four million dollars, one-fourth of one per cent.

4. For all costs in excess of five million dollars, one-tenth of one per cent.

C. The provisions of subsection B of this section shall not apply to a district formed by a county, city or town.

Approved by the Governor—March 21, 1962.

Filed in the Office of the Secretary of State—March 21, 1962.

CHAPTER 78

Senate Bill No. 43

AN ACT

RELATING TO THE ARIZONA DEVELOPMENT BOARD, AND PROVIDING FOR A REALLOCATION OF FUNDS.

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

Section 1. REALLOCATION OF FUNDS

From the appropriation made to the Arizona development board under the terms of subdivision 92, section 1, chapter 129, Laws of 1961, first regular session, and allocated to "Advertising", the sum of seven thousand dollars is reallocated to the Arizona development board in the amounts and for the purposes following:

1. Five thousand dollars to "Other Current Expenditures" for the repair of Arizona development board films.

2. Two thousand dollars to "Travel, Out-of-State."

Sec. 2 EXEMPTION

The reallocation made under the terms of section 1 is exempt from the provisions of section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Sec. 3. EMERGENCY

To preserve the public peace, health and safety is 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, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

CHAPTER 79

Senate Bill No. 57

AN ACT

RELATING TO PROFESSIONS AND OCCUPATIONS; PRESCRIBING COMPENSATION OF MEMBERS OF STATE DENTAL BOARD; PROVIDING FOR THE LICENSING

OF DENTISTS; PRESCRIBING ANNUAL REGISTRATION FEE OF DENTAL HYGIENISTS, AND AMENDING SECTIONS 32-1206, 32-1232, 32-1236 AND 32-1287, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 32-1206, Arizona Revised Statutes, is amended to read:

32-1206. COMPENSATION OF BOARD; SECRETARY BOND

A. The board shall fix the compensation of its members, at not to exceed twenty dollars for each day actually spent in performing necessary work authorized by the board in enforcing this chapter, and members shall receive traveling expenses allowed by law.

B. The secretary may in addition receive a monthly salary not exceeding twenty-five dollars. He shall give a surety bond running to the board in the penal amount of two thousand dollars, conditioned upon faithful performance of his duties, on which the premium shall be a charge against the dental board fund.

Sec. 2. Sec. 32-1232, Arizona Revised Statutes, is amended to read:

32-1232. QUALIFICATIONS OF APPLICANT; APPLICATION; FEE

A. To be eligible for examination, a candidate for a license to practice dentistry shall 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 he shall 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.

B. Each candidate shall make written application to the secretary accompanied by the examination fee fixed by the board, at not to exceed seventy-five dollars, which shall not be refunded if the applicant is found to be eligible, and otherwise complies with all requirements, rules and regulations of the board.

Sec. 3. Sec. 32-1236, Arizona Revised Statutes, is amended to read:

32-1236. ANNUAL REGISTRATION; FORFEITURE OF LICENSE; REINSTATEMENT

A. On or before June 30 each year, every licensed dentist shall pay an annual registration fee as determined by order of the board but not to exceed fifteen dollars.

B. Failure to pay the annual registration fee shall thereupon cause a forfeiture of license, but upon written application and payment, within the fiscal year of the forfeiture, of a fine of ten dollars, or if after the fiscal year, of a fine equal to the examination fee at the time of application, the board shall, without examination, reinstate the license. Whenever issued, such reinstatement shall be as of the date of application, and shall entitle applicant to an annual registration receipt only for such fiscal year.

Sec. 4. Sec. 32-1287, Arizona Revised Statutes, is amended to read:

32-1287. ANNUAL REGISTRATION FEE; FORFEITURE OF LICENSE; REINSTATEMENT

On or before June 30 each year, every licensed dental hygienist shall pay an annual registration fee of five dollars. Failure to pay the fee shall thereupon work a forfeiture of license, but upon written application and payment within the fiscal year of the forfeiture of a fine of ten dollars, or if after the fiscal year, a fine equal to the application fee, the board shall reinstate the license without examination.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

CHAPTER 80

Senate Bill No. 63

AN ACT

RELATING TO EMPLOYMENT SECURITY; FIXING THE COMPENSATION OF THE MEMBERS OF THE COMMISSION, AND AMENDING SECTION 23-641, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 23-641, Arizona Revised Statutes, is amended to read:

23-641. EMPLOYMENT SECURITY COMMISSION; ORGANIZATION; QUORUM; EFFECT OF VACANCY

A. The employment security commission of this state shall be composed of three members. The members of the commission shall be appointed by the governor and shall hold office coterminously with the term of the governor. The commissioners shall be paid from the employment security administration fund created by section 23-707. The chairman shall be paid a fixed monthly salary of two hundred fifty dollars per month, and each of the other two commissioners shall be paid a fixed monthly salary of two hundred dollars per month. In addition 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. The commissioners shall select from their membership a chairman. Two members of the commission constitute a quorum. A vacancy shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

Sec. 2. EFFECTIVE DATE

The provisions of this act shall become effective July 1, 1962.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

CHAPTER 81

Senate Bill No. 64

AN ACT

RELATING TO EMPLOYMENT SECURITY; ENABLING AN EMPLOYER TO OBTAIN A REDUCED CONTRIBUTION RATE AFTER ONE YEAR OF CHARGEABILITY; DELETING SPECIAL RATE COMPUTATIONS; DEFINING "COMPUTATION DATE" AND "AVERAGE ANNUAL PAYROLL", AND AMENDING SECTIONS 23-604 AND 23-729, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 23-604, Arizona Revised Statutes, is amended to read:

23-604. ANNUAL PAYROLL AND AVERAGE ANNUAL PAYROLL

A. "Annual payroll" means the total amount of wages for employment paid by an employer during a twelve-month period ending on June 30 of any calendar year.

B. In computing an employer's contribution rate, "average annual payroll" means:

1. The annual payroll for the twelve-month period immediately preceding the computation date for an employer whose account has been chargeable with benefits for twelve but less than twenty-four months.

2. The average of the annual payrolls for the last two twelve-month periods immediately preceding the computation date for an employer whose account has been chargeable with benefits for twenty-four but less than thirty-six months.

3. The average of the annual payrolls for the last three twelve-month periods immediately preceding the computation date for an employer whose account has been chargeable with benefits for thirty-six or more months.

C. "Computation date" means July 1 of each calendar year with respect to rates of contribution applicable to the calendar year beginning with the following January 1.

Sec. 2. Sec. 23-729, Arizona Revised Statutes, is amended to read:

23-729. REDUCTION OF CONTRIBUTION RATE

No employer's rate shall be reduced below the standard rate for any calendar year unless and until his account has been chargeable with benefits throughout the thirty-six consecutive calendar month period ending on June 30 of the preceding calendar year, except that for the calendar year 1963 and each calendar year thereafter an employer who has not been subject to this chapter for a sufficient period to meet this requirement may qualify for a rate less than the standard rate if his account has been chargeable with benefits for not less than the twelve consecutive calendar month period ending on June 30 of the previous calendar year.

Sec. 3. EFFECTIVE DATE

The provisions of this act shall become effective July 1, 1962.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

CHAPTER 82

Senate Bill No. 65

AN ACT

RELATING TO EMPLOYMENT SECURITY; DELETING REQUIREMENT THAT TERM PURCHASE AGREEMENTS ENTERED INTO BY THE COMMISSION FOR ACQUISITION OF LANDS AND BUILDINGS BE APPROVED BY THE UNITED STATES DEPARTMENT OF LABOR, AND AMENDING SECTION 23-649, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 23-649, Arizona Revised Statutes, is amended to read:

23-649. ACQUISITION OF LANDS AND BUILDINGS

A. The commission may acquire for and in the name of the state by lease purchase agreement, or otherwise, lands or buildings for the purpose of providing office space for the commission at such places as the commission finds necessary and suitable.

B. An agreement made for the purchase of the premises mentioned in subsection A of this section shall be subject to the approval of the attorney general as to form and as to title thereto and shall not subject the state to liability for payment of the purchase price or any part or portion thereof except from monies allocated to the state by the United States department of labor for the administration of this chapter.

C. All monies received from the United States for the payments authorized by this section for lands and buildings shall be deposited in the employment security administration fund in the state treasury and are appropriated therefrom for purposes of this chapter. Notwithstanding any provision of this chapter, monies received from the unemployment trust fund pursuant to section 903 of the social security act, as amended, are not liable or subject to appropriation, except in accordance with the provisions of subsection E of section 23-704.

D. If the premises are purchased pursuant to this chapter, the employment security commission or such other department of the state performing its functions, shall be housed therein, or if it is desirable to move the employment security commission, other substantially similar space will be furnished by the state to the commission without further payment therefor by the United States.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

CHAPTER 83

Senate Bill No. 71

AN ACT

RELATING TO THE COMMISSIONERS ON UNIFORM STATE LAWS; PROVIDING FOR TERMS AND COMPENSATION; PROVIDING FOR MEMBERSHIP IN NATIONAL CONFERENCE, AND AMENDING SECTIONS 41-591 AND 41-592, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 41-591, Arizona Revised Statutes, is amended to read:

41-591. COMMISSION ON UNIFORM LAWS; TERMS; COMPENSATION

A. There shall be a commission on uniform state laws which shall consist of three members appointed by the governor with the consent of the senate. Immediately upon expiration of the terms of the members serving on the date this act takes effect, the governor shall appoint three members, with the advice and consent of the senate, one for a term of two years, one for a term of four years, and one for a term of six years. Thereafter, appointment shall be made for a full term of six years. Appointment to fill a vacancy caused other than by expiration of term shall be for the unexpired term.

B. Members shall receive twenty dollars for each day spent in performance of their duties while attending meetings, and shall be reimbursed for actual expenses incurred in the performance of their duties in the manner provided for other state officers.

Sec. 2. Sec. 41-592, Arizona Revised Statutes, is amended to read:

41-592. POWERS AND DUTIES

A. The commission shall investigate subjects concerning which uniform legislation throughout the United States is desirable and confer thereon with like commissions from other states.

B. The commission shall report to the governor and the legislature from time to time the results of its investigations and recommend the adoption of uniform legislation it deems desirable.

C. The commission may, on behalf of this state, maintain membership in the national conference of commissioners on uniform state laws by the payment of annual dues thereto, and may authorize the attendance at state expense of a member or members of the commission at annual meetings of the conference.

D. The commission shall meet at least annually, and may meet at other times on call of the chairman. It shall elect a chairman and a secretary-treasurer from among its membership.

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, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

CHAPTER 84

Senate Bill No. 87

AN ACT

RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITIES AND STATE COLLEGE OF ARIZONA; AUTHORIZING AN INCREASE IN AMOUNT OF BONDS TO BE ISSUED FOR THE PURPOSE OF ACQUIRING PROJECTS AT THE UNIVERSITY OF ARIZONA, AND ARIZONA STATE COLLEGE AT FLAGSTAFF; AMEND-

ING SECTION 3, CHAPTER 120, LAWS OF 1961, FIRST REGULAR SESSION, AND AMENDING SECTION 3, CHAPTER 118, LAWS OF 1961, FIRST REGULAR SESSION.

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

Section 1. Sec. 3, chapter 120, Laws of 1961, first regular session, is amended to read:

Sec. 3. ISSUANCE OF BONDS

The institution is authorized from time to time to issue negotiable bonds in various amounts, but not exceeding in the aggregate the sum of three million dollars, for the purpose of acquiring projects in the form of one or more dormitory buildings and the equipment therefor, and the extension of heating, lighting and other service facilities in connection therewith. 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 forty years from the respective dates thereof, mature in such amount or amounts, bear interest at such rate or rates not exceeding five per cent per annum, payable semiannually, 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 term 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 4, title 44, Arizona Revised Statutes.

Sec. 2. Sec. 3, chapter 118, Laws of 1961, first regular session, is amended to read:

Sec. 3. ISSUANCE OF BONDS

The institution is authorized from time to time to issue negotiable bonds in various amounts, but not exceeding in the aggregate the sum of two million dollars, for the purpose of acquiring projects in the form of one or more dormitory buildings and the equipment therefor, and the extension of heating, lighting and other service facilities in connection therewith. 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 forty years from the respective dates thereof, mature in such amount or amounts,

bear interest at such rate or rates not exceeding five per cent per annum, payable semiannually, 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 term 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 purposes of chapter 4, title 44, Arizona Revised Statutes.

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, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

CHAPTER 85

Senate Bill No. 129

AN ACT

RELATING TO GAME AND FISH; PROVIDING FOR LICENSING ON A CALENDAR-YEAR BASIS; AMENDING SECTIONS 17-101, 17-332, 17-339, 17-343, 17-344 AND 17-362, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 17-101, Arizona Revised Statutes, is amended to read:

17-101. DEFINITIONS

A. In this title, unless the context otherwise requires:

1. "Angling" means the taking of fish by one line and not to exceed two hooks, 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.

2. "Bag limit" means the maximum limit, in number or amount, of wildlife which may lawfully be taken by any one person during a specified period of time.

3. "Closed season" means the time during which wildlife may not be lawfully taken.

4. "Commission" means the Arizona game and fish commission.

5. "Department" means the Arizona game and fish department.

6. "Device" means any net, trap, snare, salt lick, scaffold, deadfall, pit, explosive, poison or stupefying substance, crossbow, firearm, bow and arrow, or other device used for taking wildlife.

7. "Guide" means a person who for pay, aids or assists any person in taking wildlife.

8. "License year" means the twelve-month period between January 1 and December 31, inclusive.

9. "Nonresident" means a citizen of the United States who has not been a bona fide resident of the state of Arizona for one year immediately preceding the date of application for a license, or an alien.

10. "Open season" means the time during which wildlife may be lawfully taken.

11. "Possession limit" means the maximum limit, in number or amount of wildlife, which may be possessed at one time by any one person.

12. "Resident" means a citizen of the United States who has been a bona fide resident of the state of Arizona for one year immediately preceding the date of application for a license, or a member of the armed forces who has been stationed in Arizona for a period of thirty days immediately preceding the date of application for a license.

13. "Road" means any maintained right of way for public conveyance.

14. "Statewide" means all lands except those areas lying within the boundaries of state and federal refuges, parks and monuments, unless specifically provided differently by commission order.

15. "Take" means pursuing, shooting, hunting, killing, capturing, snaring, netting, placing or using any net or other device, or trapping wildlife.

16. "Traps" or trapping" means taking of wildlife in any manner except with gun or implement in hand.

17. "Wildlife" means all wild mammals, wild birds and the nests or eggs thereof, Gila monsters and horned lizards, amphibians, and fish, including their eggs or spawn.

18. "Zoo operator" means any person engaged for capital gain in the operation of a zoo or otherwise holding wildlife in captivity for exhibition purposes.

B. The following definitions of wildlife shall apply:

1. Game mammals are dear, elk, bear, antelope, mountain sheep, bison (buffalo), peccary (javelina), tree squirrel and cottontail rabbit.

2. Big game are wild turkey, deer, elk, antelope, mountain sheep, bison (buffalo), and peccary (javelina).

3. Small game are game birds of all kinds, except wild turkeys, and all game animals not listed as big game.

4. Fur-bearing animals are muskrats, raccoons, coati-mundi, opossums, otters, mink, beaver, badgers and ringtail cats.

5. Predatory animals are foxes, skunks, mountain lions, coyotes, wolves, jaguars, weasels, bobcats, ocelots, porcupines and feral house cats.

6. Nongame animals are all wild animals except game animals, fur-bearing animals and predatory animals.

7. Upland game birds are quail, patridge, grouse, pheasants and chukars.

8. Migratory game birds are waterfowl, including brandt, wild geese and swans; cranes, including little brown, sand hill and whooping cranes; rails including coots, gallinules, sora and other rails; shore birds, including avocets; curlews, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willets, woodcock and yellow legs; wild doves and wild pigeons.

9. Nongame birds are all birds except upland game birds and migratory game birds.

10. Song or insectivorous birds include, but are not limited to all species of thrushes, thrashers, mockingbirds, wrens, warblers, gnatchers, flycatchers, swallows, swifts, shrikes, vireos, tanagers, hummingbirds, nuthatches, creepers, dippers,

kinglets, pipits, waxwings, silky flycatchers, titmice, larks, meadowlarks, orioles, redwing blackbirds, grosbeaks (including pyrrhuloxia), cardinals, buntings finches, sparrows (including juncos, but excluding the English or house sparrow), flickers, cuckoos (including roadrunner or chaparral cock) and trogons, goatsuckers, woodpeckers (except sapsuckers), audobon caracaras, eagles (but not including golden eagles), vultures, gulls, terns, shorebirds, inca doves, ground doves, all hawks (except cooper hawks, sharp shinned hawks, goshawks and ospreys) and all owls (except great horned owls).

11. Game fish are trout of all species, bass of all species, pike of all species, catfish of all species, and sunfish of all species.

12. Nongame fish are all the species of fish except game fish.

13. Protected reptiles are gila monsters and horned lizards.

14. Amphibians are American bullfrogs.

Sec. 2. Sec. 17-332, Arizona Revised Statutes, is amended to read:

17-332. FORM AND CONTENTS OF LICENSE; DUPLICATE LICENSES; PERIOD OF VALIDITY

A. Licenses shall be prepared by the department and furnished and charged to dealers authorized to issue licenses. The license shall be issued in the name of the department and countersigned by issuing dealer. 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 taking of big game the department shall provide such tags as the commission may prescribe, which the licensee shall attach to the game animal in such manner as prescribed by the commission.

B. The commission shall issue with each license a shipping permit entitling the holder of the license to a shipment of game or fish as provided by article 4 of this chapter.

C. It shall be unlawful, except as provided by the commission, 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 species. The dealer who sold the original license or the department may issue a duplicate license provided the person requesting such license furnishes the information deemed necessary. A fee of one dollar shall be collected for each duplicate license issued.

D. No license or permit is transferable, nor shall it be used by anyone except that person to whom such license or permit was issued, and no refunds can be made for the purchase thereof.

E. All licenses, issued, except any special licenses issued by the commission and nonresident five-day and pioneer complimentary license, and Nevada-Arizona Colorado River special use stamps, shall be for the license year and shall expire on December 31 following date of issuance.

Sec. 3. Sec. 17-339, Arizona Revised Statutes, is amended to read:

17-339. REPORTS AND RETURNS BY LICENSING DEALERS; PENALTY FOR NONCOMPLIANCE

Each license dealer shall by the tenth day of January, or on demand of the commission, return to the department all duplicate stubs, unused licenses, permits and big game tags together with a full and complete report of the licenses and permits issued and the money received during the license year. Failure to make such return within thirty days shall automatically cancel said license dealership, and failure to comply with the provisions of this section is a misdemeanor.

Sec. 4. Sec. 17-343, Arizona Revised Statutes, is amended to read:

17-343. RECIPROCAL SALE OF LICENSES AND SPECIAL USE PERMITS

The Arizona game and fish department and the California department of fish and game may enter into a reciprocal agreement to handle licenses and special use permits of either state and issue them to their authorized dealers. Arizona shall by March 31 of each year make an audit report together with remittance to California covering such sales. California shall by March 31 of each year make an audit report and remittance to Arizona covering such sales.

Sec. 5. Sec. 17-344, Arizona Revised Statutes, is amended to read:

17-344. PERIOD OF VALIDITY OF SPECIAL PERMITS

Arizona-Colorado river special use permits and California-Colorado river special use permits shall be valid from January 1 to December 31, inclusive.

Sec. 6. Sec. 17-362, Arizona Revised Statutes, is amended to read:

17-362. GUIDES; APPOINTMENT; LICENSES; DUTIES; REPORTS; CARRYING FIREARMS

A. No person shall act as a guide without first satisfying the director of his qualifications and without having procured a license therefor. No person under the age of twenty-one years nor any non-resident shall be issued a guide license. If a licensed guide fails to comply with the provisions of this title or is convicted of violating any provision of this title, his license may, after public hearing, be revoked by the commission and he shall be liable to punishment as for a violation of this title.

B. By January 10, or at the request of the commission, guides shall report to the department, on forms provided therefor, the name and address of each person guided, the number of days he has been so employed and the number and species of game animals taken. No guide license shall be issued to any person who has failed to deliver the report to the department for his preceding license year, or until meeting such requirements as the commission may prescribe.

C. No person acting as guide shall carry firearms other than a revolver or pistol.

Sec. 7. ENABLING CLAUSE

To enable the department to change the license year from a fiscal year to a calendar year basis, all licenses except any special licenses issued by the commission and nonresident five-day and pioneer complimentary licenses issued from July 1, 1963, to December 31, 1963, inclusive, shall be valid only through March 15, 1964.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

CHAPTER 86

Senate Bill No. 137

AN ACT

RELATING TO DOGS AND OTHER ANIMALS; PROVIDING FOR LICENSING AND VACCINATION; PERMITTING THE ESTABLISHMENT OF COUNTY POUNDS; CREATING THE OFFICE OF COUNTY ENFORCEMENT AGENT;

PRESCRIBING METHODS OF QUARANTINE AND FOR DISPOSING OF DOGS AND OTHER ANIMALS SUSPECTED OF HAVING RABIES; REPEALING TITLE 24, CHAPTER 2, ARTICLE 8, SECTIONS 24-361 TO 24-385, INCLUSIVE, ARIZONA REVISED STATUTES, AND AMENDING TITLE 24, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING A NEW ARTICLE 8, SECTIONS 24-361 TO 24-377, INCLUSIVE.

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

Section 1. REPEAL

Title 24, chapter 2, article 8, sections 24-361 to 24-385, inclusive, Arizona Revised Statutes, are repealed.

Sec. 2. Title 24, chapter 2, Arizona Revised Statutes, is amended by adding a new article 8, sections 24-361 to 24-377, inclusive, to read:

ARTICLE 8. COUNTY POUNDS

24-361. DEFINITIONS

In this article, unless the context otherwise requires:

1. "Animal" means any animal of a species that is susceptible to rabies.

2. "County board of health" means the duly constituted board of health of each county.

3. "County enforcement agent" means that person in each county who is responsible for the enforcement of this article and the regulations promulgated thereunder.

4. "County pound" means any establishment authorized by the county board of supervisors for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the county enforcement agent in the performance of his official duties.

5. "Impound" means the act of taking or receiving into custody by the county enforcement agent any dog or other animal for the purpose of confinement in a county pound in accordance with the provisions of this article.

6. "Livestock" means neat animals, horses, mules and asses.

7. "Rabies quarantine area" means any area in which a state of emergency has been declared to exist due to the occurence of rabies in animals in or adjacent to this area.

8. "State board of health" means the state board of health of the state of Arizona.

9. "Stray dog" means any dog four months of age or older running at large that is not wearing a valid license tag.

10. "Vaccination" means the administration of an anti-rabies vaccine to animals by a veterinarian.

11. "Veterinarian", unless otherwise indicated, means any veterinarian licensed to practice in Arizona or any veterinarian employed in Arizona by a governmental agency.

12. "Veterinary hospital" means any establishment operated by a veterinarian licensed to practice in the state of Arizona that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.

13. "Viscious dog" means any dog that has a propensity to bite human beings without provocation, and has been so declared after a hearing before a justice of the peace or a city magistrate.

24-362. POWERS AND DUTIES OF THE STATE VETERINARIAN AND THE LIVESTOCK SANITARY BOARD

A. The state veterinarian shall designate the type or types of anti-rabies vaccines that may be used for vaccination of dogs, the period of time between vaccination and revaccination and the dosage and method of administration of the vaccine.

B. The Arizona livestock sanitary board shall regulate the handling and disposition of animals classed as livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.

24-363. POWERS AND DUTIES OF STATE BOARD OF HEALTH

A. The state board of health shall regulate the handling and disposition of animals other than livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.

B. The state board of health may require the county enforcement agent to submit a record of all dog licenses issued

and in addition any information deemed necessary to aid in the control of rabies.

24-364. POWERS AND DUTIES OF COUNTY BOARD OF HEALTH

The county board of health shall be responsible for declaring a guarantine area within its area of jurisdiction. When a quarantine area has been declared, the county board of health shall meet with the county enforcement agent and institute an emergency program for the control of rabies within that area, provided that any regulations restricting or involving the movements of livestock within that area shall be subject to approval by the state veterinarian.

24-365. POWERS AND DUTIES OF BOARD OF SUPERVISORS

A. Each county board of supervisors may:

1. Designate or employ a county enforcement agent. If such designation or employment is not made within ten days after the effective date of this article, the county sheriff shall be the county enforcement agent, but nothing in this article shall be deemed to prevent the county board of supervisors from designating or employing a county enforcement agent at any time it is deemed necessary or advisable.

2. Provide the county enforcement agent with such personnel and equipment as is necessary to enforce the provisions of this article and the regulations promulgated thereunder.

B. Each county board of supervisors may establish pound fees for impounding and maintaining animals at the county pound.

24-366. POWERS AND DUTIES OF COUNTY ENFORCEMENT AGENT

A. The county enforcement agent shall:

1. Enforce the provisions of this article and the regulations promulgated thereunder.

2. Issue citations for the violation of the provisions of this article and the regulations promulgated thereunder.

B. The county enforcement agent may designate deputies.

24-367. LICENSE FEES FOR DOGS; ISSUANCE OF DOG TAGS; RECORDS; PENALTIES

A. The board of supervisors of each county shall set a license fee not to exceed three dollars per year which shall be paid for each dog four months of age or over that is kept, harbored or maintained within the boundaries of the state for at least sixty days of each calendar year. License fees shall become payable on January 1 or July 1 at the discretion of the board of supervisors of each county. The licensing period shall not exceed the period of time for revaccination as designated by the state veterinarian. The board of supervisors may establish a fee for an annual license or for a license effective for three years in conformity with the period of time for revaccination. License fees shall be paid within ninety days to the county treasurer or his authorized representative. A penalty not to exceed two dollars shall be added to the license fee in the event that application is made subsequent to the date on which the dog is required to be licensed under the provisions of this article. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession in Arizona less than sixty days.

B. A guide dog belonging to a blind person who is a resident of the state shall be licensed pursuant to this article without payment of a fee.

C. Durable dog tags shall be provided by the board of supervisors of each county. Each dog licensed under the terms of this article shall receive, at the time of licensing, such a tag on which shall be inscribed the name of the county, the number of the license, and the year in which it expires. The tag shall be attached to a collar or harness which shall be worn by the dog at all times while running at large, except as otherwise provided in this article. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of a fee of not more than one dollar to the county treasurer or his authorized representative.

D. Any person who counterfeits or attempts to counterfeit an official dog tag, or remove such tag from any dog for the purpose of wilful and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog is guilty of a misdemeanor.

24-368. ANTI-RABIES VACCINATION; VACCINATION AND LICENSE STATIONS

A. Before a license is issued for any dog, the owner must present a vaccination certificate signed by a veterinarian stating the owner's name and address, and giving the dog's description, date of vaccination, and type, manufacturer, and serial number of the vaccine used and date revaccination is

due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the county enforcement agent on or before the tenth day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this article and the regulations promulgated thereunder.

B. A dog vaccinated in any other state prior to entry into Arizona may be licensed in Arizona provided that, at the time of licensing, the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in that state or a veterinarian employed by a governmental agency in that state, stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer, and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this article and the regulations promulgated thereunder.

C. The county enforcement agent shall make provisions for low cost vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

24-369. RABIES CONTROL FUND

A. The county treasurer or his authorized representative shall place the monies collected by him under the provisions of this article in a special fund to be known as the rabies control fund to be used for the enforcement of the provisions of this article and the regulations promulgated thereunder.

B. Any unencumbered balance remaining in the rabies control fund at the end of a fiscal year shall be carried over into the following fiscal year.

24-370. DOGS NOT PERMITTED AT LARGE; WEARING LICENSES

A. Neither a female dog during her breeding or mating season nor a vicious dog shall be permitted at large.

B. In a rabies quarantine area, no dogs shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property, or securely tied so that the dog is confined entirely to the owner's property, or on a leash not to exceed five feet in length and directly under the owner's control when not on the owner's property.

C. Any dog over the age of four months running at large shall wear a collar or harness to which is attached a valid license tag. Dogs while being used for hunting or dogs while

being exhibited at an American kennel club approved show or dogs while engaged in races approved by the Arizona racing commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached provided that they are properly vaccinated and licensed.

24-371. ESTABLISHMENT OF COUNTY POUNDS; IMPOUNDING AND DISPOSING OF DOGS; RECLAIMING IMPOUNDED DOGS; POUND FEES

A. The board of supervisors in each county may provide or authorize a county pound or pounds or enter into a cooperative agreement with a city or a veterinarian for the establishment and operation of a county pound.

B. Any stray dog shall be impounded in any county where a county pound exists. All dogs so impounded shall be given proper care and maintenance.

C. Each stray dog impounded shall be kept and maintained at the county pound for a minimum of three days. At the expiration of the impoundment period, anyone may claim the dog provided such person pays all pound fees established by the county board of supervisors and complies with the licensing provisions of this article within seventy-two hours. If no person claims the dog, the county enforcement agent may dispose of the dog in a humane manner.

D. Any impounded licensed dog may be reclaimed provided that the person reclaiming the dog furnishes proof of right to do so and pays all pound fees established by the board of supervisors. If the dog is not reclaimed within the seventy-two hours following the end of the impoundment period, the county enforcement agent shall take possession and may place the dog for adoption or may dispose of the dog in a humane manner. Any person adopting such a dog shall pay all pound fees established by the board of supervisors.

24-372. HANDLING OF BITING ANIMALS; RESPONSIBILITY FOR REPORTING ANIMAL BITES

A. A dog that bites any person shall be confined and quarantined in a county pound or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven days.

B Any animal other than a dog that bites any person shall be confined and quarantined in a county pound or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen days, provided

that livestock shall be confined and quarantined for the fourteen-day period in a manner regulated by the Arizona livestock sanitary board.

C. Whenever an animal bites any person, the incident shall be reported to the county enforcement agent immediately by any person having direct knowledge.

24-373. UNLAWFUL INTERFERENCE WITH COUNTY ENFORCEMENT AGENT

It is unlawful for any person to interfere with the county enforcement agent in the performance of his duties.

24-374. REMOVING IMPOUNDED ANIMALS

No person may remove or attempt to remove an animal which has been impounded or which is in the possession of the county enforcement agent except in accordance with the provisions of this article and the regulations promulgated thereunder.

24-375. UNLAWFUL KEEPING OF DOGS

It is unlawful for a person to keep, harbor or maintain a dog within the state of Arizona except as provided by the terms of this article.

24-376. EXEMPTION OF CITIES AND TOWNS

The provisions of this article shall not apply to incorporated cities or towns that impose a license fee and vaccination on dogs by ordinance, provided that such ordinance is equal to or more stringent that the provisions of this article.

24-377. VIOLATION; PENALTY

Any person who fails to comply with the requirements of this article, or violates any of its provisions, is guilty of a misdemeanor.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

CHAPTER 87

Senate Bill No. 147

AN ACT

RELATING TO COUNTY OFFICERS, AND AUTHORIZING PAYMENT OF LEGALLY INCURRED EXPENSES BY THE PINAL COUNTY BOARD OF SUPERVISORS.

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

Section 1. PAYMENT OF CLAIM

The board of supervisors of Pinal county is authorized to expend from public funds the amount of three hundred ninety-two dollars and seventy-three cents in full payment to S. C. Wing, of Superior, Arizona, for meals furnished by him during the period November 20, 1958, through June 30, 1961, for county prisoners. The amount due cannot now be legally paid by the board of supervisors since the fiscal year has lapsed in which such expenses were incurred.

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, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

CHAPTER 88

Senate Bill No. 161

AN ACT

RELATING TO AGGRAVATED ASSAULT OR BATTERY; PROVIDING PUNISHMENT THEREFOR, AND AMENDING SECTION 13-245, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 13-245, Arizona Revised Statutes, is amended to read:

13-245. AGGRAVATED ASSAULT OR BATTERY; DEFINITION; PUNISHMENT

A. An assault or battery is aggravated when committed under any of the following circumstances:

1. When the person committing the offense goes into a private home and is there guilty of assault or battery.

2. When committed by a person of robust health or strength upon one who is decrepit.

3. When committed by an adult male upon the person of a female or child, or by an adult female upon the person of a child.

4. When the instrument or means used is such as to inflict disgrace upon the person assaulted, as an assault or battery with a whip or cowhide.

5. When a serious bodily injury is inflicted upon the person assaulted.

6. When committed with a premeditated design and by the use of means calculated to inflict great bodily injury.

B. An aggravated assault or battery shall be punished by a fine of not less than one hundred nor more than two thousand dollars, or by imprisonment in the county jail not to exceed one year, or both, or by imprisonment in the state prison for not less than one year nor more than five years.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

CHAPTER 89

Senate Bill No. 163

AN ACT

RELATING TO PROPERTY; PROVIDING FOR THE CREATION OF HORIZONTAL PROPERTY REGIMES; PROVIDING FOR WITHDRAWAL OF THE PROPERTY FROM SUCH REGIME; PARTITION AND LIMITATION OF PARTITION; AND AMENDING TITLE 33, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 4.1, ARTICLE 1.

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

Section 1. Title 33, Arizona Revised Statutes, is amended by adding chapter 4.1, article 1, sections 33-551 to 33-561 inclusive, to read:

CHAPTER 4.1

HORIZONTAL PROPERTY REGIMES
ARTICLE 1. IN GENERAL

38-551. DEFINITIONS

In this article, unless the context otherwise requires:

1. "Apartment" means one or more rooms occupying all or part of a floor or floors in a building of one of more floors or stories, but not the entire building, and notwithstanding whether the apartment be intended for use or used as a residence, office, for the operation of any industry or business or for any other use not prohibited by law.

2. "Building" includes the principal structure erected or to be erected upon the land described in the declaration provided for in section 33-552 which determines the use to be made of the improved land whether or not such improvement is composed of one or more separate buildings of one or more floors or stories.

3. "Co-owner" means a person, corporation, partnership or other legal entity capable of holding or owning any interest in real property who owns all or an interest in an apartment within the building.

4. "Co-owner's interest" means the fractional or percentage interest ascribed to each apartment by the declaration provided for in section 33-552.

5. "Council of co-owners" means all of the co-owners of the building.

6. "General common elements" includes:

(a) The land on which the building is erected.

(b) The foundations, basements, floors, exterior walls of each apartment and of the building, ceilings and roofs, halls, lobbies, stairways, and entrance and exit or communication ways, except as may be specifically otherwise provided in the declaration provided for in section 33-552.

(c) The compartments or installations of central services for public utilities, common heating and refrigeration units, reservoirs, water tanks and pumps servicing other than one apartment.

(d) Premises for lodging of service personnel engaged in performing services other than services within a single apartment.

(e) All devices and premises designed for common use or enjoyment by more than the owner or owners of a single apartment.

7. "Limited common elements" includes those elements designed for use by the owners of more than one but less than all of the apartments included in the building.

8. "Majority of co-owners" or "percent of co-owners" means the owners of more than one-half or owners of that per cent of interest in the building irrespective of the total number of co-owners.

9. "Property" includes the land whether committed to the horizontal property regime in fee or as a leasehold interest, the building, all other improvements located thereon, and all easements, rights and appurtenances belonging thereto.

33-552. RECORDING OF DECLARATION TO SUBMIT PROPERTY TO REGIME

When the sole owner or all of the owners, or the sole lessee or all of the lessees of a lease desire to submit a parcel of real property upon which is located a building to the horizontal property regime established by this chapter, a declaration to that effect shall be executed and acknowledged by the sole owner or lessee or all of such owners or lessees and shall be recorded in the office of the county recorded of the county in which such property lies.

33-553. CONTENTS OF DECLARATION

The declaration provided for in section 33-552 shall contain:

1. A description of the land.

2. A description of the cubic content space of the building with reference to its location on the land.

3. A description of the cubic content space of each apartment located within the building, and a description of the

cubic content space of each carport or garage or any other area to be subject to individual ownership and exclusive control.

4. A description of the common elements which may be the description provided for in paragraph 2 less the descriptions provided for in paragraph 3 and less the descriptions provided in paragraph 5, if applicable.

5. A description of the cubic content space of the limited common elements, if any.

6. The fractional or percentage interest which each apartment bears to the entire horizontal property regime. The sum of such shall be one if expressed in fractions and one hundred if expressed in percentage.

33-554. REFERENCE TO DECLARATION FOR DESCRIPTION OF APARTMENT AND COMMON ELEMENTS

All subsequent deeds, mortgages, or other instruments shall describe the land, but may describe the individual apartments, the common elements, other than the land, or limited common elements by reference to appropriate numbers or letters if such appear on the declaration provided for in section 33-552 without repeating in detail the descriptions of such apartments, common elements other than the land, or limited common elements. Such reference shall include the docket and page of the recorded declaration.

33-555. INTEREST IN COMMON ELEMENTS; REFERENCE TO THEM IN INSTRUMENT

A. The fractional or percentage interest in the general common elements and the fractional or percentage interest in the limited common elements where such exist are hereby declared to be appurtenant to each of the separate apartments.

B. Any conveyance, encumbrance, lien, alienation or devise of an apartment under a horizontal property regime by any instrument which describes the land and apartment as set forth in section 33-552 shall also convey, encumber, alienate, devise or be a lien upon the fractional or percentage interest appurtenant to each such apartment under section 33-553, paragraph 6, to the general common elements, and the respective share or percentage interest to limited common elements where applicable, whether such general common elements or limited common elements are described as in section 33-553, paragraphs 4 or 5, by general reference only, or not at all.

33-556. WITHDRAWAL OF PROPERTY FROM REGIME; RECORDING; SUBSEQUENT REGIME

A. Any property so constituted as a horizontal property regime may be removed therefrom at any time, provided the sole owner or all of the owners execute, acknowledge and record a declaration evidencing such withdrawal. If at such time there are any encumbrances or liens against any of the apartments, such declaration will be effective only when the creditors holding such encumbrances or liens also execute and acknowledge such declaration, or their encumbrances or liens are satisfied other than by foreclosure against the apartment, or expire by operation of law.

B. No withdrawal of any property from a horizontal property regime shall be a bar to any subsequent commitment to a horizontal property regime.

33-557. INDIVIDUAL APARTMENTS AND INTEREST IN COMMON ELEMENTS ARE ALIENABLE

When real property containing a building is committed to a horizontal property regime, each individual apartment located therein and the interests in the general common elements and limited common elements if any, appurtenant thereto, shall be vested as, and shall be as completely and freely alienable as any separate parcel of real property is or may be under the laws of this state, except as limited by the provisions of this chapter.

33-558. REAL PROPERTY TAX AND SPECIAL ASSESSMENTS; LEVY ON EACH APARTMENT

A. All real property taxes and special assessments shall be levied on each apartment and its respective appurtenant fractional share or percentage of the land, general common elements and limited common elements where applicable as such apartments and appurtenances are separately owned, and not on the entire horizontal property regime.

B. Any exemption from taxes that may exist on real property or the ownership thereof shall not be denied by virtue of the registration of the property under the provisions of this chapter.

33-559. LIENS AGAINST APARTMENTS; REMOVAL FROM LIEN; EFFECT OF PART PAYMENT

A. Subsequent to recording the declaration provided for in section 33-552, and while the property remains enrolled in a horizontal property regime, no lien shall thereafter arise or

be effective against the property. During such period liens or encumbrances shall arise or be created only against the individual apartment and the general common elements and limited common elements where applicable, appurtenant to such apartment, in the same manner and under the same conditions in every respect as liens or encumbrances may arise or be created upon or against any other separate parcel of real property subject to individual ownership.

B. In the event lien against two or more apartments becomes effective, the owners of the separate apartments may remove their apartment and the general common elements and limited common elements where applicable appurtenant to such apartment from the lien by payment of the fractional or proportional amounts attributable to each of the apartments affected. Such individual payment shall be computed by reference to the fractions or percentages appearing on the declaration provided for in section 33-553, paragraph 6. Subsequent to any such payment, discharge or other satisfaction the individual apartment and the general common elements and limited common elements applicable appurtenant thereto shall thereafter be free and clear of the lien so paid, satisfied or discharged. Such partial payment, satisfaction or discharge shall not prevent the lienor from proceeding to enforce his rights against any apartment and the general common elements, limited common elements where applicable appurtenant thereto not so paid, satisfied or discharged.

33-560. LIMITATION UPON AVAILABILITY OF PARTITION; EXCEPTION AS TO LIMITATION OF PARTITION BY JOINT OWNERSHIP

A. The provisions of title 12, chapter 8, article 7, relating to partition of real property shall not be available to any owner of any interest in real property included within a regime established under this chapter as against any other owner or owners of any interest or interests in the same regime, so as to terminate the regime.

B. Nothing contained in this chapter shall be construed as a limitation on partition by joint owners of one or more apartments in a regime as to individual ownership of such apartment or apartments without terminating the regime, or as to ownership of such apartment or apartments and lands outside the limits of the regime.

33-561. MANAGEMENT BY COUNCIL OF CO-OWNERS; RULES AND REGULATIONS

A. The council of co-owners shall be required to make provisions for maintenance of common elements, limited common elements where applicable, assessment of expenses, payment of losses, division of profits, disposition of hazard insurance proceeds and similar matters and shall be required to adopt bylaws, rules and regulations.

B. The bylaws, rules and regulations as amended shall be reduced to writing and available to every owner of any interest in the horizontal property regime.

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, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

CHAPTER 90

Senate Bill No. 186

AN ACT

RELATING TO MINORS; AUTHORIZING EMANCIPATED MINORS TO SECURE HOSPITAL, MEDICAL AND SURGICAL CARE, AUTHORIZING CONSENT FOR EMERGENCY MEDICAL ATTENTION TO MINOR BY PERSON IN LOCO PARENTIS, AND AMENDING TITLE 44, CHAPTER 1, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 44-132 AND 44-133.

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

Section 1. Title 44, chapter 1, article 3, Arizona Revised Statutes, is amended by adding sections 44-132 and 44-133, to read:

44-132. CAPACITY OF MINOR TO OBTAIN HOSPITAL, MEDICAL AND SURGICAL CARE

Notwithstanding any other provision of the law, and without limiting cases in which consent may otherwise be obtained or is not required, any emancipated minor or any minor who has contracted a lawful marriage may give consent to the furnishing of hospital, medical and surgical care to such

minor, and such consent shall not be subject to disaffirmance because of minority. The consent of the parent, or parents, of such a person shall not be necessary in order to authorize hospital, medical and surgical care. For the purposes of this section only, subsequent judgment of annulment of such marriage or judgment of divorce shall not deprive such person of his adult status once attained.

44-133. EMERGENCY CONSENT FOR HOSPITAL CARE, MEDICAL ATTENTION OR SURGERY BY PERSON IN LOCO PARENTIS

Notwithstanding any other provision of the law, in cases of emergency in which a minor is in need of immediate hospitalization, medical attention or surgery and after reasonable efforts made under the circumstances, the parents of such minor cannot be located for the purpose of consenting thereto, consent for said emergency attention may be given by any person standing in loco parentis to said minor.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

CHAPTER 91

Senate Bill No. 187

AN ACT

RELATING TO AERONAUTICS; AUTHORIZING THE STATE AVIATION AUTHORITY TO ACCEPT AND ADMINISTER CERTAIN REAL PROPERTY, AND AMENDING SECTION 2-123, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 2-123, Arizona Revised Statutes, is amended to read:

2-123. POWERS AND DUTIES; DIRECTOR

A. The authority shall cooperate with all organizations, state, local and federal, for the purpose of encouraging and advancing aviation in this state.

B. The authority may assemble and distribute to the public information relating to aviation, landing fields, beacons and other matters pertaining to aviation, and may accept in the

name of the state federal monies made available for the advancement of aviation.

C. The authority may distribute monies appropriated to it from the state aviation fund for construction and development of publicly owned and operated airport facilities in counties and incorporated cities and towns. The distribution of such monies shall be made according to the need for such facilities as shall be determined by the authority.

D. The authority may accept in the name of the state of Arizona, from the United States of America, and administer the same for the purpose of establishing, constructing, operating or maintaining an airport and for uses incidental thereto, that certain tract of land located in the Kaibab National Forest, Coconino county, state of Arizona, known as the Grand Canyon National Park Airport, and legally described as follows:

That certain tract of land situated within sections 23, 24, 25, 26, 27, 34, and 35, township 30 north, range 2 east, and section 3, township 29 north, range 2 east, of the Gila and Salt river base and meridian, state of Arizona, and more particularly described as follows:

Beginning at a point being the most northerly corner of the herein described tract of land, from whence a recovered rock section corner common to sections 13, 14, 23, and 24, township 30 north, range 2 east, G.& S.R.B.M., bears a computed bearing of N 27° 20′ 12″ W, a computed distance of 2754.54′;

Thence S 40° 40′ 07″ W, a distance of 16,000.00 feet to a point, said point being the southwest corner of the herein described tract of land;

Thence S 49° 19′ 53″ E, a distance of 2400.00 feet to a point, said point being the southeast corner of the herein described tract of land;

Thence N 40° 40′ 07″ E, a distance of 11515.33 feet to a point;

Thence S 49° 19′ 53″ E, a distance of 787.52 feet to a point;

Thence N 40° 40′ 07″ E, a distance of 800.00 feet to a point, said point being also the point of tangency of the west right of way line of state highway 64, said point being 200 feet opposite centerline station 404 + 17.51 of said state highway 64;

Thence along the arc of a curve to the right, which radius is 7699.93 feet, a distance of 3162.62 feet along the west right of way line of said state highway 64 to the point of curvature,

the chord of said curve bearing N 09° 30′ 36″ E, a distance of 3140.44 feet from point of tangency to point of curvature, said point being 200 feet opposite centerline station 373 + 37.00 of said state highway 64;

Thence N 21° 16′ 30″ E, a distance of 1060.58 feet along said west right of way line of said state highway 64 to a point, said point being the northeast corner of the herein described tract of land;

Thence N 49° 28′ 46″ W, a distance of 1210.46 feet to the point of beginning.

E. The authority shall administer the laws relating to aeronautics and shall make such rules and regulations concerning aviation as may be necessary to promote public safety and the best interests of aviation in the state.

F. The authority may appoint a director to serve at its pleasure. The director shall have an aeronautical background as may be required by the board. The director shall act as the executive officer of the authority and under its direction shall administer the aeronautical laws and enforce the rules and regulations of the authority. The salary of the director shall be fixed by the authority, subject to legislative appropriation.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

CHAPTER 92

Senate Bill No. 207

AN ACT

RELATING TO EDUCATION; PROVIDING TEACHERS' HOUSING FACILITIES, AND AMENDING SECTION 15-442, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 15-442, Arizona Revised Statutes, is amended to read:

15-442. GENERAL POWERS AND DUTIES

A. The board of trustees shall:

1. Maintain the schools established by them for a period of not less than eight months in each school year, and if the funds of the district are sufficient, maintain the schools for a longer period, and as far as practicable with equal rights and privileges.

2. Enforce the courses of study and select all textbooks used in the schools from the multiple lists determined and authorized by the state board of education pursuant to paragraph 18 of section 15-102 and purchase the same from the publishers under contracts negotiated by the state board as provided in this title. The amount budgeted for this purpose shall not be included in the budget items to which the limitation provided by section 15-1203 shall apply. One fourth of the amount budgeted for textbooks may be expended for teaching aids relating to the textbooks selected. District school funds may be budgeted and expended by the board for supplementary books, as contained in the lists prepared by the state board of education pursuant to subsection B of section 15-1101, and for such additional textbooks as may be necessary because of an extraordinary increase in enrollment or an act of God, provided that supplementary books shall not be purchased in such quantities as to take the place of the textbooks prescribed by paragraph 18 of section 15-102.

3. Visit every school in the district and examine carefully into its management, condition and needs.

4. Provide transportation for any child or children when deemed for the best interest of the district, whether within or without the district, county or state.

5. Exclude from schools all books, publications or papers of a sectarian, partisan, or denominational character.

B. The board may:

1. Expel pupils for misconduct.

2. Exclude from the primary grades children under six years of age.

3. Make such segregation of groups of pupils as it deems advisable.

4. Maintain such special schools during vacation as deemed necessary for the benefit of the pupils of the district.

5. Permit a superintendent, principal or their representatives to travel for a school purpose, as determined by a majority vote of the board. By unanimous vote the board may permit

members of the board to travel for a school purpose. Any expenditure for travel and subsistence shall be as provided under the terms of title 38, chapter 4, article 2, and shall be a charge against the budgeted school district funds.

6. Rent such buildings as may be necessary provided the rental contract does not exceed one year.

7. Construct or provide in rural districts housing facilities for teachers which the board determines is necessary for the operation of the school.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

CHAPTER 93

Senate Bill No. 208

AN ACT

RELATING TO PROFESSIONS AND OCCUPATIONS; PROVIDING QUALIFICATIONS OF PROFESSIONAL NURSES; PRESCRIBING GROUNDS FOR DENIAL, REVOCATION OR SUSPENSION; PROVIDING FOR INVESTIGATION OF COMPLAINTS AND HEARINGS; AMENDING SECTIONS 32-1632, 32-1663 AND 32-1664, ARIZONA REVISED STATUTES, AND REPEALING SECTION 32-1662, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 32-1632, Arizona Revised Statutes, is amended to read:

32-1632. QUALIFICATIONS OF PROFESSIONAL NURSE; APPLICATION FOR LICENSE

An applicant for a license to practice as a graduate, professional or registered nurse shall file with the board a verified written application accompanied by the prescribed fee and submit satisfactory proof that the applicant:

1. Is at least eighteen years of age.

2. Is a citizen of the United States or has legally declared intention to become a citizen.

3. Is of good moral character.

4. Is in good physical and mental health.

5. Has completed an approved four-year course of high school study, or the equivalent thereof, as determined by the board with the advice of the state board of education.

6. Has completed satisfactorily the basic professional curriculum in an accredited school of professional nursing and holds a diploma or certificate therefrom.

Sec. 2. Sec. 32-1663, Arizona Revised Statutes, is amended to read:

32-1663. GROUNDS FOR DENIAL, REVOCATION OR SUSPENSION OF LICENSE

A. The board may deny any license applied for under this chapter if the applicant is found:

1. Guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing.

2. To have been convicted of a felony or any offense involving moral turpitude.

3. Guilty of procuring, aiding, abetting or attempting, agreeing or offering to procure or assist at a criminal abortion.

4. Guilty of unprofessional conduct or unfit or incompetent by reason of negligent habits or other causes.

5. Then habitually intemperate or addicted to the use of habit-forming drugs, or mentally incompetent, or physically unsafe for nursing duty.

6. To have had his license to practice nursing denied, suspended or revoked in another jurisdiction and not reinstated.

7. Guilty of wilfully or repeatedly violating the provisions of this chapter.

B. The board in its order denying the license to an applicant shall terminate and revoke any temporary permit issued to that applicant.

C. Any person aggrieved by an order of the board denying a license under the authority granted by subsection A may apply to the board in writing for a hearing. The board shall thereupon grant the hearing within thirty days after the date the written request is received by the board in accordance with the following procedure:

1. The board shall notify the aggrieved party of the time and place for hearing the matter.

2. At the hearing the aggrieved party may be present and appear in person and by counsel, may produce witnesses and evidence, have subpoenas issued by the board and cross-examine witnesses.

D. The board may revoke or suspend any license to practice nursing issued under this chapter if the licensee is, after hearing, found:

1. Guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing.

2. To have been convicted of a felony or any offense involving moral turpitude.

3. Guilty of procuring, aiding, abetting or attempting, agreeing or offering to procure or assist at a criminal abortion.

4. Guilty of unprofessional conduct or unfit or incompetent by reason of negligent habits or other causes.

5. Then habitually intemperate or addicted to the use of habit-forming drugs, or mentally incompetent, or physically unsafe for nursing duty.

6. To have had his license to practice nursing denied, suspended or revoked in another jurisdiction and not reinstated.

7. Guilty of wilfully or repeatedly violating the provisions of this chapter.

Sec. 3. Sec. 32-1664, Arizona Revised Statutes, is amended to read:

32-1664. INVESTIGATION OF COMPLAINT; HEARING; NOTICE

A. Upon the filing with the board of a sworn complaint charging a licensee with any conduct specified in section 32-1663, subsection D, the board shall conduct an investigation thereof. For purposes of the investigation, the board may employ investigators. Evidence may be taken by deposition or affidavit.

B. If the investigation in the opinion of the board reveals reasonable grounds to support the charge the board shall appoint a time and place for hearing the matter and shall cause notice thereof, together with a copy of the sworn complaint,

to be served on the accused personally at least twenty days prior to the time fixed for the hearing. If personal service cannot be made and such fact is certified under oath by the person authorized by the board to make service, the board shall cause a copy of the notice of hearing to be published at least once a week for two successive weeks in a newspaper of general circulation in the county in which the accused last resided or practiced according to the records of the board, and shall cause a copy of the complaint and notice to be mailed to the accused at his last known address as it appears on the records of the board. When publication is necessary the date of the hearing shall be not less than ten days after the date of the last publication of the notice.

C. At the hearing the accused may be present and appear in person and by counsel, may produce witnesses and evidence, have subpoenas issued by the board and cross-examine witnesses.

D. In any matters pending before it the board may issue subpoenas under its seal and compel the attendance of witnesses and the production of relevant and necessary papers, books, records, documentary evidence and materials. Any person failing to comply with a subpoena may, upon application by the board to any superior court judge, be ordered by the judge to comply therewith and upon failure to comply shall be punished as in the case of disobedience of lawful process issued by sujerior courts. Subpoenas shall be served in the manner required by the rules of civil procedure for superior courts.

E. At the hearing the board may administer oaths. The board shall not be bound by strict rules of procedure or evidence in the conduct of the proceedings, but its determination shall be based upon sufficient legal evidence.

F. If the accused is found guilty by the board of any of the actions set forth in section 32-1663, subsection D, the board may revoke or suspend the license.

G. A denied license may be issued and a revoked or suspended license may be reissued after the denial, revocation or suspension in the discretion of the board.

Sec. 4. REPEAL

Section 32-1662, Arizona Revised Statutes, is repealed.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

CHAPTER 94

Senate Bill No. 210

AN ACT

RELATING TO CITIES AND TOWNS; PROVIDING FOR ISSUANCE OF REVENUE BONDS AND REFUNDING BONDS; REFUNDING UTILITY PURCHASE CONTRACTS; VALIDATING THE OBLIGATIONS TO BE REFUNDED THEREBY, AND AMENDING SECTION 9-535.01, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 9-535.01, Arizona Revised Statutes, is amended to read:

9-535.01. REFUNDING BONDS AND REVENUE-PRODUCING UNDERTAKING; REFUNDING UTILITY PURCHASE CONTRACTS; FORM; SALE AND INVESTMENT OF PROCEEDS; LIMITATION ON AMOUNT ISSUED

A. Bonds may also be issued hereunder for the purpose of refunding any bonds theretofore issued under authority of this article. Where any city or town shall have outstanding unpaid balances on contracts heretofore entered into for the acquisition of water or other utility properties or facilities and such contracts are payable solely from the revenues thereof or of the utility undertaking extended or added to with the properties or facilities so acquired, whether or not title to such properties or facilities shall have vested in such city or town, all or any part of such unpaid balances may also be refunded hereunder and all such contracts so refunded are hereby validated and declared to be effective in accordance with their terms. No election on the issuance of such bonds shall be required, but if such bonds are combined into a single issue with bonds authorized for nonrefunding purposes hereunder, the bonds so authorized for nonrefunding purposes shall have been submitted at an election as otherwise provided in this article.

B. Refunding bonds issued hereunder shall have such details, shall bear such rate or rates of interest, and shall be otherwise issued and secured as provided by the governing body of the city or town and as otherwise provided in this article, provided, however, that such changes in the security and revenues pledged to the payment of the obligations so refunded may be made by the governing body as may be provided by it in the proceedings authorizing such bonds, but in no event

shall such bonds ever become a general obligation of the municipality issuing such refunding bonds.

C. Refunding bonds issued hereunder may be exchanged for no less than a like principal amount of the bonds or unpaid contract obligations to be refunded, may be sold in the manner herein provided for the sale of other revenue bonds, or may be exchanged in part and sold in part. If sold, the net proceeds may be invested in obligations issued by the United States government, or one of its agencies, or obligations fully guaranteed by the United States government as to principal and interest so long as such investments will mature with interest so as to provide funds to pay when due, or called for redemption, the bonds or unpaid contract obligations to be refunded together with interest thereon and redemption premiums, if any, and such proceeds or obligations shall, and other funds legally available to the city or town for such purposes may be deposited in trust with a banking corporation or association doing business in Arizona which is a member of the federal deposit insurance corporation, or any successor thereto, to be held for the payment and redemption of bonds or unpaid contract obligations to be refunded and such deposit and any reinvestment thereof shall be held in trust by the escrow agent for the payment of bonds or unpaid contract obligations with interest and redemption premiums, if any, on maturity or upon an available redemption date or upon an earlier voluntary surrender with the consent of the issuer. As to obligations so escrowed for the payment of contract balances payable in amounts or at times not fixed but dependent on earnings of the undertaking, it shall be sufficient if the obligations so purchased, if liquidated on the market at the par value thereof, will produce enough to pay such balances as the governing body estimates they would have become payable under the terms of the contracts had such balances not been refunded, but the escrowed obligations must be not less in principal amount than the principal amount of the balances so refunded, and if at any time the income from the escrowed obligations is insufficient to pay all interest when payable on such refunded balances, such deficiencies shall be made up from the earnings of the undertaking on such priority basis as would have been applicable to such payment had such balances not been refunded. The term "net proceeds" as used above shall mean the gross proceeds of the refunding bonds after the deduction therefrom of all accrued interest and expenses incurred in connection with the authorization and issuance of the bonds and the refunding of the outstanding obligations, including all cost and expenses resulting from price variations to par or otherwise incurred in the purchase of obligations for escrow and in the distribution of the refund-

ing bonds. The determination of the governing body issuing refunding bonds that the limitations herein imposed upon the issuance of refunding bonds have been met shall be conclusive in the absence of fraud or arbitrary and gross abuse of discretion.

D. No refunding bonds may be issued hereunder in a principal amount in excess of the principal amount of the bonds or unpaid contract obligations to be refunded, nor may any bonds or unpaid contract obligations not maturing or callable for redemption under their terms be refunded hereunder without the consent of the holders thereof.

Sec. 2. SEVERABILITY

If any part or application of this act is held invalid, the remainder of the act or its application to other situations or persons shall not be affected.

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, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

CHAPTER 95

House Bill No. 44

AN ACT

RELATING TO MOTOR VEHICLES; PRESCRIBING FORM OF OPERATOR'S AND CHAUFFEUR'S LICENSE, AND AMENDING SECTION 28-422, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 28-422, Arizona Revised Statutes, is amended to read:

28-422. LICENSES ISSUED TO OPERATORS AND CHAUFFEURS

A. The department shall issue to every applicant qualifying therefor an operator's or chauffeur's license as applied for, which shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink. No license shall be valid until it has been so signed by the licensee.

B. Every application for an operator's or chauffeur's license, and the license issued as a result of such application, shall contain the photograph of the applicant or licensee, as the case may be, and such photograph shall be taken in such a manner so that one exposure will photograph the applicant and the application simultaneously. The department shall use such process or processes in the issuance of licenses, that prohibit as nearly as possible the ability to alter or reproduce the license or prohibit the ability to superimpose a photograph on such license without ready detection. All operators' and chauffeurs' licenses and photo atachments shall be processed in color.

C. Every person between the ages of sixteen and twenty-three years inclusive shall supply to the department satisfactory proof of his date of birth.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

CHAPTER 96

House Bill No. 45

AN ACT

RELATING TO MOTOR VEHICLES; PRESCRIBING AN INCREASE IN MOTOR VEHICLE FEES; PROVDING FOR CONDITIONAL ENACTMENT, AND AMENDING SECTION 28-205, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 28-205, Arizona Revised Statutes, is amended to read:

28-205. MOTOR VEHICLE FEES

The following fees shall be paid to the vehicle division:

For each original certificate of title, one dollar.

2. For each certificate of title on sale or transfer, one dollar.

3. For a duplicate certificate of title, the original of which is lost or destroyed and is satisfactorily accounted for, fifty cents.

4. For each registration card upon transfer of registration, fifty cents.

5. For a duplicate registration card, fifty cents.

6. For a duplicate of any permit, one dollar.

7. For filing each application for dealer's or wrecker's license, ten dollars.

8. For each dealer's or wrecker's license when issued annually, five dollars.

9. For filing each application for a chauffeur's license, two dollars and fifty cents.

10. For filing each application for an operator's license, two dollars and fifty cents.

11. For filing each application for an instruction permit under subsection A of section 28-415, two dollars and fifty cents for each instruction permit issued under subsection B of section 28-415.

12. For filing each application to make or stamp special engine number, one dollar.

13. For each identification plate bearing serial or identification number to be affixed to any vehicle, one dollar.

14. For approving each type of reflector, electric lantern, flare, fire extinguisher, mechanical signal, head lamps, auxiliary driving lamps, signal lamps or rear lamps, five dollars.

15. For each number plate or pair of number plates to replace lost, destroyed or mutilated plates, one dollar.

16. For the first two number plates or the first two pairs of number plates issued to a dealer other than a dealer in motorcycles, twenty-five dollars and fifty cents, and for the first two number plates issued to a dealer in motorcycles, ten dollars and fifty cents.

17. For each additional number plate or pair of number plates issued to a dealer other than a dealer in motorcycles,

five dollars, and for each additional number plate issued to a dealer in motorcycles, two dollars and fifty cents.

18. For the registration of any motor vehicle, trailer or semi-trailer, if registered prior to July 1, four dollars, and if registered after July 1, two dollars and fifty cents.

19. For filing a conditional sales contract, conditional lease, chattel mortgage or other lien or encumbrance, title retention instrument or any other instrument affecting or evidencing title to, ownership of, or reservation of title to any motor vehicle, trailer or semi-trailer, seventy-five cents.

20. For filing an assignment, satisfaction or release of a conditional sales contract, conditional release, chattel mortgage or other title retention instrument, or any other instrument affecting or evidencing title to, ownership of, or reservation of title to any motor vehicle, trailer or semi-trailer, twenty-five cents.

Sec. 2. CONDITIONAL ENACTMENT

This act shall not become effective unless House Bill No. 44, twenty-fifth legislature, second regular session, is enacted into law.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

CHAPTER 97

House Bill No. 214

AN ACT

RELATING TO CRIMES; PRESCRIBING PENALTIES FOR BREAKING INTO COIN-OPERATED VENDING CONTRIVANCES, AND AMENDING TITLE 13, CHAPTER 2, ARTICLE 38, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-676.

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

Section 1. Title 13, chapter 2, article 38, Arizona Revised Statutes, is amended by adding section 13-676, to read:

13-676. COIN-OPERATED CONTRIVANCES; PENALTY FOR BREAKING INTO

A person who, with intent to commit grand or petty theft, enters, breaks into, or attempts to enter or break into any coin-operated vending machine or other coin-operated contrivance, apparatus or equipment used for the purpose of providing lawful amusement, sales of goods or other valuable things, or telecommunications, when the conduct or punishment is not otherwise provided, is guilty of a felony, except that in the case of a first offender, the court may in its discretion declare the offense a misdemeanor.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

CHAPTER 98

House Bill No. 273

AN ACT

RELATING TO STATE OFFICERS AND EMPLOYEES; PRESCRIBING DUTIES, REVISING SALARES AND SUBSISTENCE FOR TRAVEL OF STATE OFFICERS AND EMPLOYEES; AMENDING SECTIONS 3-101, 3-111, 3-484, 3-602, 3-709, 4-111, 4-112, 5-106, 6-111, 6-112, 8-304, 8-316, 8-403, 8-405, 12-203, 15-124, 15-143, 15-815, 17-201, 17-211, 18-107, 20-141, 20-146, 23-101, 23-222, 24-102, 24-121, 24-151, 26-102, 26-321, 27-121, 27-122, 27-141, 28-201, 28-1121, 31-201, 31-404, 32-305, 32-503, 32-1103, 32-1206, 32-1503, 32-1604, 32-1607, 32-1802, 32-1804, 32-1903, 32-2002, 32-2106, 32-2201, 36-135, 36-205, 37-131, 38-624, 40-109, 41-101, 41-142, 41-171, 41-191, 41-332, 41-501, 41-511.05, 41-525.02, 41-604, 41-704, 41-922, 41-1323, 42-103, 44-1811, 44-1812, 44-2111, 46-112 AND 46-151, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 10, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1103.01; AMENDING TITLE 41, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-121.01; AMENDING TITLE 41, CHAPTER 8, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1327, AND REPEALING SECTIONS 38-603, 38-604 AND 38-605, ARZONA REVISED STATUTES, AND MAKING AN APPROPRIATION.

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

Section 1. Sec. 3-111, Arizona Revised Statutes, is amended to read:

3-111. STATE ENTOMOLOGIST; SALARY; OATH; BOND

A. The commission shall appoint an entomologist qualified by scientific training and practical experience at such salary as the commission may fix, not to exceed eight thousand four hundred dollars per annum, who shall have the official title of state entomologist of Arizona.

B. The entomologist shall take the official oath of office and furnish bond in the principal amount of twenty-five hundred dollars to the state, to be approved by the governor, conditioned upon the faithful performance of his duties.

Sec. 2. Sec. 3-101, Arizona Revised Statutes, is amended to read:

3-101. COMMISSION; MEMBERS; QUALIFICATIONS; TERMS; OATH AND BOND; COMPENSATION

A. There shall be an Arizona commission of agriculture and horticulture consisting of three members appointed by the governor with the advice and consent of the senate for terms of six years. The term of one member shall expire June 30 each even-numbered year. Each member shall be a qualified elector, the owner of either a commercial orchard or otherwise improved agricultural land within the state and his principal occupation and business shall be fruit growing or farming. One member shall be identified with the cotton-growing industry. If a member ceases to possess any of such qualifications his office shall be automatically vacated. A commissioner may be removed by the governor for cause. Appointment to fill a vacancy caused other than by expiration of term shall be for the unexpired portion thereof.

B The chairman of the commission shall receive a salary of five hundred dollars per annum. For attendance at meetings, the other members shall receive twenty dollars per day, but they shall not be paid for more than sixty days attendance per annum. All members shall receive necessary expenses as provided in article 2 of chapter 4 of title 38.

Sec. 3. Sec. 23-222, Arizona Revised Statutes, is amended to read:

23-222. APPRENTICESHIP COUNCIL; MEMBERSHIP; QUALIFICATIONS; APPOINTMENT; TERMS; COMPENSATION; POWERS AND DUTIES

A. There shall be an apprenticeship council, which shall consist of thirteen members who shall be appointed by the

director or head of the department of labor, or if there be no department of labor, by the governor. Six members shall come from and be representative of the employer groups or organizations, six members shall come from bona fide employee organizations, and there shall be one non-voting public representative not employed by the state. The official designated by the state board for vocational education to have charge of trade and industrial education, the director or head of the department of labor, if there be such, and the director of the employment service division of the employment security commission, shall be ex officio members of the council without vote.

B. The term of two respesentatives of employer groups and the term of two representatives of employee groups shall expire on the first Monday in February of 1956, 1957, 1958, 1959, 1960, and 1961, respectively, except that the term of the non-voting public member shall expire on the first Monday in February, 1958. Thereafter, each member shall be appointed for a term of three years to expire on the first Monday in February. Appointment to fill a vacancy resulting other than from expiration of term shall be for the unexpired portion of the term only.

C. Members of the apprenticeship council not otherwise compensated by public monies shall receive twenty dollars per day while attending meetings of the council for not exceeding four meetings in any fiscal year, or while performing necessary duties authorized by the council, and reimbursement as prescribed by law for state officers for expenses incurred in the performance of such duties.

D. The appointive power designated in subsection A may appoint additional personnel necessary to aid the apprenticeship council in the execution of its functions under this article.

E. At the call of and subject to the approval of the appointive authority the apprenticeship council shall.

1. Designate from its membership a chairman and a secretary, neither of whom shall be an employee of the state.

2. Formulate policies for the effective administration of this article.

3. Establish standards for apprenticeship agreements which in no event shall be lower than those prescribed by this article.

4. Adopt rules and regulations necessary to carry out the intent and purposes of this article.

5. Perform other functions relative to apprenticeship as the appointive authority directs.

6. Not less than once each year, make to the appointive authority a report covering the activities and findings of the council, which shall be transmitted to the legislature and given to the public.

Sec. 4. Sec. 41-191, Arizona Revised Statutes, is amended to read:

41-191. ATTORNEY GENERAL; QUALIFICATIONS; SALARY; ASSISTANTS

A. The attorney general shall have been for not less than five years immediately preceding the date of taking office a practicing attorney before the supreme court of the state. He shall receive an annual salary of sixteen thousand eight hundred dollars.

B. The attorney general and his assistants shall devote full time to the duties of the office, and shall not directly or indirectly engage in private practice of law or in an occupation conflicting with such duties, but such prohibition shall not apply to special assistants except that in no instance shall special assistants engage in any private litigation in which the state or an officer thereof in his official capacity is a party.

C. The attorney general may also, within the limits of appropriations made therefor, employ attorneys for particular cases upon a fixed fee basis who shall be exempt from the restrictions imposed by this section upon regular or special assistants.

Sec. 5. Sec. 41-142, Arizona Revised Statutes, is amended to read:

41-142. SALARY; SEAL OF OFFICE

A. The state auditor shall receive an annual salary of thirteen thousand dollars.

B. The state auditor shall keep a seal of office which shall be used to authenticate all warrants signed by him and all writings, papers and documents certified from his office.

Sec. 6. Sec. 6-111, Arizona Revised Statutes, is amended to read:

6-111. STATE BANKING DEPARTMENT; SUPERINTENDENT OF BANKS; APPOINTMENT; TERM; QUALIFICATIONS; SALARY; OATH AND BOND

A. There shall be a state banking department which shall have charge of the execution of the laws of this state relating to banks and other financial institutions and relating to the businesses conducted by each.

B. The chief officer of the state banking department shall be the superintendent of banks who may also be called the state bank examiner or examiner.

C. The superintendent of banks shall be appointed by the governor, by and with the consent of the senate, for a term of four years. The superintendent shall be a citizen of the United States and of the state, and shall be chosen solely for his qualifications and fitness to perform the duties of his office under the laws of the state.

D. The annual salary of the superintendent shall be twelve thousand dollars. Before entering upon the duties of his office, the superintendent shall take and subscribe to the oath of office as prescribed by law and shall execute to the state an official surety company bond in the penal amount of fifty thousand dollars.

Sec. 7. Sec. 6-112, Arizona Revised Statutes, is amended to read:

6-112. DEPUTY EXAMINERS AND OTHER EMPLOYEES; QUALIFICATIONS; OATH; BOND; EMPLOYMENT OF APPRAISERS; COMPENSATION

A. The superintendent of banks shall appoint such deputy examiners, one of whom may be designated as the chief deputy examiner, and other employees necessary to carry out the laws of the state relating to the state banking department. A deputy examiner shall be employed solely for his qualifications and fitness to perform the duties of his employment under the laws of the state. Before entering upon the duties of a deputy examiner, the deputy examiner shall take and subscribe to the oath of office as prescribed by law and shall execute to the state an official surety company bond in the penal amount of twenty-five thousand dollars. Each deputy examiner shall perform such duties as are prescribed by the laws of the state or that may be assigned to him by the superintendent of banks. The annual salary of the chief deputy examiner shall not exceed nine thousand six hundred dollars.

B. The superintendent may employ appraisers to appraise any real or personal property owned by or mortgaged or pledged to any bank or security company and the reasonable travel and subsistence expense and compensation to such appraisers not in excess of comparable fees paid for the same or similar appraisals in the same area shall be paid by the bank or security company owning or holding such real and personal property as mortgagee or pledgee.

Sec. 8. Sec. 32-305, Arizona Revised Statutes, is amended to read:

32-305. COMPENSATION

A. The chairman and secretary of the board shall devote their entire time to the business of the board, and to enforcement of this chapter. They shall each receive an annual salary not to exceed six thousand dollars. The other member of the board shall receive twenty dollars for each day actually employed in discharge of his official duties for not to exceed sixty days in any calendar year. Each member of the board shall receive necessary travel expenses incurred in the discharge of his official duties.

B. The board may employ inspectors and clerks it deems necessary to carry out this chapter, and fix their compensation.

Sec. 9. Sec. 8-403, Arizona Revised Statutes, is amended to read:

8-403. 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. One member 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 completion of a term of appointment, a successor shall be appointed 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. Each board member shall receive twenty dollars for each day spent in attending meetings of the board and shall be reimbursed for necessary expenses incurred in the performance of his duties as provided for other state officers.

C. If any board member fails to attend three consecutive regular monthly board meetings his office shall be deemed vacated and the governor is authorized to appoint a successor.

Sec. 10. Sec. 8-405, Arizona Revised Statutes, is amended to read:

8-405. SUPERINTENDENT

A. The superintendent of the colony shall be appointed by the board. He shall be a college graduate having successfully completed a college course in psychology and a college course in sociology, medicine or education, and shall also be either:

1. A reputable, trained administrator with not less than three years experience as the superintendent of an institution engaged in the care, custody, treatment and training of mentally deficient children, or

2. A reputable, trained administrator with not less than five years experience as an employee of an institution engaged in the care, custody, treatment and training of mentally deficient children, three years of which employment shall have been in a supervisory or administrative capacity.

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

C. The superintendent shall receive an annual salary of twelve thousand six hundred dollars per year and full maintenance.

Sec. 11. Sec. 26-321, Arizona Revised Statutes, is amended to read:

26-321. DEPARTMENT OF CIVIL DEFENSE: DIRECTOR OF CIVIL DEFENSE; TERM; SALARY

A. There shall be a department of civil defense within the executive branch of the state government, of which the director of civil defense shall be the chief administrative officer.

B. The director of civil defense shall be appointed by the governor with the advice and consent of the senate. He shall hold office at the pleasure of the governor, and shall hold no other office. He shall receive an annual salary not to exceed six thousand six hundred dollars per annum.

Sec. 12. Sec. 40-109, Arizona Revised Statutes, is amended to read:

40-109. SALARIES AND EXPENSES OF COMMISSION

A. Each member of the corporation commission shall receive an annual salary of thirteen thousand dollars.

B. All salaries and expenses of the corporation commission incurred pursuant to the provisions of this article, including the actual and necessary traveling and other expenses and disbursements of the comissioners, their officers and employees, incurred while on business of the commission, shall be paid from the general fund and the appropriation made to the commission in the general appropriation bill.

Sec. 13. Sec. 44-1811, Arizona Revised Statutes, is amended to read:

44-1811. DIRECTOR OF SECURITIES

A. The commission shall appoint a director of securities, subject to removal for cause, at a salary of not to exceed ten thousand eight hundred dollars per annum, who shall, subject to the authority and under the supervision of the commission, be the administrator of the securities division. He shall be a person at least thirty years of age and shall be qualified by either one or both of the following:

1. Broad experience and training in corporate finance or investment banking.

2. A college or graduate degree in business administration, the major subjects of which have relation to investment banking or corporate finance.

B. The director of securities shall devote his entire time to the discharge of the duties of the office.

Sec. 14. Sec. 44-1812, Arizona Revised Statutes, is amended to read:

44-1812. ASSISTANT DIRECTOR OF SECURITIES

The commission shall appoint an experienced assistant to the director of securities at a salary of not to exceed nine thousand six hundred dollars per annum to assist in the proper discharge of the duties imposed upon the securities division.

Sec. 15. Sec. 32-503, Arizona Revised Statutes, is amended to read:

32-503. ORGANIZATION; MEETINGS; COMPENSATION; PERSONNEL

A. The board shall select a president, vice president and secretary-treasurer from among its membership. The president shall preside at meetings of the board and shall act as the chief administrative officer of the board, except as in this chapter otherwise specified. The vice president shall perform the duties of the president in absence or disability of the president and shall perform such other duties as may be prescribed by the board. The duties of the secretary-treasurer shall be as prescribed by this chapter.

B. The board shall hold annual meetings on the second Monday of January of each year in the city of Phoenix, at which time the board shall select its officers as provided in this chapter. The board may hold other meetings from time to time and at such places as shall be designated in the call therefor which meetings may be held upon call of the president of the board or a majority of its members pursuant to reasonable notice thereof sent to each member, unless such notice is waived by all board members. A majority of the board shall constitue a quorum for the purpose of exercising all the powers and duties of the board. The board shall maintain suitable offices for the conduct of its business.

C. Each member of the board shall receive a salary not to exceed five thousand four hundred dollars per annum and necessary travel expense as provided by law for state officers. The members shall devote their full time in performing their duties as members of the board.

D. The board may employ inspectors and clerical help necessary to carry out the provisions of this chapter, and fix such employees' compensation.

E. All salaries and expenditures authorized by this chapter shall be paid from the board of cosmetology fund within the limitation of the annual general appropriation bill.

Sec. 16. Sec. 3-602, Arizona Revised Statutes, is amended to read:

3-602. STATE DAIRY COMMISSIONER; TERMS; QUALIFICATIONS; BOND; SALARY; CHIEF DEPUTY AND DEPUTIES

A. A state dairy commissioner shall be appointed by the governor with the advice and consent of the senate. The term of office of the commissioner shall be for two years and shall expire on February 1 of every odd numbered year. The commissioner shall be a person experienced in the dairy industry and possessed of technical and educational qualifications or

practical experience in the production, handling and testing milk, and in other matters relating to the dairy industry. The commissioner shall execute a bond payable to the state in the amount of five thousand dollars, conditioned upon the faihful performance of his duties and shall qualifiy by taking and filing the official oath of office. He shall devote full time to the duties of the office and shall receive an annual salary not to exceed seven thousand two hundred dollars.

B. The commissioner may appoint a chief deputy who shall receive a salary not to exceed six thousand dollars per annum, and such additional deputies as he deems necessary who shall receive a salary not to exceed three thousand six hundred dollars per annum. Each deputy shall qualify by taking and filing the oath of office and shall execute a surety bond in the amount of two thousand five hundred dollars, conditioned upon the faithful performance of his duties.

C. The form of all bonds shall be approved by the attorney general, and premiums thereon shall be paid by the state.

Sec. 17. Sec. 15-815, Arizona Revised Statutes, is amended to read:

15-815. SUPERINTENDENT; APPOINTMENT; SALARY; TERM; QUALIFICATIONS; REMOVAL

A. There shall be a superintendent of the school who shall be its executive officer. The superintendent shall be appointed by the board of directors, and his appointment shall remain effective until revoked by the board. He shall receive an annual salary of twelve thousand dollars.

B. The superintendent shall be a person who is a competent educator of the deaf and who is acquainted with school management and class instruction of the deaf and the blind. No person shall be eligible to be superintendent who has not had at least five years actual experience as a teacher of the deaf.

C. The board may remove the superintendent for inefficiency. After such removal, the superintendent shall, upon written application, be given a full hearing before the board on written charges or complaints, a copy of which shall be served upon him at least two weeks prior to the hearing. If at the hearing it is determined that the superintendent was removed without sufficient cause he shall be reinstated without loss of pay on account of the removal. Action of the board at the hearing shall be final.

Sec. 18. Sec. 32-1206, Arizona Revised Statutes, is amended to read:

32-1206. COMPENSATION OF BOARD; SECRETARY; BOND

A. The board shall fix the compensation of its members, at not to exceed twenty dollars for each day actually spent in performing necessary work authorized by the board in enforcing this chapter, and members shall receive traveling expenses allowed by law.

B. The secretary may in addition receive a monthly salary not exceeding fifty dollars. He shall give a surety bond running to the board in the penal amount of two thousand dollars, conditioned upon faithful performance of his duties, on which the premium shall be a charge against the dental board fund.

Sec. 19. Sec. 41-501, Arizona Revised Statutes, is amended to read:

41-501. ARIZONA DEVELOPMENT BOARD; ORGANIZATION; MANAGER

A. There shall be an Arizona development board which shall consist of fourteen members, each of whom shall be a bona fide resident of a different county in the state, appointed by the governor with the advice and consent of the senate, from a list of three nominees furnished by the board of supervisors of each respective county.

B. The term of office of each member shall be five years. The terms of four members of the board shall expire on July 10 each year, except that on July 10 of each fourth year, the term of two members shall expire. Any vacancy occurring during a term of office shall be filled in the same manner and from the same county as the original appointment, but shall be only for the balance of the unexpired term.

C. Members of the board shall serve without compensation, but shall be allowed their actual costs of transportation plus twenty dollars per day in lieu of subsistence for attendance at meetings, of which there shall be not less than three nor more than six each year.

D. A majority of the membership of the board shall constitute a quorum for the transaction of business. Members who fail to attend three consecutive meetings shall be deemed to have resigned from the board, but the board may for good cause grant leaves of absence to its members.

E. The board shall elect from among its membership a chairman for a term it determines, and may appoint from with-

in or without its membership other officers, excluding a secretary, for such terms as it deems necessary or desirable.

F. The board shall employ, fix the annual salary at not to exceed ten thousand two hundred dollars, and prescribe the duties of a full-time manager who shall:

1. Not be a member of the board.

2. Be qualified by successful experience in publicity, advertising and industry promotion work for the responsibilities of the office.

3. Act as ex officio secretary of the board.

4. Serve at the pleasure of the board. No person who has held an elective state or county political office including the legislature, in the five-year period prior to his selection as manager, shall be employed as manager.

Sec. 20. Sec. 3-709, Arizona Revised Statutes, is amended to read:

3-709. STATE EGG INSPECTOR; APPOINTMENT; BOND; QUALIFICATIONS; SALARY; EMPLOYEES AND DEPUTIES; DUTIES; REPORTS

A. The state egg inspector shall be appointed by the governor with the advice and consent of the senate. The inspector shall serve for a term of six years conditioned upon the faithful performance of his duties. His term shall commence March 1. The inspector shall execute a bond payable to the state in the amount of five thousand dollars, and shall qualify by taking and filing the official oath of office. He shall be possessed of not less than three years experience in the production, sale and determining of standards and grades of eggs. He shall be possessed of technical and educational qualifications or practical experience in the handling and inspection of eggs, and in all matters relating to the egg industry. He shall provide administrative, secretarial and office services required. He shall devote full time to the duties of the office and shall receive an annual salary of seven thousand two hundred dollars.

B. The inspector may appoint one chief deputy and such additional deputies as he deems necessary within the limitations of funds authorized therefor. Each deputy shall qualify by taking and filing the oath of office and shall execute a surety bond to the state in the amount of two thousand five hundred dollars conditioned upon the faithful performance of his duties. Other personnel shall execute a surety bond pay-

able to the state in the amount of three thousand dollars conditioned upon the faithful performance of their duties.

C. The form of bonds required by this article shall be prescribed by the attorney general and premiums thereon shall be paid from the egg inspector fund.

D. The duties of inspectors shall be to inspect, weigh and examine dried eggs, frozen eggs and eggs in the shell being advertised or offered for sale to determine the condition, quality, grade and weight thereof. They may examine records of a person advertising or offering for sale eggs or egg products. They shall enforce the provisions of this article and other laws relating to the sale of eggs.

E. The state egg inspector shall keep a record of all activities, receipts and expenditures of the office. Not later than September 1 each year he shall make a written report to the governor of business transacted by his office during the preceding fiscal year.

Sec. 21. Sec. 41-332, Arizona Revised Statutes, is amended to read:

41-332. SALARY; PENALTY FOR UNAUTHORIZED COMPENSATION

A. The state examiner shall receive an annual salary of not to exceed twelve thousand dollars, and necessary traveling, clerical and office expenditures.

B. If the examiner shall, directly or indirectly, receive any compensation or reward for services, or extra services, or for neglect of service, other than as provided in this article, he is guilty of a felony punishable by a fine not exceeding ten thousand dollars, by imprisonment for not to exceed ten years, or both.

Sec. 22. Sec. 3-484, Arizona Revised Statutes, is amended to read:

3-484. SUPERVISOR, DEPUTIES AND CLERKS; SALARIES; EXPENSES

A. The salary of the supervisor shall be fixed annually by the dean of agriculture in an amount not exceeding nine thousand six hundred dollars per annum. The supervisor shall, with the approval of the dean of agriculture, fix the salaries and duties of each deputy and clerk. Travel expenses and subsistence shall be allowed in the manner and amounts provided for by sections 38-621 to 38-627, inclusive.

B. The salary of the supervisor in excess of six thousand dollars per annum and all expenses properly incurred in the enforcement of this article, including but not limited to salaries, travel and subsistence expenses, and office expenses, shall be paid from the fruit and vegetable revolving fund provided for in section 3-490.

Sec. 23. Sec. 17-211, Arizona Revised Statutes, is amended to read:

17-211. DIRECTOR; SELECTION; REMOVAL; POWERS AND DUTIES; EMPLOYEES

A. The commission shall appoint a director of the Arizona game and fish department, who shall be the chief administrative officer of the game and fish department, and shall fix his annual salary at not to exceed thirteen thousand eight hundred dollars. The director shall be selected on the basis of administrative ability and general knowledge of wildlife management. The director shall act as secretary to the commission, and shall serve for a term of five years, but he may be removed by the commission, after public hearing, for inefficiency, neglect of duty or misconduct in office. If the director is removed, the commission shall make, in its minutes, a complete statement of the proceedings and all charges made against the director, and its findings thereon. The director shall not hold any other office, and shall devote his entire time to the duties of his office.

B. The commission shall prepare an examination for the post of director to comply with the requirements of this title. The examination shall be conducted at the offices of the commission at the capital to establish an active list of eligible applicants. The director shall be selected from those scoring satisfactory grades and having other qualities deemed advisable by the commission, and the commission may call for additional examinations from time to time for selection of a new list of eligible applicants to fill a vacancy.

C. The director may appoint employees necessary to carry out the purposes of this title, when funds for the payment of their salaries are appropriated. Department employees shall be located in different sections of the state where their services are most needed. All appointments must be made in accordance with procedures, salary grades and qualifications established by the commission. The director may dismiss an employee for inefficiency, neglect of duty or misconduct. Such employee shall be entitled to an appeal before the commission after filing a written request for a hearing within thirty days

after date of discharge. The director shall file in the department office a complete statement of charges made against the employee and the findings thereon after such written request is received. If the employee fails to file such request within the thirty-day period his rights to appeal are waived and the action of the director shall be final.

D. The director and department personnel shall be paid their actual and necessary subsistence and traveling expenses as the commission may prescribe, but such expenses shall not exceed those prescribed by law for other state employees.

E. The director shall have general supervision and control of all activities, functions and employees of the department and shall enforce all provisions of this title, including all commission rules and regulations. Game rangers and wildlife managers may, in addition to other duties:

1. Execute all warrants issued for a violation of this title.

2. Execute subpoenas issued in any matter arising under this title.

3. Search without warrant any aircraft, boat, vehicle, box, game bag or other package where there is sufficient cause to believe that wildlife or parts thereof is possessed in violation of law.

4. Inspect all wildlife taken or transported and seize all wildlife taken or possessed in violation of law, or showing evidence of illegal taking.

5. Seize as evidence devices used illegally in taking wildlife and hold them subject to provisions of section 17-240.

6. Generally exercise the powers of peace officers with primary duties the enforcement of this title.

7. Seize devices that cannot be lawfully used for the taking of wildlife and are being so used and hold and dispose of same pursuant to section 17-240.

Sec. 24. Sec. 41-101, Arizona Revised Statutes, is amended to read:

41-101. POWERS AND DUTIES; ATTESTATION OF ACTS OF GOVERNOR; SALARY

A. The governor shall have the powers and perform the duties as prescribed in this article. The governor:

1. Shall supervise the official conduct of all executive and ministerial officers.

2. Shall see that all offices are filled and the duties thereof performed, or, in default thereof, invoke such remedy as the law allows.

3. Shall appoint a private secretary to the governor and shall appoint all officers of the state not made elective, unless otherwise provided.

4. Shall be the sole official means of communication between this state and the government of any other state or the United States.

5. May direct the attorney general to appear on behalf of the state when any action or legal proceeding is pending which affects the title of this state to any property or which may result in a claim against this state.

6. May require the attorney general, or any county attorney, to inquire into the affairs or management of any corporation doing business in this state.

7. May require the attorney general to aid a county attorney in the discharge of his duties.

8. May offer rewards for escaped insane persons, not exceeding five hundred dollars.

9. May require any officer or board to make special reports to him upon demand in writing.

10. May convene the legislature at some other place when the seat of government becomes dangerous from disease or a common enemy.

11. Shall have such powers and perform such other duties as are devolved upon him by law.

B. All official acts of the governor, approval of the laws excepted, shall be attested by the secretary of state.

C. The governor shall receive an annual salary of twenty-two thousand five hundred dollars.

Sec. 25. Sec. 36-135, Arizona Revised Statutes, is amended to read:

36-135. COMMISSIONER OF PUBLIC HEALTH

A. There shall be a commissioner of the state department of health. The commissioner shall be appointed by the state board of health for a term not to exceed five years. In case of vacancy resulting other than from expiration of term, appointment shall be for the unexpired portion of the term.

B. The commissioner may be removed only for cause, on written charges, and after a public hearing by the board.

C. The salary of the commissioner shall be determined by the board subject to legislative appropriation, in an amount not less than twelve thousand five hundred dollars nor more than sixteen thousand five hundred dollars per annum.

D. To be eligible for appointment as commissioner of the state department of health, a person shall:

1. Be a reputable physician holding a valid and existing license to practice medicine.

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.

E. The commissioner 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. 26. Sec. 18-107, Arizona Revised Statutes, is amended to read:

18-107. STATE HIGHWAY DIRECTOR; STATE ENGINEER; QUALIFICATIONS; SECRETARY; SALARIES

A. The commission, at its first meeting held after the effective date of this section, shall appoint a state highway director and a commission secretary. The secretary shall hold office at the pleasure of the commission and the director shall be appointed for a term of five years. The director may be removed from office at any time upon the concurrence of a majority of all the members of the commission.

B. The state engineer shall be a civil engineer registered to practice in the state and shall be familiar with the theory of and experienced in the practice of highway construction and maintenance, and shall be in charge of all engineering departments of the state highway department under the direction of the director. The state engineer may be removed from office at any time by the director with the concurrence of a majority of the members of the commission.

C. The director shall be possessed of a thorough knowledge of modern business methods or shall have not less than ten years' experience in a business or profession of which at least four years was in a responsible administrative capacity. All or part of the experience may have been with the United States government, any state or a political subdivision thereof. The director shall devote full time to the duties of the office, and shall not engage directly or indirectly in any occupation which conflicts with his duties. The director shall receive an annual salary of not to exceed seventeen thousand four hundred dollars, to be determined by legislative appropriation therefor.

D. The salary of the commission secretary shall be fixed by the highway commission and shall not exceed six thousand three hundred dollars annually and his duties shall be solely as a secretary to the commission. No duties shall be delegated to the secretary which shall infringe upon the authority and responsibility of the director.

Sec. 27. Sec. 28-201, Arizona Revised Statutes, is amended to read:

28-201. MOTOR VEHICLE DIVISION; SUPERINTENDENT; SALARY; OFFICES; EMPLOYEES

A. The highway department shall maintain a division of motor vehicles.

B. The state highway director, subject to the approval of the commission, shall appoint a vehicle superintendent to be the head of the division, who shall receive an annual salary not to exceed ten thousand eight hundred dollars as fixed by the commission.

C. The vehicle division shall maintain an office in the capital, and other offices as the duties of the division require. The superintendent may, with the consent of the director, appoint a chief clerk and other employees as the business of the division demands.

Sec. 28. Sec. 28-1121, Arizona Revised Statutes, is amended to read:

28-1121. SUPERVISOR OF FINANCIAL RESPONSIBILITY

The state highway director, with the approval of the commission, may appoint a supervisor of financial responsibility, prescribe his powers and duties and fix his salary at an amount not to exceed seven thousand two hundred dollars per annum.

Sec. 29. Sec. 23-101, Arizona Revised Statutes, is amended to read:

23-101. MEMBERS; QUALIFICATIONS; APPOINTMENT; TERMS; COMPENSATION; BOND; REMOVAL

A. There shall be an industrial commission of Arizona.

B. The commission shall be composed of three members appointed by the governor by and with the advise and consent of the senate. Each member shall be appointed for a term of six years and the term of one member shall expire January 8 of every even-numbered year. Not more than two members of the commission shall belong to the same political party.

C. No commissioner shall hold an office of trust or profit, or engage in an occupation or business other than his duties as commissioner, and no commissioner or regular employee of the commission shall serve on a committee of any political party.

D. The anuual salary of each commissioner shall be twelve thousand dollars. Before entering upon his duties, each commissioner shall give a corporate surety bond in the principal amount of ten thousand dollars, to be approved by the governor and filed with the secretary of state.

E. The governor may remove a member of the commission for inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office.

Sec. 30. Sec. 8-316, Arizona Revised Statutes, is amended to read:

8-316. SALARIES OF SUPERINTENDENTS AND EMPLOYEES

A. The salaries of employees, including the superintendents, shall be fixed by the board, and each superintendent shall be furnished living quarters. The superintendent of the industrial school shall receive a salary not to exceed twelve thousand six hundred dollars annually.

B. The superintendent of each institution shall submit to the board a payroll semimonthly, giving the names of all employees of the institution and their monthly salaries. The payroll shall be approved by the secretary of the board and filed with the state auditor, who shall issue his warrant to each individual named therein.

Sec. 31. Sec. 8-304, Arizona Revised Statutes, is amended to read:

8-304. COMPENSATION

The members of the board shall receive twenty dollars for each day spent in attending meetings of the board, and shall receive their actual and necessary expenses incurred in the performance of their duties.

Sec. 32. Sec. 20-141, Arizona Revised Statutes, is amended to read:

20-141. DIRECTOR OF INSURANCE; APPOINTMENT; TERM; QUALIFICATIONS; SALARY

A. There shall be a director of insurance who, subject to subsection E of this section, shall be appointed by the commission, subject to approval by the state senate.

B. The term of the director shall be six years, but he may be removed by the commission for cause.

C. The director shall be a person well versed in insurance matters who has been a resident of the state for at least three years prior to appointment.

D. The director shall receive an annual salary of not to exceed twelve thousand dollars, subject to section 20-155.

E. The individual holding the office of director of insurance immediately prior to January 1, 1955, as such office was constituted prior to January 1, 1955, shall be the director of insurance until the expiration of the term for which last so appointed prior to January 1, 1955, but such individual shall be subject to earlier removal for cause by the commission and shall likewise be eligible for reappointment by the commission at expriation of such term.

Sec. 33. Sec. 20-146, Arizona Revised Statutes, is amended to read:

20-146. DEPUTIES AND ASSISTANTS

A. The director shall appoint a supervisor of insurance rates, who shall also serve as chief deputy director of insurance.

B. The supervisor of insurance rates 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 director, of the administration of laws pertaining to insurance rates and rating organizations.

C. The supervisor shall be subject to removal for cause.

D. The supervisor of insurance rates shall receive an annual salary of not to exceed nine thousand six hundred dollars.

Sec. 34. Sec. 37-131, Arizona Revised Statutes, is amended to read:

37-131. STATE LAND COMMISSIONER; APPOINTMENT; TERM; REMOVAL; SALARY

A. There shall be a state land commissioner who shall be the executive officer of the state land department.

B. The commissioner shall be appointed by the governor subject to confirmation by the senate. The term of the land commissioner initially appointed under Laws 1950, 1st special session, chapter 30, section 1 shall end on the third Monday in January, 1957. Thereafter the commissioner shall be appointed for a term of six years. Appointment to fill a vacancy in the office of commissioner resulting other than from expiration of term shall be for the unexpired portion of the term.

C. The commissioner may be removed by the governor for cause, after public hearing, and shall be entitled to representation by counsel, to a written statement of the charges, and to confront witnesses appearing against him.

D. The commissioner shall receive a salary of not to exceed thirteen thousand eight hundred dollars per annum, and shall execute a surety bond to the state in the principal amount the governor deems necessary.

Sec. 35. Sec. 41-525.02, Arizona Revised Statutes, is amended to read:

41-525.02. COLORADO RIVER BOUNDARY MARKER COMMISSIONER

A. The state land commissioner shall be ex officio Colorado river boundary marker commissioner.

B. For the additional duties assigned to him by this article the state land commissioner shall receive an additional salary not to exceed four thousand one hundred dollars per year, but in no event shall the commissioners' total salary exceed thirteen thousand eight hundred dollars per year.

C. The commissioner may within the limits of appropriations made available therefor, appoint an administrative officer of the division of Colorado river boundary markers, a secretary, and such other assistants as may be required, assign their duties, define their powers, and fix their compensation.

D. The commissioner shall:

1. Adopt a seal which shall be judicially noticed.

2. Hold public hearings provided for by law.

3. Keep records of all proceedings and annual records of the division.

4. Promulgate such orders, rules and regulations, and perform such other acts as are necessary to carry out the provisions of this article.

Sec. 36. Sec. 41-704, Arizona Revised Statutes, is amended to read:

41-704. LEGISLATIVE APPOINTMENT OF DIRECTORS; COMPENSATION

A. Beginning July 1, 1952, and until otherwise provided by law, the director of the department of library and archives in office prior to such date shall be director of the department of library and archives.

B. The director shall receive an annual salary of eight thousand four hundred dollars.

Sec. 37. Sec. 4-111, Arizona Revised Statutes, is amended to read:

4-111. DEPARTMENT OF LIQUOR LICENSES AND CONTROL; SUPERINTENDENT; APPOINTMENT AND REMOVAL

A. There is created the department of liquor licenses and control and the office of superintendent of the department.

B. 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 31 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 the

court in a proceeding instituted within thirty days after the removal.

C. The superintendent shall receive a salary of twelve thousand dollars per annum, and shall give a surety bond to be approved by the state treasurer in the sum of twenty-five thousand dollars conditioned upon the faithful performance of his duties.

D. Neither the superintendent nor any employee of the superintendent shall serve on a committee of any political party, nor engage in political activities other than voting.

Sec. 38. Sec. 4-112, Arizona Revised Statutes, is amended to read:

4-112. SUPERINTENDENT; DUTIES; DEPUTIES; SALARIES

A. The superintendent of liquor licenses and control shall administer and enforce the provisions of this title.

B. The superintendent shall:

1. Prescribe necessary rules and regulations:

(a) For carrying out the provisions of this title.

(b) For the proper conduct of the business to be carried on under each specific type of spirituous liquor license.

(c) To enable and assist state officials to collect taxes levied or imposed in connection with spirituous liquors.

(d) To procure full compliance by licensees in the conduct of their business with all provisions of this title.

(e) To hold hearings on applications for licenses and transfers thereof and grant or deny such applications.

2. Prescribe forms for applications and licenses, and other forms as may be necessary under this title.

3. Examine books, records and papers of a licensee.

4. Hear and determine complaints against a licensee.

5. Grant or deny applications for licenses and transfers thereof in accordance with the provisions of this title.

6. Issue subpoenas and other necessary process to procure the presence of persons and the production of papers.

7. Administer oaths, take testimony and punish for contempt.

8. Employ ncessary deputies and assistants and pay their compensation and other expenses of administering this title.

C. The superintendent shall keep an index record which shall contain the name and address of each licensee and the name and address of any person having an interest, either legal or equitable, in such license as shown by written document which document shall be placed on file with the office of the superintendent. The index shall be a public record open to public inspection.

D. The superintendent shall assist in the enforcement of laws relating to possession and sale of narcotic drugs, and in consideration of these additional duties he shall receive an additional salary of two thousand four hundred dollars per annum, but his total salary shall not exceed twelve thousand dollars per annum.

Sec. 39. Sec. 24-102, Arizona Revised Statutes, is amended to read:

24-102. LIVESTOCK SANITARY BOARD; MEMBERS; APPOINTMENT; TERM; BOND; REPORTS; LIMITATION ON SESSIONS; COMPENSATION

A. There shall be a livestock sanitary board composed of five members all of whom are qualified electors, provided that no more than two members from any one county shall be represented on the board at any time. The members shall represent the following categories:

1. Two member from the range cattle growing industry.

2. One member from the cattle feeding industry.

3. One member shall be a producing dairy man.

4. One member shall be a packing house operator.

All members of the board shall be actively engaged operating owners of the type of business they represent on the board. If a member acquires his representation through his affiliation with a corporation, such member shall be actively engaged in managing the corporation and his primary source of income shall be derived from the corporation. In addition, the member shall be the owner or principal stockholder of the corporation. Members shall be appointed by the governor with the advice and consent of the senate, for terms of office of five

years each. Of the two members appointed upon the enactment of this section, one shall be a producing dairy man who shall be appointed for a term ending June 30, 1959, and the second shall be a packing house operator who shall be appointed for a term ending June 30, 1960. As the terms of the other three members expire, one shall be appointed for a term ending June 30, 1961, the second for a term expiring June 30, 1962, and the term of the third appointment shall expire June 30, 1963. Thereafter all appointments shall be for a term of five years, and appointment to fill a vacancy caused other than by expiration of term shall be for the unexpired portion of the term only.

B. Each member of the board shall execute a bond to the state in the principal amount of two thousand dollars, conditioned upon the faithful performance of his duties.

C. The board shall keep a complete record of its proceedings, make reports to the governor as required by him, and make biennial reports to the legislature.

D. Each member shall receive twenty dollars per day for the time necessarily employed in discharging his duties, but in no year shall the board be in session more than sixty days, except upon call of the governor. Members of the board shall receive mileage allowance in attending meetings.

Sec. 40. Sec. 24-151, Arizona Revised Statutes, is amended to read:

24-151. STATE VETERINARIAN; APPOINTMENT; QUALIFICATION; BOND; SALARY

A. There shall be a state veterinarian, who shall be appointed by the governor with the advice and consent of the senate, and shall hold office at the pleasure of the livestock sanitary board.

B. The person appointed shall be a skilled veterinarian who is a graduate of a recognized school of veterinary medicine and licensed to practice veterinary medicine in this state.

C. The state veterinarian shall execute a bond to the state in the principal amount of five thousand dollars conditioned upon the faithful performance of his duties.

D. The veterinarian shall receive a salary in an amount determined by the livestock sanitary board, but not to exceed ten thousand two hundred dollars per annum, and he shall receive the mileage and travel expenses allowed public officers.

Sec. 41. Sec. 27-121, Arizona Revised Statutes, is amended to read:

27-121. QUALIFICATIONS OF MINE INSPECTOR; DUTIES; SALARY

A. The state mine inspector shall be a resident of this state at least two years prior to his election, not under thirty years of age, and shall have been practically engaged in, and acquainted with, mines and mining in this state, and shall have had at least seven years' experience in underground mining.

B. No person may be an inspector or deputy inspector while an employee, director, or officer, of a mining, milling or smelting company.

C. The inspector, and each deputy, shall devote his entire time to the duties of his office.

D. The inspector shall receive an annual salary of not to exceed nine thousand six hundred dollars and in addition necessary traveling expenses when traveling in discharge of official duties.

E. The inspector shall give bond to the state in the amount of five thousand dollars.

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

Sec. 42. Sec. 27-122, Arizona Revised Statutes, is amended to read:

27-122. DEPUTY INSPECTORS

The state mine inspector may appoint four deputies. The deputies shall have the same qualifications as are prescribed for the mine inspector. They shall each receive an annual salary of six thousand six hundred dollars per annum with necessary traveling expenses as allowed for state officials.

Sec. 43. Sec. 27-141, Arizona Revised Statutes, is amended to read:

27-141. STATE MINE DUST ENGINEER; QUALIFICATIONS; COMPENSATION

A. The state mine inspector shall appoint, in addition to the deputies provided for in section 27-122, a deputy called the state mine dust engineer. The person appointed shall be a

mining engineer graduated from an accredited school of mining or geology, who is experienced in making mine dust surveys and who has had not less than three years actual experience in mining, of which not less than one year was in mine ventilation and dust control work.

B. The state mine dust engineer shall receive a salary of not to exceed eight thousand four hundred dollars per annum and necessary travel expenses as provided for state officials.

Sec. 44. Sec. 32-1503, Arizona Revised Statutes, is amended to read:

32-1503. COMPENSATION

Each member of the board except the secretary shall receive twenty dollars per day for each day actually engaged in the performance of his duties, together with all expenses actually incurred. The board may fix the annual salary to be paid the secretary, and allow traveling expenses in addition thereto when incurred on business of the board.

Sec. 45. Sec. 32-1604, Arizona Revised Statutes, is amended to read:

32-1604. COMPENSATION AND EXPENSES

Each member of the board shall, in addition to necessary traveling and hotel expenses, receive twenty dollars per day for each day spent in the discharge of his duties, including preparing and grading examinations.

Sec. 46. Sec. 32-1607, Arizona Revised Statutes, is amended to read:

32-1607. PRACTICAL NURSE COMMITTEE; MEMBERSHIP; COMPENSATION; DUTIES

A. There shall be a practical nurse committee which shall consist of five members appointed by the governor. All the members shall be licensed practical nurses under the provisions of this chapter. One member shall be appointed each year for a term of five years, to begin and end on June 30.

B. On or before May 1 of each year, and at any other time a vacancy exists, the Arizona federation of licensed practical nurses shall submit to the governor a list of licensed practical nurses. The list shall contain at least three names for each vacancy to be filled. Appointment shall be made by the governor from this list. Appointment to fill a vacancy other than by expiration shall be for the unexpired term. No person shall

serve more than two consecutive terms as a member of the practical nurse committee.

C. Each member of the practical nurse committee shall, in addition to necessary traveling and hotel expenses, receive twenty dollars per day for each day spent in the discharge of his duties, including preparing and grading examinations.

D. The committee shall assist, consult and advise the board with respect to practical nursing matters and with respect to examination and licensing of persons applying for a license to practice and assume the title of practical nurse. Action as to such matters shall be taken only upon a majority vote of the combined membership of the practical nurse committee and the board. The practical nurse committee shall meet with the board at least annually.

Sec. 47. Sec. 32-1802, Arizona Revised Statutes, is amended to read:

32-1802. MEETINGS; ORGANIZATIONS; COMPENSATION

A. The board shall hold annual meetings on January 15 each year in the city of Phoenix, and may hold other meetings at times and places determined by a majority of the board upon giving to each member thereof ten days written notice. A majority of the members of the board shall constitute a quorum and a majority vote of a quorum present at any meeting shall govern all actions taken except that licenses shall be issued under this chapter only upon the vote of a majority of the full board.

B. At each annual meeting the board shall select from among its membership a president and vice president who shall serve until their successors are chosen.

C. Each board member shall receive twenty 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. Compensation and expenses shall be paid from the osteopathic board fund.

Sec. 48. Sec. 32-1804, Arizona Revised Statutes, is amended to read:

32-1804. SECRETARY-TREASURER; DUTIES; BOND

A. 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 not in excess of two thousand four hundred dollars.

B. The secretary-treasurer shall:

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 chapter.

C. 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 deems proper, the premium for which shall be paid by the board.

Sec. 49. Sec. 31-404, Arizona Revised Statutes, is amended to read:

31-404. SUPERVISOR OF PAROLEES; SALARY; EXPENSES; POWERS AND DUTIES

A. The chairman of the board of pardons and paroles shall be ex officio supervisor of parolees. He shall receive not to exceed thirty-two dollars per day for three hundred days in any calendar year. He shall be reimbursed for travel expenses actually incurred in the performance of his duties as chairman of the board of pardons and paroles and supervisor of parolees, as provided for public officers and state employees in title 38, chapter 4, article 2, but shall not receive such compensation for any day for which he draws compensation as chairman of the board of pardons and paroles.

B. The supervisor of parolees shall make investigations and collect information which will assist the board of pardons and

paroles in passing upon applications for parole of state prison inmates. 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.

Sec. 50. Sec. 32-1903, Arizona Revised Statutes, is amended to read:

32-1903. ORGANIZATION; SECRETARY; COMPENSATION

A. The board shall annually elect a president and a vice president from among its membership, and a secretary who may or may not be a member of the board of pharmacy. The secretary of the board may be elected for a term not to exceed two years and shall serve at the pleasure of the board.

B. The president of the board shall preside at all its meetings, and, in his absence or inability to preside, the vice president shall act.

C. The secretary of the board shall be the executive officer in charge of the boards' office. He shall make, keep and be in charge of all records and record books required to be kept by the board, including a register of all the registrants and places of business required to be registered under this chapter. The secretary shall attend to the correspondence of the board and perform other secretarial duties the board requires in the keeping of the office of secretary. The secretary shall furnish a bond, the amount of which shall be fixed by the board, conditioned upon the faithful performance and discharge of the duties of his office according to law. The secretary shall receive a salary, to be fixed by the board, and all necessary expenses incurred in the performance of his official duties. If he is a member of the board, the salary and compensation shall be in addition to his per diem as a member.

D. The president, secretary or any member of the board may administer oaths in connection with the duties of the board. The books, registers, and records of the board as made and kept by the secretary or under his supervision, subject to the direction of the board, shall be prima facie evidence of the matter therein recorded in any court of the law. Members of the board of pharmacy shall be paid twenty dollars per diem and their necessary expenses while actually engaged in the performance of the duties of the board.

Sec. 51. Sec. 32-2002, Arizona Revised Statutes, is amended to read:

32-2002. BOARD OF PHYSICAL THERAPY EXAMINERS; MEMBERS; QUALIFICATIONS; TERMS; COMPENSATION

A. There shall be a board of physical therapy examiners. The board shall be composed of three members who shall be appointed by the governor with the advice and consent of the senate. To be eligible for appointment as a board member a person shall be a resident of the state registered under or eligible for registration under this chapter, and shall meet the requirements of the American Medical Association.

B. The term of office of each member shall be three years. The term of one member shall expire July 26 each year. Appointment to fill a vacancy arising other than from expiration of term shall be for the unexpired portion of the term only.

C. Board members shall receive twenty dollars for each day actually spent in board meetings, together with travel and other necessary expenses incurred in the performance of official duties.

Sec. 52. Sec. 41-922, Arizona Revised Statutes, is amended to read:

41-922. SUPERINTENDENT OF HOME FOR PIONEERS; APPOINTMENT; SALARY

A. The governor shall appoint a superintendent of the Arizona pioneers' home.

B. The superintendent shall receive an annual salary of not to exceed eight thousand four hundred dollars.

Sec. 53. Sec. 41-1323, Arizona Revised Statutes, is amended to read:

41-1323. TERM OF OFFICE; COMPENSATION

A. The term of office of the post auditor shall be four years, and shall expire on June 30, 1955, and every fourth year thereafter.

B. The post auditor shall receive an annual salary of not to exceed twelve thousand dollars.

C. The post auditor shall devote full time to the duties of the office.

Sec. 54. Title 41, chapter 8, article 2, Arizona Revised Statutes, is amended by adding section 41-1327, to read:

41-1327. FISCAL RESEARCH OFFICER; DUTIES; COMPENSATION

A. In addition to all other duties prescribed by the provisions of this article, the post auditor shall assume duties assigned by this section and shall have the position of federal-state fiscal research officer.

B. The federal-state fiscal research officer shall:

1. Confer with officials of federal agencies concerning grants-in-aid generally, and particularly in regard to federal-aid programs in progress in the state of Arizona.

2. Report to the legislature at each regular session thereof, his findings and recommendations in the following areas:

(a) The total amount of federal grants-in-aid received by Arizona agencies during the preceding fiscal year.

(b) The total amount of federal grants-in-aid available to Arizona agencies during the preceding fiscal year, giving reasons for any difference between the amount of funds available to and the amount of funds accepted by Arizona agencies in all federal grant-in-aid programs.

(c) The adequacy of grant-in-aid programs in progress in the state of Arizona.

(d) Federal grant-in-aid programs in which the state does not participate.

(e) Legislation necessary for activation of federal programs in which the state does not participate.

(f) Legislation necessary for improved operation of federal grant-in-aid programs in progress in the state of Arizona.

(g) Advisability of accepting new grant-in-aid programs or discontinuing programs already in progress.

3. Have access to the books, accounts, reports, vouchers and all other pertinent records of all state agencies for the purpose of carrying out the provisions of this section.

C. The fiscal research officer may within the limits of legislative appropriations made available therefor, appoint such assistants as may be required, assign their duties, define their powers and fix their compensation.

D. For additional duties assigned to the post auditor by the terms of this section, he shall receive an additional salary not

to exceed three thousand six hundred dollars per year, but in no event shall the post auditor's total salary exceed twelve thousand dollars per year.

Sec. 55. Sec. 31-201, Arizona Revised Statutes, is amended to read:

31-201. SUPERINTENDENT; APPOINTMENT; TERM; SALARY

A. There shall be a superintendent of the state prison. The superintendent shall be appointed by the governor, with the advise and consent of the senate, for a term of six years to end the first Monday in January of the sixth year of the term, unless the incumbent is sooner removed for cause. In case of vacancy in office, the appointment to fill the vacancy shall be for the unexpired portion of the term only.

B. The salary of the superintendent shall be twelve thousand six hundred dollars per annum, and full maintenance.

Sec. 56. Sec. 46-112, Arizona Revised Statutes, is amended to read:

46-112. 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 board shall, in addition to receiving actual and necessary expenses as provided by law, be paid twenty dollars per day, but a board member shall not receive compensation for more than a total of thirty days of service during any fiscal year. A board member who is otherwise employed as a public officer shall not receive such payment if it is prohibited by law.

Sec. 57. Sec. 46-151, Arizona Revised Statutes, is amended to read:

46-151. STATE COMMISSIONER OF PUBLIC WELFARE; APPOINTMENTS; SALARY; DUTIES

A. The commissioner of the state department shall be appointed by the state board wholly on the basis of training, ability and experience in welfare adminisration. The commissioner shall serve at the pleasure of the state board, and shall receive an annual salary not to exceed twelve thousand dollars.

B. 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.

Sec. 58. Sec. 5-106, Arizona Revised Statutes, is amended to read:

5-106. SECRETARY; SUPERVISOR OF MUTUELS; OTHER EMPLOYEES

A. The commission shall appoint a secretary at a salary not to exceed eight thousand four hundred dollars per annum, a supervisor of mutuels and such track police and other employees as may be necessary for the enforcement of the laws of this state relating to racing.

B. The secretary, the supervisor of mutuels, the track police and such other employees as the commission shall determine shall give bond to the state for the faithful performance of their respective duties in such amount as the commission shall prescribe. The cost of providing the bonds shall be a charge against the state.

C. The compensation of the track police and other employees shall be fixed by the commission, subject to legislative appropriation.

D. 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.

E. The supervisor of mutuels shall supervise the wagering and the pari-mutuel departments at all race meetings, shall receive an annual salary not to exceed eight thousand four hundred dollars and shall enter into no other employment or contracts of employment involving racing or pari-mutuel wagering either within or without the state during days of racing in the state.

F. The track police shall assist in keeping the peace at all race meetings, shall enforce all laws of the state relating to racing and all rules and regulations of the commission and perform such other duties as the commission shall prescribe, and in the discharge of their duties shall have the authority of peace officers.

Sec. 59. Sec. 32-2106, Arizona Revised Statutes, is amended to read:

32-2106. DUTIES OF REAL ESTATE BOARD

The board shall:

1. Appoint, with the approval of the governor, and with the advice and consent of the senate, the real estate commissioner.

2. Fix the compensation of the commissioner, which shall not exceed twelve thousand dollars per annum.

3. Appoint by majority vote a chairman of the board to serve during the tenure of his appointment as a member of the board.

4. Prescribe rules and regulations, in accord with the provisions of this chapter, as are necessary.

Sec. 60. Sec. 32-1103, Arizona Revised Statutes, is amended to read:

32-1103. REGISTRAR OF CONTRACTORS; TERM; SALARY

The governor shall appoint a registrar of contractors who shall be an experienced contractor for a term coterminous with that of the governor or until his successor is appointed and qualifies. The registrar shall file with the secretary of state a bond in the amount of five thousand dollars payable to the state. The registrar is vested with all functions and duies relating to administration of this chapter. He shall receive an annual salary not to exceed twelve thousand dollars, payable from the contractors' licensing fund.

Sec. 61. Title 32, chapter 10, article 1, Arizona Revised Statutes, is amended by adding section 32-1103.01, to read:

32-1103.01. ADVISER TO DIRECTOR OF CIVIL DEFENSE; SALARY

A. The registrar of contractors shall be an adviser to the director of civil defense in all matters of construction work performed in relation to civil defense.

B. For the additional duties assigned to him by this section, the registrar of contractors shall receive an additional salary not to exceed four thousand eight hundred dollars per year, but in no event shall the registrar's total salary exceed twelve thousand dollars per year. The additional salary provided for in this section shall be paid for from the contractors' license fund.

Sec. 62. Sec. 15-143, Arizona Revised Statutes, is amended to read:

15-143. GOVERNMENT OF ASSOCIATION AND SUBORDINATE UNITS; MEETINGS; EXPENSES OF MEMBERS; EMPLOYEES

A. The association and its subordinate units shall be governed by a constitution, bylaws and rules and regulations not inconsistent with law.

B. The association may provide for such annual or special meetings as are necessary or advisable.

C. The association may provide for the payment of travel and other necessary expenses incurred by its members in the performance of official duties, as provided for public officers and state employees in title 38, chapter 4, article 2.

D. The association may employ an executive secretary and an assistant secretary or stenographer, prescribe their powers and duties and fix their salaries. The employees of the association shall be limited to an executive secretary whose salary shall not exceed seven thousand two hundred dollars per annum, and an assistant secretary or stenographer whose salary shall not exceed three thousand six hundred dollars per annum.

Sec. 63. Title 41, chapter 1, article 2, Arizona Revised Statutes, is amended by adding section 41-121.01, to read:

41-121.01. SALARY

The secretary of state shall receive an annual salary of thirteen thousand dollars.

Sec. 64. Sec. 24-121, Arizona Revised Statutes, is amended to read:

24-121. SHEEP SANITARY COMMISSION; MEMBERS; APPOINTMENT; TERM; BOND; EXPENSES OF MEMBERS

A. There shall be a sheep sanitary commission composed of three members who are qualified electors of the state and bona fide sheep owners. Members of the commission shall be appointed by the governor with the advice and consent of the senate, for terms of office of two years each.

B. Each appointee to the sheep sanitary commission shall take and subscribe the oath of office and execute a bond to the state in the prinicpal amount of two thousand dollars.

C. The commission shall convene at the state capital at least once a year, or as frequently as necessary.

D. The commission may appoint a secretary at a salary not to exceed one hundred dollars per month.

E. Members of the commission shall be allowed expenses necessarily incurred while discharging their duties.

Sec. 65. Sec. 36-205, Arizona Revised Statutes, is amended to read.

36-205. SUPERINTENDENT OF STATE HOSPITAL; APPOINTMENT; BOND; QUALIFICATIONS; COMPENSATION

A. There shall be a superintendent of the state hospital who shall be appointed by the state hospital board.

B. The superintendent shall give a surety bond to the state, approved by the board, in an amount not less than ten thousand dollars.

C. The salary of he superintendent shall be determined by the board, subject to legislative appropriation, in an amount not less than twelve thousand five hundred dollars nor more than seventeen thousand two hundred dollars per annum.

D. The superintendent shall be removed only for cause.

E. The superintendent shall be a physician graduated from a legally chartered school of medicine, the requirements of which shall have been at the time of his graduation not less than those prescribed by the assocation of American medical colleges, and he shall have not less than three years' experience in the treatment of mental and nervous diseases.

Sec. 66. Sec. 15-124, Arizona Revised Statutes, is amended to read:

15-124. SALARY AND TRAVEL EXPENSES

The salary of the superintendent shall be thirteen thousand dollars per year. The superintendent shall be reimbursed for travel expenses actually incurred in the performance of his duties, as provided for public officers and state employees in title 38, chapter 4, article 2.

Sec. 67. Sec. 42-103, Arizona Revised Statutes, is amended to read:

42-103. SALARY; OATH; BOND

A. Each member of the tax commission shall receive an annual salary of thirteen thousand dollars.

B. The members of the tax commission shall qualify by taking the oath of office and by giving bond to the state in the amount of five thousand dollars.

Sec. 68. Sec. 41-171, Arizona Revised Statutes, is amended to read:

41-171. OFFICE; ABSENCE FROM STATE; SALARY; SEAL

A. The state treasurer shall keep his office at the capital, and shall not absent himself from the state without leave of the legislature or the governor. He shall receive an annual salary of ten thousand eight hundred dollars.

B. The secretary of state shall procure and deliver to the treasurer a seal of office containing the words, "Office of the State Treasurer, Arizona", a description of which shall be retained by the secretary of state in his office.

Sec. 69. Sec. 41-604, Arizona Revised Statutes, is amended to read:

41-604. DIRECTOR OF VETERANS' AFFAIRS; POWERS AND DUTIES; EMPLOYEES; COMPENSATION

A. The commission shall, with the advice and consent of the governor, appoint a director of veterans' affairs and other assistants deemed necessary, each of whom shall be a veteran, except that stenographers may be employed from among the wives, mothers, widows, sisters or children of veterans.

B. The director shall be the executive officer of the commission. In the name of the commission he shall direct performance of undertakings required by the commission in the exercise of its powers and duties, and shall execute official documents and affix thereto the official seal of the commission. The director and executive assistants of the commission may administer oaths and affirmations, and execute attestations and certificates as a magistrate or other public officer administers oaths.

C. The director shall receive an annual salary not to exceed eight thousand four hundred dollars.

Sec. 70. Sec. 32-2201, Arizona Revised Statutes, is amended to read:

32-2201. STATE BOARD OF VETERINARY EXAMINERS; APPOINTMENT; TERM; QUALIFICATIONS: COMPENSATION

A. There shall be a state board of veterinary examiners consisting of three members who shall be appointed by the governor. The term of office of each member shall be three years, the term of one member to expire each year.

B. To be eligible for appointment to the board a person shall be:

1. A graduate of a veterinary college authorized by law to confer degrees.

2. A bona fide resident of the state for a period of at least two years prior to his appointment and actually engaged in the practice of veterinary medicine in the state during such period.

C. Each member of the board shall receive as compensation twenty dollars a day when engaged in the work of the board. Such compensation shall be paid from funds collected under the provisions of section 32-2223.

Sec. 71. Sec. 44-2111, Arizona Revised Statutes, is amended to read:

44-2111. STATE INSPECTOR OF WEIGHTS AND MEASURES; APPOINTMENT; TERM; SALARY

There shall be a state inspector of weights and measures who shall be appointed by the governor, with the consent of the senate, for a term of two years, the term to begin and end February 1 each odd numbered year. The inspector shall receive a salary of not to exceed nine thousand six hundred dollars per year, and necessary expenses of operation and travel, within the limits of appropriations therefor.

Sec. 72. Sec. 38-624, Arizona Revised Statutes, is amended to read:

38-624. SUBSISTENCE

A. Reimbursement for subsistence may be claimed for actual and necessary expenses not to exceed twelve dollars for travel within the state, for each twenty-four hour day for each person.

B. Reimbursement for subsistence may be claimed for actual and necessary expenses not to exceed fifteen dollars for

travel without the state, for each twenty-four hour day for each person.

C. The terms of this section shall not become effective until July 1, 1963.

Sec. 73. Sec. 12-203, Arizona Revised Statutes, is amended to read:

12-203. SALARY OF CLERK AND DEPUTY; ADMINISTRATIVE DIRECTOR

A. The clerk of the supreme court shall receive an annual salary of eight thousand four hundred dollars and the deputy clerk shall receive an annual salary of six thousand dollars.

B. The administrative director of the supreme court shall receive an anuual salary not to exceed twelve thousand five hundred dollars.

Sec. 74. Sec. 17-201, Arizona Revised Statutes, is amended to read:

17-201. GAME AND FISH DEPARTMENT AND GAME AND FISH COMMISSION MEMBERS; APPOINTMENT; REMOVAL; MEETINGS

A. The laws of the state relating to wildlife shall be administered by the game and fish department. Control of the department is vested in the game and fish commission. The commission shall consist of five members, appointed by the governor with the advice and consent of the senate. Not more than three members shall be members of the same political party, and all members shall be residents of different counties. Members shall be well informed on the subject of wildlife and requirements for its conservation. Appointments shall be for a term of five years, but an appointment to fill a vacancy shall be for the unexpired portion of a term.

B. The governor may, after public hearing, remove a member for inefficiency, neglect of duty or misconduct in office. Upon removal of a member the governor shall file in the office of the secretary of state a complete statement of all charges made againse the members and his findings thereon, together with a complete record of the proceedings.

C. Each member of the commission while attending general or specific meetings of the commission or while performing official duties for the commission shall receive a per diem of twenty dollars plus necessary travel and other expenses as provided by law for state officers. A commission member who

is otherwise employed as a public officer shall not receive such payment if it is prohibited by law. Compensation and expenses shall be paid monthly from the game and fish fund.

D. Members shall qualify by giving bond to the state in the principal amount of five thousand dollars, conditioned upon faithful performance of their duties. Premiums on the bonds shall be paid from the game and fish fund.

E. The commission shall have its principal office at the state capitol but meetings may be held at any time or place within the state. The commission shall meet at least once quarterly. Meetings may be held at the call of the chairman or majority of the commission. A majority of the commission shall constitute a quorum to transact business.

Sec. 75. Sec. 26-102, Arizona Revised Statutes, is amended to read:

26-102. ADJUTANT GENERAL; APPOINTMENT; TERM; QUALIFICATIONS; SALARY

A. The adjutant general shall be appointed by the governor for a term coterminous with that of the governor. The person appointed shall be a citizen of the United States and a resident of the state. He shall be not less than thirty nor more than sixty-five years of age, and shall have had not less than three years service in the national guard. The adjutant general shall at the time of his appointment hold a rank not lower than lieutenant colonel in the national guard or any reserve component or regular establishment of the armed forces of the United States. The appointee shall qualify by giving bond to the state conditioned upon faithful performance of his duties. The bond shall be approved by the governor and shall be in an amount the governor prescribes, but not less than five thousand dollars.

B. The adjutant general shall receive a salary not to exceed nine thousand six hundred dollars annually, and shall revote full time to the office.

C. The adjutant general shall have the rank of brigadier general, or the highest rank in which he is or has been federally recognized, or his highest retired rank, whichever is highest, or such rank as makes him senior to all other national guard officers. The governor may increase the rank of the adjutant general as a reward for efficient and loyal service.

Sec. 76. Sec. 41-511.05, Arizona Revised Statutes, is amended to read:

41-511.05. POWERS; SALARY

The board may, subject to legislative budgetary control within the limitations of this article:

1. Employ, fix the salaries, determine conditions of employment and specify the duties of such administrative, secretarial and clerical workers and technical employees such as naturalists, archaeologists, landscape architects, rangers, park supervisors, caretakers, guides, skilled tradesmen, laborers, historians, and engineers, and to contract to have the services of such advisors or consultants as are reasonably necessary or desirable to enable it to perform adequately its duties. The salary of the director shall not exceed ten thousand two hundred dollars per year.

2. Make such contracts, leases and agreements and incur such obligations as are reasonably necessary or desirable within the general scope of its activities and operations to enable it to perform adequately its duties.

3. Acquire through purchase, lease, agreement, donation, grant, bequest, or otherwise real and personal property and acquire real property through eminent domain for state park or monument purposes. No property may be acquired in the manner hereinbefore provided, which will require an expenditure in excess of funds theretofore budgeted or received for such purposes. No state park or monument, or additions thereto, shall be created containing in excess of one hundred sixty acres of land unless the same is created by act of the legislature. This acreage limitation shall not apply, however, in the case of lands given or donated for state park or monument purposes nor to state owned lands selected by the board which are not subject to outstanding leases, permits or other rights for the use thereof including preferential rights to renew such leases and permits.

4. Construct at state parks and monuments necessary sanitary and other facilities including picnic tables, fireplaces, campsites, service buildings and maintenance shops; and contract with private persons for the construction and operation of cabins, hotels and restaurants, and like establishments.

5. Erect suitable signs and markers at parks and monuments and write, prepare and publish written material describing the historical significance of monuments and other places of historical or other significance.

6. Solicit and work in cooperation with the state highway department and the highway departments of various counties

and United States public roads, administration for necessary roads and trails within the state parks and monuments and access roads thereto.

7. Levy and collect reasonable fees or other charges for the use of such privileges and conveniences as may be provided under the jurisdiction of the board.

8. Make reasonable rules and regulations, for the protection of, and maintain and keep the peace in, state parks, and monuments.

9. Furnish advisory services to city and county park or recreation boards and organizations.

Sec. 77. REPEAL

Sections 38-603, 38-604 and 38-605, Arizona Revised Statutes, are repealed.

Sec. 78. LEGISLATIVE INTENT; EFFECTIVE DATE

The legislature recognizes the provisions of article 4, part 2, section 17, Constitution of Arizona, and does not, by the enactment of this measure, intend to violate its terms. It is the intent of the legislature to prescribe the salaries as set forth in this act so that, as public officers become eligible, the increase will be available to them. It is further the intent that those persons who are not subject to the provisions of article 4, part 2, section 17, Constitution of Arizona, shall receive the salary increase prescribed in this act commencing July 1, 1962.

Sec. 79. APPROPRIATION; PURPOSE

In addition to the appropriations made under the terms of the bill titled, "appropriations for the different departments of the state, for state institutions, and for public schools", for the fiscal year commencing July 1, 1962, to be available from the state general fund, or from the fund specified, in the amounts and for the purposes set forth herein:

ATTORNEY GENERAL—DEPARTMENT OF LAW

Personal Services	$ 2,150.00

AUDITOR

Personal Services	1,700.00

DEPARTMENT OF LIBRARY AND ARCHIVES

Personal Services	1,200.00

GOVERNOR

Personal Services	2,000.00

POST AUDITOR

Personal Services	3,600.00

SECRETARY OF STATE

Personal Services	1,700.00

STATE EXAMINER

Personal Services	3,600.00

STATE TAX COMMISSION

Personal Services	5,100.00

STATE TREASURER

Personal Services	1,650.00

SUPREME COURT

Personal Services	4,800.00

ARIZONA STATE BOARD OF PHARMACY

From the Arizona State Board of Pharmacy Fund the following is appropriated:

Personal Services	1,040.00

BOARD OF BARBER EXAMINERS

From the Board of Barber Examiners Fund the following is appropriated:

Personal Services	1,800.00

BOARD OF COSMETOLOGY

From the Board of Cosmetology Fund the following is appropriated:

Personal Services	1,800.00

DAIRY COMMISSIONER

Personal Services	2,300.00

NATUROPATHIC BOARD OF EXAMINERS

From the Naturopathic Board of Examiners Fund the following is appropriated:

Personal Services	40.00

STATE BOARD OF OSTEOPATHIC EXAMINERS

From the State Board of Osteopathic Examiners Fund the following is appropriated

Personal Services	2,100.00

ARIZONA CHILDREN'S COLONY BOARD

Personal Services	5,100.00

BOARD OF DIRECTORS OF STATE INSTITUTIONS
FOR JUVENILES
BOARD EXPENSE

Personal Services	600.00

BOARD OF PARDONS AND PAROLES

Personal Services	1,700.00

DEPARTMENT OF PUBLIC WELFARE

ADMINISTRATION—STATE AND COUNTY

Personal Services	1,800.00

INDUSTRIAL SCHOOL

Personal Services	5,400.00

PIONEERS' HOME

Personal Services	3,000.00

STATE HOSPITAL

Personal Services	2,200.00

VETERANS' SERVICE COMMISSION

Personal Services	2,400.00

ARIZONA SCHOOL BOARD ASSOCIATION

From the Arizona School Board Association Fund the following is appropriated:

Personal Services	2,400.00

ARIZONA STATE SCHOOL FOR THE DEAF AND BLIND

Personal Services	4,800.00

SUPERINTENDENT OF PUBLIC INSTRUCTION AND COMMON SCHOOLS

From the State General Fund the following is appropriated:

FOR THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION AND COMMON SCHOOLS AND SCHOOL LUNCH PROGRAM*

Personal Services	500.00

*To carry out the provision of Article 2, Chapter 11, Title 15, Arizona Revised Statutes.

APPRENTICESHIP COUNCIL

Personal Services	525.00

ARIZONA FRUIT AND VEGETABLE STANDARDIZATION ACT

From the Fruit and Vegetable Revolving Fund the following is appropriated:

Personal Services	800.00

BANKING DEPARTMENT

Personal Services	2,400.00

CIVIL DEFENSE AGENCY

Personal Services	600.00

COMMISSION OF AGRICULTURE AND HORTICULTURE

Personal Services	1,370.00

CORPORATION COMMISSION

ADMINISTRATION

Personal Services	5,100.00

SECURITIES

Personal Services	4,200.00

DEPARTMENT OF LIQUOR LICENSES AND CONTROL

Personal Services	1,000.00
INDUSTRIAL COMMISSION	
Commissioners	
Personal Services	7,200.00
INSPECTOR OF WEIGHTS AND MEASURES	
Personal Services	1,800.00
INSURANCE DIRECTOR	
Personal Services	2,400.00
LIVESTOCK SANITARY BOARD	
STATE VETERINARIAN	
Personal Services	1,800.00
NATIONAL GUARD	
Personal Services	600.00
SHEEP SANITARY COMMISSION	
Personal Services	300.00
MINE INSPECTOR	
Personal Services	5,400.00
STATE BOARD OF VETERINARY EXAMINERS	
Personal Services	150.00
ARIZONA HIGHWAY DEPARTMENT	

From any unencumbered balances remaining in the State Highway Fund as of June 30, 1962, there is hereby appropriated:

ADMINISTRATION	
Personal Services	900.00
MOTOR VEHICLE	
Personal Services	3,300.00
STATE LAND DEPARTMENT	

Other Personal Services	650.00
ARIZONA DEVELAPMENT BOARD	
Personal Services	1,800.00
ARIZONA RACING COMMISSION	
Personal Services	1,200.00
ARIZONA STATE PARKS BOARD	
Personal Services	1,800.00

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

CHAPTER 99

House Bill No. 116

AN ACT

RELATING TO STATE GOVERNMENT; PRESCRIBING ADDITIONAL DUTIES FOR THE POST AUDITOR, AND AMENDING TITLE 41, CHAPTER 8, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1327.

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

Section 1. Title 41, chapter 8, article 2, Arizona Revised Statutes, is amended by adding section 41-1327, to read:

41-1327. FISCAL RESEARCH OFFICER; DUTIES; COMPENSATION

A. In addition to all other duties prescribed by the provisions of this article, the post auditor shall assume duties assigned by this section and shall have the position of federal-state fiscal research officer.

B. The federal-state fiscal research officer shall:

1. Confer with officials of federal agencies concerning grants-in-aid generally, and particularly in regard to federal-aid programs in progress in the state of Arizona.

2. Report to the legislature at each regular session thereof, his findings and recommendations in the following areas:

(a) The total amount of federal grants-in-aid received by Arizona agencies during the preceding fiscal year.

(b) The total amount of federal grants-in-aid available to Arizona agencies during the preceding fiscal year, giving reasons for any difference between the amount of funds available to and the amount of funds accepted by Arizona agencies in all federal grant-in-aid programs.

(c) The adequacy of grant-in-aid programs in progress in the state of Arizona.

(d) Federal grant-in-aid programs in which the state does not participate.

(e) Legislation necessary for activation of federal programs in which the state does not participate.

(f) Legislation necessary for improved operation of federal grant-in-aid programs in progress in the state of Arizona.

(g) Advisability of accepting new grant-in-aid programs or discontinuing programs already in progress.

3. Have access to the books, accounts, reports, vouchers and all other pertinent records of all state agencies for the purpose of carrying out the provisions of this section.

C. The fiscal research officer may within the limits of legislative appropriations made available therefor, appoint such assistants as may be required, assign their duties, define their powers and fix their compensation.

D. For additional duties assigned to the post auditor by the terms of this section, he shall receive an additional salary not to exceed three thousand six hundred dollars per year, but in no event shall the post auditor's total salary exceed twelve thousand dollars 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.

Failed to pass the House with sufficient votes to enact the emergency clause.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

CHAPTER 100

Senate Bill No. 180

AN ACT

RELATING TO TAXATION OF INCOME; PROVIDING AN ADDITIONAL EXEMPTION FOR PERSONS SIXTY-FIVE YEARS OF AGE OR OVER, AND AMENDING SECTION 43-127, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 43-127, Arizona Revised Statutes, is amended to read:

43-127. CREDITS ALLOWED TAXPAYERS—CREDITS AGAINST NET INCOME

(a) Personal exemptions. There shall be allowed as a credit against net income, in the case of a single individual, a personal exemption of one thousand dollars, or, in the case of a head of a household or a married individual, a personal exemption of two thousand dollars. A husband and wife shall receive but one personal exemption of two thousand dollars. If the husband and wife make separate returns, the personal exemption may be taken by either or divided between them.

(1) There shall be an additional exemption of five hundred dollars for the taxpayer if he is blind at the close of his taxable year; and

(2) There shall be an additional exemption of five hundred dollars for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. For the purposes of this paragraph the determination of whether the spouse is blind shall be made as of the close of the taxable year of the taxpayer, unless the spouse dies during such taxable year, in which case such determination shall be made as of the time of such death.

(3) For the purposes of this paragraph an individual is blind only if either his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees.

(4) There shall be an additional exemption of one thousand dollars:

(A) For the taxpayer if he has attained the age of sixty-five years before the close of his taxable year.

(B) For the spouse of the taxpayer if the spouse has attained the age of sixty-five years before the close of such taxable year, and is not the dependent of another taxpayer.

(b) Credit for dependents. There shall also be allowed as a credit six hundred dollars for each dependent.

(c) Definition—"dependent". As used in subsection (b) the term "dependent" means any of the following persons over half of whose support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer:

(1) A son or daughter of the taxpayer, or a descendant of either;

(2) A stepson or stepdaughter of the taxpayer;

(3) A brother, sister, stepbrother, or stepsister of the taxpayer;

(4) The father or mother of the taxpayer, or an ancestor of either;

(5) A stepfather or stepmother of the taxpayer;

(6) A son or daughter of a brother or sister of the taxpayer;

(7) A brother or sister of the father or mother of the taxpayer;

(8) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the taxpayer.

As used in this subsection, the terms "brother" and "sister" include a brother or sister by the half-blood. For the purposes of determining whether any of the foregoing relationships exist, a legally adopted child of a person shall be considered a child of such person by blood. A child shall be deemed legally adopted when placed in the custody of the taxpayer for adoption by the latter or his spouse. The term "dependent" does not include any individual who is a citizen or subject of a foreign country unless such individual is a resident of the United States or of a country contiguous to the United States.

A payment to a wife which is includible under section 43-112 (e) or section 43-164, in the gross income of such wife shall not be considered a payment by her husband for the support of any dependent. If the taxpayer would not occupy the status of head of a household except by reason of their being one or more dependents for whom he would be entitled to credit under this section, the credit shall be disallowed with respect to one of the dependents.

(d) Credit of estates or trusts. There shall be allowed as a credit against net income in the case of an estate, an exemption of one thousand dollars and, in the case of a trust, an exemption of one hundred dollars, provided that in the case of a trust, if the amount of tax otherwise due under this title after applying said exemption is less than one dollar the amount of the exemption shall be the amount of the net income of such trust but in no event shall such exemption exceed two hundred dollars.

(e) Status of married persons. For purposes of sections 43-127 (a) and 43-141 (a) (1), (2) and (6) (A), the determination of whether an individual is married or is the head of a household shall be made as of the last day of the taxable year, except if an individual or his spouse dies during the taxable year, such determination shall be made as of the date of death.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

CHAPTER 101

Senate Bill No. 243

AN ACT

RELATING TO PUBLIC FINANCES; PROVIDING THAT CLAIMS AGAINST THE STATE SHALL CONTAIN A STATEMENT SWORN TO BY THE CLAIMANT; PROVIDING THAT EFFECTIVE JANUARY 1, 1963, CLAIMS AGAINST THE STATE SHALL CONTAIN A STATEMENT EXECUTED BY THE CLAIMANT DECLARING UNDER PENALTIES OF PERJURY THAT THE CLAIM IS A TRUE, CORRECT AND VALID CLAIM; PRESCRIBING EFFECTIVE DATES; REPEALING CHAPTER 30, LAWS OF 1962; AMENDING TITLE 35, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 35-181 AND SECTION 35-181.01.

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

Section 1. REPEAL

Chapter 30, Laws of 1962, is repealed.

Sec. 2. Title 35, chapter 1, article 5, Arizona Revised Statutes, is amended by adding a new section 35-181, to read:

35-181. PRESENTATION, APPROVAL AND PAYMENT OF CLAIMS AND PAYROLLS; AMENDED CLAIMS

A. All claims against the state for obligations authorized, required or permitted to be incurred by any state officer or agency, shall be paid only in the following manner:

The claimant shall present an itemized claim, sworn to by him and approved by the head official of each office or state agency under which the obligation was incurred, or by some other person thereof, if expressly authorized to approve the claim. Such claim shall be so presented within one year after the claim accrues, and not afterward. The claim shall then be presented to the state auditor and, if approved, the auditor shall draw his warrant therefor on the state treasurer, who shall pay it when countersigned by the governor but only from the appropriation made therefor.

B. The head of each budget unit shall prepare and present payrolls to the state auditor. The budget head shall certify on each payroll claim that the persons whose names appear have performed the services required by law, and the amount opposite the name is due and unpaid. Each employee shall sign a payroll claim which acknowledges the amount opposite his name is due for services rendered and shall certify that he is a citizen of the United States.

C. No claim shall be presented to the state auditor for railroad mileage scrip books, and no warrants shall be issued by the state auditor in payment therefor.

D. Any claim made and approved contrary to subsection A, in the absence of fraud or bad faith on the part of the claimant or disbursing officer, may be amended at any time to conform to the requirements of subsection A and upon amendment such claim shall be exempt from the provisions of section 35-211.

E. Any public funds paid or received pursuant to law, in the absence of fraud or bad faith in the disbursement or receipt of such funds prior to such law being declared unconsti-

tutional by the supreme court of the state of Arizona, shall be exempt from the provisions of section 35-211.

Sec. 3. Title 35, chapter 1, article 5, Arizona Revised Statutes, is amended by adding section 35-181.01, to read:

35-181.01. PRESENTATION, APPROVAL AND PAYMENT OF CLAIMS AND PAYROLLS; AMENDED CLAIMS

A. All claims against the state for obligations authorized, required or permitted to be incurred by any state officer or agency, shall be paid only in the following manner:

The claimant shall present an itemized claim, executed by him under penalties of perjury and approved by the head official of each office or state agency under which the obligation was incurred, or by some other person thereof, if expressly authorized to approve the claim. Such claim shall be so presented within one year after the claim accrues, and not afterward. The claim shall then be presented to the state auditor and, if approved, the auditor shall draw his warrant therefor on the state treasurer, who shall pay it when countersigned by the governor but only from the appropriation made therefor.

B. The head of each budget unit shall prepare and present payrolls to the state auditor. The budget head shall certify on each payroll claim that the persons whose names appear have performed the services required by law, and the amount opposite the name is due and unpaid. Each employee shall sign a payroll claim which acknowledges the amount opposite his name is due for services rendered and shall certify that he is a citizen of the United States.

C. No claim shall be presented to the state auditor for railroad mileage scrip books, and no warrants shall be issued by the state auditor in payment therefor.

D. Any claim made and approved contrary to subsection A, in the absence of fraud or bad faith on the part of the claimant or disbursing officer, may be amended at any time to conform to the requirements of subsection A and upon amendment such claim shall be exempt from the provisions of section 35-211.

E. Any public funds paid or received pursuant to law, in the absence of fraud or bad faith in the disbursement or receipt of such funds prior to such law being declared unconstitutional by the supreme court of the state of Arizona, shall be exempt from the provisions of section 35-211.

F. All claims executed as provided by the provisions of this section shall contain the following statement over the signature of the claimant:

"I declare under penalties of perjury that this claim has been examined by me and to the best of my knowledge and belief is a true, correct and valid claim."

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.

Sec. 5. EFFECTIVE DATES

The provisions of section 2 shall expire on December 31, 1962, and the provisions of section 3 shall become effective on January 1, 1963.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 23, 1962.

CHAPTER 102

House Bill No. 139

RELATING TO OIL AND GAS; DEFINING COMMON PURCHASER OF CRUDE OIL, PETROLEUM AND GAS; PRESCRIBING DUTIES AND PROHIBITING DISCRIMINATION; PROVIDING FOR UNIT OPERATION OF ONE OR MORE POOLS OR PARTS THEREOF IN A FIELD; PROVIDING FOR SUBSTITUTED SERVICE UPON DRILLING PERMITTEES; MAKING TECHNICAL CHANGES IN OIL AND GAS CONSERVATION ACT OF 1951; AMENDING SECTIONS 27-501, 27-504, 27-516, 27-520. 27-522 AND 27-527, ARIZONA REVISED STATUTES; AMENDING TITLE 27, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 27-507.01, 27-508.01 AND 27-513.01; AMENDNG TITLE 27, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING A NEW ARTICLE 1.1, SECTIONS 27-531 TO 27-540, INCLUSIVE, AND REPEALING SECTIONS 27-507 AND 27-508, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 27-501, Arizona Revised Statutes, is amended to read:

27-501. DEFINITIONS

In this article, unless the context otherwise requires:

1. "Certificate of clearance" means a permit approved and issued or registered by the commission for transportation or delivery of oil, gas, or products thereof.

2. "Certificate of compliance" means a certificate issued by the commission prior to connection of an oil of gas well with a pipe line, showing compliance with the conservation laws of the state and conservation rules, regulations and orders of the commission.

3. "Commission or commissioner" means the oil and gas conservation commission.

4. "Developed area" or "developed unit" means a drainage unit having a well completed therein capable of producing oil or gas in paying quantities.

5. "Drainage unit" or "drilling unit" means the maximum area in a pool which may be drained efficiently by one well to produce the reasonble maximum amount of recoverable oil or gas in the area.

6. "Field" means the general area which is or appears to be underlaid by not less than one pool, including underground reservoirs containing oil or gas or both.

7. "Fund" means the oil and gas conservation fund.

8. "Gas" means natural gas, casinghead gas, and all other hydrocarbons not defined as oil, and helium or other substances of a gaseous nature. Natural gas and casinghead gas are further defined as follows:

(a) "Natural gas" means any combustible gas or vapor composed chiefly of hydrocarbons occurring in gaseous or vapor phase at initial reservoir conditions.

(b) "Casinghead gas" means any gas or vapor indigenous to an oil stratum and produced from such stratum with oil.

9. "Illegal product" means any product derived, in whole or in part, from illegal oil or gas.

10. "Illegal oil" and "illegal gas" means oil or gas produced within the state from any well during any time in which the

well has produced in excess of the amount allowed by law or any rule, regulation or order of the commission or the production of which shall cause waste.

11. "Net drainage" means drainage not equalized by counterdrainage.

12. "Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, produced at a well in liquid form by ordinary production methods and which are not the result of condensation of gas.

13. "Owner" means the person having the right to drill into, produce, and appropriate production of oil or gas or both from a pool.

14. "Person" includes corporation, association, partnership, receiver, trustee, guardian, executor, administrator, fiduciary, representative, or any group acting as a unit, and includes any department, agency or instrumentality of the state or any governmental subdivision thereof.

15. "Pool" means an underground reservoir containing a common accumulation of oil or gas or both, and includes each zone of a general structure completely separated from any other zone in the structure.

16. "Producer" means the owner of a well capable of producing oil or gas.

17. "Product" means oil, gas, or any product, by-product, mixture or blend thereof.

18. "Royalty owner" means a person possessing an interest in the production, but who is not an owner.

19. "Waste" means and includes:

(a) Physical waste, as that term is generally understood in the oil and gas industry.

(b) The inefficient, excessive or improper use of, or the unnecessary dissipation of reservoir energy.

(c) The locating, spacing, drilling, equipping, operating or producing of any oil or gas well or wells in a manner which causes or tends to cause reduction in the quantity of oil or gas ultimately recoverable from a pool under prudent and proper operations, or which causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas.

(d) The inefficient storing of oil or gas.

(e) The production of oil or gas in excess of transportation or marketing facilities.

(f) The production of oil or gas when it is unprofitable to dispose of such production.

20. "Well" means and includes any hole drilled or spudded in for the purpose, with the intention, or under the representation of penetrating oil or gas bearing strata and producing oil or gas therefrom, whether or not oil or gas is actually discovered.

Sec. 2. Sec. 27-504, Arizona Revised Statutes, is amended to read:

27-504. DRILLING UNITS; RULES AND REGULATIONS; EXCEPTIONS

A. For the prevention of waste, to protect and enforce the correlative rights of owners in a pool, and to avoid augmentation and accumulation of risks arising from drilling an excessive number of wells, or reducing recovery which might result from too small a number of wells, the commission shall, after a hearing, establish a drilling unit or units for each pool. The establishment of a unit for gas shall be limited to the production of gas.

B. Each well permitted to be drilled on a drilling unit shall be drilled under the applicable rules and regulations and in accordance with the applicable spacing pattern prescribed by the commission. Exceptions to the rules and spacing pattern may be granted where it is shown, after notice and hearing, that the unit is partly outside the pool or, for some other reason, a well so located on the unit would be non-productive. Exceptions permitting a proposed well to be drilled on an unorthodox location may be granted on the basis of topography or terrain without notice or hearing.

C. If an exception is granted, the commission shall take action which will offset any advantage which the person securing the exception may have over other producers by reason of drilling the well as an exception, and so that drainage from developed units to the tract with respect to which the exception is granted will be prevented or minimized, and the producer of the well drilled as an exception will be allowed to produce no more than a just and equitable share of the oil and gas in the pool.

Sec. 3. Title 27, chapter 4, article 1, Arizona Revised Statutes, is amended by adding section 27-507.01, to read:

27-507.01. COMMON PURCHASER OF CRUDE OIL AND PETROLEUM; DUTIES; RATABLE TAKING; DISCRIMINATION PROHIBTED

A. Every person as defined in this article which may now, or hereafter, purchase crude oil or petroleum in this state, whether they be common carriers or affiliated with common carriers or not, shall be a common purchaser of such crude oil or petroleum, and shall purchase crude oil or petroleum offered it for purchase without discrimination in favor of one producer or person as against another in the same field. The question of justice or unreasonableness shall be determined by the commission, taking into consideration the production and age of the wells in respective fields and all other proper factors. It shall be unlawful for any common purchaser to discriminate between or against crude oil or petroleum of a similar kind or quality in favor of its own production, or production in which it may be directly or indirectly interested, either in whole or in part, but for the purpose of allocating the purchase of crude oil or petroleum to be marketed, such production shall be taken in like manner as that of any other person or producer and shall be taken in a ratable proportion that such production bears to the total production offered for the market in such field. The Commission shall have the authority, however, to relieve any such common purchaser, after due notice and hearing, from the duty of purchasing crude oil or petroleum of inferior quality or grade.

B. It shall be the duty of the commission to enforce the provisions of this section and it shall have the power, after notice and hearing, to issue orders defining the conditions under which extensions of pipelines shall be made to connect wells, but no such order shall be made unless the commission finds that such extensions are reasonably required and economically justified. In issuing such orders the commission shall give specific consideration to the economic factors involved.

Sec. 4. Title 27, chapter 4, article 1, Arizona Revised Statutes, is amended by adding section 27-508.01, to read:

27-508.01. COMMON PURCHASER OF GAS; DUTIES; RATABLE TAKING; DISCRIMINATION PROHIBITED

A. Every person as defined in this article now or hereafter engaged in purchasing from one or more producers, gas produced from gas wells shall be a common purchaser thereof within each pool from which is purchases, and as such it shall purchase gas lawfully produced from gas wells with which its gas transportation facilities are connected in the pool and other

gas lawfully produced within the pool and tendered to a point on its gas transportation facilities. Such purchases shall be made without unjust or unreasonable discrimination in favor of one producer against another in the price paid, the quantities purchased, the bases of measurement, or the gas transportation facilities afforded for gas of like quantity, quality, and pressure available from such wells. The question of justice or reasonableness shall be determined by the commission. In the event any such common purchaser is likewise a producer, he is prohibited to the same extent from discriminating in favor of himself on production from gas wells in which he has an interest, direct or indirect, either in whole or in part, as against other production from gas wells in the same pool. For the purposes of this section, reasonable differences in prices paid or facilities afforded, or both, shall not constitute unreasonable discrimination if such differences bear a fair relationship to differences in quality, quantity or pressure of the gas available, the depth of the producing formation, or to the relative lengths of time during which such gas will be available to the purchaser. The provisions of this section shall not apply to:

1. Any well or pools used for storage and withdrawal from storage of natural gas originally produced not in violation of this section or of the rules, regulations or orders of the commission.

2. Purchases of casinghead gas from oil wells.

3. Persons purchasing gas principally for use in operations for secondary recovery of oil or gas, or for pressure maintenance, or cycling, or gas lift operations.

B. If a person is unable to purchase all the gas offered, or whenever the requirement for natural gas produced in Arizona from any pool can be fulfilled only by the production of natural gas therefrom under conditions constituting waste, or whenever the commission finds and determines that the orderly development of, and production of natural gas from, any pool requires the exercise of its jurisdiction, then said person shall purchase gas ratably so as to take the gas in proportion to the allowables or allocations established by the commission from all the wells to which it is connected, but this shall not apply when a difference in their production results from the inability of a well to produce proportionately with other wells connected to the purchaser, and in the event allowables or allocations have not been established by the commission, then said person shall purchase gas ratably from all wells to which it is connected in a manner so as to prevent waste and protect correlative rights as defined in this article. Any com-

mon purchaser taking gas produced from gas wells from a pool shall take ratably in accordance withthe allocation formula, as may be established by special field rules or statewide regulations of the commission.

C. Nothing in this section shall be construed or applied to require any person to purchase gas of a quality, pressure, or any other condition, by reason of which such gas cannot be economically and satisfactorily used by such purchaser by means of his gas transportation facilities then in service.

Sec. 5. Title 27, chapter 4, article 1, Arizona Revised Statutes, is amended by adding section 27-513.01, to read:

27-513.01. APPOINTMENT BY DRILLING PERMITTEE OF ATTORNEY UPON WHOM TO SERVE PROCESS

A. The acceptance of a permit to drill under section 27-513 shall be deemed to constitute and be the appointment of the commission by the permittee as his true and lawful attorney upon whom may be served all legal process in an action against such permittee growing out of or in any way connected with said permittee's use, occupancy, or activities upon the drilling unit or tract of land under single ownership for which his permit shall have issued, including, but not limited to, liabilities to the state, debts contracted by such permittee for labor upon or materials furnished to his drilling site, and violations of the securities act of Arizona.

B. Service of process under subsection A of this section shall be made by leaving a copy of the summons and complaint and a fee of two dollars with any member, officer, or employee of the commission in the commission's office during office hours, and shall be deemed sufficient service upon the permittee if either of the following are complied with:

1. The plaintiff forthwith sends notice of such service and a copy of the summons and complaint by registered mail to the permittee defendant at the latest address for such permittee shown by records in the office of the commission, appends the defendant's return receipt and plaintiff's affidavit of compliance with this section to the original summons and files them with the court within such time as the court allows.

2. The plaintiff serves notice of such service and a copy of the summons and complaint upon defendant, if found without this state, by a duly constituted officer qualified to serve like process in the state or jurisdiction where the defendant is found, and files with the court within such time as the

court allows, the officer's return showing that the notice, copy of the summons and complaint were served as provided by this section upon defendant.

C. The court in which the action is pending may order postponements necessary to afford defendant reasonable opportunity to defend the action.

D. The commission shall keep a record, which shall include the day and hour of service, of all process served upon it under this section.

E. The fee paid to the commission at the time of service shall be taxed as costs in the suit if plaintiff recovers, and shall be paid into the conservation fund.

Sec. 6. Sec. 27-516, Arizona Revised Statutes, is amended to read:

27-516. RULES AND REGULATIONS

A. The commission shall make rules and amend them from time to time as deemed necessary for the proper administration and enforcement of this article, including the following rules, regulations and orders:

1. Requiring the drilling, casing and plugging of wells in a manner to prevent:

(a) Escape of oil or gas from one stratum to another.

(b) Intrusion of water into an oil or gas stratum from a separate stratum.

(c) Pollution of fresh water supplies by oil, gas or salt water.

(d) Waste.

2. Requiring reports showing the location of oil and gas wells, and requiring filing of logs and drilling records within ninety days from the completion of a well drilled for oil or gas.

3. Requiring a reasonable bond with good and sufficient surety conditioned on the performance of the duties prescribed in subdivisions 1 and 2 of this subsection including the obligation to plug each dry or abandoned well.

4. Preventing drowning by water of any stratum or part thereof capable of producing oil or gas in paying quantities, and preventing the premature and irregular encroachment of

water which reduces or tends to reduce the total ultimate recovery of oil or gas from any pool.

5. Requiring the operation of wells with efficient gas-oil ratio and fixing the limits of such ratios.

6. Preventing blow-outs, caving and seepage.

7. Preventing creation of unnecessary fire hazards.

8. Requiring identification of ownership of oil and gas wells, producing leases, refineries, tanks, plants, structures, and storage and transportation equipment and facilities.

9. Regulating shooting, perforating and chemical treatment of wells.

10. Regulating gas cycling operations.

11. Regulating secondary recovery methods, including introduction of gas, air, water or other substance into producing formations.

12. Regulating spacing of wells and establishing drilling units.

13. Limiting, allocating and apportioning production of oil and gas from a pool or field for prevention of waste, and allocating production between tracts of land under separate ownership in a pool on a fair and equitable basis so that each tract will be permitted to produce not more than its just and equitable share from such pool.

14. Preventing, so far as practicable, reasonably avoidable drainage from each developed unit, not equalized by counterdrainage.

15. Requiring a producer of oil or gas to submit for each oil or gas well operated, on a form prescribed by the commission, a monthly report of actual production from each oil or gas well.

16. Requiring persons making settlement with the owner of oil or gas interests to render statements to the owner showing the quantity and gravity purchased and the price per barrel of oil or the price per one thousand cubic feet of gas.

17. Requiring, either generally or in a particular area, a certificate of clearance for transportation or delivery of oil, gas or any product thereof.

18. Requiring the applicant for a drilling permit in cases where the surface of the land is owned by another not in a contractual relationship with the applicant, to post bond in a reasonable sum with good and sufficient surety conditioned on payment of just compensation to the landowner for actual damages to the surface of the land or improvements thereon caused by the drilling permittee's operations.

B. No rule, regulation or order, or change, renewal or extension thereof, except as otherwise provided by this article, shall, in the absence of an emergency, be made by the commission under the provisions of this article except after a public hearing of which not less than ten days' notice has been given. The public hearing shall be held at such time and place as may be prescribed by the commission, and any interested person shall be entitled to be heard. Notice shall be given by personal service, by publication, or by United States mail, addressed, postage prepaid, to the last known mailing address of the person or persons affected. The date of service shall be the date on which service was made in the case of personal service, the date of first publication in the case of notice by publication, and the date of mailing in the case of notice by mailing. The notice shall issue in the name of the state, and shall be signed by a member of the commission or its deputy, shall specify the style and number of the proceeding, the time and place of the hearing, and shall briefly state the purpose of the proceeding. Should the commission elect to give notice by personal service, such service may be made by an officer authorized to serve process, or by the commission, in the same manner as it provided by law for the service of process in civil actions in the courts of this state. Proof of service by the commission shall be by the affidavit of the commission or its authorized representative making personal service. Where service is made by the sheriff, the proof of service shall be as required by law for service of process in civil actions. Whenever the matter to be heard concerns the adoption, amendment or repeal of a regulation of general applicability, notice shall be by publication.

C. In event an emergency is found by the commission to exist, which in its judgment requires making, changing, renewing or extending a rule, regulation or order without first having a hearing, the emergency rule, regulation or order shall have the same validity as if a hearing had been held after due notice. The emergency rule, regulation, or order shall remain in force not to exceed thirty days from its effective date, but in any event shall expire when a rule, regulation or order, with respect to the subject matter of the emergency rule, regulation or order becomes effective after due notice and hearing.

Sec. 7. Sec. 27-520, Arizona Revised Statutes, is amended to read:

27-520. COURT REVIEW

A. Any person adversely affected by and dissatisfied with this article, or any rule, regulation or order made by the commission thereunder, may bring a civil action against the commission in the superior court for Maricopa county, or a county in which all or part of plaintiff's property affected by this article, rule, regulation or order is located, and not elsewhere, to test the validity of this article, rule, regulation or order, and to obtain an injunction and other appropriate relief.

B. An action involving a test of the validity of any provision of this article, or a rule, regulation or order, shall be advanced for trial and determined as expeditiously as possible, and no postponement or continuance shall be granted unless deemed imperative by the court. On the trial the burden of proof shall be upon the complaining party, and this article, or any rule, regulation or order complained of shall be prima facie valid. The court shall consider all the evidence, and shall determine all issues of fact and law with respect to the validity and reasonableness of this article, any provision thereof, or any rule, regulation, or order complained of. In the absence of fraud or imposition the commission's determination of any matter of fact within its jurisdiction shall be conclusive on the courts.

Sec. 8. Sec. 27-522, Arizona Revised Statutes, is amended to read:

27-522. RECORDS

A. All rules, regulations and orders made by the commission shall be in writing and entered in full in a book kept by the commission. The book shall be a public record open to inspection at all reasonable times during office hours. A copy of any rule, regulation, order or any document whatever on file in the office of the commission certified by the commission shall be received in evidence in all courts of the state with the same effect as the original.

B. Well logs, casing records, compiled data and other information shall be properly indexed and suitably recorded in the permanent records of the commission and shall be open to inspection by the public at all reasonable times during office hours. The well records of a well drilled in unproven territory shall not be subject to inspection until six months after completion.

Sec. 9. Sec. 27-527, Arizona Revised Statutes, is amended to read:

27-527. PENALTIES

A. Any person who violates any provision of this article, or any rule, regulation or order of the commission, is subject to a civil penalty of not more than one thousand dollars for each violation and for each day the violation continues.

B. Any person who, for the purpose of evading this article, or any rule, regulation or order of the commission, makes or causes to be made a false entry in any application, report, record, account or memorandum required by this article or by any such rule, regulation or order, or who omits or causes to be omitted from any application, report, record, account or memorandum, full, true and correct entries as required by this article, or by any such rule, regulation or order, or who removes from this state, or destroys, mutilates, alters or falsifies any such application, record, account or memorandum or knowingly and wilfully makes any false statement to the commission or any member, officer, or employee of the commission concerning any matter within the jurisdiction of the commission is guilty of a misdemeanor punishable by a fine of not more than five thousand dollars, imprisonment for not exceeding six months, or both.

C. A person knowingly aiding or abetting any other person in the violation of any provision of this article, or any rule, regulation or order of the commission is subject to the same penalty and punishment as that prescribed by this article for the violation by the principal.

D. The penalties provided in this section shall be recoverable by action filed by the attorney general, in the name and on behalf of the state, in the superior court of the county in which the defendant resides, or in which any defendant resides if there are more than one defendant, or in the superior court of any county in which the violation occurred. The payment of any penalty shall not operate to legalize so that it is no longer contraband any oil, gas or product involved in the violation for which the penalty is imposed, and shall not relieve a person on whom the penalty is imposed from liability to any other person for damages arising out of the violation.

Sec.10. Title 27, chapter 4, Arizona Revised Statutes is amended by adding article 1.1, sections 27-531 to 27-540, inclusive, to read:

ARTICLE 1.1. FIELDWIDE UNITIZATION

27-531. INTEGRATION OF INTERESTS AND SPACING UNITS

A. To prevent or to assist in preventing waste, to insure a greater recovery of oil and gas, and to protect the correlative rights of persons owning interests in the tracts of lands affected, such persons may validly integrate their interests to provide for the unitized management, development and operation of such tracts of land as a unit. Where, however, such persons have not agreed to so integrate their interests, the commission, upon proper petition, after notice and hearing as provided in section 27-516 shall be vested with the jurisdiction and authority, and it shall be its duty to make and enforce such orders and do such things as may be necessary or proper to carry out and effectuate the purposes of this article.

B. The commission shall make an order providing for the unitized operation of a pool or part thereof if, after proper petition and notice and hearing it finds that:

1. The unitized management, operation and further development of a pool or portion thereof is reasonably necessary in order to effectively carry on pressure control, pressure-maintenance or repressuring operations, cycling operations, water flooding operations, or any combination thereof, or any other form of joint effort calculated to substantially increase the ultimate recovery of oil and gas from the pool; and

2. One or more of the unitized methods of operation as applied to such pool or portion thereof, are feasible, will prevent waste and will, with reasonable probability, result in the increased recovery of substantially more oil and gas from the pool than would otherwise be recovered; and

3. The estimated additional cost, if any, of conducting such operations will not exceed the value of the additional oil and gas so recovered.

27-532. ORDER; UNITS AND UNIT AREAS; PLAN OF UNITIZATION

The order of the commission shall define the area of the pool or portion thereof to be included within the unit area and prescribe with reasonable detail the plan of unitization applicable thereto. Each unit and unit area shall be limited to all or a portion of a single pool. Only so much of a pool as has been defined and determined to be productive of oil and gas by actual drilling operations may be so included within the unit area. A unit may be created to embrace less than the whole of a pool only where it is shown by the evidence that

the area to be so included within the unit area is of such size and shape as may be reasonably required for the successful and efficient conduct of the unitized method of operation for which the unit is created, and that the conduct thereof will have no material adverse effect upon the remainder of such pool. The plan of unitization for each such unit and unit area shall be one suited to the needs and requirements of the particular unit dependent upon the facts and conditions found to exist with respect thereto. In addition to such other terms, provisions, conditions and requirements found by the commission to be reasonably necessary or proper to effectuate or accomplish the purpose of this article, and subject to the further requirements hereof, each such plan of unitization shall contain fair, reasonable and equitable provisions for:

1. The efficient unitized management or control of the further development and operation of the unit area for the recovery of oil and gas from the pool affected. Under such a plan the actual operations within the unit area may be carried on in whole or in part by the unit itself, or by one or more of the lessees within the unit area as the unit operator subject to the supervision and direction of the unit, dependent upon what is most beneficial or expedient. The designation of the unit operator shall be by vote of the lessees in the unit in a manner provided in the plan of unitization and not by the commission.

2. The division of interest or formula for the apportionment and allocation of the unit production, among and to the several separately owned tracts within the unit area such as will reasonably permit persons otherwise entitled to share in or benefit by the production from such separately owned tracts to produce and receive, in lieu thereof, their fair, equitable and reasonable share of the unit production or other benefits thereof. A separately owned tract's fair, equitable, and reasonable share of the unit production shall be measured by the value of each such tract for oil and gas purposes and its contributing value to the unit in relation to like values of other tracts in the unit, taking into consideration acreage, the quantity of oil and gas recoverable therefrom, location on the structure, its probable productivity of oil and gas in the absence of unit operations, the burden of operations to which the tract will or is likely to be subjected, or so many of said factors, or such other pertinent engineering, geological or operating factors, as may be reasonably susceptible of determination. "Unit production" as that term is used in this article means and includes all oil and gas produced from a unit area from and after the effective date of the order of the commission creat-

ing the unit regardless of the well or tract within the unit area from which he same is produced.

3. The manner in which the unit and the further development and operation of the unit area shall or may be financed and the basis, terms and conditions on which the cost and expense thereof shall be apportioned among and assessed against the tracts and interest made chargeable therewith, including a detailed accounting procedure governing all charges and credits incident to such operations. Upon and subject to such terms and conditions as to time and rate of interest as may be fair to all concerned, reasonable provision shall be made in the plan of unitization for carrying or otherwise financing lessees who are unable to meet promptly their financial obligations in connection with the unit.

4. The procedure and basis upon which wells, equipment and other properties of the several lessees within the unit area are to be taken over and used for unit operations, including the method of arriving at the compensation therefor, or of otherwise proportionately equalizing or adjusting the investment of the several lessees in the project as of the effective date of unit operation.

5. The supervision and conduct of the unit operations, in respect to which each person shall have a vote with a value corresponding to the percentage of the costs of unit operations chargeable against the interest of such person.

6. The time when the plan of unitization shall become effective.

7. The time when and the conditions under which and the method by which the unit shall or may be dissolved and its affairs wound up.

27-533. RATIFICATION OR APPROVAL OF PLAN BY LESSEES AND OWNERS

A. No order of the commission creating a unit and prescribing the plan of unitization applicable thereto shall become effective unless and until the plan of unitization has been signed, or in writing ratified or approved by lessees of record of not less than sixty-three per cent of the unit area affected thereby and by owners of record of not less than sixty-three per cent (exclusive of royalty interest owned by lessees or by subsidiaries of any lessee) of the normal one-eighth royalty interest in and to the unit area, and the commission has made a finding either in the order creating the unit or in a supplemental order that the plan of unitization has been so

signed, ratified or approved by lessees and royalty owners owning the required percentage interest in and to the unit area. Where the plan of unitization has not been so signed, ratified or approved by lessees and royalty owners owning the required percentage interest in and to the unit area at the time the order creating the unit is made, the commission shall, upon petition and notice, hold such additional and supplemental hearings as may be requested or required to determine if and when the plan of unitization has been so signed, ratifie dor approved by lessees and royalty owners owning the required percentage interest in and to the unit area and shall, in respect to such hearings, make and enter a finding of its determination in such regard. In the event lessees and royalty owners, or either, owning the required percentage interest in and to the unit area have not so signed, ratified or approved the plan of unitization within a period of six months from and after the date on which the order creating the unit is made, the order creating the unit shall cease to be of further force and effect and shall be revoked by the commission.

B. An order providing for unit operations may be amended by an order made by the commission, in the same manner and subject to the same conditions as an original order providing for unit operations, provided:

1. If such an amendment affects only the rights and interests of the owners, the approval of the amendment by the royalty owners shall not be required.

2. No such order of amendment shall change the percentage for allocation of oil and gas as established for any separately owned tract by the original order, except with the consent of all persons owning interests in such tract.

C. The commission, by an order, may provide for the unit operation of a pool or a part thereof that embraces a unit area established by a previous order of the commission. Such order, in providing for the allocation of unit production, shall first treat the unit area previously established as a single tract, and the portion of the unit production so allocated thereto shall then be allocated among the separately owned tracts included in such previously established unit area in the same proportions as those specified in the previous order.

27-534. UNLAWFUL OPERATION

From and after the effective date of an order of the commission creating a unit and prescribing the plan of unitization applicable thereto, the operation of any well producing

from the pool or portion thereof within the unit area defined in the order by persons other than the unit of persons acting under its authority or except in the manner and to the extent provided in such plan of unitization shall be unlawful and is prohibited.

27-535. STATUS AND POWERS OF UNIT; LIABILITY AND EXPENSES; LIEN

A. The obligation or liability of the lessees or other owners of the oil and gas rights in the several separately owned tracts for the payment of unit expense shall at all times be several and not joint or collective and in no event shall a lessee or other owner of the oil and gas rights in the separately owned tract be chargeable with, obligated or liable, directly or indirectly, for more than the amount apportioned, assessed or otherwise charged to his interest in such separately owned tract pursuant to the plan of unitization and then only to the extent of the lien provided for in this article.

B. Subject to such reasonable limitations as may be set out in the plan of unitization, the unit shall have a first and prior lien upon the leasehold estate and all other oil and gas rights (exclusive of a one-eighth landowners' royalty interest) in and to each separately owned tract, the interest of the owners thereof in and to the unit production and all equipment in the possession of the unit, to secure the payment of the amount of the unit expense charged to and assessed against such separately owned tract. The interest of the lessee or other persons who by lease, contract or otherwise are obligated or responsible for the cost and expense of developing and operating a separately owned tract for oil and gas in the absence of unitization shall, however, be primarily responsible for and charged with any assessment for unit expense made against such tract and resort may be had to overriding royalties, oil and gas payments, royalty interests in excess of one-eighth of the production, or other interests which otherwise are not chargeable with such costs, only in the event the owner of the interest primarily responsible fails to pay such assessment or the production to the credit thereof, is insufficient for that purpose. In the event the owner of any royalty interest, overriding royalty, oil or gas payment, or any other interest which under the plan of unitization is not primarily responsible therefor pays in whole or in part the amount of an assessment for unit expense for the purpose of protecting such interest or the amount of the assessment in whole or in part is deducted from the unit production to the credit of such interest, the owner thereof shall to the extent of such paymen or deduction be subrogated to all the rights of the unit with respect to the interest or interests primarily responsible

for such assessment. A one-eighth part of the unit production allocated to each separately owned tract shall in all events be regarded as royalty to be distributed to and among, or the proceeds thereof paid to, the royalty owners free and clear of all unit expense and free of any lien therefor.

27-536. MODIFICATION OF PROPERTY RIGHTS, LEASES AND CONTRACTS; TITLE TO PROPERTY; DISTRIBUTION OF PROCEEDS; DELIVERY IN KIND; EFFECT OF OPERATIONS; MATTERS NOT AFFECTED

A. Property rights, leases, contracts and all other rights and obligations shall be regarded as amended and modified to the extent necessary to conform to the provisions and requirements of this article, and to any valid and applicable plan of unitization or order of the commission made and adopted pursuant thereto, but otherwise to remain in full force and effect. No division order or other contract relating to the sale or purchase of production from a separately owned tract shall be terminated by the order providing for unit operations, but shall remain in force and apply to oil and gas allocated to such tract until terminated in accordance with the provisions thereof.

B. Nothing contained in this article shall be construed to require a transfer to or vesting in the unit of title to the separately owned tracts or leases thereon within the unit area, other than the right to use and operate the same to the extent set out in the plan of unitization, nor shall the unit be regarded as owning the unit production. The unit production and the proceeds from the sale thereof shall be owned by the several persons to whom the same is allocated under the plan of unitization. All property, whether real or personal, which the unit may in any way acquire, hold or possess, shall not be acquired, held and possessed by the unit for its own account but shall be so acquired, held and possessed by the unit for the account and as agent of the several lessees and shall be the property of such lessees as their interests may appear under the plan of unitization, subject, however, to the right of the unit to the possession, management, use or disposal of the same in the proper conduct of its affairs, and subject to any lien the unit may have thereon to secure the payment of unit expense. Neither the unit production or proceeds of the sale thereof, nor the other receipts shall be treated, be regarded, or taxed as income or profits of the unit; but instead, all such receipts shall be the income of the several persons to whom or to whose credit the same are payable under the plan of unitization. To the extent the unit may receive or disburse said receipts it

shall only do so as a common administrative agent of the persons to whom the same are payable.

C. The amount of the unit production allocated to each separately owned tract within the unit, and only that amount, regardless of the well or wells in the unit area from which it may be produced and regardless of whether it be more or less than the amount of the production from the well or wells, if any, on any such separately owned tract, shall for all intents, uses and purposes be regarded and considered as production from such separately owned tract, and except as may be otherwise authorized in this article, or in the plan of unitization approved by the commission, shall be distributed among or the proceeds thereof paid to the several persons entitled to share in the production from such separately owned tract in the same manner, in the same proportions, and upon the same conditions that they would have participated and shared in the production or proceeds thereof from such separately owned tract had not said unit been organized and with the same legal force and effect. If adequate provisions are made for the receipt thereof, the share of the unit production allocated to each separately owned tract shall be delivered in kind to the persons entitled thereto by virtue of ownership of oil and gas rights therein or by purchase from such owners subject to the rights of the unit to withhold and sell the same in payment of unit expense pursuant to the plan of unitization, and subject further to the call of the unit on such portions of the gas for operating purposes as may be provided in the plan of unitization.

D. Operations carried on under and in accordance with the plan of unitization shall be regarded and considered as a fulfillment of and compliance with all of the provisions, covenants and conditions, express or implied, of the several oil and gas leases upon lands included within the unit area, or other cantracts pertaining to the development thereof insofar as said leases or other contracts may relate to the pool or portion thereof included in the unit area. Wells drilled or operated on any part of the unit area no matter where located shall for all purposes be regarded as wells drilled on each separately owned tract within such unit area.

E. Nothing in this article or in any plan of unitization shall be construed as increasing or decreasing the implied covenants of a lease in respect to a common source of supply or lands not included within the unit area of a unit.

27-537. ENLARGEMENT OF AREA; CREATION OF NEW UNITS; AMENDMENT OF PLAN

The unit area of a unit may be enlarged to include adjoining portions of the same pool, including the unit area of another unit, and a new unit created for the unitized management, operation and further development of such enlarged unit area, or the plan of unitization may be otherwise amended, all in the same manner, upon the same conditions and subject to the same limitations as provided in this article with respect to the creation of a unit in the first instance; except that where the amendment to the plan of unitization relates only to the rights and obligations as between lessees the requirement that the same be signed, ratified and approved by royalty owners of record of not less than sixty-three per cent of the unit area shall have no application.

27-538. FEDERAL TAXATION

Any unit agreement approved by the commission shall contain language suggested by the Internal Revenue Service under I. T. 3930 and I. T. 3948 so that owners in the unitized area will not be held taxable as a corporation.

27-539. VALIDATION OF UNIT AGREEMENTS

An agreement for the unit or cooperative development and operation of a field, pool, or part thereof, may be submitted to the commission for approval as being in the public interest or reasonably necessary to prevent waste. Such approval shall constitute a complete defense to any suit charging violation of any statute of the state relating to trusts and monopolies on account thereof or on account of operations conducted pursuant thereto. The failure to submit such an agreement to the commission for approval shall not for that reason imply or constitute evidence that the agreement or operations conducted pursuant thereto are in violation of laws relating to trusts and monopolies.

27-540. SEVERABILITY

The provisions of this article are declared to be severable and if any section, sentence, clause, or part thereof, is held invalid or unconstitutional for any reason, such invalidity or unconstitutionality shall not be construed to affect the validity of the remaining provisions of this article.

Sec. 11. REPEAL

Sections 27-507 and 27-508, Arizona Revised Statutes, are repealed.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 23, 1962.

CHAPTER 103

House Bill No. 141

AN ACT

RELATING TO TAXATION; AMENDING SECTION 42-227.01, ARIZONA REVISED STATUTES, TO INCLUDE HELIUM AND OTHER NON-HYDROCARBON GASES IN THE DEFINITION OF GAS.

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

Section 1. Sec. 42-227-01, Arizona Revised Statutes, is amended to read:

42-227.01. DEFINITIONS

In sections 42-126.01 and 42-227.01 to 42-227.04, inclusive, unless the context otherwise requires:

1. "Gas" means all natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in paragraph 4 of this section and helium and other non-hydrocarbon substances of a gaseous nature.

2. "Gross production" means all oil or gas produced and saved except:

(a) Any interest of the United States or the state of Arizona or any other person or entity exempt under the laws of the United States or the constitution or laws of the state of Arizona in any oil or gas or in the proceeds thereof.

(b) Oil or gas used in producing operations or for repressuring or recycling purposes by the producer for the development and operation of his interests in oil and gas wells in the area within Arizona.

3. "Gross yield" means the amount for which the gross production is sold in the immediate vicinity of the well, or, if not sold on the property, the field or posted price or representative market price at the well of oil or gas transported from the property.

4. "Oil" means crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods and which are not the results of condensation of gas after it leaves the reservoir.

5. "Produced", "producing", or "production" means any taking of oil or gas from any lands within the state of Arizona or under its jurisdiction.

6. "Producer" means any person owning, controlling, leasing, either as lessor or lessee, or having any other interest in oil or gas lands or oil or gas wells on January 1 of each year, if there was produced by any person in any manner from said lands or wells during the preceding calendar year any oil or gas, and shall include any person owning any royalty or other interest in any oil or gas, or its value, whether produced by him or by some other person on his behalf, either by lease, contract or otherwise.

Sec. 2. EFFECTIVE DATE

This act shall become effective from and after June 30, 1962.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 23, 1962.

CHAPTER 104

House Bill No. 164

AN ACT

RELATING TO FIREARMS; PROVIDING FOR CONTROL OF HUNTING AND THE CONDUCT OF RIFLE RANGES WITHIN MUNICIPAL LIMITS; REGULATING THE USE AND HANDLING OF FIREARMS; PRESCRIBING PENALTIES; AMENDING SECTION 13-917, ARIZONA REVISED STATUTES, AND AMENDING TITLE 13, CHAPTER 3, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-917.01.

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

Section 1. Sec. 13-917, Arizona Revised Statutes, is amended to read:

13-917. HANDLING, CARRYING OR DISCHARGE OF FIREARMS; PENALTY; EXCEPTION

It is a misdemeanor for any person to recklessly or carelessly handle a firearm, or discharge a firearm in such a manner as to endanger life or property, but nothing in this section shall be construed to restrict the right of the individual

citizen to possess and carry an unconcealed firearm for necessary self defense or any other lawful purpose, including target shooting and hunting, nor shall quick draw or trick shooting exhibitions sponsored by an organized club or business organization be prohibited.

B. Any person other than a peace officer on duty carrying a firearm within the state, upon entering any public place or attending a public event, may be required by the operator of the establishment or the sponsor of the event to remove his firearm and place it in the custody of the operator of the establishment or the sponsor of the event.

Sec. 2. Title 13, chapter 3, article 7, Arizona Revised Statutes, is amended by adding section 13-917.01, to read.

13-917.01. CONTROL OF FIREARMS, HUNTING, AND RIFLE RANGES WITHIN MUNICIPALITIES; PENALTY

A. Discharge of a firearm within the limits of any municipality is a misdemeanor except:

1. In necessary self-defense.

2. In defense of property.

3. On a properly supervised range.

4. In an area recommended as a hunting area by the Arizona game and fish department, approved and posted as required by the chief of police, but any such area may be closed when deemed unsafe by the chief of police or the director of the game and fish department.

5. For the control of nuisance wildlife by permit from the Arizona game and fish department or the United States fish and wildlife service.

6. By special permit of the chief of police of the municipality.

B. A properly supervised range for the purposes of this section means a range operated by a club affiliated with the national rifle association of America, the amateur trapshooting association, the national skeet association, or any other nationally recognized shooting organization, any agency of the federal government, state of Arizona, county or city within which the range is located, or any public or private school, and, in the case of air or carbon dioxide gas operated guns, or under-

ground ranges on private or public property, such ranges may be operated with adult supervision.

C. For the purposes of this section, the term "firearm" means any device which expels a projectile by means of expanding gases.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 23, 1962.

CHAPTER 105

House Bill No. 193

AN ACT

RELATING TO CORPORATIONS; CONTENTS OF ARTICLES AS RESPECTS DESIGNATING CHARACTER OF BUSINESS, AND AMENDING SECTION 10-122, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 10-122, Arizona Revised Statutes, is amended to read:

10-122. CONTENTS OF ARTICLES

The articles of incorporation shall contain:

1. The name of the corporation, but no corporation shall take a name which is the same as, or deceptively similar to, the name of another existing corporation of this state or of any foreign corporation licensed to do business in this state, unless, at the time of filing its articles of incorporation with the corporation commission as required by this section, the incorporators file with the corporation commission a consent to the use of such name, such consent to be in the form of a duly authenticated copy of a resolution specifically authorizing the use of its name by the board of directors of any existing corporation of this state or of any foreign corporation licensed to do business in this state which has a name which is the same or deceptively similar to the name which the corporation applying for license seeks to use as its own.

2. The principal place of business of the corporation.

3. The general nature of the business to be transacted.

4. The amount of capital stock authorized and the time when and the conditions upon which it is to be paid in. The articles may provide for the issuance of one or more classes of stock and stock without par value, in such number of shares with such rights and preferences as shall be stated in the articles. The articles may also provide that the issuance and sale of shares without par value will be for such consideration as prescribed in the articles and that such shares shall be deemed fully paid and nonassessable. If any class of stock which is preferred as to dividends or assets is to be issued in series, as provided in section 10-152.01, the articles shall provide either:

(a) The designations, preferences, privileges and voting powers of the first series of such class, and the restrictions or qualifications thereof, and that the board of directors is authorized to fix from time to time before issuance the designations, preferences, privileges and voting powers of the shares of each subsequent series of such class, and the restrictions or qualifications thereof, or

(b) That the board of directors is authorized to fix from time to time before issuance the designations, preferences, privileges and voting powers of the shares of each series of such class, and the restrictions or qualifications thereof.

5. The name, residence and post-office address of each incorporator.

6. The time of commencement and termination of the corporation.

7. By what officers the affairs of the corporation are to be conducted, and the time of their election.

8. The highest amount of indebtedness or liability, direct or contingent, to which the corporation is at any time to subject itself, as determined and limited by the provisions of section 10-173.

9. Whether private property of the shareholders is to be exempt from corporate debts, and unless so exempted, the shareholders shall be liable for the debts of the corporation in the proportion their stock bears to the whole capital stock.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 23, 1962.

CHAPTER 106

House Bill No. 266

AN ACT

RELATING TO SAVINGS AND LOAN ASSOCIATIONS; DEFINING LIMITATIONS ON THE APPORTIONMENT OF PROFITS, AND AMENDING SECTION 6-440, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 6-440, Arizona Revised Statutes, is amended to read:

6-440. APPORTIONMENT OF PROFITS

The board of directors shall apportion the profits of the association at least annually and not more often than quarterly, if the bylaws so prescribe, and each apportionment shall be made in accordance with the following procedure:

1. A proper allocation first shall be made to the contingent reserve and to any other reserve required by section 6-441.

2. Additional allocations then may be made to such special reserves as the board of directors may have established in accordance with section 6-441.

3. Dividends then may be declared annually, and not more often than quarterly, if the bylaws so provide, first on accounts and thereafter on shares of guaranty capital, in accordance with the provisions of this chapter and the bylaws.

4. The residue of such profits may be held as undivided profits.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secratory of State—March 23, 1962.

CHAPTER 107

House Bill No. 267

AN ACT

RELATING TO SAVINGS AND LOAN ASSOCIATIONS; PROVIDING FOR AUTHORIZED INVESTMENTS IN

OBLIGATIONS OF MEMBERS, AND AMENDING SECTION 6-445, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 6-445, Arizona Revised Statutes, is amended to read:

6-445. INVESTMENT IN OBLIGATIONS OF MEMBERS

An association may loan funds to members as follows:

1. On the security of accounts, but no such loan shall exceed the withdrawal value of the pledged account.

2. On the security of improved real estate, or real estate to be improved under contract with the association:

(a) Of a value, determined in accordance with section 6-457, sufficient to provide good and ample security for the loan, subject, however, to the limitations of section 6-448.

(b) With a fee simple title which is unencumbered except as permitted by section 6-447.

(c) A leasehold title of not less duration than fifty years beyond the date of the loan.

(d) With the title established by such evidence of title as is consistent with sound lending practices in the locality.

3. For the purpose of repair, improvement, rehabilitation or alteration upon or in connection with existing structures, or the building of new structures upon real estate. Any such loans which are not secured, guaranteed or insured by the United States or any of its instrumentalities, as provided in this section, (a) shall be made only to the owners of such real estate or to lessees of such real estate under a lease expiring not less than one year after the maturity of the final installment of such loan; (b) shall be limited to three thousand five hundred dollars each, exclusive of legal and financing charges; (c) shall be repayable over a period of five years or less in substantially equal monthly installments; and (d) shall not be made if the resulting aggregate unpaid balances of all such loans would exceed five per cent of the association's total assets, and including loans guaranteed under title I of the federal housing act, as now or hereafter amended, or under the servicemen's readjustment act of 1944, as now or hereafter amended, would exceed fifteen per cent of the association's total assets.

4. Through the purchase of loans which, at the time of purchase, the association could make in accordance with the provisions of this section and the association's bylaws.

5. Through the purchase of installment contracts for the sale of improved real estate, and title thereto which is subject to such contracts, but in each instance only if the association at the time of purchase could make a mortgage loan of the same amount and for the same length of time on the security of such improved real estate.

6. Through real estate loans guaranteed or insured, wholly or in part, by the United States or any of its instrumentalities, and without regard to the limits in amount and terms otherwise imposed by this article. With the approval of the superintendent and under his rules, regulations and requirements, loans in excess of the limitations of this article may be made if the total principal balance of such loan, or the excess of the principal over the limitations of this article are insured by a mortgage guaranty insurance company licensed to transact business under the insurance code of this state.

7. On the security of any of the above authorized investments.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 23, 1962.

CHAPTER 108

House Bill No. 127

AN ACT

RELATING TO COURTS AND CIVIL PROCEEDINGS; PRESCRIBING THE METHOD OF SUBMITTING DISPUTES TO ARBITRATION BY AGREEMENTS; REPEALING TITLE 12, CHAPTER 9, ARTICLE 1, SECTIONS 12-1501 TO 12-1511, INCLUSIVE, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING A NEW ARTICLE 1, SECTIONS 12-1501 TO 12-1516, INCLUSIVE, AND AMENDING TITLE 12, CHAPTER 12, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-2101.01.

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

Section 1. REPEAL

Title 12, chapter 9, article 1, sections 12-1501 to 12-1511, inclusive, Arizona Revised Statutes, is repealed.

Sec 2. Title 12, chapter 9, Arizona Revised Statutes, is amended by adding a new article 1, sections 12-1501 to 12-1516, inclusive, to read:

ARTICLE 1. ARBITRATION

12-1501. VALIDITY OF ARBITRATION AGREEMENT

A written agreement to submit any existing controversy to arbitration or a provision in a written contract to submit to arbitration any controversy thereafter arising between the parties is valid, enforceable and irrevocable, save upon such grounds as exist at law or in equity for the revocation of any contract.

12-1502. PROCEEDINGS TO COMPEL OR STAY ARBITRATION

A. On application of a party showing an agreement described in section 12-1501, and the opposing party's refusal to arbitrate, the court shall order the parties to proceed with arbitration, but if the opposing party denies the existence of the agreement to arbitrate, the court shall proceed summarily to the determination of the issue so raised and shall order arbitration if found for the moving party. Otherwise, the application shall be denied.

B. On application, the court may stay an arbitration proceeding commenced or threatened on a showing that there is no agreement to arbitrate. Such an issue, when in substantial and bona fide dispute, shall be forthwith and summarily tried and the stay ordered if found for the moving party. If found for the opposing party, the court shall order the parties to proceed to arbitration.

C. If an issue referable to arbitration under the alleged agreement is involved in an action or proceeding pending in a court having jurisdiction to hear applications under subsection A of this section, the application shall be made therein. Otherwise and subject to section 12-2101, the application may be made in any court of competent jurisdiction.

D. Any action or proceeding involving an issue subject to arbitration shall be stayed if an order for arbitration or an application therefor has been made under this section or, if the issue is severable, the stay may be with respect thereto only.

When the application is made in such action or proceeding, the order for arbitration shall include such stay.

E. An order for arbitration shall not be refused on the ground that the claim in issue lacks merit or bona fides or because any fault or grounds for the claim sought to be arbitrated have not been shown.

12-1503. APPOINTMENT OF ARBITRATORS BY COURT

If the arbitration agreement provides a method of appointment of arbitrators, this method shall be followed. In the absence thereof, or if the agreed method fails or for any reason cannot be followed, or when an arbitrator appointed fails or is unable to act and his successor has not been duly appointed, the court on application of a party shall appoint one or more arbitrators. An arbitrator so appointed has all the powers of one specifically named in the agreement.

12-1504. MAJORITY ACTION BY ARBITRATORS

The powers of the arbitrators may be exercised by a majority unless otherwise provided by the agreement or by this article.

12-1505. HEARING

Unless otherwise provided by the agreement:

1. The arbitrators shall appoint a time and place for the hearing and cause notification to the parties to be served personally or by registered mail not less than five days before the hearing. Appearance at the hearing waives such notice. The arbitrators may adjourn the hearing from time to time as necessary and, on request of a party and for good cause, or upon their own motion, may postpone the hearing to a time not later than the date fixed by the agreement for making the award unless the parties consent to a later date. The arbitrators may hear and determine the controversy upon the evidence produced notwithstanding the failure of a party duly notified to appear. The court on application may direct the arbitrators to proceed promptly with the hearing and determination of the controversy.

2. The parties are entitled to be heard, to present evidence material to the controversy and to cross-examine witnesses appearing at the hearing.

3. The hearing shall be conducted by all the arbitrators but a majority may determine any question and render a final award. If, during the course of the hearing, an arbitrator for any reason ceases to act, the remaining arbitrator or arbitrators

appointed to act as neutrals may continue with the hearing and determination of the controversy.

12-1506. REPRESENTATION BY ATTORNEY

A party has the right to be represented by an attorney at any proceeding or hearing under this article. A waiver thereof prior to the proceeding or hearing is ineffective.

12-1507. WITNESSES; SUBPOENAS; DEPOSITIONS

A. The arbitrators may cause to be issued subpoenas for the attendance of witnesses and for the production of books, records, documents and other evidence, and shall have the power to administer oaths. Subpoenas so issued shall be served, and, upon application to the court by a party or the arbitrators, enforced, in the manner provided by law for the service and enforcement of subpoenas in a civil action.

B. On application of a party and for use as evidence, the arbitrators may permit a deposition to be taken, in the manner and upon the terms designated by the arbitrators, of a witness who cannot be subpoenaed or is unable to attend the hearing.

C. All provisions of law compelling a person under subpoena to testify are applicable.

D. Fees for attendance as a witness shall be the same as for a witness in the superior courts of the state of Arizona.

12-1508. AWARD

A. The award shall be in writing and signed by arbitrators joining in the award. The arbitrators shall deliver a copy to each party personally or by registered mail, or as provided in the agreement.

B. An award shall be made within the time fixed therefor by the agreement or, if not so fixed, within such time as the court orders on application of a party. The parties may extend the time in writing either before or after the expiration thereof. A party waives the objection that an award was not made within the time required unless he notifies the arbitrators of his objection prior to the delivery of the award to him.

12-1509. CHANGE OF AWARD BY ARBITRATORS

On application of a party or, if an application to the court is pending under sections 12-1511, 12-1512, or 12-1513, on submission to the arbitrators by the court under such conditions as the court may order, the arbitrators may modify or

correct the award upon the grounds stated in paragraphs 1 and 3 of subsection A of section 12-1513, or for the purpose of clarifying the award. The application shall be made within twenty days after delivery of the award to the applicant. Written notice thereof shall be given forthwith to the opposing party, stating he must serve his objections thereto, if any, within ten days from the notice. The award so modified or corrected is subject to the provisions of sections 12-1511, 12-1512 and 12-1513.

12-1510. FEES AND EXPENSES OF ARBITRATION

Unless otherwise provided in the agreement to arbitrate, the arbitrators' expenses and fees, together with other expenses, not including counsel fees, incurred in the conduct of the arbitration, shall be paid as provided in the award.

12-1511. CONFIRMATION OF AN AWARD

A party seeking confirmation of an award shall file and serve an application therefor in the same manner in which complaints are filed and served in civil actions. Upon the expiration of twenty days from service of the application, which shall be made upon the party against whom the award has been made, the court shall enter judgment upon the award unless opposition is made in accordance with section 12-1512.

12-1512. OPPOSITION TO AN AWARD

A. Upon filing of a pleading in opposition to an award, and upon an adequate showing in support thereof, the court shall decline to confirm and award and enter judgment thereon where:

1. The award was procured by corruption, fraud or other undue means:

2. There was evident partiality by an arbitrator appointed as a neutral or corruption in any of the arbitrators or misconduct prejudicing the rights of any party;

3. The arbitrators exceeded their powers;

4. The arbitrators refused to postpone the hearing upon sufficient cause being shown therefor or refused to hear evidence material to the controversy or otherwise so conducted the hearing, contrary to the provisions of section 12-1505, as to prejudice substantially the rights of a party; or

5. There was no arbitration agreement and the issue was not adversely determined in proceedings under section 12-1502

and the adverse party did not participate in the arbitration hearing without raising the objection; but the fact that the relief was such that it could not or would not be granted by a court of law or equity is not ground for vacating or refusing to confirm the award.

B. In declining to confirm an award on grounds other than stated in paragraph 5 of subsection A the court may order a rehearing before new arbitrators chosen as provided in the agreement, or in the absence thereof, by the court in accordance with section 12-1503, or if the court declines to confirm the award on grounds set forth in paragraphs 3 and 4 of subsection A the court may order a rehearing before the arbitrators who made the award, or their successors appointed in accordance with section 12-1503. The time within which the agreement requires the award to be made is applicable to the rehearing and commences from the date of the order.

12-1513. MODIFICATION OR CORRECTION OF AWARD

A. Upon application made within ninety days after delivery of a copy of the award to the applicant, if judgment has not been entered thereon, the court shall modify or correct the award where:

1. There was an evident miscalculation of figures or an evident mistake in the description of any person, thing or property referred to in the award;

2. The arbitrators have awarded upon a matter not submitted to them and the award may be corrected without affecting the merits of the decision upon the issues submitted; or

3. The award is imperfect in a matter of form, not affecting the merits of the controversy.

B. If the application is granted, the court shall modify and correct the award so as to effect its intent and shall confirm the award as so modified and corrected. Otherwise, the court shall confirm the award as made.

C. An application to modify or correct an award may be joined in the alternative with an application to vacate the award.

D. After judgment, the award shall be subject to the powers of the court in the same manner as any other judgment which may be subject to review under Rule 60 (c) of the Rules of Civil Procedure.

12-1514. JUDGMENT OR DECREE ON AWARD

Upon the granting of an order confirming, modifying or correcting an award, judgment or decree shall be entered in confirmity therewith and be enforced as any other judgment or decree. Costs of the application and of the proceedings subsequent thereto, and disbursments may be awarded by the court.

12-1515. APPLICATIONS TO COURT

Except as otherwise provided, an application to the court under this article shall be by motion and shall be heard in the manner and upon the notice provided by law or rule of court for the making and hearing of motions. Unless the parties have agreed otherwise, notice of an initial application for an order shall be served in the manner provided by law for the service of a summons in an action.

12-1516. COURT; JURISDICTION AND VENUE

The term "court", as used in this article, means the superior courts of the state of Arizona, and venue of the appropriate superior court shall be determined as in any other civil action.

The initial application having been made to a court of appropriate venue, all subsequent applications shall be made to the same court unless that court otherwise directs.

Sec. 3. LIMITED RETROACTIVITY

This act is intended to validate arbitration agreements in contracts existing at the time of its passage, but the provisions for judgments on such agreements shall be applicable only to agreements made subsequent to the taking effect of this act.

Sec. 4. UNIFORMITY OF INTERPRETATION

This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Sec. 5. CONSTITUTIONALITY

If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Sec. 6. LIMITED EFFECT OF ACT

This act shall have no application to arbitration agreements between employers and employees or their respective representatives.

Sec. 7. Title 12, chapter 12, article 1, Arizona Revised Statutes, is amended by adding sections 12-2101.01, to read:

12-2101.01. APPEALS FROM ARBITRATION AWARDS

A. An appeal may be taken from:

1. An order denying an application to compel arbitration made under the terms of section 12-1502;

2. An order granting an application to stay arbitration made under the terms of subsection B of section 12-1502;

3. An order denying confirmation of an award;

4. An order modifying or correcting an award;

5. An order vacating an award without directing a rehearing; or

6. A judgment or decree entered pursuant to the provisions of article 1, chapter 9, of this title.

B. The appeal shall be taken in the manner and to the same extent as from orders or judgments in a civil action.

Approved by the Governor—March 23, 1962.

Filed in the Office of the Secretary of State—March 23, 1962.

CHAPTER 109

House Bill No. 207

AN ACT

RELATING TO THE ARIZONA INTERSTATE STREAM COMMISSION; CONFERRING ADDITIONAL POWERS AND DUTIES UPON THE ARIZONA INTERSTATE STREAM COMMISSION; PROVIDING FOR THE EMPLOYMENT OF A STATE WATER ENGINEER BY THE ARIZONA INTERSTATE STREAM COMMISSION, AND AMENDING TITLE 45, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 45-512 AND 45-513.

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

Section 1. Title 45, chapter 2, article 1, Arizona Revised Statutes, is amended by adding sections 45-512 and 45-513, to read:

45-512. ADDITIONAL POWERS

A. The Arizona interstate stream commission is hereby duly authorized, for and on behalf of the state of Arizona, to consult, advise and cooperate with the secretary of the interior of the United States, as follows:

1. In the exercise of any authority conferred upon the secretary of the interior under the provisions of sections 4, 5 and 14 of the act commonly known as the Boulder Canyon project act (43 U.S.C. sec. 617-617t), as contemplated and provided in section 16 of the Boulder Canyon project act.

2. In respect to the authority of the secretary of the interior to contract for the delivery of water of the main stream of the Colorado river for use within the state of Arizona.

3. In respect to all powers and duties of the secretary of the interior under the provisions of that certain contract between the United States of America, acting by Harold L. Ickes, secretary of the interior, and the state of Arizona, acting by the Colorado river commission, entered into on the 9th day of February, 1944, pursuant to chapter 46 of the 1939 session laws of Arizona, and approved by chapter 4 of the 1944 session laws of Arizona.

4. In respect to the exercise by the secretary of the interior of any authority relative to the water of the Colorado river conferred upon the secretary of the interior by the provisions of any legislation enacted by the congress of the United States of America.

B. The powers and duties herein given the Arizona interstate stream commission shall be limited and restricted to only that quantity of water which may be available for use in the state of Arizona, after the satisfaction of all existing contracts between the secretary of the interior and users in the state of Arizona for the delivery of water of the main stream of the Colorado river, and shall not extend to any such contracts, any amendments or supplements thereto, or to any federal statute enacted before the effective date of this section pertaining to any federal reclamation project within the state of Arizona constructed and using water of the main stream of the Colorado river before the effective date of this section. Nothing shall be done hereunder which will impair existing rights in the state of Arizona for the diversion and use of Colorado river water.

C. The privilege and right of individuals, irrigation districts, corporations or political subdivisons of the state of Arzona to negotiate and directly contract with the secretary of the interior for the delivery of water of the main stream of the Colorado river for use within the state of Arizona and all rights under such contracts shall not be affected by the provisions of this section.

45-513. STATE WATER ENGINEER

The Arizona interstate stream commission is further authorized and directed to retain the services and fix the compensation of a registered professional engineer experienced and competent in the field of hydrology, which engineer shall be known as the "State Water Engineer" and shall perform such duties, consistent with the powers and duties of the Arizona interstate stream commission, as may be prescribed by the Arizona interstate stream commission.

Approved by the Governor—March 23, 1962.

Filed in the Office of the Secretary of State—March 23, 1962.

CHAPTER 110

House Bill No. 231

AN ACT

RELATING TO EDUCATION; GRANTING AUTHORITY TO SCHOOL DISTRICTS TO PROVIDE PROGRAMS FOR TRAINABLE RETARDED CHILDREN, AND AMENDING TITLE 15, CHAPTER 10, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8, SECTIONS 15-1081 TO 15-1083, INCLUSIVE, AND MAKING AN APPROPRIATION

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

Section 1. Title 15, chapter 10, Arizona Revised Statutes, is amended by adding article 8, sections 15-1081 to 15-1083, inclusive, to read:

ARTICLE 8. TRAINABLE RETARDED CHILDREN

15-1081. DEFINITIONS

In this article, unless the context otherwise requires:

1. "Trainable retarded child" means a child who attains an intelligence quotient of approximately one-third to one-half

that of normal children on tests administered by qualified psychological examiners as approved by the state superintendent of public instruction. For the purpose of this article, the following criteria shall become apart of this definition:

(a) The child must be physically capable of attending school.

(b) The child must be of lawful school age.

(c) He shall be incapable of being educated in educable mentally retarded classes.

(d) He must be able to communicate to the extent that he can make his wants known and can understand simple directions.

(e) Eligibility shall be determined by psychological evaluation with the approval of the state director of special education.

15-1082. POWERS OF THE GOVERNING BODY OF A SCHOOL DISTRICT OR COUNTY; LIMITATION

A. The governing body of a school district may:

1. Establish a special class or instructional center for the trainable retarded children who are unable to attend special classes for the educable retarded.

2. Employ special teachers for the operation of the trainable program.

3. In cooperation with another district or districts, establish special trainable classes or instructional centers for the trainable children.

B. The county school superintendent may, upon approval of the state board of education, establish a centralized school to provide for classes or instructional centers for the trainable retarded.

C. If the governing body of the school district or county complies with the terms of this section, the special trainable class may be conducted by the district or districts in a school facility or instructional center, in a residential type of facility or in any other structure as approved by the state superintendent of public instruction.

15-1083. APPROPRIATION AND APPORTIONMENT; APPROVAL OF PROGRAM

A. All students as defined by section 15-1081 shall be included in the appropriation and apportionment made pursuant to sections 15-1211 and 15-1212 and the county levy as provided in section 15-1235. In addition, the legislature shall annually appropriate to the department of public instruction the sum of five hundred ninety dollars for each trainable retarded student in average daily attendance. The county shall, in addition, provide ten dollars per unit of average daily attendance for each trainable retarded student taught by the district. The monies so appropriated shall be distributed to the districts or counties operating approved trainable retarded children's classes for each trainable retarded student taught.

B. The appropriation shall be computed with reference to the number of trainable retarded children taught during the preceding year in approved classes. One-half day's average daily attendance shall be computed for any child attending the trainable retarded children's class for a period of not less than one hundred twenty minutes. Full average daily attendance shall be computed for children attending classes for two hundred forty minutes or more. Any additional cost resulting from the trainable retarded children's class and not provided for under this section shall be met by each school district having students receiving instruction in the trainable retarded children's facility.

C. The appropriation and apportionment provided under the terms of this section shall not be granted to the governing body of a school district or county unless the district complies with the provisions of this article and conditions and standards prescribed by the director of the division of special education. A school district or county program for the education of trainable retarded children, as prescribed by the terms of this article, shall be presented to the state board of education for approval.

Sec. 2. APPROPRIATION

To the state department of public instruction for the education of trainable retarded children in school districts and the county as prescribed by the terms of title 15, chapter 10, article 8, Arizona Revised Statutes, a sum of money is appropriated from the state general fund which shall be equal to five hundred ninety dollars for each such student, computed according to average daily attendance records of the state superintendent of public instruction. For the fiscal year commencing July 1, 1962, the appropriation shall be based on an estimate of attendance based on the figures of the state department of public instruction. The monies appropriated by this section shall be in

addition to the appropriation and apportionment made pursuant to sections 15-1211 and 15-1212, Arizona Revised Statutes, and the county levy provided in section 15-1235, Arizona Revised Statutes.

Sec. 3. EXEMPTION

The appropriation made by the terms of section 2 is exempt from the provisions of section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Sec. 4. EFFECTIVE DATE

This act shall become effective on July 1, 1962.

Approved by the Governor—March 23, 1962.

Filed in the Office of the Secretary of State—March 23, 1962.

CHAPTER 111

House Bill No. 283

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA HIGHWAY DEPARTMENT.

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 83, section 1, chapter 129, Laws of 1961, the sum of twenty-five thousand dollars is appropriated from the state highway fund to the Arizona highway department, department of law services, for the purpose of reimbursing the department of law for expenditures made and yet to be made pursuant to the provisions of section 41-192, Arizona Revised Statutes, for legal services rendered in connection with highway construction and highway acquisition under federal aid projects.

Sec. 2. EXPENDITURES

The expenditures heretofore made by the Arizona highway department in payment of legal services rendered and expended from Arizona highway department, administration, Arizona highway department, construction budget, and any funds transferred from the Arizona highway department, commissioner's

reserve, are hereby exempt from the provisions of section 41-192, subsection E, of the Arizona Revised Statutes.

Sec. 3. EXEMPTION

The appropriation made by this act is exempt from the provisions of section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

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, 1962.

Filed in the Office of the Secretary of State—March 23, 1962.

CHAPTER 112

House Bill No. 87

AN ACT

RELATING TO EDUCATION; PROVIDING THAT BOARD OF TRUSTEES MAY SELL SCHOOL PROPERTY REQUIRED FOR A PUBLIC PURPOSE TO THE STATE, COUNTY OR CITY, AND AMENDING SECTION 15-442, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 15-442, Arizona Revised Statutes, is amended to read:

15-442. GENERAL POWERS AND DUTIES

A. The board of trustees shall:

1. Maintain the schools established by them for a period of not less than eight months in each school year, and if the funds of the district are sufficient, maintain the schools for a longer period, and as far as practicable with equal rights and privileges.

2. Enforce the courses of study and select all textbooks used in the schools from the multiple lists determined and authorized by the state board of education pursuant to paragraph 18

of section 15-102 and purchase the same from the publishers under contracts negotiated by the state board as provided in this title. The amount budgeted for this purpose shall not be included in the budget items to which the limitation provided by section 15-1203 shall apply. One fourth of the amount budgeted for textbooks may be expended for teaching aids relating to the textbooks selected. District school funds may be budgeted and expended by the board for supplementary books, as contained in the lists prepared by the state board of education pursuant to subsection B of section 15-1101, and for such additional textbooks as may be necessary because of an extraordinary increase in enrollment or an act of God, provided that supplementary books shall not be purchased in such quantities as to take the place of the textbooks prescribed by paragraph 18 of section 15-102.

3. Visit every school in the district and examine carefully into its management, condition and needs.

4. Provide transportation for any child or children when deemed for the best interest of the district, whether within or without the district, county or state.

5. Exclude from schools all books, publications or papers of sectarian, partisan, or denominational character.

B. The board may:

1. Expel pupils for misconduct.

2. Exclude from the primary grades children under six years of age.

3. Make such segregation of groups of pupils as it deems advisable.

4. Maintain such special schools during vacation as deemed necessary for the benefit of the pupils of the district.

5. Exclude from schools all books, publications or papers to travel for a school purpose, as determined by a majority vote of the board. By unanimous vote the board may permit members of the board to travel for a school purpose. Any expenditure for travel and subsistence shall be as provided under the terms of title 38, chapter 4, article 2, and shall be a charge against the budgeted school district funds.

6. Rent such buildings as may be necessary provided the rental contract does not exceed one year.

7. Construct buildings accessory to the operation of the schools within the district.

8. Sell to the state, county or city any school property required for a public purpose, provided the sale of the property will not affect the normal operations of a school within the school 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 23, 1962.

Filed in the Office of the Secretary of State—March 23, 1962.

CHAPTER 113

Senate Bill No. 39

AN ACT

RELATING TO WATERS; PRESCRIBING RIGHTS OF THE STATE IN APPROPRIATION OF WATER; PERMITTING TRANSFER OF WATER RIGHTS APPURTENANT TO CROP LAND FOR MUNICIPAL AND RECREATIONAL PURPOSES UNDER CERTAIN CONDITIONS AND LIMITATIONS; USES OF TRANSFERRED WATER RIGHTS; APPLICATION FOR TRANSFER AND NOTICE; ORDERS OF STATE LAND COMMSSIONER, FINALITY; INJUNCTION; APPEAL, AND AMENDING SECTIONS 45-141, 45-142, 45-147, 45-150 AND 45-172, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 45-141, Arizona Revised Statutes, is amended to read:

45-141. RIGHT OF APPROPRIATION; PERMITTED USES

A. Any person or the state of Arizona or a political subdivision thereof may appropriate unappropriated water for domestic, municipal, irrigation, stock watering, water power, recreation, wildlife, including fish, mining uses, for his personal use

or for delivery to consumers. The person or the state of Arizona or a political subdivision thereof first appropriating the water shall have the better right.

B. To effect the beneficial use, the person or the state of Arizona or a political subdivision thereof appropriating the water may construct and maintain reservoirs, dams, canals, ditches, flumes and other necessary waterways.

Sec. 2. Sec. 45-142, Arizona Revised Statutes, is amended to read:

45-142. APPLICATION FOR PERMIT TO APPROPRIATE WATER

A. Any person, including the United States, the state or a municipality, intending to acquire the right to the beneficial use of water, shall make an application to the department for a permit to make an appropriation of the water. The application shall state:

1. The name and address of the applicant.

2. The water supply from which the appropriation is applied for.

3. The nature and amount of the proposed use.

4. The location, point of diversion and description of the proposed works by which the water is to be put to beneficial use.

5. The time within which it is proposed to begin construction of such works and the time required for completion of the construction and the application of the water to the proposed use.

B. The application also shall set forth:

1. If for agricultural purposes, the legal subdivisions of the land and the acreage to be irrigated.

2. If for power purposes, the nature of the works by which power is to be developed, the pressure head and amount of water to be utilized, the points of diversion and release of the water and the uses to which the power is to be applied.

3. If for the construction of a reservoir, the dimensions and description of the dam, the capacity of the reservoir for each foot in depth, the description of the land to be submerged and the uses to be made of the impounded waters.

4. If for municipal uses, the population to be served, and an estimate of the future population requirements.

5. If for mining purposes, the location and character of the mines to be served and the methods of supplying and utilizing the waters.

6. If for recreation or wildlife, including fish, the location and the character of the area to be used and the specific purposes for which such area shall be used.

C. The application shall be accompanied by maps, drawings and data prescribed by the department.

Sec. 3. Sec. 45-147, Arizona Revised Statutes, is amended to read:

45-147. RELATIVE VALUE OF USES

A. As between two or more pending conflicting applications for the use of water from a given water supply, when the capacity of the supply is not sufficient for all applications, preference shall be given by the department according to the relative values to the public of the proposed use.

B. The relative values to the public for the purposes of this section shall be:

1. Domestic and municipal uses. Domestic uses shall include gardens not exceeding one-half acre to each family.

2. Irrigation and stock watering.

3. Power and mining uses.

4. Recreation and wildlife, including fish.

Sec. 4. Sec. 45-150, Arizona Revised Statutes, is amended to read:

45-150. LIMITATION ON TIME OF COMPLETION OF CONSTRUCTION; EXCEPTION

Actual construction, except under applications by a city or town for municipal uses, shall begin within two years after approval of the application, and shall be prosecuted with reasonable diligence and completed within a reasonable time which shall be fixed in the permit at not to exceed five years from the date of approval. The department shall, for good cause shown, extend the time beyond the five-year period if the magnitude, physical difficulties and cost of the work justify extension.

Sec. 5. Sec. 45-172, Arizona Revised Statutes, is amended to read:

45-172. TRANSFER OF WATER RIGHTS; APPLICATION; LIMITATIONS; REQUIRED CONSENT

A water right may be severed from the land to which it is appurtenant or from the site of its use if for other than irrigation purposes and with the consent and approval of the owner of such right may be transferred for use for irrigation of agricultural lands or for municipal, stock watering, power and mining purposes and to the state or its political subdivisions for use for recreation and wildlife purposes (including fish) without losing priority theretofore established, subject to the following limitations and conditions:

1. Except as otherwise provided in this section no such severance or transfer shall be made unless approved by the department, and the approval of the department shall prescribe the conditions therefor.

2. Vested or existing rights to the use of water shall not be affected, infringed upon nor interfered with, and in no event shall the water diverted or used after the transfer of such rights exceed the vested rights existing at the time of such severance and transfer, and the state land commissioner shall by order so define and limit the amount of water to be diverted or used annually subsequent to such transfer.

3. The water rights sought to be transferred shall have been lawfully perfected under the laws of the territory or the state of Arizona and shall not have thereafter been forfeited or abandoned.

4. No such severance or transfer of water rights shall be permitted or allowed from lands within the exterior boundaries of any irrigation district, agricultural improvement district or water users association without first having obtained the written consent and approval of such irrigation district, agricultural improvement district or water users association.

5. No right to the use of water on or from any watershed or drainage area which supplies or contributes water for the irrigation of lands within an irrigation district, agricultural improvement district or water users association shall be severed or transferred without the consent of the governing body of such irrigation district, agricultural improvement district or water users association. All proposed applications for the severance and transfer of a right to use water of or from any watershed or drainage area which supplies or contributes water for the ir-

rigation of lands within any irrigation district, agricultural improvement district or water users association shall be submitted to the governing body of such irrigation district, agricultural improvement district or water users association prior to the filing of such application with the department. Within forty-five days after the receipt thereof such governing body shall reject or approve the proposed application. Failure of such governing body to approve or reject the proposed application within forty-five days after receipt thereof shall constitute approval of the proposed application by such governing body. No application for the severance or transfer of a right to the use of water of or from any watershed or drainage area which supplies or contributes water for the irrigation of lands within any irrigation district, agricultural improvement district or water users association shall be accepted for filing by the department unless accompanied by the written consent of the governing body of such irrigation district, agricultural improvement district or water users association to the proposed application or by satisfactory evidence that such governing body failed to either accept or reject the proposed application within forty-five days after receipt thereof by such governing body.

6. A severance and transfer of an irrigation water right appurtenant to lands within the boundries of an irrigation district to other lands within the boundaries of the same irrigation district for agricultural use may be accomplished by the exclusion of lands to which a water right is appurtenant from within the boundries of an irrigation district, and the inclusion in lieu thereof of other lands within the boundries of such irrigation district. Such severance and transfer of a water right shall require the consent of only the irrigation district within which the affected lands are situated and of the owners of the lands affected by the severance and transfer. No proceedings before nor approval by the department shall be required to accomplish such severance and transfer.

7. An application for severance and transfer of a water right shall be filed with the department. The department shall fix a time and place for a hearing thereon and shall give notice of such hearing by publication once a week for three successive weeks in a newspaper of general circulation in the county or counties in which the watershed or drainage area is located. Any interested person may appear and show cause why the proposed application for the severance and transfer shall not be granted.

Approved by the Governor—March 23, 1962.

Filed in the Office of the Secretary of State—March 23, 1962.

CHAPTER 114

Senate Bill No. 192

AN ACT

RELATING TO EDUCATION; PROVIDING A REVOLVING FUND TO BE USED FOR SPECIFIC PURPOSES IN DISBURSING SCHOOL LUNCHROOM AND PROGRAM MONIES, AND AMENDING SECTION 15-1124, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 15-1124, Arizona Revised Statutes, is amended to read:

15-1124. OPERATION OF LUNCHROOMS AND PROGRAMS BY SCHOOL BOARDS

A. School boards may operate school lunchrooms and programs, and for that purpose may employ personnel, purchase equipment and food and incur other necessary expenses, making payment therefor through the use of gifts or donations, proceeds of sales of school lunches, contributions made available by the federal government, or funds obtained by district levy, but no monies acquired by the levy of state, county or district taxes shall be expended for food.

B. Any money received in the operation of a district school lunch program is public money and receipts shall be deposited with the county treasurer in a designated account to be withdrawn by voucher as approved by the board of trustees for operation of the district school lunch program, except that a revolving fund of five hundred dollars may be established in the manner and for the purposes prescribed in subsection C.

C. The governing board of any common or high school district with the consent of the county school superintendent may establish for the operation of school lunchrooms and programs a revolving fund of five hundred dollars which may be used for payment of freight on commodities, purchase of food required in emergencies, employment of temporary personnel for employment which does not exceed eight hours for any person or other minor disbursements. The revolving fund monies shall be deposited in a federal reserve bank in a designated account and shall be withdrawn by check signed by two bonded employees appointed by the governing board of the district.

D. Upon approval of a revolving fund as prescribed by this section, the county school superintendent shall draw a warrant

to the order of the designated employees and charge the amount thereof against the district school lunch fund, but no revolving fund shall be established unless the designated employees are bonded for an amount equal to twice the amount of the fund. The cost of the bond shall be a proper charge against the district school lunch fund.

E. The designated employees shall periodically submit a voucher with supporting papers covering disbursements from the school lunch revolving fund to the county school superintendent who shall issue a warrant for the voucher to reimburse the fund. The designated employees shall return the original amount of the revolving fund to the county treasurer on or before the close of the fiscal year in which the fund was established.

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, 1962.

Filed in the Office of the Secretary of State—March 23, 1962.

CHAPTER 115

Senate Bill No. 205

AN ACT

RELATING TO BARBERING; PRESCRIBING QUALIFICATIONS OF BARBERS, APPRENTICES, PROBATIONARY INSTRUCTORS AND INSTRUCTORS; PRESCRIBING POWERS, DUTIES AND COMPENSATION OF THE BARBER BOARD AND THE CHAIRMAN AND VICE-CHAIRMAN THEREOF; PRESCRIBING QUALIFICATIONS FOR BARBER SCHOOLS AND SHOPS; PRESCRIBING FEES; AMENDING SECTIONS 32-301, 32-304, 32-305, 32-323, 32-325, 32-328, 32-329, 32-331, AND 32-351, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-334, AND REPEALING SECTIONS 32-326 AND 32-333, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 32-301, Arizona Revised Statutes, is amended to read:

32-301. DEFINITIONS

In this chapter, unless the context otherwise requires:

1. "Barber", "apprentice" or "hair cutter" means a person having a certificate to practice as a registered barber, barber apprentice or hair cutter, respectively.

2. "Barber shop" means any place, shop or establishment wherein the practice of barbering is engaged in or carried on.

3. "Barber school" means any place, shop or establishment wherein is taught any or all of the fundamentals, theories, practices and practical applications of barbering.

4. "Board" means the board of barber examiners.

5. "Certificate" means a certificate of registration entitling the person to whom issued to practice, or a school or shop to be operated.

6. "Examination" means an examination conducted by the board to determine the applicant's fitness to practice.

7. "Instructor" means an instructor in a barber school.

8. "Medical certificate" means a certificate, issued not more than ten days prior to the date of application for registration or renewal by a physician licensed under the laws of the state, that the applicant or registrant has been examined by him and is free from contagious, infectious or communicable diseases.

9. "Probationary instructor" means an applicant for license as an instructor.

10. "Registered" means registered by the board, under the provisions of this chapter.

11. "Registrant" means a person registered by the board.

12. "Secretary" means the secretary of the board.

Sec. 2. Sec. 32-304, Arizona Revised Statutes, is amended to read:

32-304. ORGANIZATION; OFFICES; RECORDS; ANNUAL REPORT

A. The members of the board shall elect a chairman, vice-

chairman and secretary form their membership. The board shall meet annually on the second Monday in January.

B. A majority of the board shall constitute a quorum and may perform and exercise all duties and powers devolving upon it.

C. The board shall provide suitable offices for the conduct of its business, and shall adopt and use a common seal for authentication of its orders and records.

D. The chairman shall preside at board meetings and shall be chief inspector for the board.

E. The vice-chairman shall be the director of examinations and shall be responsible for the planing and execution of examinations.

F. The secretary shall keep a record of the proceedings of the board, a record of registered barbers, apprentices and hair cutters showing the name, place of business, residence and the date and number of the certificate of each, a record of licenses or certificates of registration issued to barber schools and barber shops and a record of all licenses or certificates issued, refused, renewed, suspended or revoked. The records of the board shall be available for public inspection at all reasonable times.

G. The board shall annually, on or before the first Monday in January, make a report to the governor of its official acts during the preceding year, of its receipts and disbursements, and make such recommendations as it deems expedient.

Sec. 3. Sec. 32-305, Arizona Revised Statutes, is amended to read:

32-305. COMPENSATION

A. The chairman and secretary of the board shall devote their entire time to the business of the board, and to enforcement of this chapter. They shall each receive an annual salary not to exceed six thousand five hundred dollars. The other member of the board shall receive twenty dollars for each day actually employed in discharge of his official duties for not to exceed sixty days in any calendar year. Each member of the board shall receive necessary travel expenses incurred in the discharge of his official duties.

B. The board may employ inspectors and clerks it deems necessary to carry out this chapter, and fix their compensation.

Sec. 4. Sec. 32-323, Arizona Revised Statutes, is amended to read:

32-323. BARBER; QUALIFICATIONS

A. A person is qualified to receive a certificate to practice as a barber who:

1. Is at least eighteen years of age.

2. Is of good moral character and temperate habits.

3. Has practiced as a registered apprentice for a period of eighteen months under the immediate personal supervision of a registered barber.

4. Satisfactorily passes an examination to practice barbering.

5. Furnishes proof of a tenth grade education or an equivalent education, as determined by the board.

6. Has been a resident of the state for not less than six months.

B. An applicant for a certificate to practice as a registered barber who fails to satisfactorily pass an examination, shall continue to practice as an apprentice for an additional six months and shall pay the required fee before he may again take the examination for a registered barber.

Sec. 5. Sec. 32-325, Arizona Revised Statutes, is amended to read:

32-325. OUT-OF-STATE APPRENTICES

A. A person who is at least sixteen-and-one-half years of age and has a certificate to practice as an apprentice in a state or country which has substantially the same requirements as prescribed by this chapter shall be credited with the time spent as a registered apprentice in such other state or country on the period of apprenticeship required by this chapter as a qualification to take the examination for a certificate to practice as a registered barber.

B. Any person who has practiced as an apprentice in another state or country which does not have substantially the same requirements for registration to practice as an apprentice as prescribed by this chapter, and who has the qualifications required in section 32-323, shall be credited with the time so spent on the period of apprenticeship required by this chapter as a qualification to take the examination for a certificate to practice as a registered barber.

C. Any person under the terms of this section who fails to satisfactorily pass an examination shall be required to complete a further course of study of not less than two hundred fifty hours in a registered barber school to be completed within a period of three months of not more than eight hours in any one working day, and shall pay the required fee before he may again take the examination for a registered apprentice.

Sec. 6. Sec. 32-328, Arizona Revised Statutes, is amended to read:

32-328. LICENSING OF BARBER SCHOOLS

A. No barber school shall be licensed and approved by the board to operate as such unless it is operated under general supervision of a licensed instructor, and requires as a prerequisite to admission that the applicant:

1. Be more than sixteen and one-half years of age.

2. Be of good moral character and temperate habits.

3. Furnish proof of a tenth grade education or have an equivalent education, as determined by the board.

4. Be free from any infectious, contagious or communicable diseases.

B. The school shall require as a prerequisite to graduation a course of instruction consisting of not less than one thousand two hundred fifty hours of instruction of not more than eight hours in any one working day. The course shall include:

1. Not less than two hundred fifty hours devoted to the study of scientific fundamentals of barbering, hygiene, bacteriology, histology of the hair, skin, muscles and nerves, structure of the head, face and neck, elementary chemistry relating to sterilization and antiseptics and diseases of the skin, hair and glands.

2. The remaining one thousand hours is to be devoted to the practice and study of massaging and manipulating of the muscles of the scalp, face and neck, hair cutting and shaving.

C. A barber school may admit an apprentice or barber registered in another state or country to a post graduate course. The post graduate course shall be given only for the purpose of assisting apprentice barbers from other states or countries to prepare for examination as an Arizona licensed apprentice or barber. A person admitted to a post graduate course shall not perform any act of barbering in the school for personal hire or reward.

D. A barber school shall have not less than one instructor for each eighteen students or fraction thereof including in such calculation probationary instructors.

Sec. 7. Sec. 32-329, Arizona Revised Statutes, is amended to read:

32-329. LICENSING OF BARBER SHOPS

No barber shop shall be licensed and approved by the board unless:

1. It is located in separate quarters, or if located in less than the whole of a single building, the quarters occupied are separated from the remainder of the building by solid walls reaching from floor to ceiling, but a barber shop and a beauty shop may be located in the same room or quarters.

2. It has running hot and cold water therein and has proper provision for sewage and waste water disposal approved by local health authorities.

3. It conforms to and complies with the rules and regulations promulgated by the board.

Sec. 8. Sec. 32-331, Arizona Revised Statutes, is amended to read:

32-331. FEES

A. The board shall charge the following fees:

1. For examining applicant to practice as barber, fifty dollars.

2. For issuing certificate as barber, fifteen dollars.

3. For renewing certificate as barber, five dollars.

4. For restoring expired certificate as barber, fifteen dollars.

5. For examining applicant for certificate as apprentice, fifteen dollars.

6. For issuing certificate as apprentice, ten dollars.

7. For renewing certificate as apprentice, five dollars.

8. For restoring expired certificate as apprentice, fifteen dollars.

9. For issuing certificate as an instructor, twenty-five dollars.

10. For renewing certificate as an instructor, five dollars.

11. For inspecting establishment and issuing first establishment license for newly established barber shop, one hundred dollars, and for each additional inspection when the first inspection reveals the barber shop not in compliance with law, five dollars.

12. For issuing establishment license for any barber shop which is moved to another location, five dollars.

13. For issuing establishment license for any barber shop which changes ownership, five dollars.

14. For restoring expired establishment license, ten dollars.

15. For renewing establishment license, five dollars.

16. For inspecting establishment and issuing certificate to operate newly established barber school, a fee of ten dollars for each barber chair installed in such school upon which work or service may be performed upon a patron of the school, but such fee shall not be less than one thousand dollars.

17. For inspecting establishment and issuing certificate to operate a barber school which is moved to another location, a fee of one hundred dollars, plus ten dollars for each additional barber chair installed in such school.

18. For inspecting establishment and issuing certificate to operate a barber school which changes ownership, a fee of one hundred dollars, plus ten dollars for each additional barber chair installed in such school.

19. For restoring expired certificate to operate a barber school, a fee of twenty dollars for each barber chair in such school, but such fee shall not be less than seven hundred dollars.

20. For renewing certificate to operate a barber school, an annual fee of ten dollars for each barber chair installed in such school upon which work or service may be performed upon a patron of the school, but such annual fee shall not be less than three hundred fifty dollars.

B. A duplicate certificate shall be issued to replace a lost certificate upon filing a verified statement by the applicant and payment of a five dollar fee. Each certificate so issued shall have the word "duplicate" stamped across the face and shall bear the same number as the lost certificate.

Sec. 9. Title 32, chapter 3, article 2, Arizona Revised Statutes, as amended by adding section 32-334, to read:

32-334. INSTRUCTORS; QUALIFICATIONS

A. A person is qualified to receive a certificate as an instructor who:

1. Has been a licensed barber for not less than six months.

2. Has been employed as a probationary instructor in a licensed barber school for a period of not less than four nor more than seven months of the twelve months immediately preceding the date of application for license as an instructor.

3. Makes application for examination for certificate as an instructor not later than ten days after the date of first employment as a probationary instructor by a licensed barber school.

4. Satisfactorily passes an examination to practice as an instructor.

B. Before taking the examination, the board shall require the barber school to certify that the person taking the examination has complied with the terms of paragraphs 2 and 3 of subsection A of this section. The examination shall be written and shall be limited to such subjects as are commonly taught in registered barber schools in this state.

C. Each school shall notify the board immediately of the termination by an instructor of his employment with such school.

D. Nothing in this section shall be deemed to apply to persons who are recognized by the board as instructors on the date this section takes effect.

Sec. 10. Sec. 32-351, Arizona Revised Statutes, is amended to read:

32-351. BARBERING WITHOUT CERTIFICATE PROHIBITED

A. It is unlawful, without a certificate of registration issued as provided by this chapter, to:

1. Practice barbering.

2. Act or attempt to act as a barber apprentice.

3. Own, manage, operate or control a barber shop or a barber school.

B. A barber school shall at all times be operated under the personal supervision and management of a registered barber.

Sec. 11. REPEAL

Sections 32-326 and 32-333, Arizona Revised Statutes, are repealed.

Approved by the Governor—March 23, 1962.

Filed in the Office of the Secretary of State—March 23, 1962.

CHAPTER 116

Senate Bill No. 220

AN ACT

RELATING TO CORPORATIONS; PROVIDING FOR ANNUAL REPORTS TO BE FILED AND FEES TO BE PAID BY NONPROFIT CORPORATIONS, AND AMENDING SECTIONS 10-104 AND 10-211, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 10-104, Arizona Revised Statutes, is amended to read:

10-104. FEES; PENALTIES

A. Except as otherwise provided by law, the corporation commission shall charge and collect in advance and remit to the state treasury the following fees:

1. Filing articles of incorporation of domestic and foreign corporations not for profit, ten dollars.

2. Filing articles of incorporation of domestic corporations, twenty-five dollars.

3. Filing certified copies of articles of incorporation and all amendments thereto to date of filing, or restated articles of incorporation, if restated articles are provided for in the state in which the corporation is domiciled, of foreign corporations, fifty dollars.

4. Filing amendment to articles of incorporation or restated articles which include the amendment, ten dollars.

5. Issuing certificate of incorporation of domestic corporations, ten dollars.

6. Issuing license to do business of foreign corporations, ten dollars.

7. Filing appointment of statutory agent, five dollars.

8. Filing resignation or revocation of statutory agent, one dollar.

9. Filing resolution of renewal of corporate existence, five dollars.

10. Filing resolution of dissolution of corporate existence, ten dollars.

11. Filing notice of withdrawal of foreign corporations, ten dollars.

12. Issuing certificate of good standing or certificate of compliance of corporations, five dollars.

13. Filing agreement of merger or consolidation of corporations, ten dollars.

14. Affixing seal and certificate to copy, two dollars.

15. Acceptance by the corporation commission of copies of process sought to be served on a corporation, five dollars for each service.

16. Copy or reproduction of documents on file at fees established from time to time by the commission but in no event less than twenty cents per folio.

17. Checking each corporation record and answering inquiry as to corporate existence, names and addresses of officers and statutory agent, one dollar to nonresidents, and without charge to residents of this state.

18. Filing any document for which specific fees have not been fixed, one dollar.

19. Filing affidavit of publication required by law, no charge.

20. Filing reservation of a corporate name for the use of a corporation to be organized under the laws of this state for a period not to exceed sixty days, five dollars.

21. Filing annual report of domestic and foreign corporations organized for profit, twenty-five dollars.

22. Reinstatement of domestic or foreign corporations, including those corporations as defined in paragraph 23, when certificate of incorporation or license has been revoked, twenty-five dollars plus accumulated fees and penalties as prescribed by subsection B.

23. Filing annual reports of domestic and foreign nonprofit corporations, including but not limited to benevolent, charitable, corporations sole, educational, electrical cooperative, fraternal, friendly, literary, marketing cooperative, pioneer, religious, and veteran, five dollars.

B. The commission shall assess, and upon collection, remit to the state treasury the following penalties:

1. If the annual report for profit corporations is not filed and the registration fee not paid within the time speciifed in section 10-211, a penalty of twenty per cent per month or any fraction thereof of the fees then due shall accrue until payment is made or the charter revoked as provided in section 10-212, but such penalty shall not exceed an amount equal to such fees and no penalties shall accrue to those fees which became delinquent prior to July 1, 1958, except as otherwise provided by law.

2. If the annual report for nonprofit corporations is not filed and the registration fee not paid within the time specified in section 10-211, the penalty of twenty per cent per month or any fraction thereof then due shall accrue until payment is made or the charter revoked as provided in section 10-212, but such penalty shall not exceed five dollars and no penalty shall accrue to fees which may have become delinquent prior to July 1, 1962, except as otherwise provided by law.

3. If a foreign corporation fails to file any amendment or restated articles which include an amendment within sixty days after the time of filing in the state in which the corporation is domiciled, a penalty of fifty dollars shall accrue and become payable in addition to the fee for filing the amendment, but the penalty shall not accrue to amendments filed in the state in which the corporation is domiciled prior to July 1, 1953, if all amendments or restated articles of incorporation which include the amendment are filed with the corporation commission prior to October 1, 1953.

4. Nonprofit corporations are relieved from filing annual reports which were due prior to July 1, 1962, and the payment

of annual registration fees and penalties which accrued prior to July 1, 1962.

Sec. 2. Sec. 10-211, Arizona Revised Statutes, is amended to read:

10-211. ANNUAL REPORT AND FEES

A. Every corporation organized or doing business in this state except nonprofit corporations as defined in paragraph 23, subsection A, section 10-104, and corporations otherwise exempt by law, shall each year pay an annual registration fee as prescribed by law, and file with the corporation commission, in a form prescribed by the commission, an annual report subscribed and sworn to by its duly authorized officers, containing information as of the close of the fiscal year adopted by the corporation for the purposes of title 43 relating to taxation of income, including:

1. A statement of its financial condition.

2. The amount of its capital stock paid up and issued.

3. The names and addresses of its officers and directors and the name and address to which the corporation commission shall mail the annual report form provided for in this section.

B. Every nonprofit corporation organized or doing business in this state shall each year pay an annual registration fee as prescribed by law, and file with the corporation commission in a form prescribed by the commission, an annual report, subscribed and sworn to by its officers, containing information as of the close of the fiscal year adopted by the corporation.

C. The corporation commission shall annually mail a copy of the prescribed report form to each corporation required to file the report. The report form shall be mailed to the corporation at the address given to the commission in the report filed by each corporation for the previous year, and if no name or address was then furnished the commission, or there was no report filed by the corporation for such year, the form shall be mailed to the statutory agent of the corporation. If such report is not received within sixty days following the time fixed for filing, notice of delinquency shall be sent by certified or registered mail with return receipt requested.

D. The date of filing the annual report and paying the annual fee for each corporation shall be on or before the fifteenth day of the fourth month after the close of the fiscal year adopted by the corporation for the purposes of title 43 relating to taxation of income.

E. Every corporation organized or licensed to do business in this state before July 1, 1957, shall file its next report required under the provisions of subsection C of this section, but the fee shall be computed at the rate of one twelfth of the then applicable annual fee for each month or fraction thereof between the date of the information contained in such report and the date of the information contained in the last preceding report.

F. Every corporation organized or licensed to do business in this state on or after July 1, 1957, shall file a report as prescribed in subsection C and shall pay a fee computed upon the schedule as prescribed by the law then in effect. The fee shall be computed at the rate of one twelfth of the applicable annual fee for each month or fraction thereof between the date upon which the corporation was organized or licensed to do business in this state and the close of the fiscal year adopted by the corporation for the purposes of title 43 relating to taxation of income.

G. If a corporation is unable to file the annual report required by subsection A or subsection B within the period of time prescribed by this section, the corporation shall, within such period, make written request to the corporation commission for an additional period of time, not to exceed six months, in which to make the annual report. The request for an additional period of time shall be accompanied by the annual registration fee required by law. Upon receipt of the written request and the registration fee, the corporation commission shall grant the request.

Approved by the Governor—March 23, 1962.

Filed in the Office of the Secretary of State—March 23, 1962.

CHAPTER 117

House Bill No. 91

AN ACT

RELATING TO WELFARE; AMENDING SECTIONS 46-101, 46-112, 46-113, 46-114, 46-132, 46-135, 46-136, 46-137, 46-151, 46-152, 46-161, 46-162, 46-163, 46-171, 46-204, 46-205, 46-206, 46-207, 46-209, 46-213, 46-215, 46-232, 46-233, 46-252, 46-254, 46-272, 46-292, AND 46-311, ARIZONA REVISED STATUTES, AND REPEALING SECTIONS 46-115, 46-202, 46-235, 46-236 AND 46-401, ARIZONA REVISED STATUTES, AND MAKING AN APPROPRIATION.

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

Section 1. Sec. 46-101, Arizona Revised Statutes, is amended to read:

46-101. DEFINITIONS

As used in this title, unless the context otherwise requires:

1. "Applicant" means a person who has applied for assistance or services under this title, or a person who has applied for assistance or services under this title who has custody of a dependent child.

2. "Assistance" means payments in cash or kind to or in behalf of a person or persons in need as provided for in this title.

3. "Commissioner" means the commissioner of the Arizona state department of public welfare.

4. "County advisory council" means the county welfare advisory council.

5. "County department" means the county department of public welfare.

6. "Dependent child" means a needy child under the age of eighteen years who has been deprived of parental support or care by reason of the death, unemployment of the supporting parent as defined and prescribed by federal statutes relating to welfare, continued absence from the home, or physical or mental incapacity of a parent, and whose relatives who are responsible under the law for the child's support are not able to provide adequate care and support of the 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 or who is placed in a foster home as a recipient of aid for dependent children. An educable child acceptable in the public school system must attend school to be eligible as a dependent child.

7. "Homestead property" means a home owned and occupied by applicant or recipient, or his spouse.

8. "Recipient" means a person who has received assistance or services under the provisions of this title, or a person with whom a dependent child is living while receiving assistance under the provisions of this title.

9. "Services" includes social casework, rehabilitation counseling and similar services, other than money payments, rendered to a person or persons in need as provided for in this title.

10. "State board" means the Arizona state board of public welfare.

11. "State department" means the Arizona state department of public welfare.

12. "Vendor payment" means any payment to a person other than the recipient on his behalf.

Sec. 2. Sec. 46-112, Arizona Revised Statutes, is amended to read:

46-112. 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 board shall, in addition to receiving actual and necessary expenses as provided by law, be paid twenty dollars per day, but a board member shall not receive compensation for more than a total of thirty days of service during any fiscal year. A board member who is otherwise employed as a public officer shall not receive such payment if it is prohibited by law.

Sec. 3. Sec. 46-113, Arizona Revised Statutes, is amended to read:

46-113. POWERS AND DUTIES

The state board shall:

1. Supervise, control and administer the state department of public welfare.

2. Be responsible for the adoption of all policies, rules and regulations for the government of the state and county departments.

3. Regulate the fixing of minimum standards of service and fixing of salary schedules for the classified serivces based upon training, experience and general ability for persons selected for positions in the state and county departments.

4. Provide for the holding of a minimum of one general meeting every six months, which shall be attended by all members of the state board and county advisory councils, division heads

of the state department, and such other personnel as the state board directs.

Sec. 4. Sec. 46-114, Arizona Revised Statutes, is amended to read:

46-114. ADMINISTRATIVE PERSONNEL; CLASSIFICATION OF SERVICES; SALARY SCHEDULES; SELECTIVE AND RETENTION; MERIT RATINGS

A. The state board shall:

1. Classify all positions in the administration of this title except that of the commissioner.

2. Prescribe standards for all positions included in the classification.

3. Formulate without regard to the state minimum wage law salary schedules for the services classified under this section.

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.

5. Provide for a fair and impartial system of separation from service through resignation or removal.

6. Provide for annual merit ratings of all employees in the services classified, and provide for the use of such ratings in connection with promotions, layoffs, discipline, removal and salary increments.

7. Establish rules and regulations necessary to maintain standards established by the state department.

B. All officers and employees of the state and county departments shall be employed in accordance with the provisions of this section.

Sec. 5. Sec. 46-132, Arizona Revised Statutes, is amended to read:

46-132. ORGANIZATION OF STATE DEPARTMENT OF PUBLIC WELFARE; QUALIFICATIONS AND DUTIES OF DIRECTORS AND SUPERVISOR; EMPLOYMENT OF LEGAL CONSULTANT

A. The state department shall include such operating divisions and units as the state board deems necessary for effective

administration, including a division of family services, a division of child welfare, a special services unit and a legal consultant.

B. The director of the division of family services shall be qualified by experience in the family service field and shall have to his credit graduate social work education. He shall be responsible to the commissioner for carrying out the policies, procedures, and related services in connection with old age assistance, aid to the blind, aid for dependent children, general assistance and such other responsibilities as may be assigned.

C. The director of the division of child welfare shall be qualified by experience in the child welfare field and shall have to his credit graduate social work education. He shall be responsible to the commissioner for carrying out the provisions of Title 8, chapter 5, article 1; Title 8, chapter 6, article 1; paragraph 3 of section 46-134, and such other responsibilities as may be assigned.

D. The supervisor of the special services unit shall be qualifield with appropriate investigative or legal background. He shall be responsible to the commissioner for the following:

1. Performing such special investigating duties in any county in the state as may be assigned.

2. Assist in preparing fraud charges involving public assistance recipients for presentation to the appropriate county attorney.

3. Establish liaison with the various law enforcement agencies.

4. Other related duties and responsibilities as may be assigned.

E. The state board shall appoint a legal consultant for the state department. The term and compensation of the legal consultant shall be fixed by the state board subject to legislative appropriation therefor. His duties shall be assigned by the commissioner and shall include duties as a liaison officer between federal, state and county officials in the matter of law enforcement. The legal consultant shall be a graduate of an accredited college of law.

Sec. 6. Sec. 46-135, Arizona Revised Statutes, is amended to read:

46-135. POWER TO PROMULGATE RULES CONCERNING CONFIDENTIAL NATURE OF RECORDS

The state department shall establish such reasonable regulations as it deems necessary to protect confidential information. In no event shall the names of any recipient be made available for political or commercial purposes.

Sec. 7. Sec. 46-136, Arizona Revised Statutes, is amended to read:

46-136. POWERS OF STATE DEPARTMENT REGARDING WORK PROJECTS FOR UNEMPLOYED PERSONS

A. The state department may institute work projects for the employment of needy unemployed persons being granted public assistance. The nature of the work projects shall be determined by the state department and the governing body of the county, municipal government or school district involved, to be projects necessary and desirable to the community including projects designed to improve health and public safety. County or municipal governments, including school districts, shall cooperate in such projects by furnishing supervision, transportation and payment of industrial commission insurance.

B. The state department shall act as the official agency for the state in any social welfare activity initiated by the federal government and shall administer state funds appropriated or made available for the relief of dependent persons, except as otherwise provided by law.

C. The state department shall expend from appropriations available for general assistance, or from any amounts otherwise available by law, amounts as in the discretion of the state board are determined necessary for such purpose in conjunction with any agency or department of the federal government for the purpose of receiving and distributing commodities offered to public welfare agencies for needy persons. The amount so determined may be expended by the department in payment of expenses necessarily incurred by reason of the receipt or distribution of such commodities.

Sec. 8. Sec. 46-137, Arizona Revised Statutes, is amended to read:

46-137. ADMINISTRATIVE EXPENSES

A. Administrative expenses of the state board and county departments and advisory councils shall be paid from funds made available for that purpose by the legislature or by the federal government or any of its agencies. Federal grants for

research, demonstration projects or training may be used in addition to the appropriation.

B. In this section, "administrative expenses" does not include:

1. Grants in cash or kind to or for the benefit of needy persons.

2. Cost of providing shelter and subsistence for needy persons.

3. Cost of rendering child welfare services.

4. Cost of distributing surplus commodities, except as necessary in claiming any federal reimbursement.

5. Cost of sponsoring work relief projects, except as necessary in claiming any federal reimbursement.

Sec. 9. Sec. 46-151, Arizona Revised Statutes, is amended to read:

46-151. STATE COMMISSIONER OF PUBLIC WELFARE; APPOINTMENT; SALARY; DUTIES

A. The commissioner of the state department shall be appointed by the state board wholly on the basis of training, ability and experience in welfare administration. The commissioner shall serve at the pleasure of the state board, and shall receive an annual salary not to exceed twelve thousand dollars.

B. 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.

C. If at any time the position of commissioner is vacant, the state board may appoint a staff employee to serve as acting commissioner for a period not to exceed six months pending selection of a qualified commissioner, who shall have the same powers and duties as the commissioner.

Sec. 10. Sec. 46-152, Arizona Revised Statutes, is amended to read:

46-152. DUTIES OF COMMISSIONER

A. The commissioner shall serve as the executive and administrative officer of the state department, and shall also serve as secretary of the state board.

B. The commissioner shall:

1. Prepare annually a full report of the operations and administration of the state department together with recommendations and suggestions, which shall be submited to the governor not later than five months after the close of the fiscal year.

2. Subject to approval of the state board, appoint personnel in the state and county departments necessary for the efficient performance of the duties prescribed in this title.

3. Cooperate with the federal government in any reasonable manner, by agreements or otherwise, as necessary to qualify for federal grants for assistance and services in conformity with the provisions of this title.

4. Subject to approval of the state board, do all things necessary and proper for the efficient execution of the provisions of this title.

Sec. 11. Sec. 46-161, Arizona Revised Statutes, is amended to read:

ARTICLE 5. COUNTY WELFARE ADVISORY COUNCIL

46-161. COUNTY ADVISORY COUNCIL ON WELFARE; MEMBERSHIP

A. There shall be an advisory council on welfare in each county.

B. In counties with a population of two hundred fifty thousand or more, the county advisory council shall consist of seven members, and five members in counties with a population of less than two hundred fifty thousand. The chairman of the board of supervisors or his designated representative shall serve as an additional member to the seven or five-member county advisory council and shall serve as chairman of the council but shall vote only in case of a tie.

C. The county advisory council shall be appointed on a bipartisan basis, with at least three members of the seven-member councils representing an opposing political affiliation. At least two members of the five-member councils shall represent opposing political affiliation. Each supervisorial district shall be represented with no more than two members from any supervisorial district, As far as possible, the members should provide a broad basis of citizenship representation. No more than two persons shall be identified with the same industry, business, profession or occupation.

D. Each member of the county advisory council consisting of seven members shall be appointed for a term of seven years. The county board of supervisors shall make the appointments. Of the members first appointed, one shall be appointed for a term ending January 31, 1963, and one each for terms ending one, two, three, four, five and six years thereafter.

E. Each member of the county advisory council consisting of five members shall be appointed for a term of five years. The county board of supervisors shall make the appointments. Of the members first appointed, one shall be appointed for a term ending January 31, 1963, and one each for terms ending one, two, three and four years thereafter.

F. If a vacancy occurs in the council membership from any cause, the board of supervisors shall appoint a member to serve the unexpired term, subject to the qualifications prescribed by this section.

G. The county advisory council shall hold regular monthly meetings, and may hold special meetings the council deems necessary.

H. Absence of a member from six regular monthly meetings during any twelve-month period constitutes an automatic disqualification of the absentee from membership on the council, and a new member shall be appointed as provided by subsection F. A citizen member who is a candidate for any public office is automatically disqualified from membership on the council.

Sec. 12. Sec. 46-162, Arizona Revised Statutes, is amended to read:

46-162. COMPENSATION AND EXPENSE OF COUNTY COUNCIL MEMBERS

For services while attending general or special meetings of the county council, or while performing official duties of the council, each citizen member of the council shall, in addition to receiving actual and necessary expenses as provided by law, be paid ten dollars per day, but no council member shall receive compensation for more than a total of thirty days during any fiscal year. No council member who is otherwise employed in the public service shall receive such payment if prohibited by law.

Sec. 13. Sec. 46-163, Arizona Revised Statutes, is amended to read:

46-163. DUTIES OF COUNTY COUNCILS; COUNTY WELFARE DIRECTOR TO SERVE AS SECRETARY

A. The county advisory council shall represent the state board and shall perform such duties as prescribed by the state board, including:

1. Keep the state welfare board informed as to welfare and relief problems in their respective counties.

2. Establish and maintain constructive liaison with local private relief, welfare, and charitable organizations in order to help eliminate duplicating or overlapping services.

3. Advise as representatives of the state board other county or municipal authorities on questions of welfare, relief, distribution of funds, and similar related questions.

4. Make recommendations to the state board in regard to any phase of policy, funds or staffing which it may deem advisable.

B. The county welfare director shall serve as secretary and consultant to the county advisory council.

Sec. 14. Sec. 46-171, Arizona Revised Statutes, is amended to read:

46-171. COUNTY DEPARTMENTS OF PUBLIC WELFARE; REIMBURSEMENT

A. There shall be a county department of public welfare in each county. The county department shall consist of a county welfare director and other officers and employees provided for by this title, who shall maintain in the county seat an office provided by the board of supervisors. Maintaining such an office includes providing utilities, janitor service, supplies, fixtures and all maintenance needed.

B. When the state is reimbursed by the federal government for office space, utilities, janitor service or any other services required for the maintenance thereof, the commissioner may in the same proportion reimburse the counties furnishing such offices pace, utilities, janitor service or any other services required for the maintenance thereof.

Sec. 15. Sec. 46-204, Arizona Revised Statutes, is amended to read:

46-204. GRANTING OF ASSISTANCE; NOTICE TO APPLICANT; AWARD; CERTIFICATION TO AUDITOR; PAYMENT OF ASSISTANCE FROM STATE AND FEDERAL FUNDS

A. Upon completion of an investigation the county department shall decide, according to the policies, rules and regulations of the state department whether applicant is eligible for assistance or service applied for, and shall determine the amount of assistance or service and the date on which it shall begin.

B. The applicant shall be notified of the decision in writing. The assistance shall be paid at least once monthly to applicant. When an application is rejected wholly or in part, or when modification of assistance is made, written notice shall be given to the applicant. Such notice shall inform the applicant or recipient of the right to a hearing on the rejection or modification.

C. When assistance is granted, the state department shall make an award setting forth the date, the recipient's name, age and residence, the amount of monthly assistance, and other determinations or information it deems necessary, and shall certify to the state auditor the facts with respect thereto on a form prescribed by the department. The award shall be binding until changed, modified, suspended, discontinued or until death of the recipient. The assistance shall commence on the date specified in the award.

D. When funds have been expended on rehabilitating a recipient, the department may accept reimbursement after the recipient has completed training or education and secured a job.

Sec. 16. Sec. 46-205, Arizona Revised Statutes, is amended to read:

6-205. APPEAL TO STATE DEPARTMENT FROM DENIAL OF APPLICATION OR FAILURE OF COUNTY DEPARTMENT TO ACT; CONSIDERATION BY STATE DEPARMENT ON OWN MOTION

A. If the county department does not act with reasonable promptness on an application, or if the application is denied wholly or in part by the county department, the applicant or recipient may appeal to the state department in the manner and form prescribed by the state department. The state department shall, upon receipt of the appeal, give the applicant or recipient an opportunity for a hearing.

B. The state department may also, upon its own motion, receive and consider any application upon which an action has not been made by the county department within a reasonable time. The state department may make additional investigation as it deems necessary, and shall make a decision as to granting assistance or service and the amount of assistance or service to be granted applicant which in its opinion is justified and in conformity with the provisions of this title. If the application is denied wholly 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 the appeal, give the applicant or recipient an opportunity for a hearing.

C. All decisions of the state department shall be final, and shall be binding upon the county department.

Sec. 17. Sec. 46-206, Arizona Revised Statutes, is amended to read:

46-206. PAYMENT OF ASSISTANCE; AUTHORITY OF AUDITOR; LIMITATION UPON PAYENT FROM STATE FUNDS; METHODS OF PAYMENT

A. When an assistance award is made, the certification to the state auditor provided for by section 46-204 shall, until modified, suspended or discontinued by order of the state department or until the death of recipient, be the authority to the state auditor to draw his warrant in payment of such assistance from the fund provided for in this title. Payment of assistance installments shall be by warrants signed by the recipient before the warrant shall be honored.

B. No grants, subject to federal matching, shall be paid from state funds until matching federal funds have been certified as available. If for any reason federal funds are withdrawn or reduced, then grants shall be reduced as provided in section 46-207, subsection B.

C. The state department may make any payment of assistance as a vendor payment regardless of the particular program. The purposes for such payment shall ordinarily be to expedite giving of assistance or to assure that the assistance is meeting basic maintenance needs.

Sec. 18. Sec. 46-207, Arizona Revised Statutes, is amended to read:

46-207. GRANT PLUS INCOME

A. In no event shall assistance paid any recipient under this title be an amount, which when added to income from all other sources, causes the total of income and grant to exceed:

1. For a single recipient, one hundred dollars per month.

2. For a recipient and spouse, or two recipients in the same family unit, one hundred fifty-five dollars per month.

3. For three or more recipients in the same family unit, two hundred twenty dollars per month.

B. If the total funds available for payment of assistance grants is not sufficient to meet the maximum amount for each applicant or recipient is eligible by law, the department shall not make reductions of an equal amount from every grant in each category of assistance, but shall take into consideration the needs of the applicants or recipients, and shall make reductions necessary by specifying the percentage of budgeted needs which may be met within the maximums set by law by the grant plus other available income.

C. In determining need for aid to the blind, the department shall take into consideration all other income and resources of the individual claiming such aid, except that in making a determination of need or grant plus income, the department shall disregard the first eighty-five dollars per month of earned income plus one half of all additional earned income.

Sec. 19. Sec. 46-209, Arizona Revised Statutes, is amended to read:

46-209. RESIDENCE IN STATE AFTER ASSISTANCE GRANTED; BASIS FOR DISCONTINUANCE OF PAYMENTS TO RECIPIENTS OF GENERAL ASSISTANCE, AID TO PERMANENTLY AND TOTALLY DISABLED OR AID TO DEPENDENT CHILDREN

A. Any recipient of assistance desiring to reside without the state in excess of ninety days shall execute a form provided by the state department. The form shall require the recipient to express his intent as to establishing legal residence without the state, or his intent and purpose for remaining without the state in excess of ninety days. If it is the intent of recipient to establish legal residence without the state, he may continue to receive assistance from this state while residing in another state until he meets the residence eligibility requirements for assistance in that state, or he may continue to receive old age assistance or aid to the blind from this state for a period or

periods the total of which does not exceed five years, whichever is lesser.

B. A recipient of general assistance, aid to permanently and totally disabled, or aid to dependent children may receive one or more warrants while outside of the state for a temporary period. No such recipient shall be continued on assistance if he has established his residence elsewhere and has been absent from the state for twelve consecutive months.

Sec. 20. Sec. 46-213, Arizona Revised Statutes, is amended to read:

46-213. DUTY OF RECIPIENT TO NOTIFY DEPARTMENT OF CHANGE IN STATUS; REPAYENT BY RECIPIENT OF ASSISTANCE RECEIVED IN EXCESS OF LAWFUL AMOUNT; RECOVERY OF EXCESS ASSISTANCE PAID; LIABILITY OF RECIPIENT USING WILFUL MISREPRESENTATION

A. At all times while a recipient of assistance, a person must report changes in his financial and household circumstances promptly to the county welfare department in order for the department to know whether the grant should be maintained at its existing level, increased, decreased, or discontinued. Deliberate concealment of assets and resources for the purposes of fraud shall constitute a misdemeanor.

B. When a recipient is overpaid for whatever reason, the state department of public welfare with the concurrence of the department of law shall determine the method of securing repayment which is most appropriate to the particular situation. Where there are no assets or resources, or where the overpayment was due to an error on the part of the department, the commissioner may waive a repayment by the recipient.

C. Each warrant issued as an assistance payment shall contain a statement on the reverse thereof, relating to recipient's eligibility. The wording of this statement shall be determined by the department.

D. 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.

Sec. 21. Sec. 46-215, Arizona Revised Statutes, is amended to read:

46-215. FRAUDULENT ACTS; PENALTY

A. A person is guilty of a misdemeanor who 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 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 title.

B. A person guilty of a misdemeanor under subsection A shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not to exceed one year, or both. In imposing the penalty, the court shall consider the amount of money fraudulently received.

Sec. 22. Sec. 46-232, Arizona Revised Statutes, is amended to read:

46-232. DUTY OF STATE DEPARTMENT TO ESTABLISH PLAN FOR AID TO PERMANENTLY AND TOTALLY DISABLED PERSONS; CONFORMITY WITH FEDERAL LAW: STATE FUNDS

A. The state department shall establish a plan for aid to permanently and totally disabled persons, which shall conform to the requirements necessary to qualify for federal funds under title XIV of the federal social security act.

B. The eligibility requirements as provided in this article for general assistance shall be applied, except that the minimum age for eligibility shall be established as eighteen. Persons in public or private institutions for tuberculosis or mental disease, or in public or private medical institutions as a result of diagnosis of tuberculosis or psychosis, shall not be eligible. The maximum grant shall be established within available funds but shall not exceed eighty dollars per month.

C. Funds appropriated to the state department for direct relief shall be available to the department for expenditure for assistance to persons permanently and totally disabled pursuant to the provisions of this section. Medical expenses incurred by the department in establishing permanent and total disability as defined by the state board may be paid from administrative funds or from funds available for assistance.

Sec. 23. Sec. 46-233, Arizona Revised Statutes, is amended to read:

46-233. ELIGIBILITY FOR GENERAL ASSISTANCE

A. No person shall be entitled to general assistance who does not meet and maintain the following requirements:

1. Is a citizen of the United States, or has resided in the United States a total of fifteen years.

2. 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. The applicant shall prove that he meets the residence requirements.

3. Is not an inmate of or being maintained by any municipal, county, state or federal institution at the time of receiving assistance. This shall not be construed to prohibit granting assistance to a person temporarily confined in an institution for medical or surgical care.

4. Is not employable according to the findings of the state department.

5. Has not, within five years prior to application, or while a recipient, transferred or assigned real or personal property with the intent to render himself eligible or with the intent to increase his need for assistance. Transfer of property with retention of a life estate for the purpose of qualifying for assisance is prohibited. Where fair consideration for the property was received, no inquiry into motive is necessary. A person found ineligible under this provision shall be ineligible for such time as the state department determines.

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) Homestead property and the land contiguous thereto, which has a fair market value not in excess of eight thousand dollars.

(d) Other property or assets having a total fair market value of eight hundred dollars for a single recipient or twelve hundred dollars for a recipient and spouse, or two or more recipients in a single household. Not more than four hundred

dollars of the other property or assets for a single recipient or six hundred dollars for a recipient and spouse or two or more recipients in a single household shall be in cash, bonds or negotiable securities.

(e) Tools of his trade in an amount not to exceed two hundred fifty dollars.

B. Nothing in this section shall be construed to prevent granting of assistance in emergency cases.

Sec. 24. Sec. 46-252, Arizona Revised Statutes, is amended to read:

46-252. ELIGIBILITY FOR OLD AGE ASSISTANCE

Assistance shall be granted under 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 has resided in the United States a total of fifteen years.

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. The applicant shall 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 assistance 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 applicant ceases to be an inmate. This paragraph shall not be construed to prohibit the granting of assistance to a person temporarily confined to 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 acceptance of such employment shall be required as a condition of eligibility for assistance.

6. Has not, within five years prior to application, or while a recipient transferred or assigned real or personal property

with the intent to render himself eligible or with the intent to increase his need for assistance. Transfer of property with retention of a life estate for the purpose of qualifying for assistance is prohibited. Where fair consideration for the property was received, no inquiry into motive is necessary. A person found ineligible under this provision shall be ineligible for such time as the state department determines.

7. Does not have resources in excess of the following:

(a) Household furnishing used by the recipient and his family in his usual place of residence.

(b) Wearing apparel and necessary personal effects.

(c) Homestead property in which such person resides and the land contiguous thereto, which has a fair market value not in excess of eight thousand dollars.

(d) Livestock used primarily for domestic purposes.

(e) Other property or assets having a total fair market value of eight hundred dollars for a single recipient or twelve hundred dollars for a recipient and spouse, or two or more recipients in a single household.

(f) Tools of trade in an amount not to exceed two hundred fifty dollars.

Sec. 25. Sec. 46-254, Arizona Revised Statutes, is amended to read:

46-254. DETERMINATION OF AMOUNT OF ASSISTANCE VENDOR PAYMENTS

A. In determining the amount of assitance which a recipient may receive the state and county departments shall consider and take into account living conditions and all facts and circumstaces surrounding the applicant or recipient, including 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 living to which recipient is accustomed. In each case an assistance plan shall be adopted based upon the foregoing provisions of this section. In no event shall the total amount of assistance paid for old age assistance exceed eighty-five dollars per month except where the recipient is living with a self-supporting adult child in which case the maximum grant shall be sixty-five dollars per month.

B. Notwithstanding the provisions of subsection A, the state department may make vendor payments in behalf of recipients for nursing home care. For recipients not living with relatives, visiting nurse services and limited housekeeping services may be included where there is a medical finding to substantiate the need. No vendor payment for these purposes shall exceed one hundred twenty-five dollars for any calendar month.

Sec. 26. Sec. 46-272, Arizona Revised Statutes, is amended to read:

46-272. ELIGIBILITY FOR BLIND ASSISTANCE

Assistance shall be granted to any person who meets and maintains the following requirements:

1. As to vision:

(a) Has no vision or acuity.

(b) Has central visual acuity of 20/200 or less in the better eye, with best correction.

(c) If there is a field defect in which the peripheral field has been contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees.

2. Is sixteen or more years of age, except that any person irrespective of age shall be eligible for medical treatment to restore sight or prevent blindness.

3. Lost his eyesight while residing within the state or has resided in the state for not less than five ears within the nine years, and continuously for not less than one year immediately preceding the date of application for assistance. The applicant shall prove that he meets the residence requirements.

4. Is a citizen of the United States, or has resided in the United States a total of fifteen years.

5. Is not an inmate of or being maintained by any municipal, county, state or federal institution at the time of receiving assistance 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.

6. 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 a 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.

7. Has not, within five years prior to application, or while a recipient, transferred or assigned real or personal property with the intent to render himself eligible or with the intent to increase his need for assistance. Transfer of property with retention of a life estate for the purpose of qualifying for assistance is prohibited. Where fair consideration for the property was received, no inquiry into motive is necessary. A person found ineligible under this provision shall be ineligible for such time as the state department determines.

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) Homestead property in which such person resides and the land continguous thereto, which has a fair market value not in excess of eight thousand dollars.

(d) Livestock used primarily for domestic purposes.

(e) Other property or assets having a total fair market value of eight hundred dollars for a single recipient or twelve hundred dollars for a recipient and spouse or two or more recipients in a single household.

(f) Tools of his trade in an amount not to exceed two hundred fifty dollars.

9. Does not, during the period of receiving assistance, solicit alms.

10. Is not receiving old age assistance, but benefits as authorized by section 46-273 may be extended to any person currently receiving old age assistance.

Sec. 27. Sec. 46-292, Arizona Revised Statutes, is amended to read:

46-292. ELIGIBILITY FOR ASSISTANCE

Assistance shall be given under this title to any dependent child:

1. Who has resided in this state for one year immediately preceding the application for such assistance.

2. Who was born within one year immediately preceding the application and whose parent or other relative with whom the child is living has resided in the state one year immediately preceding the birth of said child.

3. Whose parent or parents or person or persons acting in the parents' place, if employable, shall not refuse to accept available employment and if any employable child in the family does not refuse to accept available employment. The determination of employability and the conditions under which employment shall be required shall be determined by the state department, except that claimed unemployability because of physical or mental incapacity shall be determined by the state department in accordance with the provisions of this title.

Sec. 28. Sec. 46-311, Arizona Revised Statutes, is amended to read:

46-311. CONFORMITY WITH FEDERAL LEGISLATION

Where any conflict with the federal social security act shall occur in this title, that act shall control.

Sec. 29. REPEAL

Sections 46-115, 46-202, 46-235, 46-236 and 46-401, Arizona Revised Statutes, are repealed.

Sec. 30. APPROPRIATION

A. In addition to all other appropriations, the sum of two hundred ninety thousand dollars is appropriated for the fiscal year commencing July 1, 1962, to the state department of public welfare to be available for the purposes and in the amounts specified herein:

Administration — state and county	$150,000.00
Assistance and services	140,000.00
Total	$290,000.00

B. The appropriation for assistance and services is exempt from the provisions of section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Sec. 31. 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 House with sufficient vote to enact the emergency clause.

Approved by the Governor—March 23, 1962.

Filed in the Office of the Secretary of State—March 23, 1962.

CHAPTER 118

House Bill No. 334

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE DEPARTMENT OF PUBLIC WELFARE.

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

Section 1. APPROPRIATION; PURPOSE

In addition to the appropriations made under the terms of subdivision 36, chapter 129, Laws of 1961, first regular session, and the appropriations made under the terms of the general appropriation bill for the fiscal year ending June 30, 1963, the lump sum of four hundred sixty-eight thousand dollars is appropriated to the state department of public welfare, to be available for additional personnel and public assistance.

Sec. 2. EXEMPTION

The appropriation made under the terms of section 1 is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing of appropriations.

Approved by the Governor—March 23, 1962.

Filed in the Office of the Secretary of State—March 23, 1962.

CHAPTER 119

Senate Bill No. 133

AN ACT

RELATING TO DOMESTIC RELATIONS; CREATING A COURT OF CONCILIATION; PRESCRIBING THE POWERS AND DUTIES THEREOF, AND AMENDING TITLE 25, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7, SECTIONS 25-381.01 TO 25-381.21, INCLUSIVE.

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

Section 1. Title 25, chapter 3, Arizona Revised Statutes, is amended by adding article 7, sections 25-381.01 to 25-381.21, inclusive, to read:

ARTICLE 7. COURT OF CONCILIATION

25-381.01. PURPOSES OF ARTICLE

The purposes of this article are to promote the public welfare by preserving, promoting and protecting family life and the institution of matrimony, to protect the rights of children, and to provide means for the reconciliation of spouses and the amicable settlement of domestic and family controversies.

25-381.02. DEFINITIONS

In this article, unless the context otherwise requires:

1. "Conciliation court" means a court of conciliation provided for in this article.

25-381.03. APPLICABILITY OF ARTICLE; DETERMINATION BY SUPERIOR COURT

The provisions of this article shall apply in every county where the superior court has by rule or order established a conciliation court. Such superior court shall thereafter have jurisdiction under the provisions of this article.

25-381.04. ASSIGNMENT OF JUDGES; NUMBER OF SESSIONS

In counties having more than one judge of the superior court, the presiding judge may annually, in the month of January, designate at least one judge to hear all cases under this article.

The judge or judges so designated shall hold as many sessions of the conciliation court in each week as are necessary for the prompt disposition of the business before the court.

25-381.05. TRANSFER OF CASES; REASON; DUTIES OF TRANSFEREE JUDGE

The judge of the conciliation court may transfer any case before the conciliation court pursuant to this article to the presiding judge of the superior court for trial or other proceedings by another judge of the court whenever, in the opinion of the judge of the conciliation court, such transfer is necessary to expedite the business of the conciliation court or to insure the prompt consideration of the case. When any case is so transferred, the judge to whom it is transferred shall act as the judge of the conciliation court in the matter.

25-381.06. COURT ASSISTANTS; SALARIES; APPOINTMENTS

A. The superior court may appoint the following persons to assist the conciliation court in disposing of its business:

1. One or more competent persons to act as directors of conciliation.

2. Such investigators, stenographers, and clerks as the court shall find necessary to carry out the work of the conciliation court.

B. The appointments provided for in this section shall be made by and may be terminated by the judge of the conciliation court with the approval of a majority of the judges, including the judge of the conciliation court, of the superior court of the county, and may be made in addition to all other appointments authorized by law. All of the employees provided for in this section shall be allowed actual traveling and necessary expenses incurred while engaged in the discharge of the duties of their office, and shall be paid salaries comparable to other personnel employed by the superior court in the discharge of its duties.

25-381.07. DIRECTOR OF CONCILIATION; POWERS AND DUTIES

The director of conciliation shall, upon the order of the judge of the conciliation court:

1. Investigate the facts upon which to base warrants, subpoenas, orders or directions in action or proceedings filed in or transferred to the conciliation court pursuant to this article.

2. Hold conciliation conferences with parties to, and hearings in, proceedings under this article, and report the results of such proceedings to the judge of the conciliation court.

3. Provide such supervision in connection with the exercise of its jurisdiction as the judge of the conciliation court may order.

4. Cause the orders and findings of the judge of the conciliation court to be entered in the same manner as orders and findings are entered in domestic relations cases in superior court.

5. Cause such reports to be made, such statistics to be compiled, and such reports to be kept as the judge of the conciliation court may direct.

25-381.08. JURISDICTION

Whenever any controversy exists between spouses which may, unless a reconciliation is achieved, result in the dissolution or annulment of the marriage or in the disruption of the household, and there is any minor child of the spouses or either of them whose welfare might be affected thereby, the conciliation court shall have jurisdiction over the controversy, and over the parties thereto and all persons having any relation to the controversy, as further provided in this article.

25-381.09. PETITION INVOKING JURISDICTION OR FOR TRANSFER OF ACTION TO CONCILIATION COURT

Prior to the filing of any action for divorce, annulment, separate maintenance, or separation from bed and board, either spouse, or both spouses, may file in the conciliation court a petition invoking the jurisdiction of the court for the purpose of preserving the marriage by effecting a conciliation between the parties or for amicable settlement of the controversy between the spouses so as to avoid further litigation over the issue involved. In any case where an action for divorce, annulment, separate maintenance, or separation from bed and board has been filed, either party thereto may by petition filed therein have the cause transferred to the conciliation court for proceedings in the same manner as though action had been instituted in the conciliation court in the first instance.

25-381.10. PETITION; CAPTION

A. The petition shall be captioned substantially as follows: In the Superior Court of the State of Arizona in and

for the County of.....

Upon the petition of	Petition for
..... (Petitioner)	conciliation
and concerning	under the Court
.....and	of Conciliation
.....respondents	Law

25-381.11. PETITION; CONTENTS

The petition shall:

Allege that a controversy exists between the spouses and request the aid of the conciliation court to effect a reconciliation or an amicable settlement of the controversy.

2. State the name and age of each minor child whose welfare may be affected by the controversy.

3. State the name and address of the petitioner or petitioners.

4. If the petition is presented by one spouse only, name the other spouse as a respondent and state the address of that spouse.

5. Name as a respondent any other person who has any relation to the controversy and state the address of the person if known to the petitioner.

6. State such other information as the conciliation court may by rule require.

25-381.12. BLANK FORMS; ASSISTANCE IN PREPARING AND PRESENTING PETITION

The clerk of the court shall provide, at the expense of the county, blank forms for petitions for filing pursuant to this article. The employees of the conciliation court shall assist any person in the preparation and presentation of any such petition when requested to do so.

25-381.13. FEES

No fee shall be charged for filing the petition, nor shall any fee be charged by any officer for the performance of any duty pursuant to this article.

25-381.14. HEARING; TIME; PLACE; NOTICE; CITATION; WITNESSES

The judge of the conciliation court shall fix a reasonable time and place for hearing on the petition, said hearing to be held within thirty days of the date of the filing of the petition, unless the court for good cause orders such hearing to be held within forty-five days from the date of filing the petition. The court shall cause notice of the filing of the petition and of the time and place of the hearing as it deems necessary to be given to the respondents. The court may, when it deems it necessary, issue a citation to any respondent requiring him to appear at the time and place stated in the citation, and may require the attendance of witnesses as in other civil suits.

25-381.15. TIME AND PLACE OF HOLDING HEARINGS

Hearings pursuant to this article may be held at any time and place within the county, and may be held in chambers or otherwise, except that the time and place for hearing shall not be different from the time and place provided by law for the trial of civil actions if any party, prior to the hearing, objects to any different time or place.

25-381.16. CONDUCT OF HEARING; RECOMMENDATIONS; AID OF SPECIALISTS; EXPENSE

A. The hearing shall be conducted informally by the director of conciliation as a conference or series of conferences to effect a reconciliation of the spouses or an amicable adjustment or settlement of the issues.

B. At the conclusion of the hearing the director of conciliation shall report the results of the hearing to the judge of the conciliation court. The judge of the conciliation court may, and on request of one or both of the parties shall, hold further hearings in pursuance of this article.

C. To facilitate and promote the purposes of this article, the court may, with the consent of both of the parties to the action, recommend or invoke the aid of appropriate resources such as physicians, psychiatrists, social agencies, or other individuals or agencies including clergymen of the religious denomination to which the parties belong or may request, but no reports of any such individual or agency available to the court shall be

filed with or become a part of the records of the case. Any such aid shall not be at the expense of the court or of the county unless the county board of supervisors shall authorize such aid.

25-381.17. ORDERS; DURATION OF EFFECTIVENESS; RECONCILIATION AGREEMENT

A. The judge of the conciliation court shall have full power to make, alter, modify, and enforce all orders or temporary orders, orders for custody of children, restraining orders and orders affecting possession of property, as may appear just and equitable, but such orders shall not be effective for more than sixty days from the filing of the petition, unless the parties mutually consent to a continuation of such time.

B. Any reconciliation agreement between the parties may be reduced to writing and, with the consent of the parties, a court order may be made requiring the parties to comply fully therewith.

25-381.18. DIVORCE, ANNULMENT, SEPARATE MAINTENANCE,OR SEPARATION FROM BED AND BOARD ACTIONS; STAY OF RIGHT TO FILE; JURISDICTION AS TO PENDING ACTIONS

A. During a period beginning upon the filing of a petition for conciliation and continuing until sixty days after the filing of the petition for conciliation, neither spouse shall file any action for divorce, annulment, separate maintenance, or separation from bed and board and, upon the filing of a petition for conciliation, proceedings then pending in the superior court shall be stayed and the case transferred to the conciliation court for hearing and further disposition as provided in this article, but all restraining, support, or custody orders theretofore issued by the superior court shall remain in full force and effect until vacated or modified by the conciliation court or until they expire by their own terms.

B. If, however, after the expiration of such period, the controversy between the spouses has not been terminated, either spouse may institute proceedings for divorce, annulment of marriage, separate maintenance, or separation from bed and board by filing in the clerk's office additional pleadings complying with the requirements relating to divorce, annulment of marriage, separate maintenance, or separation from bed and board respectively, or either spouse may proceed with the action previously stayed, and the conciliation court shall have full jurisdiction to hear, try, and determine such action for divorce, annulment of marriage, separate maintenance, or sep-

aration from bed and board under the laws relating thereto, and to retain jurisdiction of the case for further hearings on decrees or orders to be made therein. The conciliation provisions of this article may be used in regard to post-divorce problems concerning support, visitation, contempt, or for modification based on changed conditions, in the discretion of the conciliation court.

25-381.19. TRANSFER OF CERTAIN ACTIONS WHERE MINOR CHILD INVOLVED

Whenever any action for divorce, annulment of marriage, separate maintenance, or separation from bed and board is filed in the superior court and it appears to the court at any time during the pendency of the action that there is any minor child of the spouses or either of them whose welfare may be adversely affected by the dissolution or annulment of the marriage or the disruption of the household, and there appears to be some reasonable possibility of a reconciliation being effected, the case may be transferred to the conciliation court for proceedings for reconciliation of the spouses or amicable settlement of issues in controversy in accordance with the provisions of this article.

25-381.20. PROCEDURE IN ACTIONS WHERE NO CHILD IS INVOLVED — CONCILIATION COURT MAY ACCEPT CASE

Whenever application is made to the conciliation court for conciliation proceedings in respect to a controversy between spouses or a contested action for divorce, annulment of marriage, separate maintenance, or separation from bed and board, but there is no minor child whose welfare might be affected by the results of the controversy, and it appears to the court that reconciliation of the spouses or amicable adjustment of the controversy can probably be achieved, and that the work of the court in cases involving children will not be seriously impeded by acceptance of the case, the court may accept and dispose of the case in the same manner as similar cases involving the welfare of children are disposed of. In the event of such application and acceptance, the court shall have the same jurisdiction over the controversy and the parties thereto or having any relation thereto that it has under this article in similar cases involving the welfare of children.

25-381.21. CONSTRUCTION OF ARTICLE

Except as specifically and expressly so provided, nothing in this article is intended or shall be construed to repeal, modify, or change in any respect whatsoever the laws relating to di-

vorce, annulment of marriage, separate maintenance or separation from bed and board, and the court of conciliation shall, when application for such relief is made as provided in this article, apply such laws in the same manner as if action had been brought thereunder in the first instance in the superior court, but the conciliation procedures of the conciliation court shall be applied to arrive at an amicable settlement of all issues in controversy.

Approved by the Governor—March 23, 1962.

Filed in the Office of the Secretary of State—March 23, 1962.

CHAPTED 120

Senate Bill No. 224

AN ACT

RELATING TO TAXATION; PRESCRIBING THE BASIS FOR FUTURE BUDGETS OF CITY OR TOWN; AND AMENDING TITLE 42, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 42-303.01.

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

Section 1. Title 42, chapter 2, article 4, Arizona Revised Statutes, is amended by adding section 42-303.01, to read:

42-303.01. CITY AND TOWN BUDGET; TAX RATE LIMITATION

The governing body of any city or town which by the 1960 federal decennial census had a population of less than fifty thousand, which either more than doubled its population or was first incorporated between the 1950 and the 1960 federal decennial census, may adopt a budget for the fiscal year 1962-63 without the limitations provided in sections 42-302 and 42-303, provided that the total amount of the adopted budget shall not exceed the 1961-62 fiscal budget together with the emergency expenditures allowed by the state tax commission during the 1961-62 fiscal year plus ten per cent of the 1961-62 fiscal budget. The budget so adopted for the fiscal year 1962-63 shall be the basis for future budgets of such city or town adopted pursuant to this article.

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, 1962.

Filed in the Office of the Secretary of State—March 23, 1962.

CHAPTER 121

House Bill No. 7

AN ACT

RELATING TO PUBLIC HEALTH AND SAFETY; AUTHORIZING THE STATE DEPARTMENT OF HEALTH AND BOARDS OF SUPERVISORS TO STUDY AIR POLLUTION PROBLEMS AND ACCEPT GRANTS OF MONIES, AND AMENDING TITLE 36, CHAPTER 6, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8, SECTONS 36-771 TO 36-776, INCLUSIVE.

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

Section 1. Title 36, chapter 6, Arizona Revised Statutes, is amended by adding article 8, sections 36-771 to 36-776, inclusive, to read:

ARTICLE 8. AIR POLLUTION

36-771. DEFINITIONS

In this article, unless the context otherwise requires:

1. "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants or combinations thereof in such quantities and of such duration as are or may tend to be injurious to human, plant, or animal life, or property.

36-772. STATE DEPARTMENT OF HEALTH; STUDIES

Upon the request of any county by its board of supervisors, the state department of health shall conduct such studies as are requested, and at the expense of such county, but limited to the county making the request. Such studies shall be made to determine the nature, extent, distribution, and sources of air pollution within the state and the possible methods of con-

trol and abatement thereof within the county making the request. In the conduct of such requested studies the state department of health may seek cooperative arrangements with state universities and other educational institutions of the state, or with other state departments, the county, municipalities, or private agencies of any kind which have available facilities or personnel, or both, suitable for the conduct of one or more areas of such research, under the supervision of the state department of health.

36-773. AIR POLLUTION STUDY; BOARD OF SUPERVISORS

The board of supervisors of a county, in order to conserve and promote the public health, safety, and general welfare, may within its territorial limits:

1. Investigate the degree to which the atmosphere of the county is contaminated by air pollution and the causes, sources, and extent of such air pollution, and may include study of any device for use on motor vehicles for the purpose of reducing air pollution.

2. Adopt rules and regulations to correct, remove, or prevent air pollution in all its forms, including smoke, vapors, dust, wind-borne matter, fumes, raidoactive materials, originating within the territorial limits of the county.

3. Authorize or designate an existing department of the county government or establish an air pollution control district to carry out the necessary investigations, inspections, and enforcement of such rules and regulations.

36-774. COUNTY CONTROL BOARDS

The board of supervisors of each county may authorize the board of health or health department of their respective counties in cooperation with the state department of health to:

1. Study the problem of air pollution in the county.

2. Study possible effects on adjoining counties.

3. Cooperate with chambers of commerce, industry, agriculture, public officials and all other interested persons or organizations.

4. Hold public hearings if in their discretion such action is necessary.

5. The board of supervisors by resolution may establish an air pollution control district.

36-775. POWERS AND DUTIES

The air pollution control district established by the board of supervisors shall have the power to:

1. Have perpetual succession.

2. Sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. Adopt a seal and alter it at its pleasure.

4. Take by grant, purchase, gift, or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers.

5. Lease, sell or dispose of any property or any interest therein whenever in the judgment of the air pollution control board such property, or any interest therein, or part thereof, is no longer required for the purposes of the district, or may be leased for any purpose without interfering with the use of the same for the purposes of the district, and to pay any compensation received therefor into the general fund of the district.

36-776. AUTHORIZATION TO ACCEPT FUNDS OR GRANTS

The state department of health, county health departments, or boards of supervisors may accept and expend in accordance with the terms of the grant any funds granted to it for research of air pollution by the federal government, any political subdivision of the state, any agency or branch of the federal or state governments, or any private agency.

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 27, 1962.

Filed in the Office of the Secretary of State—March 27, 1962.

CHAPTER 122

House Bill No. 74

AN ACT

RELATING TO MOTOR VEHICLES; REQUIRING INSPECTION OF SCHOOL BUSES SEMIANNUALLY AND OTHER MOTOR VEHICLES ANNUALLY; PROVIDING FOR ESTABLISHING INSPECTION STATIONS; PROVIDING FOR THE ISSUANCE OF PERMITS TO STATIONS AND THE USE AND REVOCATION THEREOF; PRESCRIBING PENALTIES; AMENDING SECTIONS 28-982 AND 28-983, ARIZONA REVISED STATUTES, AND AMENDING TITLE 28, CHAPTER 6, ARTICLE 17, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 28-984 TO 28-990, INCLUSIVE.

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

Section 1. Sec. 28-982, Arizona Revised Statutes, is amended to read:

28-982. INSPECTION BY EMPLOYEES OF THE DEPARTMENT

A. The state highway commission and such officers and employees of the department as the commission may designate, may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of the vehicle to stop and submit the vehicle to an inspection and such test with reference thereto as may be appropirate.

B. In the event the vehicle is found to be in unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment the officer or employee making the inspection shall give a written notice to the driver and shall send a copy to the department. The notice shall require that the vehicle be placed in safe condition and its equipment in proper repair and adjustment specifying the particulars with reference thereto and that a certificate of inspection and approval be obtained within five days.

C. If an officer of the department authorized to issue citations finds that a vehicle is in an unsafe condition or does not display a valid certificate of inspection, or both, in accordance with the provisions of this article, the officer may at his discretion issue a citation for operating an unsafe vehicle.

Sec. 2. Sec. 28-983, Arizona Revised Statutes, is amended to read:

28-983. OWNERS AND DRIVERS TO COMPLY WITH INSPECTION LAWS

A. No person driving a vehicle shall refuse to submit the vehicle to an inspection and test when required to do so by the commission or an authorized officer or employee of the department.

B. Every owner or driver, upon receiving a notice as provided in section 28-982, shall comply therewith and shall within five days secure an official certificate of inspection and approval which shall be issued in duplicate, one copy to be retained by the owner or driver and the other copy to be forwarded to the department. In lieu of compliance with this subsection the vehicle shall not be operated, except as provided in subsection C of this section.

C. No person shall operate any vehicle after receiving a notice with reference thereto as provided in subsection B of this section, except as may be necessary to return the vehicle to the residence or place of business of the owner or driver, if within a distance of twenty miles, or to a garage, until the vehicle and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirements of this chapter, and a certificate of inspection and approval shall be obtained as promptly as possible thereafter.

D. In the event repair or adjustment of any vehicle or its equipment is found necessary upon inspection, the owner of the vehicle may obtain the repair or adjustment at any place he may choose, but in every event an official certificate of inspection and approval must be obtained, otherwise the vehicle shall not be operated upon the highways of this state.

Sec. 3. Title 28, chapter 6, article 17, Arizona Revised Statutes, is amended by adding sections 28-984 to 28-990, inclusive, to read:

28-984. COMMISSION TO REQUIRE PERIODICAL INSPECTION

A. Every motor vehicle, trailer, semitrailer and pole trailer registered in this state as provided by section 28-302, Arizona Revised Statutes, shall be inspected at least once each calendar year, and an official certificate of inspection and approval shall be obtained for each such vehicle. Except as provided in section 28-985, such inspection shall be made during the period

of January 1 to March 31, except that each motor vehicle initially registered in this state after March shall at the time of registration be inspected for that calendar year. Such inspections shall be made and such certificates obtained with respect to the mechanism, brakes and equipment of every such vehicle as shall be designated by the commission.

The commission may make necessary rules and regulations relating to the administration and enforcement of this section, the display of certificates of inspection upon such vehicles, and relating to producing such certificates upon demand of any officer or employee of the department designated by the commission or any police or peace officer.

B. The commission may authorize the acceptance in this state of a certificate of inspection and approval issued in another state having an inspection law similar to this article and may extend the time within which a certificate shall be obtained by the resident owner of a vehicle which was not in this state during the time an inspection was required.

C. The commission may suspend the registration of any vehicle which it determines is in such unsafe condition as to constitute a menace to safety or which after notice and demand is not equipped as required in this chapter or for which a required certificate has not been obtained. This section shall not apply to house trailers or other vehicles referred to in subsection A which are stationary on private property.

28-985. SEMIANNUAL INSPECTION REQUIRED OF SCHOOL BUSES

Each school bus registered in this state shall be inspected semiannually and an official certificate of inspection and approval shall be obtained semiannually for each such vehicle, in accordance with the provisions of this article. Such inspections shall be made and such certificates obtained with respect to the requirements for school buses as prescribed by law, and by regulations adopted by the commission and the state board of education as provided in section 28-900. Inspection of school buses shall be made during the months of June, July and August and December and January, except that a school bus, at the time it is initially registered in this state, shall be inspected at the time of its initial registration. The superintendent of the school district shall have all school buses that are registered by the district inspected within the prescribed periods. If a school bus is privately owned, the owner thereof shall have such bus inspected within the prescribed periods.

28-986. APPOINTMENT OF OFFICLAL INSPECTION STATIONS

A. The commission shall issue permits for and furnish instructions and all necessary forms to official inspection stations for the inspection of vehicles as required in this article and the issuance of official certificates of inspection and approval.

B. Application for a permit shall be made upon an official form and shall be granted only when the commission is satisfied that the station is properly equipped and has competent personnel to make such inspections and adjustments and will be properly conducted. The commission before issuing a permit shall require the applicant to file a surety bond in the amount of five hundred dollars conditioned that it will make compensation for any damage to a vehicle during an inspection or adjustment due to negligence on the part of such applicant or its employees, and further conditioned that the bond shall be forfeited to the state if the applicant issues a false certificate or issues a certificate knowing that any equipment required under this chapter, on the vehicle for which it is issued, is not in good condition and proper adjustment. The bond shall be executed by the applicant as principal with a corporation duly authorized to transact surety business in this state.

C. The commission shall properly supervise and cause inspections to be made of such stations and shall revoke and require the surrender of the permit issued to a station which it finds is not properly equipped or conducted. The commission shall maintain and post at the office of the department lists of all stations holding permits and of those whose permits have been revoked.

28-987. OPERATION OF OFFICIAL INSPECTION STATIONS

A. No permit for an official station shall be assigned or transferred or used at any location other than therein designated and every such permit shall be posted in a conspicuous place at the location designated.

B. The person operating an official inspection station shall issue a certificate of inspection and approval upon an official form to the owner of a vehicle upon inspecting such vehicle and determining that its equipment required under the privisions of this chapter is in good condition and proper adjustment, otherwise no certificate shall be issued. When required by the commission, a record and report shall be made of every inspection and every certificate so issued.

C. A certificate of inspection and approval may be issued free of charge or a fee of not more than one dollar may be charged for an inspection and issuance of such certificate.

28-988. IMPROPER REPRESENTATION AS OFFICIAL STATION

A. No person shall in any manner represent any place as an official inspection station unless such station is operating under a valid permit issued by the department.

B. No person other than a duly authorized officer or employee of the department shall issue a certificate of inspection and approval unless then holding a valid permit under this article.

28-989. FALSE CERTIFICATES

A. No person shall make, issue or knowingly use any imitation or counterfeit of an official certificate of inspection.

B. No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection and approval knowing the same to be fictitious or issued for another vehicle or issued without an inspection having been made.

28-990. PENALTIES

Any person who violates any provision of this article, or any rule or regulation of the commission promulgated thereunder, is guilty of a misdemeanor.

Approved by the Governor—March 27, 1962.

Filed in the Office of the Secretary of State—March 27, 1962.

CHAPTER 123

House Bill No. 170

AN ACT

RELATING TO LABOR; PRESCRIBING HOURS AND CONDITIONS OF LABOR FOR WOMEN EMPLOYEES, AND AMENDING SECTION 23-281, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 23-281, Arizona Revised Statutes, is amended to read:

23-281. FEMALE EMPLOYEES; EXCEPTIONS; NOTICE OF WORKING HOURS; VIOLATIONS; PENALTIES

A. No employer employing females in any labor other than domestic work shall employ or allow any female to work more than eight hours in any one day nor more than forty-eight hours in any one week, the eight hours to be performed in a period not to exceed twelve consecutive hours. Every employer shall provide one full day of rest a week for all females in his employ.

B. The provisions of subsection A shall not be construed:

1. To prohibit an adult woman who has in any one week been employed for not to exceed six hours a day, from being employed for seven days in such week.

2. To apply to females employed in telephone or telegraph offices or exchanges, or in railroad yard offices, in which not more than three females are employed.

3. To apply to female nurses.

4. To apply to or affect, in relation to hours of employment, females engaged in harvesting, curing, canning or drying any variety of perishable fruit or vegetables, during periods necessary to harvest, cure, can or dry the fruit or vegetables to preserve them from spoiling.

5. To apply to or affect an employee who is engaged in work which is predominately intellectual, managerial, or creative, which requires the exercise of discretion and independent judgment and for which the remuneration is not less than eighty dollars per week.

6. To apply to or affect an employee who is licensed or certified by the state and is engaged in the practice of the profession of law, medicine, dentistry, architecture, engineering or accounting.

C. As used in this section:

1. "Week" means any period of seven consecutive days.

2. "Day" means any period of twenty-four consecutive hours.

D. Every employer shall post in a conspicuous place in every room where females are employed a printed notice stating the hours of commencing and stopping work, the time allowed for meals and the maximum number of hours any female employee is permitted to work in any one day. The employment of any female at any time other than in conformity with the posted hours of labor is prima facie evidence of a violation of this section.

E. A person violating any provision of this section is guilty of a misdemeanor punishable by a fine of not less than fifty dollars or by imprisonment in the county jail for not less than thirty days, or by both.

Approved by the Governor—March 27, 1962.

Filed in the Office of the Secretary of State—March 27, 1962.

CHAPTER 124

House Bill No. 198

AN ACT

RELATING TO ELECTIONS; PROHIBITING REMOVAL, ALTERATION, DEFACING OR COVERING OF POLITICAL SIGNS, AND AMENDING TITLE 16, CHAPTER 10, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-1312.

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

Section 1. Title 16, chapter 10, article 1, Arizona Revised Statutes, is amended by adding section 16-1312, to read:

16-1312. POLITICAL SIGNS; PENALTY FOR TAMPERING WITH

A. It is a misdemeanor, punishable as provided by law, for any person to remove, alter, deface or cover any political sign of any candidate for public office for the period commencing forty-five days prior to a primary election and ending seven days after the general election.

B. The provisions of this section shall not apply to signs placed on private property with or without permission of the owner thereof, or signs placed in violation of state law, or county, city or town ordinance or regulation.

Approved by the Governor—March 27, 1962.

Filed in the Office of the Secretary of State—March 27, 1962.

CHAPTER 125

House Bill No. 264

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA STATE PARKS BOARD

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

Section 1. APPROPRIATION; PURPOSE

The sum of fifty-six thousand one hundred dollars is appropriated to the Arizona state parks board to be available in the amounts and for the following purposes:

Capital Outlay	
Buildings and improvements	
Yuma Territorial Prison	
Rehabilitation and stabilization of water and guard tower	$1,000.00
Park road improvements and maintenance	1,000.00
Tombstone Courthouse Historical Monument	
Fire escape	2,000.00
Surfacing parking lot	1,500.00
Lyman Lake State Recreation Area	
Concrete boat ramp	5,000.00
Extension of water distribution system and storage	4,000.00
Picnic tables, fireplaces, garbage disposal units	1,500.00
Landscaping	500.00
Line fencing	7,500.00

Tubac Presidio Historical Monument	
Completion of restroom facility	2,100.00
Landscaping and sprinkling system in "plaza"	2,000.00
Improvements in public use area	1,000.00
Stabilization of ruins protective covering	1,500.00
Installation of water-meter and tap in	500.00
Construction of "headquarters building and permanent museum"	25,000.00
TOTAL	$56,100.00

Sec. 2. EXEMPTION

The appropriation made under the terms of section 1 is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Approved by the Governor—March 27, 1962.

Filed in the Office of the Secretary of State—March 27, 1962.

CHAPTER 126

House Bill No. 272

AN ACT

RELATING TO THE DE-ANNEXATION AND SEVERANCE OF PART OF THE CITY OF TEMPE, ARIZONA, AND TO THE ANNEXATION OF THE SAME PARCEL OF LAND TO THE CITY OF PHOENIX, ARIZONA.

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

Section 1. DE-ANNEXATION; ANNEXATION

A. The territory embraced within the city limits of the city of Tempe, Arizona, and described as:

The North 300 feet of the South Half of the Northwest Quarter of the Northwest Quarter of Section Nine (9), Township One (1) North, Range Four (4) East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being a part of the Riverside Shale Placer Mining Claim, is hereby de-annexed and severed from the corporate limits of the city of Tempe, Arizona.

B. The corporate limits of the city of Phoenix, Arizona, are hereby extended and increased so as to include and embrace within the corporate limits of the city of Phoenix, Arizona, the territory described as:

The North 300 feet of the South Half of the Northwest Quarter of the Northwest Quarter of Section Nine (9), Township One (1) North, Range Four (4) East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being a part of the Riverside Shale Placer Mining Claim, and said territory is hereby annexed to and declared to be a part of the city of Phoenix, Arizona.

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 27, 1962.

Filed in the Office of the Secretary of State—March 27, 1962.

CHAPTER 127

House Bill No. 296

AN ACT

MAKING AN APPROPRIATION TO THE STATE PLANNING AND BUILDING COMMISSION

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

Section 1. APPROPRIATION; PURPOSE

The sum of eighty thousand dollars is appropriated to the state planning and building commission to be used exclusively

for the purpose of rehabilitation of the state office building in Tucson.

Sec. 2. EXEMPTION

The appropriation made under the terms of section 1 is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing of appropriations.

Sec. 3. EMERGENCY

To preserve the public peace, health and safety is it 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 27, 1962.

Filed in the Office of the Secretary of State—March 27, 1962.

CHAPTER 128

Senate Bill No. 17

AN ACT

RELATING TO EDUCATION; PERMITTING JUNIOR COLLEGE DISTRICTS TO ALLOW ATTENDANCE OF STUDENTS FROM WITHOUT THE DISTRICT; PROVIDING FOR PAYMENT OF COSTS THEREOF BY COUNTY OF RESIDENCE, AND AMENDING SECTION 15-693, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 15-693, Arizona Revised Statutes, is amended to read:

15-693. ATTENDANCE OF NONRESIDENT STATE STUDENTS, PAYMENT OF COST THEREOF BY COUNTY OF RESIDENCE

A. The district may admit students from any part of this state which is not a part of an established junior college district, on the same conditions as residents.

B. It shall be the obligation of the county of the student's residence to reimburse the district an amount equal to the operational expenses per capita per annum, as determined by

the board, minus the amount of average state aid per capita per annum. For purposes of this section the amount of average state aid per capita per annum shall be determined by dividing the total amount of state aid, as provided in section 15-690, by the total number of full time equivalent students.

C. The county school superintendent of the county of the student's residence shall certify to the board of supervisors that the student is a resident of the county. Upon such certification the board of supervisors shall draw a warrant on the county treasurer in favor of the junior college district for the amount due. The board of supervisors may appropriate such amount from funds not otherwise encumbered, or levy a "junior college tuition" tax at the time and in the manner for levying other taxes.

Approved by the Governor—March 27, 1962.

Filed in the Office of the Secretary of State—March 27, 1962.

CHAPTER 129

Senate Bill No. 25

AN ACT

AUTHORIZING THE STATE HOSPITAL BOARD TO EXPEND CERTAIN FUNDS, AND MAKING AN APPROPRIATION.

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

Section 1. APPROVAL OF EXPENDITURES; PURPOSE

The legislature expressly consents to and approves the expenditure by the state hospital board of eight hundred twenty-five thousand seven hundred thirty-two dollars from monies obtained from the sale of the state hospital farm and deposited in the state hospital building fund to be available for capital outlay construction, as provided in subdivision C, section 1, chapter 46, Laws of 1960, second regular session, for the purposes described by section 2.

Sec. 2. PURPOSES

The sum approved for expenditure as provided in section 1, shall be available for all or part of the following purposes:

1. To raze "d" building and erect a new diagnostic, receiving and treatment building.

2. To buy overhead electric system.

3. To construct and equip a new chapel.

4. To erect and equip a new dietary facility.

5. To revise administration building.

6. To remodel auditorium.

7. To construct and furnish additional staff residences.

8. To convert old dietary building to warehouse annex.

Sec. 3. APPROPRIATION; PURPOSES

There is appropriated to the state hospital board the additional sum of two hundred sixty-five thousand dollars to be expended for the purchase of land for the southern Arizona day care center and to purchase or construct and equip the southern Arizona day care center at such location in the Tucson area as the state hospital board may determine.

Sec. 4. EXEMPTION

The funds approved for expenditure under the terms of section 1 are exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

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.

Approved by the Governor—March 27, 1962.

Filed in the Office of the Secretary of State—March 27, 1962.

CHAPTER 130

Senate Bill No. 35

AN ACT

AUTHORIZING THE NATIONAL GUARD TO SELL THE OLD ARMORY IN FLAGSTAFF, ARIZONA.

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

Section 1. AUTHORIZATION

A. The state of Arizona is authorized and empowered to sell all the real property, together with the improvements thereon and the appurtenances thereunto belonging, known as the old national guard armory, situated in the city of Flagstaff, county of Coconino, state of Arizona, and described as follows:

Parcel No. 1: Lots 3, 4, 5 and 6, Block 1-Z (one-Z), townsite of Flagstaff, as surveyed and platted by F. B. Jacobs and recorded 5 September 1889 in the records of Coconino county, Arizona.

Parcel No. 2: Lots 19 and 20, Block 122; Lots 8, 9, 10, 11, 12, 13, 14, 15 and 16, Block 141; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 19, 20, 21, 22, 23 and 24, Block 142; and all of Block 162, plat of the Town of Flagstaff, as surveyed and platted by H. C. Nutt, trustee, recorded 7 April 1894, records of Coconino county (then Yavapai county), Arizona.

Parcel No. 3: That part of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 21, Township 21 North, Range 7 East, Gila and Salt River Base and Meridian, Coconino county, Arizona, described as follows:

Beginning at a point at the intersection of the West property line side of Malpais Lane and the South property line side of armory avenue; thence Westerly along the South property line side of armory avenue to a point 128½ feet from place of beginning; thence Southerly along a line parallel with said Malpais Lane to a point 144½ feet from the South property line side of armory avenue; thence Easterly along a line parallel to said South property line of said armory avenue 128½ feet to a point on the West property line of Malpais Lane; thence Northerly along the West property line side of Malpais Lane 144½ feet to the place of beginning.

B. The sale shall be made only to a municipality, and under such terms and conditions as the national guard may prescribe. Proceeds of the sale shall be placed in the general fund of the state.

C. Upon discharge of the entire debt by the purchaser, the deed shall, before issuance to the purchaser, be approved as to form by the attorney general, and shall be executed and acknowledged by the adjutant general of the state of Arizona and the governor.

Sec. 2. EXEMPTION

The sale made under the terms of this act shall be exempt from the provisions of title 41, chapter 3, article 5.1, Arizona Revised Statutes, relating to the state planning and building commission.

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 27, 1962.

Filed in the Office of the Secretary of State—March 27, 1962.

CHAPTER 131

Senate Bill No. 49

AN ACT

RELATING TO JURIES; PRESCRIBING THE NUMBER OF JURORS IN CRIMINAL AND CIVIL ACTIONS IN COURTS NOT OF RECORD, AND AMENDING SECTION 21-103, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 21-103, Arizona Revised Statutes, is amended to read:

21-103. JURY FOR CIVIL AND CRIMINAL ACTIONS IN COURTS NOT OF RECORD

A jury in a court not of record shall be composed of six persons in a criminal action and six persons in a civil action, unless, in a civil action, the parties consent to try the action with a lesser number, not less than three.

Approved by the Governor—March 27, 1962.

Filed in the Office of the Secretary of State—March 27, 1962.

CHAPTER 132

Senate Bill No. 56

AN ACT

MAKING A REALLOCATION OF FUNDS AND AN APPROPRIATION TO THE ARIZONA STATE SCHOOL FOR THE DEAF AND THE BLIND.

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

Section 1. REALLOCATION

From the bond retirement fund of the Arizona state school for the deaf and the blind, being suspense and agency fund number 5-0-04-010-0000, the sum of seventy-five thousand dollars is reallocated to the Arizona state school for the deaf and the blind to be immediately available for the purposes set forth in section 3.

Sec. 2. APPROPRIATION

There is appropriated to the Arizona state school for the deaf and the blind the sum of sixty-three thousand seven hundred fifty dollars, to be added to the sum reallocated under the terms of section 1, and to be immediately available for the purposes set forth in section 3.

Sec. 3. PURPOSES

The sum of one hundred thirty-eight thousand seven hundred fifty dollars reallocated and appropriated under the terms of sections 1 and 2 is available in the amounts and for the purposes following:

1. Thirty thousand dollars for construction of an addition to the laundry and construction of a central storeroom.

2. Seventeen thousand dollars for construction of an addition to the wrestling gymnasium, including heating, lighting and ventilating equipment.

3. Eighty thousand dollars for construction of a classroom building, including necessary service areas, equipment and furnishings therefor.

4. Eleven thousand seven hundred fifty dollars for purchase and installation of fencing, and for paving of roadways and parking areas on the grounds of the Arizona state school for the deaf and the blind.

Sec. 4. LAPSING OF APPROPRIATION

The funds reallocated and appropriated under the terms of this act shall not lapse until the purposes for which the reallocation and appropriations are made shall have been accomplished or abandoned unless such funds shall have stood until January 1, 1964, without an expenditure therefrom or encumbrance thereon.

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.

Approved by the Governor—March 27, 1962.

Filed in the Office of the Secretary of State—March 27, 1962.

CHAPTER 133

Senate Bill No. 98

AN ACT

RELATING TO OFFICE OF COMMISSIONER OF PUBLIC BUILDING SAFETY; DESIGNATING THE DIRECTOR OF INSURANCE AS COMMISSIONER AND SETTING HIS SALARY; PRESCRIBING POWERS AND DUTIES OF THE COMMISSIONER, AND AMENDING TITLE 20, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 7, ARTICLE 1, SECTIONS 20-1701 TO 20-1709, INCLUSIVE.

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

Section 1. Title 20, Arizona Revised Statutes, is amended by adding chapter 7, article 1, sections 20-1701 to 20-1709, inclusive to read:

CHAPTER 7

COMMISSIONER OF PUBLIC BUILDING SAFETY
ARTICLE 1. IN GENERAL

20-1701. OFFICE OF COMMISSIONER OF PUBLIC BUILDING SAFETY

A. To promote public health and safety and to reduce hazards to life, limb and property, the office of commissioner of public

building safety is established. The director of insurance shall be the commissioner of public building safety and shall administer and enforce the provisions of this chapter.

B. In consideration of duties and powers imposed in enforcing and administering the provisions of this chapter, the director shall receive, in addition to the salary prescribed by section 20-141, an annual salary not to exceed two thousand four hundred dollars, subject to section 20-155.

20-1702. CHIEF DEPUTY AND ASSISTANTS

A. The commissioner shall appoint a chief deputy who shall be a person experienced in the field of fire prevention and fire fighting.

B. Each chief of a city, town or county fire department or protection district or of a volunteer or privately owned fire company shall serve as an assistant deputy.

C. The commissioner shall also appoint such other deputies, assistants and employees as may be necessary properly to discharge the duties imposed upon him by this chapter.

20-1703. DUTIES AND POWERS

A. It shall be the duty and power of the commissioner to assist in the enforcement of such laws of the state and ordinances of cities and counties, and to make such orders, rules and regulations as he shall deem necessary, as are relative to:

1. The prevention of fires, the alleviation of fire hazards and the protection of life and property from fires and fire perils.

2. The manufacture, storage, sale, distribution, use and other disposition of combustibles, flammable liquids and explosives.

3. The installation, maintenance and use of fire escapes, fire protection equipment, fire alarm systems and fire extinguishing equipment.

4. The means and adequacy of exit in case of fire from public buildings, factories, asylums, hosptials, churches, schools, halls, auditoriums, theaters and amphitheaters.

5. The causes, origins and circumstances of fires and the suppression of arson.

B. In administering his duties and powers, the commissioner shall cooperate with city and town councils, police chiefs, building inspectors and fire chiefs and they with him.

C. The duties and powers of the commissioner shall not be construed to authorize him to enter or inspect, or to make orders, rules and regulations concerning, or otherwise to apply the provisions of this chapter to, any mine, railroad, farm, ranch or private home or any structure appurtenant thereto, except by request from the owner or management thereof.

D. Where a city, town or district is served by a locally constituted fire chief or fire warden or other governmental fire authority and by a fire department or by a volunteer fire company, the commissioner shall proceed in his duties and powers within such city, town or district only upon request or permission of such local governmental fire authority.

E. Each deputy and assistant deputy shall have power to enforce orders, rules and regulations of the commissioner.

20-1704. INVESTIGATIONS AND REPORTS

A. Except as limited and qualified by subsections C and D of section 20-1703, the commissioner may enter any building or premise at any time to examine or inspect fire damage or fire hazards.

B. The officer investigating a fire shall forthwith in each case notify the commissioner thereof and, within one week of the occurrence of the fire, shall furnish to him a written statement of all facts relating to its cause and origin together with such other information as the commissioner may require.

C. Each assistant deputy shall investigate the cause, origin and circumstances of every fire occurring within his district resulting in injury to persons or in damage to property. Where an assistant deputy determines any such fire to have been the result of carelessness or design or to be of suspicious origin, he shall report such fact promptly to the commissioner together with such other information as the commissioner may require.

20-1705. SCHOOL PROTECTION

A. The commissioner periodically shall submit to the department of public instruction for transmission to students, teachers and school personnel helpful information on methods and importance of fire prevention and control and shall submit also effectual programs on execution of fire drills, evacuation of school buildings and maintenance of appropriate emergency facilities in event of school fires.

B. The term "school" as used in this chapter shall refer to an educational institution of any description, public or private, wherever situated.

20-1706. RETROACTIVITY

The provisions of this chapter shall be so construed, and orders, rules and regulations promulgated thereunder so designed, to make reasonable allowance for continuing in service nonconforming facilities in service prior to the effective date of such provisions, orders, rules and regulations. But in so doing, any such nonconforming facility that is found by the commissioner to be hazardous to life or property shall not be excepted from regulation otherwise applicable and shall not be permitted to continue in service. For guidance in administering this section, the commissioner may distinguish between types of nonconformities deemed to be hazardous and those to be evaluated in the light of local conditions.

20-1707. ENFORCEMENT

A. When the commissioner finds any violation of any provision of this chapter or of any order, rule or regulation thereunder, he may issue an order to the person in violation to cease and desist such violation. Each such order shall have contents and be served as prescribed in section 20-151.

B. The commissioner may issue an order to remove a fire menace. Service thereof may be upon the occupant of the premises by delivering to him a copy of the order, or by leaving a copy with a person in charge of the premises, or, if the occupant or person in charge cannot be found, by affixing a copy in a conspicuous place on the door of entrance to the premises and by mailing a copy to the last known post office address of the occupant. In the event the building is unoccupied, service may be upon the owner by delivering to him a copy of the order, or, if the owner cannot be found, by mailing a copy to his last known post office address.

C. Where the commissioner discovers disobedience of an order to remove a fire menace, he may cause the offending condition to be remedied at the expense of the owner or occupant. In the event the owner or occupant fails within thirty days after the offending condition is so remedied to make reimbursement to the party having incurred the expense, the commissioner in behalf, and in favor, of such party shall certify the expense, plus a penalty of twenty-five per cent, to the clerk of the city or town or to the clerk of the county board of supervisors in which the premises are situated. The clerk thereupon shall enter the expense as a special assessment against the premises.

If within thirty days after due demand and notice such special assessment has not been paid, it may be collected through foreclosure by the party having incurred the expense.

D. If the commissioner has cause to believe that any person has violated, is violating, or is about to violate any provision of this chapter or any order, rule or regulation promulgated by him and is persuaded that legal action is advisable, he shall certify the pertinent facts to the attorney general who shall bring and prosecute such actions as may be required to correct the violation, to punish the person in violation or to protect public health and safety.

20-1708. HEARINGS

A. To properly administer the provisions of this chapter, the commissioner may conduct hearings in such manner and with such powers as are provided in sections 20-160 to 20-166, inclusive.

B. Any person aggrieved by any act of the commissioner or threatened act or failure to act, or by any report, rule, regulation or order of the commissioner, other than an order for the holding of a hearing or an order on hearing or pursuant thereto, may proceed in such manner as is provided in sections 20-161 to 20-166, inclusive.

20-1709. RECORDS AND ANNUAL REPORT

A. The commissioner shall keep open to public inspection at reasonable hours all records of fires occurring within the state.

B. The commissioner annnually shall prepare for delivery to the governor and to the legislature a report of his activity and proceedings under this chapter together with such information and statistics as he may deem proper. Such report shall also contain any recommendations as to revisions of laws relative to his office and to his duties and powers.

Approved by the Governor—March 27, 1962.

Filed in the Office of the Secretary of State—March 27, 1962.

CHAPTER 134

Senate Bill No. 107

AN ACT

MAKING AN APPROPRIATION TO THE LIVESTOCK SANITARY BOARD.

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

Section 1. APPROPRIATION

The sum of forty thousand seven hundred twenty-five dollars seventy-three cents is appropriated to the livestock sanitary board to be added to the appropriation made under the terms of chapter 122, Laws of 1954, second regular session, and to be available for the purposes therein prescribed.

Sec. 2. EXEMPTION

The appropriation made under the terms of section 1 is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing 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 27, 1962.

Filed in the Office of the Secretary of State—March 27, 1962.

CHAPTER 135

Senate Bill No. 116

AN ACT

RELATING TO COUNTY OFFICERS; PRESCRIBING THE SALARIES THEREOF; AMENDING SECTIONS 11-418, 11-420, 11-422, AND 11-423, ARIZONA REVISED STATUTES, AND REPEALING SECTIONS 11-410, 11-419, AND 11-421, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 11-418, Arizona Revised Statutes, is amended to read:

11-418. SALARIES IN COUNTIES OF THE FIRST CLASS

A. In a county of the first class having a population of one hundred thousand or over, as determined by the official census of the United States, county officers shall receive the following annual salaries:

1. Sheriff, twelve thousand dollars.

2. County attorney, fifteen thousand dollars.

3. Superintendent of schools, nine thousand six hundred dollars.

4. Clerk of the superior court, nine thousand six hundred dollars.

5. Recorder, nine thousand six hundred dollars.

6. Treasurer and ex officio tax collector, nine thousand six hundred dollars.

7. Assessor, ten thousand four hundred dollars.

B. Each of the officers named in subsection A shall appoint a chief deputy, who shall receive an annual salary agreed upon by the officer appointing the deputy and the board of supervisors in an amount not to exceed eighty per cent of the salary prescribed for the officer making the appointment.

C. In a county of the first class having a population of one hundred thousand or over, as determined by the official census of the United States, members of the board of supervisors shall receive an annual salary of nine thousand six hundred dollars each, except that the chairman shall receive ten thousand dollars annually.

D. In a county of the first class having a population of less than one hundred thousand, county officers shall receive the following annual salaries:

1. Sheriff, nine thousand six hundred dollars.

2. County attorney, nine thousand two hundred dollars.

3. Clerk of the superior court, eight thousand four hundred dollars.

4. Recorder, eight thousand four hundred dollars.

5. Treasurer and ex officio tax collector, eight thousand four hundred dollars.

6. Assessor, eight thousand four hundred dollars.

7. Superintendent of schools, eight thousand four hundred dollars.

8. Members of the board of supervisors, five thousand two hundred dollars each, except that the chairman shall receive five thousand six hundred dollars annually.

E. Each of the officers named in subsection D, other than the board of supervisors, may appoint a chief deputy, who shall receive an annual salary agreed upon by the officer appointing the deputy and the board of supervisors in an amount not to exceed eighty per cent of the salary prescribed for the officer making the appointment.

F. In a county of the first class having a population of less than twenty thousand, a chief deputy shall not be appointed unless authorized by the board of supervisors who shall fix the salary of such deputy in an amount not to exceed eighty per cent of the salary prescribed for the officer making the appointment.

Sec. 2. Sec. 11-420, Arizona Revised Statutes, is amended to read:

11-420. SALARIES IN COUNTIES OF THE SECOND AND THIRD CLASS

A. In counties of the second and third class, county officers shall receive the following annual salaries:

1. Sheriff, eight thousand four hundred dollars.

2. Clerk of the superior court, seven thousand two hundred dollars.

3. Recorder, seven thousand two hundred dollars.

4. Treasurer and ex officio tax collector, seven thousand two hundred dollars.

5. Assessor, seven thousand eight hundred dollars.

6. County attorney, eight thousand dollars.

7. Superintendent of schools, seven thousand two hundred dollars.

8. Members of the board of supervisors, three thousand four hundred dollars, except that the chairman shall receive three thousand eight hundred dollars annually.

B. Each of the officers named in subsection A, other than the board of supervisors, if so authorized by the board of supervisors, may appoint a chief deputy, who shall receive an annual salary agreed upon by the officer appointing the deputy and the board of supervisors, in an amount not to exceed eighty per cent of the salary prescribed for the officer making the appointment.

Sec. 3. Sec. 11-422, Arizona Revised Statutes, is amended to read:

11-422. SALARY OF CLERK OF THE BOARD

A. The board of supervisors in each county of the first class having a population of one hundred thousand or over shall appoint a clerk to receive a salary not to exceed eight thousand four hundred dollars per annum.

B. The board of supervisors in each county of the first class having a population of less than one hundred thousand shall appoint a clerk to receive a salary not to exceed seven thousand four hundred dollars per annum.

C. The board in counties of the second and third class shall appoint a clerk to receive a salary not to exceed six thousand six hundred dollars per annum.

D. A clerk of a board of supervisors shall not be paid compensation other than the salary determined by the board within the limits provided by this section, but the clerk may be reimbursed for his actual necessary expenses incurred under order of the board in the performance of his duties.

Sec. 4. Sec. 11-423, Arizona Revised Statutes, is amended to read:

11-423. SALARY OF COUNTY OFFICER ASSISTANTS AND EMPLOYEES

The salary of an assistant or other employees of a county officer shall not be in excess of the salary prescribed by this article for the chief deputy of such county officer, except that in a county having a population of two hundred thousand or more such excess salary may be paid where the county officer employing the assistant whose position requires special skills, makes written request for such excess salary to the board of supervisors and the board of supervisors, by majority vote, approves the request.

Sec. 5. REPEAL

Sections 11-410, 11-419 and 11-421, Arizona Revised Statutes, are repealed.

Sec. 6. EFFECTIVE DATE

The provisions of this act shall become effective on July 1, 1962.

Approved by the Governor—March 27, 1962.

Filed in the Office of the Secretary of State—March 27, 1962.

CHAPTER 136

Senate Bill No. 164

AN ACT

REPEALING SECTION 9-518, ARIZONA REVISED STATUTES; RELATING TO CITIES OR TOWNS ENGAGING IN THE PUBLIC UTILITY BUSINESS; PROVIDING FOR CONDEMNATION UNDER THE POWER OF EMINENT DOMAIN OF THE PLANT AND PROPERTY OF PUBLIC UTILITIES BY CITIES OR TOWNS; PROVIDING THE PROCEDURE THEREFOR; AMENDING TITLE 9, CHAPTER 5, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-518; CONTINUING CONSISTENT STATUTORY PROVISIONS IN FORCE; AND DECLARING AN EMERGENCY.

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

Section 1. REPEAL

Section 9-518, Arizona Revised Statutes, is repealed.

Sec. 2. Title 9, chapter 5, article 2, Arizona Revised Statutes, is amended by adding section 9-518, to read:

9-518. COMPENSATION FOR TAKING PUBLIC UTILITY; PROCEDURE FOR DETERMINING

A. Whenever the fair valuation of the plant and property of a public utility has not for any reason been determined by any other method provided by law, or where no other method is provided, the city or town may, subject to the provisions of this section, by the exercise of the right of eminent domain institute an action pursuant to article 2, chapter 8, of title 12, and

the court or jury shall, in the manner hereinafter provided, ascertain and assess the compensation to be paid for the taking of the plant and property of the public utility.

B. The court or jury shall ascertain the compensation to be paid for the taking of the plant and property of the public utility, which shall include the fair and equitable value of such plant and property, including its value as a going concern, and the actual and consequential damages, if any, sustained by the public utility by reason of the severance from the other plant and property of the public utility of the plant and property to be taken. Compensation and damages shall be fixed as of the date of the commencement of the trial at which such compensation and damages are finally determined.

C. Any party to the action may appeal to the supreme court in the same manner as is provided for appeals in other civil actions by filing a notice of appeal with the superior court within thirty days from the entry of the judgment or order appealed from and posting a bond for costs. Any such appeal to the supreme court shall be preferred and shall be heard and determined in preference to other civil matters, except election actions, habeas corpus, quo warranto, mandamus, injunction and other extraordinary writs to state officers and inferior courts of which the supreme court has original jurisdiction.

D. Within six months after the date when the judgment has become final following an appeal, or within six months after the expiration of the time allowed by this section for appeal if no appeal is taken, the city or town shall pay into court the amount fixed by the judgment for the use of the public utility and such other persons as the judgment may provide. The public utility and such other persons as the judgment may provide who are entitled to the money paid into court may demand and receive the money at any time after its deposit upon filing a satisfaction of the judgment or a receipt for the money. If the city or town fails or refuses to pay the amount of the judgment into court within such period of six months, the court shall vacate the judgment and enter judgment dismissing the complaint and taxing costs in favor of the defendants in the action, including in such event a reasonable allowance for engineering costs and expert witness fees.

E. Within thirty days after the date when the judgment becomes final following an appeal, or within thirty days after the expiration of the time allowed for appeal if no appeal is taken, the public utility shall file with the court a report, verified under oath, of the amounts actually expended by it for additions, betterments, improvements and extensions which it has been required to make between the date of the commence-

ment of trial and the date of such report, together with an estimated forecast of the amounts it will be required to make for the public convenience and necessity during the ensuing six months. Thereafter, and until the expiration of the time provided for the payment by the city or town of the amount of the judgment into court, the public utility shall every thirty days file with the court a verified supplemental report of the amounts it has actually expended for such purposes since the date of the initial report. Such reports may be considered by the court in determining the amount of the deposit to be made or bond to be posted by the city or town as provided by subsection F, and may be considered at the trial provided by subsection I but shall not be conclusive of the amount to be ascertained as the compensation to be paid by the city or town for such additions, betterments, improvements and extensions.

F. Upon payment of the amount of the judgment into court within the time provided, the city or town shall make application to the court for an order permitting it to take possession of, and use and operate the plant and property of the public utility, including the additions, betterments, improvements and extensions for the public convenience and necessity which the public utility has been or will be required to make between the date of the commencement of the trial and the date of taking possession thereof by the city or town. Upon filing the application a time shall be fixed by the court for a hearing to determine the probable fair and equitable value of such additions, betterments, improvements and extensions, and written notice of such hearing shall be given to the public utility and other defendants, if any, at least ten days prior to the date fixed, by service of a copy of such notice in such manner as the court directs. On the day fixed for the hearing, the court shall determine the probable value of the additions, betterments, improvements and extensions which the public utility has been required to make since the date of the commencement of the trial, and shall direct that upon deposit of money, or the posting of a bond with good and sufficient sureties, in the amount so determined, the city or town shall be let into the possession and full use of the plant and property of the public utility described in the judgment, together with the additions, betterments, improvements and extensions made since the date of commencement of the trial. Upon deposit of the money or the posting of a bond in the required amount, the city or town may go into the possession and full use of the plant and property of the public utility, described in the judgment, together with the additions, betterments, improvements and extenstions referred to in the order of the court. No appeal may be taken from an order of the court determining the amount of the deposit to be made or the bond to be posted by the city or town.

G. The parties may stipulate as to the amount of the deposit or of the bond in lieu of the deposit; but such stipulation or evidence of such deposit or of the bond shall not be introduced in evidence or used to the prejudice of any party to the action.

H. At the hearing to fix the probable value of the additions, betterments, improvements and extensions, the court shall direct the parties to file such supplemental pleadings as the court may deem necessary to set forth the claims of the public utility with respect to such value and the response of the city or town thereto, shall fix the time within which such pleadings should be filed, and shall set the matter for trial before the court or a jury for the purpose of ascertaining the compensation to be paid for the additions, betterments, improvements and extenions required to be made by the public utility between the date of commencement of the trial and the date the city or town is let into possession of the public utility's plant and property.

I. The court or jury shall ascertain the compensation to be paid for additions, betterments, improvements and extensions, which shall be the fair and equitable value thereof as of the date the city or town took possession of the public utility plant and property, and the amount so determined shall draw interest at the legal rate from such date. In fixing such value such additions, betterments, improvements and extensions shall not be considered or treated as being severed from the plant and property included in the judgment theretofore entered. Such additions, betterments, improvements or extensions shall be deemed to have been made for the public convenience and necessity, if such additions, betterments, improvements or extensions are found by the court to have been reasonably necessary and prudently made as incidental capital expense in the ordinary and usual conduct of a public utility business, or if the additions, betterments, improvements or extensions were ordered to be made by the corporation commission. Upon such value being determined a supplemental judgment shall be entered therefor, from which any party to the action may appeal to the supreme court in the same manner and within the same time as is provided for appeals from the judgment in the action, except that any asserted grounds for appeal shall be limited to those arising in the proceeding to fix the compensation to be paid for the betterments, additions, improvements and extensions.

J. Within ninety days after the date said supplemental judgment has become final following an appeal, or within ninety days after the expiration of the time allowed for ap-

peal if no appeal is taken, the city or town shall pay into court all amounts fixed by the supplemental judgment for the use of the public utility and such other persons as the supplemental judgment shall provide, less any amount theretofore deposited with the court if such amount be less than the supplemental judgment. If the city or town shall have posted a bond, all amounts provided by the supplemental judgment shall be paid into court and the bond exonerated. The public utility and such other persons as the supplemental judgment may provide may demand and receive from the money deposited the amount of the supplemental judgment with interest and costs, if any.

K. If the complaint of the city or town is dismissed as provided by subsection D, no action in court to acquire or take the same plant and property of the public utility, or any portion thereof, shall be instituted by the city or town within three years after such dismissal.

L. All proceedings and trials provided by this section shall be preferred and shall be heard and determined in preference to other civil matters, except election actions.

Sec. 3. REMEDIAL INTERPRETATION

The provisions of this act for ascertaining and assessing compensation for the taking of the plant and property of a public utility and the obtaining of possession and use of such property by a city or town are intended to be remedial.

Sec. 4. CONSISTENT STATUTORY PROVISIONS

All statutes and parts of statutes not inconsistent with the provisions of this act are hereby continued in force.

Sec. 5. SEVERABILITY

If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

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 House with sufficient votes to enact the emergency clause.

Approved by the Governor—March 27, 1962.

Filed in the Office of the Secretary of State—March 27, 1962.

CHAPTER 137

Senate Bill No. 199

AN ACT

RELATING TO EDUCATION; ELIMINATING THE REQUIREMENT THAT NONCERTIFICATED EMPLOYEES BE EMPLOYED BY WRITTEN CONTRACT, AND AMENDING SECTION 15-443, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 15-443, Arizona Revised Statutes, is amended to read:

15-443. EMPLOYMENT OF SCHOOL DISTRICT PERSONNEL; LIMITATION

A. The board of trustees may at any time after the annual election and the qualification of new members, employ and fix the salaries of teachers, principals, janitors, attendance officers, school physician, school dentist, nurses, and other employees necessary for the succeeding year. The contracts of all certificated employees shall be in writing and all employees shall be employed subject to the provisions of section 38-481.

B. No teacher shall be employed who has not received a certificate for teaching, granted by the proper authorities.

C. No relative of any trustee by affinity or consanguinity within the second degree, or the husband or wife of a trustee, shall be employed in the district in which the person to whom he is so related is a trustee, except by consent of the board.

Approved by the Governor—March 27, 1962.

Filed in the Office of the Secretary of State—March 27, 1962.

CHAPTER 138

Senate Bill No. 209

AN ACT

RELATING TO PUBLIC OFFICERS AND EMPLOYEES; PROVIDING THAT MEETINGS AND PROCEEDINGS HELD BY AN ADMINISTRATIVE OR LEGISLATIVE BODY OF THE STATE OR A POLITICAL SUBDIVISION THEREOF SHALL BE OPEN TO THE PUBLIC; PROVIDING MINUTES OF SUCH PUBLIC PROCEEDINGS SHALL BE OPEN TO THE PUBLIC; PROVIDING FOR A PENALTY, AND AMENDING TITLE 38, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3.1, SECTIONS 38-431 TO 38-431.06, INCLUSIVE.

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

Section 1. DECLARATION OF PUBLIC POLICY

It is the public policy of this state that proceedings in meetings of governing bodies of the state and political subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this act that their official deliberations and proceedings be conducted openly.

Sec. 2. Title 38, chapter 3, Arizona Revised Statutes, is amended by adding article 3.1, sections 38-431 to 38-431.06, inclusive, to read:

ARTICLE 3.1. PUBLIC MEETINGS AND PROCEEDINGS

38-431. DEFINITIONS

In this article, unless the context otherwise requires:

1. "Governing bodies" means the governing bodies of the state, or political subdivisions thereof, which are supported in whole or in part by tax revenues or which expend tax revenues.

2. "Proceedings" means the transaction of any functions affecting citizens of this state by an administrative or legislative body of the state or of any of its counties or municipalities or other political subdivisions when such a body is composed of three or more members and is charged with the transaction of such functions under any statute or under any rule or regulation of such legislative or administrative body or agency.

38-431.01. MEETINGS SHALL BE OPEN TO THE PUBLIC

All official meetings at which any legal action is taken by governing bodies shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. All minutes of such meetings as are required by law shall be properly and accurately recorded and open to public inspection except as otherwise specifically provided by statute.

38-431.02. NONAPPLICABILITY TO EXECUTIVE SESSIONS

A. This article shall not be construed to prevent such bodies or agencies from holding executive session, subject to the following conditions:

1. That such sessions shall not be used to defeat the purposes of the provisions of this article.

2. That no ordinance, order, rule, resolution, regulation, contract, appointment or other official action shall be finally approved at such executive sessions.

3. That such executive sessions may be called only by a majority vote of the members of such bodies or agencies.

B. The provisions of this article shall not prevent executive sessions of:

1. The state senate or any of the committees or subcommittees of the state legislature.

2. Governing bodies considering information regarding employment or dismissal of an employee.

3. Governing bodies whose executive sessions are required by federal regulations.

38-431.03. WRIT OF MANDAMUS

Where the provisions of this article are not complied with, a court of competent jurisdiction may issue a writ of mandamus requiring that a meeting be open to the public.

38-431.04. MEETING HELD IN VIOLATION OF ARTICLE; BUSINESS TRANSACTED NULL AND VOID

All business transacted in any body during a meeting or public proceedings held in violation of the provisions of this article shall be null and void.

38-431.05. NONEFFECTIVENESS ON RIGHT TO APPEAL

Nothing contained in this article shall be construed as abridging the right of any citizen to appeal to a court of this state for the enforcement of the rights provided for in this article.

38-431.06. PENALTIES

Any person violating any of the provisions of this article shall be guilty of a misdemeanor punishable by a fine of not more than one hundred dollars, by imprisonment in the county jail for not more than thirty days, or both.

Approved by the Governor—March 27, 1962.

Filed in the Office of the Secretary of State—March 27, 1962.

CHAPTER 139

Senate Bill No. 232

AN ACT

RELATING TO COUNTY OFFICERS AND TO PRIVATE PROCESS SERVERS; PRESCRIBING FEES CHARGEABLE IN CIVIL ACTIONS BY SHERIFFS, CONSTABLES AND PRIVATE PROCESS SERVERS, AND AMENDING SECTION 11-445, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 11-445, Arizona Revised Statutes, is amended to read:

11-445. FEES CHARGEABLE IN CIVIL ACTIONS BY SHERIFFS, CONSTABLES AND PRIVATE PROCESS SERVERS; AUTHORITY OF PRIVATE PROCESS SERVERS

A. The sheriff shall receive the following fees in civil actions:

1. Serving each original summons in a civil suit, two dollars and fifty cents.

2. Summoning each witness, one dollar and fifty cents.

3. Levying and returning each write of attachment or claim and delivery, three dollars.

4. Taking and approving each bond and returning it to the proper court when necessary, one dollar.

5. Endorsing the forfeiture of any bond required to be endorsed by him, fifty cents.

6. Levying each execution, three dollars.

7. Returning each execution, fifty cents.

8. Executing and returning each writ of possession or restitution, three dollars.

9. Posting the advertisment for sale under execution, or any order of sale, two dollars.

10. Posting or serving any notice, process, writ, order, pleading or paper required or permitted by law, not otherwise provided for, two dollars and fifty cents.

11. Executing a deed to each purchaser of real property under execution or order of sale, two dollars and fifty cents.

12. Executing a bill of sale to each purchaser of personal property under an execution or order of sale, when demanded by purchaser, one dollar and twenty-five cents.

13. For each case tried in the superior court, a jury fee shall be taxed for the sheriff of seventy-five cents.

14. For services in designating a homestead or other exempt property, two dollars and fifty cents.

15. For receiving and paying money on redemption and issuing certificate of redemption, five dollars.

B. For traveling to serve civil process, writs, orders, pleadings or papers, the sheriff shall receive thirty-five cents for each mile from the county court house of the county in which service is made to the place of service, but, in any event, not to exceed thirty-five miles, nor to be less than one dollar. Mileage shall be charged one way only. For service made at the same time and place, regardless of the number of parties or the number of papers so served, only one charge for travel fees shall be made for such service.

C. For collecting money on an execution when it is made by sale, the sheriff and the constable shall receive twenty cents

for each one hundred dollars or major portion thereof, but when money is collected by the sheriff without a sale, only one half of such fee shall be allowed.

D. The sheriff shall be allowed for all process issued from the supreme court and served by him, the same fees as are allowed him for similar services upon process issued from the superior court.

E. The constable shall receive the same fees as the sheriff for performing the same services in civil actions, except that mileage shall be computed from the office of the nearest justice of the peace to the place of service, with no minimum charge for mileage fees.

F. Private process servers duly appointed or registered pursuant to rules established by the supreme court may serve all process, writs, orders, pleadings or papers required or permitted by law to be served prior to, during, or independently of, a court action, including all such as are required or permitted to be served by a sheriff or constable, except writs or orders requiring the service officer to sell, deliver or take into his custody persons or property, or as may otherwise be limited by rule established by the supreme court. A private process server is an officer of the court. A private process server may charge such fees for his services as may be agreed upon between him and the party engaging him. However, a party adjudged entitled to recover his costs of suit in any civil action shall be awarded in any such judgment or order for the costs of service made by a private process server only the amount actually charged the party by such private process server or the amount which a sheriff or constable would have been authorized to charge the party for the same service, whichever is less, except that an additional allowance shall be made of fifty cents for the notarization of each affidavit of service made by a private process server.

Approved by the Governor—March 27, 1962.

Filed in the Office of the Secretary of State—March 27, 1962.

CHAPTER 140

Senate Bill No. 238

AN ACT

MAKING AN APPROPRIATION TO THE STATE DEPARTMENT OF PUBLIC BUILDINGS MAINTENANCE.

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

Section 1. APPROPRIATION; PURPOSE

The sum of sixty-five thousand dollars is appropriated to the state department of public buildings maintenance to be available for alteration and remodeling of the state office building on the north side of Adams street between sixteenth and seventeenth avenues, known as the state office building and annex.

Sec. 2. EXEMPTION

A. The appropriation made by the terms of section 1 is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing of appropriations.

B. The provisions of this act are exempt from title 41, chapter 3, article 5.1, relating to the state planning and building commission.

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 27, 1962.

Filed in the Office of the Secretary of State—March 27, 1962.

CHAPTER 141

House Bill No. 144

AN ACT

PROVIDING FOR ADOPTION OF FOUNDLING CHILDREN, AND AMENDING SECTION 8-103, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 8-103, Arizona Revised Statutes, is amended to read:

8-103. CONSENT TO ADOPTION; PARENTS; INSANE PARENT; CHILD BORN OUT OF WEDLOCK;

CONSENT OF GUARDIAN; PUBLIC OR PRIVATE WELFARE AGENCY

A. Before the court may enter an order for the adoption of a minor, the provisions of this section which are applicable to the proceeding shall be observed:

1. Consent to the adoption shall be obtained from the individuals or agencies found capable of giving consent under the following circumstances:

(a) The parents or surviving parent of the child, but if one of the parents has been legally declared insane or incompetent, consent need not be obtained from such person.

(b) The mother only of a child born out of wedlock, but the consent of the father of a child born out of wedlock shall be required if the father has acknowledged his parentage, either by a subsequent marriage to the mother, or by recording in the office of the state bureau of vital statistics prior to the filing of the petition for adoption a notarized certificate of parental acknowledgment as to the child. Consent of the father shall be required if his parentage has been established through proceedings instituted under the provisions of articles 3 or 4, chapter 6, title 12, or article 3, chapter 7, title 12.

(c) A guardian of the child appointed in a separate proceeding, with authority to consent to adoption, if neither parent is living, or both parents have been legally declared insane or incompetent, or the parental rights of both parents have been divested as provided by law. If the guardian appointed is one of the adopting parents, consent shall also be obtained from a public or private child welfare agency licensed under the provisions of chapter 5 of this title to place children for adoption.

(d) The parent whose rights have not been divested or relinquished, if the parental rights of one of the parents have been divested or relinquished in a lawful manner.

(e) A public or private child welfare agency licensed under the provisions of chapter 5 of this title to place children for adoption, and vested with authority to consent to the adoption of the child concerned either by written relinquishment of parental rights to the agency executed by the parents or parent whose rights have not been divested in a lawful manner, or an order of court committing the child to the care and custody of such agency, or with the written consent of the court in the case of a foundling child whose parents are not known or cannot be found.

(f) The child, under the conditions referred to in section 8-101.

B. The minority of a child or a parent shall not affect competency to give consent in the instances defined in subsection A. Consent in all cases shall be in writing, signed and acknowledged before an officer authorized by law to take acknowledgements or before a representative of a child welfare agency licensed to place children for adoption under the provisions of chapter 5 of this title.

Approved by the Governor—March 28, 1962.

Filed in the Office of the Secretary of State—March 28, 1962.

CHAPTER 142

House Bill No. 205

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; PROVIDING FOR AN INCREASE IN LUXURY PRIVILEGE TAXES ON ALCOHOLIC BEVERAGES; CHANGING CERTAIN LICENSE FEES FOR THE SALE OF ALCOHOLIC BEVERAGES, AND AMENDING SECTIONS 4-209 AND 42-1204, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 4-209, Arizona Revised Statutes, is amended to read:

4-209. FEES; APPLICATION, ISSUANCE, ANNUAL AND TRANSFER; SEASONAL OPERATION

A. A fee shall accompany an application for an original license or transfer of a license, or in case of renewal, shall be paid in advance. Every license shall expire December 31 of each year. An application fee for an original license shall be fifty dollars, which shall be retained by the state.

B. Issuance fees for original licenses shall be:

1. Distiller's license, five hundred dollars.

2. Brewer's license, five hundred dollars.

3. Winer's license, five hundred dollars.

4. Wholesaler's license to sell all spirituous liquors, five hundred dollars.

5. Wholesaler's license to sell wine and beer, five hundred dollars.

6. On-sale retailer's license to sell all spirituous liquors by individual portions and in the original containers, five hundred dollars.

7. On-sale retailer's license to sell wine and beer by individual portions and in the original containers, one hundred fifty dollars.

8. On-sale retailer's license to sell beer by indivdual portions and in the original containers, one hundred dollars.

9. Off-sale retailer's license to sell all spirituous liquors, five hundred dollars.

10. Off-sale retailer's license to sell wine and beer, one hundred fifty dollars.

11. Off-sale retailer's license to sell beer, one hundred dollars.

12. Railroad license issued in the name of an operating railroad company to sell all spirituous liquors in individual portions or in the original containers on all passenger trains operated by the railroad company, five hundred dollars.

13. Airline license issued in the name of an operating airline company to sell or serve spirituous liquors solely in individual portions on all passenger planes operated by the airline company, five hundred dollars.

14. Club license issued in the name of a bona fide club qualified under this chapter to sell all liquors on-sale, one hundred dollars.

15. Hotel-motel license issued as such to sell and serve spirituous liquors solely for consumption on the licensed premises of the hotel or motel, one thousand dollars.

16. Restaurant license issued as such to sell and serve spirituous liquors solely for consumption on the licensed premises of the restaurant, one thousand dollars.

C. If a license is issued on or after July 1 in any year, one half of the annual license fee shall be charged.

D. The annual fees for licenses shall be:

1. Distiller's license, three hundred fifty dollars.

2. Brewer's license, three hundred fifty dollars.

3. Winer's license, one hundred fifty dollars.

4. Wholesaler's license to sell all spirituous liquors, two hundred fifty dollars.

5. Wholesaler's license to sell wine and beer, one hundred dollars.

6. On-sale retailers' license to sell all spirituous liquors by individual portions and in the original containers, one hundred fifty dollars.

7. On-sale retailer's license to sell wine and beer by individual portions and in the original containers, seventy-five dollars.

8. On-sale retailer's license to sell beer by individual portions and in the original containers, twenty-five dollars.

9. Off-sale retailer's license to sell all spiritouous liquors, fifty dollars.

10. Off-sale retailer's license to sell wine and beer, fifty dollars.

11. Off-sale retailer's license to sell beer, twenty-five dollars.

12. Railroad license issued in the name of an operating railroad company to sell all spirituous liquors in individaul portions or in the original containers on all passenger trains operated by the railroad company, two hundred twenty-five dollars.

13. Airline license issued in the name of an operating airline company to sell or serve spirituous liquors solely in individual portions on all passenger planes operated by the airline company, two hundred twenty-five dollars.

14. Club license issued in the name of a bona fide club qualified under this title to sell all liquors on-sale, one hundred fifty dollars.

15. Hotel-motel license issued as such to sell and serve spirituous liquors solely for consumption on the licensed premises of the hotel or motel, five hundred dollars.

16. Restaurant license issued as such to sell and serve spirituous liquors solely for consumption on the licensed premises of the restaurant, five hundred dollars.

E. Where the business of an on-sale retail licensee is seasonal, not extending over periods of more than six months in any calendar year, he may designate the periods of his operation, and a license may be granted for those periods only, upon payment of one half the fee prescribed in subsection D.

F. Transfer fees from person to person for licenses transferred pursuant to section 4-203, subsection D, shall be:

1. Distiller's license, five hundred dollars.

2. Brewer's license, five hundred dollars.

3. Winer's license, three hundred dollars.

4. Wholesaler's license to sell all spirituous liquors, five hundred dollars.

5. Wholesaler's license to sell wine and beer, two hundred dollars.

6. On-sale retailer's license to sell all spirituous liquors by individual portions and in the original containers, three hundred dollars.

7. On-sale retailer's license to sell wine and beer by individual portions and in the original containers, one hundred fifty dollars.

8. On-sale retailer's license to sell beer by individual portion and in the original containers, fifty dollars.

9. Off-sale retailer's license to sell all spirituous liquors, one hundred dollars.

10. Off-sale retailer's license to sell wine and beer, one hundred dollars.

11. Off-sale retailer's license to sell beer, fifty dollars.

12. Railroad license issued in the name of an operating railroad company to sell all spirituous liquors in individual portions or in the original containers on all passenger trains operated by the railroad company, four hundred fifty dollars.

13. Airline license issued in the name of an operating airline company to sell or serve spirituous liquors solely in individual portions on all passenger planes operated by the airline company, four hundred fifty dollars.

G. Transfer fees from location to location, as provided for in section 4-203, subsection C, shall be one hundred dollars.

H. Fees for the transfer or assignment of a spirituous liquor license not otherwise provided for in this title shall be one hundred dollars.

Sec. 2. Sec. 42-1204, Arizona Revised Statutes, is amended to read:

42-1204. LEVY OF TAX; PURPOSE; CLASSIFICATION OF LUXURIES; APPLICABLE RATE

In addition to all other taxes there is levied and imposed and there shall be collected and paid to the state treasurer in the manner provided by this article, upon all malt extracts, or derivatives or combinations thereof, on all spirituous, vinous and malt liquors, on all cigarettes, cigars, smoking tobacco, plug tobacco, snuff and other forms of tobacco, for the purpose of raising funds to provide public unemployment and welfare relief, the following tax:

1. On each pound of sixteen ounces or fractions thereof of all malt extracts, or derivatives or combinations thereof, except malt used in the manufacture of bread and dextrines of malt used for feeding infants and invalids, fifteen cents, but the license tax imposed by this paragraph shall be refunded when the amount thereof has been paid, and when proof is thereafter made to the state treasurer that the malt extract, or derivative or combination thereof, has been used for other than preparation of a beverage.

2. On each sealed container of spirituous liquor containing eight ounces or less, nine cents, and for each eight ounces for containers containing more than eight ounces, nine cents.

3. On each container of vinous liquor of which the alcoholic content is not greater than twenty-four per cent by volume, containing sixteen ounces or less, five and one-fourth cents, and for each sixteen ounces for containers containing more than sixteen ounces, five and one-fourth cents.

4. On each container of vinous liquor of which the alcoholic content is greater than twenty-four per cent by volume, containing eight ounces or less, nine cents, and for each eight ounces for containers containing more than eight ounces, nine cents.

5. On each gallon of malt liquor, eight cents.

6. On each twenty cigarettes or fractional part thereof two cents.

7. On smoking tobacco, snuff, fine cut chewing tobacco, cut and granulated tobacco, shorts and refuse of fine cut chewing tobacco, and refuse, scraps, clippings, cuttings and sweepings of tobacco, excluding tobacco powder or tobacco products used exclusively for agricultural or horticultural purposes and unfit for human consumption, one cent per ounce or major fraction thereof.

8. All cavendish, plug or twist tobacco, one-fourth cent per ounce or fractional part thereof.

9. On each twenty small cigars or fractional part thereof weighing not more than three pounds per thousand, two cents.

10. On cigars of all descriptions except those included in paragraph 9 of this section, made of tobacco or any substitute therefor, if manufactured to retail at not more than five cents each, one cent on each three cigars, but if manufactured to retail at more than five cents each, one cent on each cigar.

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, 1962.

Filed in the Office of the Secretary of State—March 28, 1962.

CHAPTER 143

Senate Bill No. 139

AN ACT

RELATING TO NARCOTICS; PROVIDING FOR ENFORCEMENT OF LAWS RELATING TO NARCOTICS BY THE SUPERINTENDENT OF LIQUOR LICENSES AND CONTROL; FIXING SALARY, AND AMENDING SECTION 4-112, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 4-112, Arizona Revised Statutes, is amended to read:

4-112. SUPERINTENDENT; DUTIES; DEPUTIES; SALARIES

A. The superintendent of liquor licenses and control shall administer and enforce the provisions of this title.

B. The superintendent shall:

1. Prescribe necessary rules and regulations:

(a) For carrying out the provisions of this title.

(b) For the proper conduct of the business to be carried on under each specific type of spirituous liquor license.

(c) To enable and assist state officials to collect taxes levied or imposed in connection with spirituous liquors.

(d) To procure full compliance by licensees in the conduct of their business with all provisions of this title.

(e) To hold hearings on applications for licenses and transfers thereof, and grant or deny such applications.

2. Prescribe forms for applications and licenses, and other forms as may be necessary under this title.

3. Examine books, records and papers of a licensee.

4. Hear and determine complaints against a licensee.

5. Grant or deny applications for licenses and transfers thereof in accordance with the provisions of this title.

6. Issue subpoenas and other necessary process to procure the presence of persons and the production of papers.

7. Administer oaths, take testimony and punish for contempt.

8. Employ necessary deputies and assistants and pay their compensation and other expenses of administering this title.

C. The superintendent shall keep an index record which shall contain the name and address of each licensee and the name and address of any person having an interest, either legal or equitable, in such license as shown by any written document which document shall be placed on file with the office of the superintendent. The index shall be a public record open to public inspection.

D. The superintendent shall have primary control of the enforcement of laws relating to possession and sale of narcotic drugs, and in consideration of these additional duties he shall receive an additional salary of four thousand eight hundred dollars per anum, but his total salary shall not exceed twelve thousand dollars per annum.

Approved by the Governor—March 28, 1962.

Filed in the Office of the Secretary of State—March 28, 1962.

CHAPTER 144

Senate Bill No. 85

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITIES AND STATE COLLEGE OF ARIZONA FOR THE ACQUISITION AND PREPARATION OF LANDS FOR THE USE OF ARIZONA STATE COLLEGE AT FLAGSTAFF.

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

Section 1. APPROPRIATION

The sum of one hundred fifty thousand dollars is appropriated to the board of regents of the universities and state college of Arizona.

Sec. 2. PURPOSE

The appropriation made in section 1 is for the purchase of lands, including the improvements on such lands, demolition of buildings thereon, and the preparation of lands, for the use of Arizona state college at Flagstaff.

Sec. 3. LAPSING OF APPROPRIATION

The appropriation made under the provisions of this act shall not lapse until the purposes for which the appropriation is made shall have been accomplished or abandoned unless the appropriation shall have stood until January 1, 1967, without an expenditure thereform 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 de-

clared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 28, 1962.

Filed in the Office of the Secretary of State—March 28, 1962.

CHAPTER 145

Senate Bill No. 91

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITIES AND STATE COLLEGE OF ARIZONA FOR THE ACQUISITION AND PREPARATION OF LANDS FOR THE USE OF ARIZONA STATE UNIVERSITY.

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

Section 1. APPROPRIATION

The sum of five hundred thousand dollars is appropriated to the board of regents of the universities and state college of Arizona.

Sec. 2. PURPOSE

The appropriation made in section 1 is for the purchase of lands, including improvements on such lands, demolition of buildings thereon, and the preparation of lands, for the use of Arizona state university.

Sec. 3. LAPSING OF APPROPRIATION

The appropriation made under the provisions of this act shall not lapse until the purposes for which the appropriation is made shall have been accomplished or abandoned unless the appropriation shall have stood until January 1, 1967, without an expenditure therefrom or encumberance 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, 1962.

Filed in the Office of the Secretary of State—March 28, 1962.

CHAPTER 146

Senate Bill No. 88

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITIES AND STATE COLLEGE OF ARIZONA FOR THE ACQUISITION AND PREPARATION OF LANDS FOR THE USE OF THE UNIVERSITY OF ARIZONA.

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

Section 1. APPROPRIATION

The sum of five hundred thousand dollars is appropriated to the board of regents of the universities and state college of Arizona.

Sec. 2. PURPOSE

The appropriation made in section 1 is for the purchase of lands, including the improvements on such lands, demolition of buildings thereon, and the preparation of lands, for the use of the university of Arizona.

Sec. 3. LAPSING OF APPROPRIATION

The appropriation made under the provisions of this act shall not lapse until the purposes for which the appropriation is made shall have been accomplished or abandoned unless the appropriation shall have stood until January 1, 1967, 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, 1962.

Filed in the Office of the Secretary of State—March 28, 1962.

CHAPTER 147

SENATE BILL NO. 83

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITIES AND STATE COLLEGE OF ARIZONA FOR THE CONSTRUCTION OF A BUILDING, UTILITY TUNNELS, ROADS, WALKS, AND WATER, DRAINAGE AND SEWER SYSTEMS; PURCHASE AND INSTALLATION OF EQUIPMENT AND FURNISHINGS; EXTENSION OF SERVICE FACILITIES, AND THE GENERAL IMPROVEMENT OF THE CAMPUS AND GROUNDS OF ARIZONA STATE COLLEGE AT FLAGSTAFF.

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

Section 1. APPROPRIATION; PURPOSE

There is appropriated to the board of regents of the universities and state college of Arizona, for the fiscal year beginning July 1, 1962, the sum of one million one hundred eighty thousand dollars for any or all of the following purposes and improvements at Arizona state college at Flagstaff: construction of a liberal arts building, utility tunnels, roads, walks, and water, drainage and sewer systems; purchase and installation of all or any part of the equipment and furnishings for the liberal arts building, and for the business administration building; extension of service facilities; fire hydrants, grading, landscaping, and the general improvement of the campus and grounds of Arizona state college at Flagstaff.

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 accomplished or abandoned unless the appropriation shall have stood until January 1, 1967, without an expenditure therefrom or encumbrance thereon. Q

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, 1962.

Filed in the Office of the Secretary of State—March 28, 1962.

CHAPTER 148

Senate Bill No. 89

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITIES AND STATE COLLEGE OF ARIZONA FOR THE CONSTRUCTION, ADDITIONS TO, REMODELING AND ALTERATION OF BUILDINGS, UTILITY TUNNELS, STREETS AND ROADWAYS; PURCHASE AND INSTALLATION OF EQUIPMENT AND FURNISHINGS; EXTENSION OF SERVICE FACILITIES, AND THE GENERAL IMPROVEMENT OF THE CAMPUS AND OTHER PROPERTY OF ARIZONA STATE UNIVERSITY.

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

Section 1. APPROPRIATION; PURPOSE

There is appropriated to the board of regents of the universities and state college of Arizona, for the fiscal year beginning July 1, 1962, the sum of three million five hundred sixty-one thousand dollars for any or all of the following purposes and improvements at or for Arizona state university; construction of an industrial education building and a general classroom building to include language, literature and speech, utility tunnels, streets and roadways and an addition to the engineering center; remodeling and alteration of existing university buildings; purchase and installation of all or any part of the equipment and furnishings for university buildings and structures, and of refrigeration, lighting and heating equipment; extension of service facilities including water lines and fire hydrants; improvement of parking areas, lighting facilities and tennis courts; and for the general improvement of the campus and other property of Arizona state university.

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 accomplished or abandoned unless the appropriation shall have stood until January 1, 1967, without an expenditure therefrom or encumbrance thereon.

Sec. 3. EMERGENCY

To preserve the public peace, health and safety it is necessary that this act become immediately operative. It is therefore de-

clared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 28, 1962.

Filed in the Office of the Secretary of State—March 28, 1962.

CHAPTER 149

Senate Bill No. 86

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITIES AND STATE COLLEGE OF ARIZONA FOR THE CONSTRUCTION, COMPLETION, ADDITIONS TO, ALTERATION AND REMODELING OF BUILDINGS AND UTILITY TUNNELS; PURCHASE AND INSTALLATION OF EQUIPMENT AND FURNISHINGS; EXTENSION OF SERVICE FACILITIES, AND THE GENERAL IMPROVEMENT OF THE CAMPUS AND OTHER PROPERTY OF THE UNIVERSITY OF ARIZONA.

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

Section 1. APPROPRIATION; PURPOSE

There is appropriated to the board of regents of the universities and state college of Arizona, for the fiscal year beginning July 1, 1962, the sum of three million seven hundred ten thousand dollars for any or all of the following purposes and improvements at or for the university of Arizona: construction of a women's physical education building and utility tunnels, and of additions to and alteration of the music building, infirmary and auditorium; completion of the observatory on Kitt Peak and of the alteration of the agricultural building; remodeling and alteration of the engineering, fine arts and mines buildings; purchase and installation of all or any part of the equipment and furnishings for any such buildings and structures and for the library and education building; extension of service facilities, including additional water mains and fire hydrants; and for the general improvement of the campus and other property of the university of Arizona.

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 accomplished or abandoned unless the appropriation shall have

stood until January 1, 1967, without an expenditure therefrom or encumbrance thereon.

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, 1962.

Filed in the Office of the Secretary of State—March 28, 1962.

CHAPTER 150

House Bill No. 333

AN ACT

RELATING TO APPROPRIATIONS FOR THE DIFFERENT DEPARTMENTS OF THE STATE, FOR STATE INSTITUTIONS, AND FOR PUBLIC SCHOOLS.

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

Section 1. Subject to applicable laws, the sums or sources of revenue herein set forth are appropriated for the fifty-first fiscal year for the purposes and objects herein specified:

Subdivision 1. ATTORNEY GENERAL — DEPARTMENT OF LAW

Personal Services	
Other	$ 161,120.00
Land Department Attorney	12,000.00
Total Personal Services	173,120.00
Professional Services	10,000.00
Travel—State and Out-of-State	6,250.00*
Subscriptions and Organization Dues	400.00
Current Fixed Charges	167.00
Other Current Expenditures	15,500.00
Capital Outlay	
Law Books—Additions & Replacements	2,000.00
Total	$ 207,437.00

*This appropriation is exempt from provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

REIMBURSABLE SERVICES		
Personal Services	$	25,200.00
Professional Services		600.00
Travel—State and Out-of-State		2,300.00
Industrial Compensation—State Employees		221.00
Employers' contribution for Old Age and Survivors' Insurance and State Retirement		1,732.00
Total Reimbursable Services	$	30,053.00*
Total Appropriation Attorney General—Department of Law	$	237,490.00

*This appropriation is deemed to include all unexpended balances remaining in the reimbursable fund on June 30, 1962.

Subdivision 2. AUDITOR		
Personal Services	$	266,719.00
Travel—State		150.00*
Travel—Out-of-State		500.00
Subscriptions and Organization Dues		50.00
Current Fixed Charges		47,452.00
Other Current Expenditures		61,800.00
Capital Outlay—Equipment		4,000.00
Total Appropriation	$	380,671.00

*This appropriation is exempt from provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 3. DEPARTMENT OF LIBRARY AND ARCHIVES		
Lump Sum Appropriation	$	87,732.00**

**This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

MICROFILM PROJECT		
Lump Sum Appropriation	$	15,000.00**

**This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

LIBRARY EXTENSION SERVICE		
Lump Sum Appropriation	$	50,000.00**

The foregoing appropriation is in addition to funds granted to the State by the Federal Government for the same purpose.

**This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Total Appropriation—Library and Archives	$	152,732.00

Subdivision 4. DEPARTMENT OF PUBLIC BUILDINGS MAINTENANCE

Personal Services	$	273,230.00
Travel—State		950.00
Insurance—Guards for False Arrest		38.00
Subscriptions and Organization Dues		12.00
Uniform Allowance		540.00
Current Fixed Charges		348.00
Other Current Expenditures		208,615.00*
Capital Outlay		
Equipment		4,510.00
Buildings & Improvements		16,575.00
Total Capital Outlay	$	21,085.00
Total Appropriation	$	504,818.00

*This appropriation is exempt from provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 5. ESTATE TAX COMMISSIONER

Personal Services	$	31,200.00
Professional Services		750.00*
Travel—State and Out-of-State		690.00*
Subscriptions and Organization Dues		190.00
Current Fixed Charges		391.00
Other Current Expenditures		4,175.00
Capital Outlay—Equipment		750.00
Total Appropriation	$	38,146.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 6. GOVERNOR

Personal Services	$	80,000.00
Professional & Technical Services		25,000.00*
Travel—State and Out-of-State		5,750.00*
Entertainment and Miscellaneous Expense		5,000.00*
Buildings and Equipment Insurance		86,546.00**
Liability Insurance		50,000.00*

Subscriptions and Organization Dues	450.00
Rewards and Awards	200.00
Current Fixed Charges	400.00
Other Current Expenditures	16,000.00
Capital Outlay—Equipment	2,000.00
State's Share of Operation for Council of States Government	3,500.00*
Expenses Incurred in Connection with the Interstate Oil Commission	1,000.00*
Total Appropriation	$ 275,846.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

**This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Subdivision 7. POST AUDITOR

Personal Services	$ 129,580.00
State Property Clerk	8,400.00
Total Personal Services	137,980.00
Professional Services	9,000.00*
Travel—State	10,000.00*
Travel—Out-of-State	800.00
Subscriptions and Organization Dues	50.00
Current Fixed Charges	6,584.00
Other Current Expenditures	6,700.00*
Capital Outlay—Equipment	2,992.00
Total Appropriation	$ 174,106.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 8. SECRETARY OF STATE

Personal Services	$ 47,517.00
Travel—State	690.00
Travel—Out-of-State	575.00
Subscriptions and Organization Dues	100.00
Expenses Incurred at National Association National Secretaries of State Convention	300.00*
Current Fixed Charges	1,384.00
Other Current Expenditures	11,104.00

Printing Supplements to Code	17,000.00*
Arizona Session Laws	12,000.00*
Arizona Publicity Pamphlets	15,000.00**
Printing Booklets	3,500.00*
Printing Rules and Regulations	2,000.00*
Mortgage Recordation	4,000.00*
Capital Outlay—Equipment	1,000.00
Total Appropriation	$ 116,170.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

**This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Subdivision 9. STATE EXAMINER

Personal Services	$ 141,800.00
Periodic Field Clerks and School Auditors	15,000.00*
Total Personal Services	156,800.00
Professional Services	500.00
Travel—State	60,000.00*
Travel—Out-of-State	345.00
Subscriptions and Organization Dues	175.00
Current Fixed Charges	450.00
Other Current Expenditures	6,200.00
Capital Outlay—Equipment	1,800.00
Total Appropriation	$ 226,270.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 10. STATE PLANNING AND BUILDING

Personal Services	$ 16,443.00
Professional Services	1,200.00*
Travel—State	2,875.00
Subscriptions and Organization Dues	100.00
Current Fixed Charges	273.00
Other Current Expenditures	5,000.00
Total Appropriation	$ 25,891.00

*This appropriation is exempt from provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 11. STATE RETIREMENT SYSTEM ADMINISTRATIVE EXPENSES

Lump Sum	$ 212,480.00*

*In addition to the lump sum appropriation the State Retirement System may use for Administrative Expenses any additional amounts received under provisions of Section 38-756, Arizona Revised Statutes. This appropriation is exempt from the Provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Prior Service Funding	$ 523,500.00**
OASI Administrative Expense	8,000.00
Highway Patrol Administrative Expense	6,500.00*
Total Appropriation	$ 750,480.00

**This amount is the first of twenty annual payments to amortize the total liability of the State for funding prior service credit pensions for State employees and for former members of the Arizona Teachers Retirement System who became members of the Arizona State Retirement System under the provisions of Section 38-747, Arizona Revised Statutes. This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

*This appropriation is exempt from provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 12. STATE TAX COMMISSION

Personal Services	$ 1,080,527.00
Professional Services	20,000.00*
Travel—State	80,500.00
Travel—Out-of-State	27,600.00
Subscriptions and Organization Dues	350.00
Current Fixed Charges	50,500.00
Other Current Expenditures	68,500.00
Office Supplies	230,000.00*
Luxury Stamps	71,750.00*
Capital Outlay—Equipment	16,386.00
Total Appropiration	$ 1,646,113.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 13. STATE TREASURER

Personal Services	$	43,500.00
Travel—State		100.00
Travel—Out-of-State		400.00
Insurance—Burglary		1,000.00*
Subscriptions and Organization Dues		75.00
Bonds of Officials and Employees		1,120.00
Current Fixed Charges		5,550.00
Other Current Expenditures		5,420.00
Capital Outlay—Equipment		650.00
Revolving Fund		5,000.00*
Total Appropriation	$	62,815.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 14. SUPERIOR COURTS

Personal Services		
Salaries of Judges	$	280,000.00
Periodic Court Commissioners		500.00
Total Appropriation	$	280,500.00

Subdivision 15. SUPREME COURT

Personal Services	$	207,190.00
Travel—State and Out-of-State		5,000.00
Subscriptions and Organization Dues		98.00
Current Fixed Charges		78.00
Other Current Expenditures		10,000.00
Capital Outlay		
Office Equipment and Other		1,500.00
Library and Reference Facilities		2,000.00
Publishing Arizona Reports		6,750.00
Total Capital Outlay		10,250.00
Total Appropriation	$	232,616.00

Subdivision 16. ARIZONA STATE BOARD OF PHARMACY

From the Arizona State Board of Pharmacy Fund the following is appropriated:

Personal Services	$	43,100.00
Professional Services		1,500.00*

Travel—State		12,400.00
Travel—Out-of-State		2,000.00
Employers' Contribution for OASI and State Retirement		2,963.00
Subscriptions and Organization Dues		250.00
Current Fixed Charges		440.00
Other Current Expenditures		6,850.00
Capital Outlay—Equipment		597.00
Total Appropriation	$	70,100.00

*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 17. ARIZONA STATE DENTAL BOARD

90% of all collections when paid into the State Treasury is hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement) and capital outlay. 10% shall be credited to the general fund.

Subdivision 18. BOARD OF BARBER EXAMINERS

From the Board of Barber Examiners Fund the following is appropriated:

Personal Services	$	16,800.00
Travel—State		4,500.00
Travel—Out-of-State		400.00
Buildings and Equipment Insurance		86.00
Employers' Contribution for OASI and State Retirement		1,155.00
Subscriptions and Organization Dues		40.00
Current Fixed Charges		428.00
Other Current Expenditures		1,875.00
Total Appropriation	$	25,284.00

Subdivision 19. BOARD OF COSMETOLOGY

From the Board of Cosmetology Fund the following is appropriated:

Personal Services	$	24,234.00
Temporary Status		3,600.00*
Total Personal Services		27,834.00
Professional Services		768.00*
Travel—State		7,590.00*
Travel—Out-of-State		1,139.00
Employers' Contribution for OASI and State Retirement		1,914.00

Subscriptions and Organization Dues	151.00
Current Fixed Charges	4,412.00
Other Current Expenditures	4,410.00
Capital Outlay—Equipment	500.00
Total Appropriation	$ 48,718.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 20. BOARD OF MEDICAL EXAMINERS

90% of all collections when paid into the State Treasury is hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement) and capital outlay. 10% shall be credited to the general fund.

Subdivision 21. BOARD OF NURSE REGISTRATION AND NURSING EDUCATION

90% of all collections when paid into the State Treasury is hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement) and capital outlay. 10% shall be credited to the general fund.

Subdivision 22. BOARD OF PHYSICAL THERAPY EXAMINERS

90% of all collections when paid into the State Treasury is hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement) and capital outlay. 10% shall be credited to the general fund.

Subdivision 23. DAIRY COMMISSIONER

Personal Services	$ 16,970.00
Professional Services	250.00*
Travel—State	1,840.00
Travel—Out-of-State	345.00
Subscriptions and Organization Dues	25.00
Current Fixed Charges	50.00
Other Current Expenditures	750.00
Total Appropriation	$ 20,230.00

*This appropriation is exempt from provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 24. NATUROPATHIC BOARD OF EXAMINERS

From the Naturopathic Board of Examiners Fund the following is appropriated:

Lump Sum Appropriation $ 1,085.00

(Including employers' contribution for Old Age and Survivors' Insurance and State Retirement).

Subdivision 25. STATE BOARD OF CHIROPODY EXAMINERS

From the State Board of Chiropody Examiners Fund the following is appropriated:

Lump Sum Appropriation $ 270.00*

(Including employers' contribution for Old Age and Survivors' Insurance and State Retirement).

*This appropriation is exempt from provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 26. STATE BOARD OF CHIROPRACTIC EXAMINERS

From the State Board of Chiropractic Examiners Fund the following is appropriated:

Lump Sum Appropriation $ 2,649.00

(Including employers' contribution for Old Age and Survivors' Insurance and State Retirement).

Subdivision 27. STATE BOARD OF DISPENSING OPTICIANS

90% of all collections when paid into the State Treasury is hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement) and capital outlay. 10% shall be credited to the general fund.

Subdivision 28. STATE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

From the State Board of Funeral Directors and Embalmers Fund the following is appropriated:

Lump Sum Appropriation $ 5,530.00

(Including employers' contribution for Old Age and Survivors' Insurance and State Retirement).

Subdivision 29. STATE BOARD OF OPTOMETRY

From the State Board of Optometry Fund the following is appropriated:

Lump Sum Appropriation	$	4,950.00*

(Including employers' contribution for Old Age and Survivors' Insurance and State Retirement).

*This appropriation is exempt from provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 30. STATE BOARD OF OSTEOPATHIC EXAMINERS

From the State Board of Osteopathic Examiners Fund the following is appropriated:

Personal Services	$	2,000.00
Travel—State		600.00
Travel—Out-of-State		460.00
Buildings and Equipment Insurance		75.00
Employers' Contribution for OASI and State Retirement		137.00
Subscriptions and Organization Dues		10.00
Current Fixed Charges		1,540.00
Other Current Expenditures		1,225.00
Capital Outlay—Equipment		600.00
Total Appropriation	$	6,647.00

Subdivision 31. STATE DEPARTMENT OF HEALTH

CENTRAL ADMINISTRATION		
Personal Services	$	83,784.00
HEALTH EDUCATION		
Personal Services		25,691.00
HOSPITAL SURVEY, PLANNING, CONSTRUCTION & LICENSING		
Personal Services		32,258.00
LABORATORY		
Personal Services		142,305.00
LOCAL HEALTH ADMINISTRATION		
Personal Services		12,632.00

MATERNAL AND CHILD HEALTH	
Personal Services	
Medical Social Worker	6,000.00
Other Personal Services	33,996.00
Total Personal Services	39,996.00
MENTAL HEALTH	
Personal Services	$ 12,562.00
PUBLIC HEALTH NURSING	
Personal Services	14,377.00
SANITARY ENGINEERING	
Personal Services	72,798.00
TUBERCULOSIS CONTROL	
Personal Services	67,981.00
VENERAL DISEASE CONTROL	
Personal Services	18,761.00
VITAL STATISTICS	
Personal Services	101,231.00
Total Personal Services	$ 624,376.00
Professional Services	5,250.00
Travel—State	75,000.00
Travel—Out-of-State	4,500.00
Building and Equipment Insurance	665.00
Subscriptions and Organization Dues	367.00
Current Fixed Charges	15,814.00
Other Current Expenditures	100,000.00
Capital Outlay—Equipment	
Vital Statistics	10,846.00
Other	7,110.00
Total Capital Outlay	17,956.00
Direct Grants	70,000.00**
Local Health Work	234,389.00*
Reimbursement for T. B. Care by Counties	500,000.00
Merit System—Transfer	15,748.00
Total Appropriation	$ 1,664,065.00

The foregoing is the total appropriation to the State Department of Health and shall be deemed to include all fees collected (under the provisions of Section 36-138, Arizona Revised Statutes) and all funds granted to the State Health Department by the Federal Government except project grants for mental and heart disease, cancer diagnostic clinics, child study and counseling service, hospital medical facilities and construction funds and special project grants.

*This appropriation is to provide matching funds to counties for local health work on a 50-50 matching basis and shall be distributed to each county on an equal per capita basis as determined by the 1960 Federal Decennial Census.

**This appropriation is for local health work and is to be divided equally among the 14 counties on a non-matching basis. All funds received by a county under this appropriation which are not used for the prescribed purpose shall revert to the State general fund. This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 32. ARIZONA CHILDREN'S COLONY BOARD

Personal Services	$ 769,709.00
Professional Services	2,000.00
Travel—State	1,150.00
Travel—Out-of-State	645.00
Food	266,720.00
Employers' Contribution for OASI and State Retirement	53,000.00
Subscriptions and Organization Dues	100.00
Current Fixed Charges	1,700.00
Other Current Expenditures	118,100.00
Total Appropriation	$ 1,213,124.00

Subdivision 33. ARIZONA COMMISSION OF INDIAN AFFAIRS

Personal Services	$ 11,180.00
Travel—State	4,080.00
Travel—Out-of-State	270.00
Current Fixed Charges	53.00
Other Current Expenditures	2,050.00*
Capital Outlay—Equipment	600.00
Total Appropriation	$ 18,233.00

*This appropriation is exempt from provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 34. ARIZONA STATE BOARD OF CRIPPLED CHILDREN'S SERVICES

Personal Services	$ 345,000.00
Professional Services	60,000.00
Travel—State	4,800.00
Travel—Out-of-State	500.00

Food		20,000.00*
Buildings and Equipment Insurance		430.00
Subscriptions and Organization Dues		250.00
Current Fixed Charges		70.00
Other Current Expenditures		247,800.00*
Capital Outlay		
Equipment		3,000.00
Buildings and Improvements		2,000.00
Total Capital Outlay		5,000.00
Total Appropriation	$	683,850.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 35. BOARD OF DIRECTORS OF STATE INSTITUTIONS FOR JUVENILES

BOARD EXPENSE		
Personal Services	$	4,800.00
Travel—State		1,500.00
Travel—Out-of-State		500.00
Current Fixed Charges		20.00
Other Current Expenditures		450.00
Capital Outlay—Equipment		300.00
Total Board Expense		7,570.00
Care of Girl Juvenile Offenders In-State and Out-of-State		678,535.00*
Expenses Incurred for In and Out-of-State Psycho-Therapy Treatment		50,000.00*
Total Appropriation	$	736,105.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 36. BOARD OF PARDONS AND PAROLES

Personal Services	$	55,565.00
Travel—State		13,700.00
Travel—Out-of-State		400.00
Subscription and Organization Dues		25.00
Current Fixed Charges		29.00
Other Current Expenditures		3,800.00
Capital Outlay—Equipment		777.00
Total Appropriation	$	74,296.00

Subdivision 37. DEPARTMENT OF PUBLIC WELFARE
ADMINISTRATION—STATE AND COUNTY

Personal Services	$ 1,248,000.00
Professional Services	350.00
Travel—State	130,000.00
Travel—Out-of-State	3,600.00
Subscriptions and Organization Dues	750.00
Current Fixed Charges	12,480.00
Other Current Expenditures	55,000.00
Capital Outlay—Equipment	10,000.00
Joint Merit System Transfers	9,669.00
Total Administration—State and County	$ 1,469,849.00
AID TO THE BLIND	324,048.00
BLIND SERVICES	149,715.00
AID TO DEPENDENT CHILDREN	3,638,274.00
DIRECT RELIEF	2,745,195.00
FOSTER HOME CARE	548,649.00
OLD AGE ASSISTANCE	2,707,193.00
PUBLIC ASSISTANCE SERVICES	56,970.00
TUBERCULOSIS CONTROL	498,907.00
UNALLOCATED ASSISTANCE AND SERVICES	1,185,436.00*
Total Appropriation—Department of Public Welfare	$13,324,236.00

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 Department of Public Welfare, pursuant to the provisions of Section 42-1341, Arizona Revised Statutes.

Administration is the total appropriation with the exception of funds granted to the State by the Federal Government for Child Welfare Services and Vocational Rehabilitation for the Blind, which shall be available to the Department of Public Welfare, in addition to the appropriations for Child Welfare Services and for Blind Services and for the administration thereof.

*The appropriation for Unallocated Assistance and Services is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 38. GOVERNOR—ARIZONA RANGERS' PENSION

Pensions	$ 3,600.00

Subdivision 39. INDUSTRIAL SCHOOL	
Personal Services	$ 478,818.00
Professional Services	1,000.00
Travel—State	32,000.00
Travel—Out-of-State	750.00
Food	105,000.00*
Subscriptions and Organization Dues	200.00
Boy's Merit Allowance	2,000.00
Foster Home Care	10,000.00**
Current Fixed Charges	6,245.00
Other Current Expenditures	339,700.00
Capital Outlay	
Equipment	48,940.00
Livestock	1,000.00
Total Capital Outlay	49,940.00
Total Appropriation	$ 1,025,653.00

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.

*This appropriation is exempt from provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

**This appropriation shall be expended with the limitation that monthly care payment per boy shall not exceed $100. per month.

Subdivision 40. PIONEERS' HOME	
Personal Services	$ 126,168.00
Travel—State	345.00
Food	61,025.00*
Subscriptions and Organization Dues	500.00
Current Fixed Charges	900.00
Other Current Expenditures	59,250.00
Total Appropriation	$ 248,188.00

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.

*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 41. PRISON AND INSTITUTE OF EDUCATIONAL REHABILITATION

Personal Services	$ 1,056,633.00
Professional Services	6,000.00
Travel—State	575.00
Travel—Out-of-State	1,725.00
Food	200,789.00*
Subscriptions and Organization Dues	100.00
Discharge Money—Institutional Inmates	11,495.00
Uniform Allowance	2,610.00*
Current Fixed Charges	600.00
Other Current Expenditures	412,367.00
Capital Outlay	
Equipment	73,830.00
Buildings and Improvements	40,000.00
Livestock	1,700.00
Total Capital Outlay	115,530.00
Canning Plant	33,425.00
Knitting Mill	14,025.00
Total Appropriation	$ 1,855,874.00

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.

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 42. STATE DEPARTMENT OF HEALTH — ARIZONA TUBERCULOSIS SANATORIUM

Personal Services	$ 275,806.00
Professional Services	25,920.00
Travel—State	690.00
Travel—Out-of-State	345.00
Food	52,215.00*
Buildings and Equipment Insurance	1,262.00
Subscriptions and Organization Dues	235.00
Current Fixed Charges	170.00
Other Current Expenditures	56,368.00
Capital Outlay—Equipment	1,300.00
Total Appropriation	$ 414,311.00

*This appropriation is exempt from provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 43. STATE DEPARTMENT OF HEALTH — RELIEF COMPENSATION

Public Assistance	$ 800.00

Subdivision 44. STATE HOSPITAL

Personal Services	$ 2,485,901.00
Tucson Clinic	30,000.00
Planning Program for Emotionally Disturbed and Mentally Ill Children	22,500.00
Professional Services	34,000.00
Travel—State	2,500.00
Travel—Out-of-State	
Return of Patients	13,800.00
Other Travel	4,200.00
Total Travel—Out-of-State	18,000.00
Food	400,000.00*
Subscriptions and Organization Dues	2,650.00
Discharge Money—Institutional Inmates	500.00
Current Fixed Charges	13,500.00
Other Current Expenditures	500,000.00
Capital Outlay	
Equipment	87,000.00
Buildings and Improvements	15,000.00
Total Capital Outlay	102,000.00
Revolving Account	2,500.00*
Total Appropriation	$ 3,614,051.00

In conformity with Sections 36-503 and 36-520, Arizona Revised Statutes, collections received during the fiscal year for maintenance of patients when paid into the State Treasury are hereby appropriated for operation and maintenance, provided that no funds so appropriated shall be used for personal services, professional services, travel, subscriptions and organization dues, curent fixed charges and capital outlay. 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.

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 45. VETERANS' SERVICE COMMISSION

Personal Services	$ 42,506.00
Travel—State	8,000.00
Travel—Out-of-State	600.00

Subscriptions and Organization Dues	100.00
Current Fixed Charges	800.00
Other Current Expenditures	3,650.00
Public Assistance	12,000.00
Capital Outlay—Equipment	1,103.00
Total Appropriation	$ 68,759.00

Subdivision 46. ARIZONA SCHOOL BOARD ASSOCIATION

From the Arizona School Board Association Fund the following is appropriated:

Lump Sum Appropriation	$ 18,892.00*

*This appropriation is exempt from provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 47. ARIZONA STATE COLLEGE AT FLAGSTAFF

Lump Sum Appropriation	$ 1,857,330.00*

*For salaries and wages; for operation, including dues, assessments or membership fees in societies, associations and organizations; for travel to attend meetings, conferences and for other College purposes; for capital investment; for repairs and replacements.No part of this appropriation shall be expended for life or health and accident insurance.

Any unencumbered balance remaining in the collections account on June 30, 1962, and all collections received by the College during the fiscal year, 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. No part of this appropriation shall be expended for life or health and accident insurance.

Subdivision 48. ARIZONA STATE SCHOOL FOR THE DEAF AND BLIND

Personal Services	$ 532,459.00
Professional Services	6,500.00
Travel—State	800.00
Travel—Out-of-State	700.00
Food	75,000.00*
Buildings and Equipment Insurance	3,500.00
Liability Insurance	975.00
Subscriptions and Organization Dues	400.00
Current Fixed Charges	500.00

Other Current Expenditures	85,500.00
Capital Outlay—Equipment	14,000.00
Total Appropriation	$ 720,334.00

In conformity with the Educational Institution Act of 1934, collections received during the fiscal fiscal year when paid into the State Treasury are hereby appropriated for 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.

For the education of blind and deaf students who are being educated within school districts under the provisions of Section 15-448, Arizona Revised Statutes, a sum of money which shall be equal to seven hundred dollars per capita per annum for each such student computed according to the average daily attendance records of the State Superintendent of Public Instruction.

*This appropriation is exempt from provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 49. ARIZONA STATE UNIVERSITY

Lump Sum Appropriation	$ 7,568,878.00*

*For salaries and wages; for operation, including dues, assessments or membership fees in societies, associations and organizations; for travel to attend meetings, conferences and for other University purposes; for capital investment; for repairs and replacements. No part of this appropriation shall be expended for life or health and accident insurance.

Any unencumbered balance remaining in the collections account on June 30, 1962, and all collections received by the University during the fiscal year, 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. No part of this appropriation shall be expended for life or health and accident insurance.

Subdivision 50. BOARD OF REGENTS OF THE UNIVERSITIES AND STATE COLLEGE — WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION

Commission Expenses	$ 4,800.00
Western Interstate Commission	10,000.00
Medical Student Subsidy	180,000.00

Dental Student Subsidy	72,000.00
Veterinary Student Subsidy	36,000.00
Total Appropriation	$ 302,800.00*

*This appropriation is deemed to include all unexpended balances remaining to the credit of the Western Interstate Commission for Higher Education on June 30, 1962.

Subdivision 51. STATE BOARD OF DIRECTORS FOR JUNIOR COLLEGES

Personal Services	$ 31,200.00
Professional Services	
Pinal County Survey	4,000.00
Maricopa County Survey	20,000.00
Architectural Consultant for Pinal County	2,500.00
Architectural Consultant for Maricopa County	5,000.00
Total Professional Services	31,500.00
Travel—State	12,000.00
Travel—Out-of-State	1,000.00
Subscriptions and Organization Dues	200.00
Current Fixed Charges	2,130.00
Other Current Expenditures	3,500.00
Capital Outlay—Equipment	750.00
Total Appropriation	$ 82,280.00

Subdivision 52. SUPERINTENDENT OF PUBLIC INSTRUCTION AND COMMON SCHOOLS

To the State Board of Education; for the support of public common schools, public high schools and vocational education, a sum of money which shall be equal to $170.00 per capita for common school education and $170.00 per capita for high school education per annum, computed according to average daily attendance records of the Superintendent of Public Instruction. Such sum shall constitute the sum to be raised by State taxation for the support of common and high school education. The receipts of the education excise tax fund are hereby appropriated for the foregoing purposes and shall be credited against the said sum to be raised.

From the State General Fund the following is appropriated:

FOR THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION AND COMMON SCHOOLS AND SCHOOL LUNCH PRGRAM*

Personal Services	$ 210,000.00
Travel—State	18,000.00**
Travel—Out-of-State	4,500.00**
Subscriptions and Organization Dues	900.00
Current Fixed Charges	550.00
Other Current Expenditures	77,000.00
Capital Outlay—Equipment	10,500.00
Total	$ 321,450.00

*To carry out the provision of Article 2, Chapter 11, Title 15, Arizona Revised Statutes.
**The sums appropriated include travel for members of the state board of education.

VOCATIONAL EDUCATION

Personal Services	$ 36,750.00*
Professional Services	500.00*
Travel—State	4,700.00
Travel—Out-of-State	575.00
Subscriptions and Organization Dues	100.00
Other Current Expenditures	5,725.00
Reimbursement for Vocational Training	450,000.00
Capital Outlay—Equipment	1,200.00
Total	$ 499,550.00

This 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.

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

VOCATIONAL REHABILITATION

In accordance with Section 23-508, subsection (b), Arizona Revised Statutes, there is hereby appropriated:

Lump Sum Appropriation $ 183,832.00

This 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.

ARIZONA TEACHERS' RETIREMENT SYSTEM — ACCRUED LIABILITY

Lump Sum Appropriation $ 591,159.00

This appropriation is made to enable the State to carry out the provisions of Section 15-1421 and Section 15-1439, Arizona Revised Statutes.

EDUCATION FOR CRIPPLED CHILDREN		
Lump Sum Appropriation	$	31,800.00

For the education of crippled children as provided by Sections 15-1001 and 15-1002, Arizona Revised Statutes.

HOMEBOUND STUDENTS		
Lump Sum Appropriation	$	50,000,00
JUNIOR COLLEGE		
Phoenix College	$	150,000.00
SPECIAL EDUCATION STUDENTS		
Lump Sum Appropriation	$	380,000.00*

For the education of educable handicapped children who are being educated within school districts under provisions of Article 2.1, Chapter 10, Title 15, Arizona Revised Statutes, a sum of money which shall be equal to $190.00 per unit of average daily attendance per annum for each special education student computed according to average daily attendance records of the State Superintendent of Public Instruction.

*This appropriation is exempt from provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

EDUCATION PROGRAM FOR ARIZONA STATE PRISON		
Lump Sum Appropriation (Current Expenditures)	$	20,000.00

*This appropriation is exempt from provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

The following appropriation is made in accordance with Section 15-1214, Arizona Revised Statutes, to assist public school districts in educating children whose parents or legal guardians are employed by and domiciled at certain institutions and stations:

Lump Sum Appropriation	$	36,500.00*

*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Total Appropriation—Superintendent of Public Instruction	$	2,264,291.00

All monies received from National Forest, interest collected on deferred payments on the purchase of State Lands, the income from the investment of permanent funds as prescribed by the Enabling Act and the Constitution, during the fiscal year and all monies received by the Superintendent of Public Instruction, from whatever source, during the fiscal year, when paid into the State Treasury are hereby appropriated for apportionment to the various counties in accordance with law. No expenditures shall be made except as specifically authorized above.

Subdivision 53. UNIVERSITY OF ARIZONA

Lump Sum Appropriation	$10,970,743.00*
Agricultural Experiment Station for the investigation of Pesticide Residues	25,000.00**
Total Appropriation	$10,995,743.00

*For salaries and wages; for operation, including dues, assessments or membership fees in societies, associations and organizations; for travel to attend meetings, conferences and for other University purposes; for capital investment; for repairs and replacements. No part of this appropriation shall be expended for life or health and accident insurance.

All collections received by the University during the said fiscal year 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. No part of this appropriation shall be expended for life or health and accident insurance.

**This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Subdivision 54. APPRENTICESHIP COUNCIL

Personal Services	
Council Members	$ 1,260.00*
Other Personal Services	17,040.00
Total Personal Services	18,300.00
Travel—State	6,000.00*
Travel—Out-of-State	1,000.00
Subscriptions and Organization Dues	60.00
Rewards and Awards	1,000.00*
Current Fixed Charges	605.00

Other Current Expenditures		5,425.00
Capital Outlay—Equipment		1,215.00
Total Appropriation	$	33,605.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 55. ARIZONA DEPARTMENT OF CIVIL AIR PATROL

Personal Services	$	5,400.00
Travel—State		300.00
Travel—Out-of-State		200.00
Rewards and Awards		250.00
Current Fixed Charges		400.00
Other Current Expenditures		14,840.00
Capital Outlay—Equipment		1,000.00
Total Appropriation	$	22,390.00

Subdivision 56. ARIZONA FRUIT AND VEGETABLE STANDARDIZATION ACT

Lump Sum Appropriation	$	6,000.00

Subdivision 57. BANKING DEPARTMENT

Personal Services	$	81,000.00
Professional Services		2,500.00*
Travel—State		14,000.00*
Travel—Out-of-State		1,000.00
Subscriptions and Organization Dues		200.00
Current Fixed Charges		740.00
Other Current Expenditures		10,515.00
Capital Outlay—Equipment		415.00
Total Appropriation	$	110,370.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 58. BOARD OF PEST CONTROL APPLICATORS

Personal Services	$	11,695.00
Professional Services		400.00
Travel—State		6,000.00
Current Fixed Charges		960.00
Other Current Expenditures		1,291.00

Total Appropriation	$	20,346.00*

*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 59. CIVIL DEFENSE AGENCY

Personal Services	$	15,760.00
Travel—State		2,500.00
Travel—Out-of-State		400.00
Subscriptions and Organization Dues		50.00
Current Fixed Charges		100.00
Other Current Expenditures		2,150.00
Capital Outlay—Equipment		650.00
Merit System—Transfer		670.00
Total Appropriation	$	22,280.00

Subdivision 60. COMMISSION OF AGRICULTURE AND HORTICULTURE

Personal Services	$	454,047.00
Professional Services		2,500.00
Travel—State		22,500.00
Travel—Out-of-State		690.00
Subscriptions and Organization Dues		250.00
Uniform Allowance		10,980.00*
Current Fixed Charges		1,430.00
Other Current Expenditures		25,550.00
Capital Outlay		
Equipment		6,000.00
Buildings & Improvements		
Cameron Inspection Station		40,000.00
Total Capital Outlay		46,000.00
Total Appropriation	$	563,947.00

*This appropriation is to be available at a rate of $15.00 per month for each man and only at the expiration of each month's service.

Subdivision 61. CORPORATION COMMISSION

ADMINISTRATIVE DIVISION		
Personal Services	$	45,150.00
ACCOUNTING DIVISION		
Personal Services		21,735.00
INCORPORATING DIVISION		
Personal Services		45,517.00

MOTOR CARRIER DIVISION		
Personal Services		139,785.00
SECURITIES DIVISION		
Personal Services		133,395.00
TARIFF AND RATE DIVISION		
Personal Services		39,690.00
UTILITIES DIVISION		
Personal Services		98,700.00
Total Personal Services—Corporation Commission	$	523,972.00
Professional Services		79,500.00
Travel—State		70,000.00
Travel—Out-of-State		10,000.00
Subscriptions and Organization Dues		2,000.00
Revolving Account		1,000.00*
Current Fixed Charges		500.00
Other Current Expenditures		57,000.00
Capital Outlay—Equipment		6,000.00
Total Appropriation	$	749,972.00

*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 62. DEPARTMENT OF LIQUOR LICENSES AND CONTROL

Personal Services	$	543,738.00
Travel—State		219,000.00
Travel—Out-of-State		
Agents and Addicts		1,500.00
Other		500.00
Total Travel—Out-of-State		2,000.00
Subscriptions and Organization Dues		700.00
Current Fixed Charges		15,000.00
Other Current Expenditures		50,700.00
Capital Outlay—Equipment		50,000.00
Total Appropriation	$	881,138.00

Subdivision 63. INDUSTRIAL INSURANCE PREMIUMS

Workmen's Compensation (Exclusive of Highway Department)	$	378,000.00
Occupational Disease (Exclusive of Highway Department)		4,725.00
Total Industrial Insurance Premiums	$	382,725.00

Subdivision 64. INDUSTRIAL COMMISSION

Commissioners		
Personal Services	$	28,800.00
Total Commissioners' Appropriation	$	28,800.00
ENFORCEMENT OF LABOR AND MINIMUM WAGE LAW		
Personal Services	$	27,082.00
Travel—State		5,700.00
Travel—Out-of-State		500.00
Subscriptions and Organization Dues		300.00
Current Fixed Charges		114.00
Other Current Expenditures		7,000.00
Capital Outlay—Equipment		600.00
Total—Enforcement of Labor and Minimum Wage Law	$	41,296.00
Total Appropriation—Industrial Commission	$	70,096.00

Subdivision 65. INSPECTOR OF WEIGHTS AND MEASURES

Personal Services	$	44,700.00
Travel—State		18,500.00
Travel—Out-of-State		345.00
Current Fixed Charges		20.00
Other Current Expenditures		1,420.00
Capital Outlay—Equipment		5,800.00
Total Appropriation	$	70,785.00

Subdivision 66. INSURANCE DIRECTOR

Personal Services	$	190,484.00
Professional Services		7,750.00
Travel—State		1,500.00
Travel—Out-of-State		2,500.00
Subscriptions and Organization Dues		1,700.00
Current Fixed Charges		12,200.00
Other Current Expenditures		36,000.00
Capital Outlay—Equipment		5,000.00
Total Appropriation	$	257,134.00

Subdivision 67. LIVESTOCK SANITARY BOARD

Personal Services	$	407,116.00
Travel—State		110,000.00*
Travel—Out-of-State		400.00
Subscriptions and Organization Dues		25.00
Current Fixed Charges		800.00

Other Current Expenditures	12,200.00
Capital Outlay—Equipment	200.00
Total	$ 530,741.00

*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

PAYMENT OF BOUNTY
Lump Sum Appropriation $ 20,000.00*

*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

HORSEMEAT ENFORCEMENT
All collections received during the fiscal year when paid into the State Treasury are hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement), and capital outlay.

ANIMAL HUSBANDRY
Lump Sum Appropriation $ 35,630.00*
This appropriation is made to enable the State to cooperate with the United States Bureau of Animal Industry for the eradication of tuberculosis among cattle.

*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

PREDATORY ANIMAL AND RODENT CONTROL
Lump Sum Appropriation $ 41,000.00*

This appropriation is made to enable the State to cooperate with the Federal Wildlife Department for the eradication of predatory animals and control of rodents.

*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

STATE VETERINARIAN

Personal Services	$ 8,400.00
Travel—State	1,500.00
Travel—Out-of-State	500.00
Current Fixed Charges	84.00
Other Current Expenditures	1,160.00

Capital Outlay—Equipment		500.00
Total State Veterinarian	$	12,144.00
VOLUNTARY BANGS DISEASE		
Lump Sum Appropriation for current expenditures	$	59,040.00*
Refunds and Indemnities		10,000.00*
Total	$	69,040.00

This appropriation is made to enable the State to cooperate with the United States Bureau of Animal Industry for the eradication of Voluntary Bangs Disease among animals.
*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

GARBAGE CONTROL FOR SWINE		
Personal Services	$	9,480.00
Travel—State		4,800.00
Other Current Expenditures		442.00
Total	$	14,722.00
CHIEF VETERINARY MEAT INSPECTOR		
Personal Services	$	117,230.00
Travel—State		6,000.00
Travel—Out of State		400.00
Subscriptions and Organization Dues		40.00
Current Fixed Charges		250.00
Other Current Expenditures		3,247.00
Total	$	127,167.00
Total Appropriation Livestock Sanitary Board	$	850,444.00

Subdivision 68. NATIONAL GUARD		
Personal Services	$	173,640.00
Professional Services		1,500.00*
Travel—State		4,140.00
Travel—Out-of-State		2,500.00
Food		2,000.00*
Subscriptions and Organization Dues		800.00
Rewards and Awards		800.00
Uniform Allowance		24,000.00
Unit Allowance		31,800.00
Sky Harbor Air Force Service Contract		20,000.00
Tucson Air Service Contract		20,000.00

Army Service Contract	8,500.00
National Guard Rifle Team	500.00
Current Fixed Charges	2,050.00
Other Current Expenditures	80,200.00
Capital Outlay	
Equipment	8,962.00
Buildings and Improvements	5,000.00
Total Capital Outlay	13,962.00
Total Appropriation	$ 386,392.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 69. REAL ESTATE BOARD

90% of all collections when paid into the State Treasury is hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement) and capital outlay. 10% shall be credited to the general fund.

Subdivision 70. REGISTRAR OF CONTRACTORS

90% of all collections when paid into the State Treasury is hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement) and capital outlay. 10% shall be credited to the general fund.

Subdivision 71. SHEEP SANITARY COMMISSION

Personal Services	$ 12,750.00
Travel—State	4,430.00
Current Fixed Charges	90.00
Other Current Expenditures	613.00
Total Appropiration	$ 17,883.00

Subdivision 72. STATE ATHLETIC COMMISSION

90% of all collections received when paid into the State Treasury is hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement) and capital outlay. 10% shall be credited to the general fund.

Subdivision 73. STATE AVIATION AUTHORITY

From the State Aviation Fund, the following is appropriated:

Personal Services	$ 13,800.00

Travel—State		3,200.00
Travel—Out-of-State		1,000.00
Employers' Contribution for Old Age and Survivors' Insurance and State Retirement		948.00
Subscriptions and Organization Dues		550.00
Current Fixed Charges		2,093.00
Other Current Expenditures		3,210.00
Capital Outlay—Equipment		400.00
Airport Development and Airage Education		55,000.00**
Total Appropriation	$	80,201.00

**This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Subdivision 74. STATE BOARD OF ACCOUNTANCY

90% of all collections received when paid into the State Treasury is hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement) and capital outlay. 10% shall be credited to the general fund.

Subdivision 75. STATE BOARD OF TECHNICAL REGISTRATION

90% of all collections received when paid into the State Treasury is hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement) and capital outlay. 10% shall be credited to the general fund.

Subdivision 76. STATE EGG INSPECTOR

90% of all collections received when paid into the State Treasury is hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement) and capital outlay. 10% shall be credited to the general fund.

Subdivision 77. STATE HIGHWAY DEPARTMENT — WATERCRAFT LICENSING FUND

90% of all collections received when paid into the State Treasury is hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement) and capital outlay. 10% shall be credited to the general fund.

Subdivision 78. STATE MINE INSPECTOR

Personal Services	$	41,700.00
Professional Services		200.00

Travel—State	20,000.00
Travel—Out-of-State	400.00
Rewards and Awards	75.00
Current Fixed Charges	124.00
Other Current Expenditures	2,695.00
Capital Outlay—Equipment	200.00
Total Appropriation	$ 65,394.00

Subdivision 79. STATE BOARD OF VETERINARY EXAMINERS

Lump Sum Appropriation	$ 2,070.00*

*This appropriation is exempt from provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 80. ARIZONA HIGHWAY DEPARTMENT

From any unencumbered balances remaining in the State Highway Fund as of June 30, 1962, there is hereby appropriated:

ADMINISTRATION

Personal Services	$ 823,047.00
Professional Services	2,500.00
Travel—State	28,125.00
Travel—Out-of-State	5,350.00
Industrial Compensation—State Employees	348,540.00
Buildings and Equipment Insurance	65,000.00*
Employers' Contribution for OASI and State Retirement	813,260.00
Liability Insurance	55,000.00*
Subscriptions and Organization Dues	5,649.00
Rewards and Awards	200.00
Bonds of Officials and Employees	5,000.00*
Current Fixed Charges	137,780.00
Other Current Expenditures	347,450.00
Moving Expenses	1,500.00*
Capital Outlay	
Equipment	17,000.00
Buildings & Improvements, (Includes construction, equipping & furnishing).	
Addition to Administration Building in Phoenix	860,000.00
Addition to Engineers' Building at Holbrook	40,000.00
Total Buildings & Improvements	900,000.00
Total Capital Outlay	917,000.00

Commissioners Reserve	300,000.00*
Reserve for Statewide Emergency Maintenance	200,000.00*
Total Administration	$ 4,055,401.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

ENGINEERING	
Personal Services	$ 2,011,142.00
Travel—State	85,185.00
Travel—Out-of-State	10,810.00
Subscriptions and Organization Dues	150.00
Current Fixed Charges	7,500.00
Other Current Expenditures	269,800.00
Capital Outlay—Equipment	111,000.00
Total	$ 2,495,587.00
EQUIPMENT AND SHOPS	
Personal Services	$ 926,985.00
Travel—State	15,000.00
Travel—Out-of-State	2,000.00
Other Current Expenditures	701,400.00
Capital Outlay	820,000.00
Total	$ 2,465,385.00
GUIDE LINE PAINTING	
Personal Services	$ 237,000.00
Travel—State	47,150.00
Other Current Expenditures	351,375.00
Total	$ 635,525.00
HIGHWAY PATROL	
Personal Services	$ 1,941,920.00
Travel—State	100,000.00*
Travel—Out-of-State	6,900.00
Subscriptions and Organization Dues	200.00
Uniform Allowance	84,000.00
Current Fixed Charges	23,920.00
Other Current Expenditures	151,860.00
Fleet Operation	643,700.00*
Capital Outlay	
Equipment	374,000.00
Buildings & Improvements (Includes construction, equipping & furnishing)	
Addition to Patrol Headquarters	

Building in Phoenix	47,000.00
Total Capital Outlay	$ 421,000.00
Lump Sum Appropriation	
Highway Patrol Accident Factor Study Survey	50,000.00*
Total	$ 3,423,500.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

**This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

MAINTENANCE	
Personal Services	$ 3,546,057.00
Other Current Expenditures	1,752,600.00
Capital Outlay	
Buildings & Improvements (Includes construction, equipping & furnishing)	
Nogales District Office Building	55,000.00
Other Capital Outlay	442,540.00
Total Capital Outlay	497,540.00
Total	$ 5,796,197.00
MOTOR VEHICLE	
Personal Services	$ 1,907,052.00
Travel—State	50,000.00
Travel—Out-of-State	11,500.00
Subscriptions and Organization Dues	300.00
Uniform Allowance	57,000.00
Current Fixed Charges	103,650.00
Other Current Expenditures	207,250.00
Capital Outlay—Equipment	40,000.00
License Plates and Tabs	231,250.00*
Total	$ 2,608,002.00

*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

RADIO SERVICE	
Lump Sum Appropriation	$ 743,035.00**

Maintenance Shop & Warehouse in Phoenix (Includes construction, equipping & furnishing)	65,000.00
Total	$ 808,035.00

**This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

SIGNS AND MARKERS	
Personal Services	$ 177,624.00
Travel—State	7,000.00
Other Current Expenditures	160,600.00
Capital Outlay	
Equipment	3,500.00
Prison Signs	30,000.00
Total Capital Outlay	33,500.00
Total	$ 378,724.00

DEPARTMENT OF LAW SERVICES

Department of Law Services shall be paid through claims presented and authorized by the Attorney General.

Personal Services	$ 95,000.00
Professional Services	
Federal Aid Projects	45,000.00**
Other	5,000.00
Total Professional Services	50,000.00
Travel—State and Out-of-State	2,500.00
Industrial Compensation—State Employees	2,850.00
Employers' Contribution for OASI and Retirement	6,500.00
Subscriptions and Organization Dues	75.00
Other Current Expenditures	800.00
Capital Outlay—Equipment	1,000.00
Total	$ 158,725.00*

*This appropriation is for the purpose of reimbursing the Department of Law for expenditures made pursuant to the provisions of Section 41-192, Arizona Revised Statutes.

**The professional services for federal aid projects are to be limited to the hiring of attorneys for condemnation cases pertaining to the purchase and acquisition of rights of way on federal aid projects. This appropriation is exempt from the

provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

PATROL MERIT SYSTEM COUNCIL	$	6,000.00
WAREHOUSE REVOLVING ACCOUNT		80,000.00
ARIZONA HIGHWAYS MAGAZINE		150,000.00*

*In addition to authorization of $150,000.00 for the Arizona Highways Magazine, any unencumbered balance remaining in the Arizona Highways Magazine Fund on June 30, 1962, and all receipts from subscriptions and sales during the said fiscal year when paid into the State Treasury are hereby appropriated for the purposes stated in Section 18-181, Arizona Revised Statutes.

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) National system of Inter-State Highways within Arizona, (2) state primary system, (3) state secondary system, (4) county secondary (or primary) system, (5) urban area routes; the acquisition of right-of-way; the cost of field administration, field engineering and engineering on construction projects.

Total—State Highway Appropriation $23,061,081.00

Subdivision 81. ARIZONA COPPER TARIFF BOARD

Lump Sum Appropriation $ 4,000.00*

*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 82. ARIZONA GAME AND FISH COMMISSION

From the Game and Fish Protection Fund the following is appropriated:

Personal Services	$	630,661.00
Professional Services		1,500.00
Travel—State		137,500.00
Travel—Out-of-State		4,750.00
Buildings and Equipment Insurance		10,500.00
Employers' Contribution for OASI and State Retirement		43,357.00
Liability Insurance		6,500.00
Subscriptions and Organization Dues		500.00
Uniform Allowance		12,240.00**
Current Fixed Charges		15,000.00
Other Current Expenditures		233,900.00
Fish Food		85,000.00

Lake and Stream Control		25,000.00
Capital Outlay		
Equipment		136,665.00
Buildings and Improvements		572,500.00***
Land		12,500.00
Total Capital Outlay	$	721,665.00
Pittman-Robertson Act for Wildlife Restoration		105,000.00****
Dingell-Johnson Act for Fish Restoration		36,000.00*****
Cooperative Wildlife Research Unit		12,000.00
Predator Control		30,000.00*
Total Appropriation	$	2,111,073.00******

*This appropriation is made to enable the State to cooperate with the Federal Wildlife Department for the eradication of predatory animals.

**This appropriation is to be available at a rate of $15.00 per month per each man, and only at the expiration of each month's service.

***This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

****This appropriation is made to enable the State to cooperate with the Federal Government for the preservation of Wildlife Restoration.

*****This appropriation is made to enable the State to carry out the provisions of Public Law 681, Eighty-first Congress, providing for cooperation with the State in Fish Restoration and Management Projects.

******This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 83. INTESTATE STREAM COMMISSION

Lump Sum Appropriation	$	199,309.00**

**This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Provided, that such part of the funds hereby appropriated as may be expended or paid out for technical or professional

services shall be so expened or paid out only where the utilization of such technical or professional services has theretofore been approved by a majority of the Commission at a meeting thereof held pursuant to law.

Subdivision 84. DEPARTMENT OF MINERAL RESOURCES

Personal Services	$	55,484.00
Professional Services		7,500.00
Travel—State		8,000.00
Travel—Out-of-State		1,200.00
Buildings and Equipment Insurance		175.00
Subscriptions and Organization Dues		100.00
Current Fixed Charges		50.00
Other Current Expenditures		8,200.00
Capital Outlay—Equipment		1,400.00
Total Appropriation	$	82,109.00

Subdivision 85. OIL AND GAS CONSERVATION COMMISSION

Personal Services	$	26,000.00
Professional Services		5,000.00*
Travel—State		5,700.00*
Travel—Out-of-State		3,000.00
Subscriptions and Organization Dues		150.00
Current Fixed Charges		4,260.00
Other Current Expenditures		7,000.00
Capital Outlay—Equipment		1,200.00
Flagstaff Museum for Cores and Cuttings—Oil and Gas Wells		2,500.00
Bureau of Mines—University of Arizona for Cores and Cuttings—Oil and Gas Wells		2,500.00
Total Appropriation	$	57,310.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 86. STATE DAM AND SUPERVISION

All collections paid into the State Treasury are herby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement) and capital outlay.

Subdivision 87. STATE LAND DEPARTMENT

Personal Services		
Fireguards	$	5,000.00*

Other Personal Services	195,000.00
Total Personal Services	200,000.00
Professional Services	8,000.00*
Travel—State	11,000.00
Travel—Out-of-State	2,500.00
Buildings and Equipment Insurance	1,000.00
Subscriptions and Organization Dues	250.00
Current Fixed Charges	17,820.00
Other Current Expenditures	27,600.00
Capital Outlay	
Equipment	5,000.00
Buildings and Improvements	1,500.00
Total Capital Outlay	6,500.00
Watershed Management Division	22,735.00*
Improvements of State Forest Lands— Current Expenditures and Capital Outlay	6,000.00*
Total	$ 303,405.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

BOARD OF APPEALS

Lump Sum Appropriation $ 5,000.00*

*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

STREAM GAUGING

Lump Sum Appropriation $ 69,470.00

This appropriation is made to enable the State to cooperate with the Federal Government.

UNDERGROUND WATER DEVELOPMENT

Lump Sum Appropriation $ 73,500.00

Total Appropriation—State Land Department $ 451,375.00

Subdivision 88. ARIZONA COMMISSION ON UNIFORM STATE LAWS

Lump Sum Appropriation $ 2,000.00*

*This appropriation is exempt from provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 89. ARIZONA DEVELOPMENT BOARD

Personal Services	$ 59,766.00
Professional Services	7,500.00
Travel—State	10,000.00
Travel—Out-of-State	6,325.00
Buildings and Equipment Insurance	150.00
Subscriptions and Organization Dues	1,350.00
Current Fixed Charges	4,470.00
Other Current Expenditures	200,000.00
Capital Outlay—Equipment	15,900.00
Total Appropriation	$ 305,461.00

Subdivision 90. ARIZONA RACING COMMISSION

Personal Services	$ 114,189.00
Professional Services	24,500.00
Travel—State	11,775.00
Travel—Out-of-State	1,500.00
Buildings and Equipment Insurance	450.00
Subscriptions and Organization Dues	1,650.00
Current Fixed Charges	3,400.00
Other Current Expenditures	8,800.00
Capital Outlay—Equipment	3,250.00
County Fair Racing	
Personal Services and Professional Services	31,950.00
Total Appropriation	$ 201,464.00*

*This appropriation is exempt from provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 91. ARIZONA STATE PARKS BOARD

Personal Services	$ 58,360.00
Travel—State	8,150.00
Travel—Out-of-State	450.00
Subscriptions and Organization Dues	100.00
Uniform Allowance	1,025.00
Current Fixed Charges	369.00
Other Current Expenditures	11,100.00
Capital Outlay—Equipment	7,905.00
Total Appropriation	$ 87,459.00

Subdivision 92. AUDITOR-EMPLOYERS' CONTRIBUTION FOR OLD AGE AND SURVIVORS' INSURANCE AND STATE RETIREMENT

Lump Sum Appropriation	$ 2,400,000.00

Subdivision 93. GOVERNOR-ON-THE-JOB-TRAINING

Lump Sum Appropriation	$ 2,000.00

Subdivision 94. PIONEERS' HISTORICAL SOCIETY

Personal Services	$ 35,200.00
Professional Services	1,000.00
Travel—State	1,000.00
Travel—Out-of-State	500.00
Buildings and Equipment Insurance	750.00
Current Fixed Charges	50.00
Other Current Expenditures	8,725.00
Capital Outlay—Equipment	
Collections, Books, Etc.	10,000.00
Other	5,450.00
Total Capital Outlay	15,450.00
Total Appropriation	$ 62,675.00

Subdivision 95. PRESCOTT HISTORICAL SOCIETY

Personal Services	$ 11,147.00
Professional Services	480.00
Current Fixed Charges	25.00
Other Current Expenditures	5,350.00
Capital Outlay	
Equipment	1,000.00
Buildings and Improvements	5,500.00
Total Capital Outlay	6,500.00
Total Appropriation	$ 23,502.00

Subdivision 96. ARIZONA STATE FAIR COMMISSION

All collections paid into the State Treasury are hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement) and capital outlay.

**This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Subdivision 97. LEGISLATURE—TWENTY-FIFTH AND TWENTY-SIXTH

Senate	$ 425,000.00
House of Representatives	600,000.00
Legislative Council	150,000.00*
Total Appropriation	$ 1,175,000.00**

*All unexpended and unencumbered funds remaining to the credit of the Legislative Council on June 30, 1962, are reallocated to the Legislative Council for National Conference Expenses.

**This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

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 28, 1962.

Filed in the Office of the Secretary of State—March 28, 1962.

MEMORIALS

HOUSE JOINT MEMORIAL NO. 2

A JOINT MEMORIAL

REQUESTING THE ESTABLISHMENT OF A NATIONAL CEMETERY IN ARIZONA.

To the Congress of the United States of America:

Your memorialist respectfully represents:

The State of Arizona does not have a National Cemetery within its borders even though, proportionately, there are more veterans in Arizona than in most States of the United States. The influx of veterans into the State of Arizona is due to the fact that for many years there have been many military installations located in the State. Moreover, thousands of veterans have moved to Arizona to take advantage of the dry, healthful climate.

A deceased veteran, who has expressed a desire to be buried in a National Cemetery, has to be transported to a distant point in another State for burial.

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

1. That the Congress provide for the establishment of a National Cemetery in the State of Arizona.

Passed the House of Representatives February 2, 1962, by the following vote: 72 Ayes, 4 Nays, 4 Not Voting.

Passed the Senate February 19, 1962 by the following vote: 28 Ayes, 0 Nays, 0 Not Voting.

Approved by the Governor—February 21, 1962.

Filed in the Office of the Secretary of State—February 21, 1962.

HOUSE JOINT MEMORIAL NO. 3

A JOINT MEMORIAL

REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE SUGAR ACT FOR THE PURPOSE OF ENCOURAGING THE AMERICAN FARMER TO PRODUCE A FAVORABLE PORTION OF OUR SUGAR REQUIREMENTS WITHIN THE CONTINENTAL UNITED STATES.

To the Congress of the United States of America:

Your memorialist respectfully represents:

Whereas, it is necessary for the economy and welfare of this Country that we produce a favorable portion of our sugar requirements within the continental limits of the United States; and

Whereas, our former source of procuring large quantities of sugar is now closed, it becomes more imperative than ever that we utilize our own resources within the continental limits of the United States; and

Whereas, the production of cane and beet sugar in the State of Arizona would not only improve the economy of the State but would divert acreage now producing surplus crops to the production of sugar; and

Whereas, the State of Arizona has one million two hundred sixty thousand acres of the finest farm land in the Country. Furthermore, Arizona is blessed with a favorable climate with fewer weather hazards than other areas in the United States now raising sugar beets; and

Whereas, a sugar mill in Arizona would have advantages over mills located in other States. Due to weather conditions in Arizona, the producing areas would harvest their crop at different times thereby allowing the mill a longer period for productivity.

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

1. That the State of Arizona has amply demonstrated that it has the desire to participate in sugar production, the climate and the available acreage and the willingness to establish a sugar mill.

2. That the Congress of the United States amend the Sugar Act by establishing substantial quotas for Arizona and other States which are capable of economically growing cane and beet sugar and who are desirous of participating in the industry.

3. That the Secretary of State transmit copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of the United States and to each of the members of the Arizona delegation in Congress.

Passed the House March 12, 1962 by the following vote: 73 Ayes, 0 Nays, 7 Not Voting.

Passed the Senate March 17, 1962 by the following vote: 28 Ayes, 0 Nays, 0 Not Voting.

Approved by the Governor—March 21, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

HOUSE MEMORIAL NO. 4

A MEMORIAL

COMMENDING THE UNITED STATES ATTORNEY GENERAL FOR HIS FORTHRIGHT ACTION IN REQUESTING MR. ROBERT WELCH TO SUBMIT EVIDENCE OF HIS ALLEGATION THAT A FEW THOUSAND COMMUNISTS ARE CONCENTRATED IN KEY DEPARTMENTS OF THE GOVERNMENT.

To the President of the United States and the United States Attorney General:

Your memorialist respectfully represents:

Mr. Robert Welch, founder of the John Birch Society, in a rally at Austin, Texas, on November 29, 1961, according to a story carried by the Associated Press, stated that "A comparatively few thousand Communists, concentrated in key departments" of the Government have taken the United States "steadily down the road to Communism by steps supposedly designed and presented . . . as ways of fighting Communism."

Upon being apprised of the remarks made by Mr. Robert Welch, the United States Attorney General directed one of his assistants to immediately inquire from Mr. Welch as to the basis of his charges. A letter was transmitted to Mr. Welch on December 8, 1961, and it was suggested therein that he produce his evidence to the Federal Bureau of Investigation so that they might take necessary measures to prosecute those who are in violation of our laws.

The action taken by the United States Attorney General is commendable and it is hoped that this initial action is followed up so that any evidence in possession of Mr. Welch becomes available for purposes of prosecution of violators.

Wherefore your memorialist, the House of Representatives of the State of Arizona, prays:

1. That the members of the Arizona House of Representatives hereby commend the Attorney General of the United States for his forthright action in requesting that Mr. Robert Welch turn over to the Federal Bureau of Investigation any evidence in his possession which substantiates his allegation that thousands of Communists are employed in key departments of the Federal Government.

2. The Secretary of State of Arizona is directed to transmit copies of this Memorial to the President of the United States, the Attorney General of the United States, members of the House Un-American Activities Committee and of the Senate Internal Security Committee, and to the President of the Senate and the Speaker of the House of Representatives of the United States Congress.

Adopted by the House March 12, 1962 by the following vote: 54 Ayes, 22 Nays, 4 Not Voting.

Filed in the Office of the Secretary of State—March 12, 1962.

HOUSE MEMORIAL NO. 5

A MEMORIAL

REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT A BILL WHICH LEGALIZES THE USE OF WIRETAPPING EVIDENCE IN COURTS.

To the Congress of the United States:

Your memorialist respectfully represents:

Whereas, many widely known and notorious criminals in the United States have avoided conviction because the law prohibits the use of wiretap evidence; and

Whereas, Attorney General Robert Kennedy has proposed that the Congress of the United States legalize wiretap evidence subject to strict and enforceable regulations.

Wherefore your memorialist, the House of Representatives of the State of Arizona, prays:

1. That the Attorney General of the United States is hereby commended for his action in proposing that certain types of wiretap evidence be admissible in courts.

2. That the Congress of the United States enact legislation which shall permit the use of wiretap evidence in courts and thereby promote effective prosecution of criminal acts.

3. That the Secretary of State of Arizona transmit a copy of this Memorial to the Attorney General of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

Adopted by the House March 17, 1962 by the following vote: 45 Ayes, 26 Nays, 9 Not Voting.

Filed in the Office of the Secretary of State—March 19, 1962.

HOUSE MEMORIAL NO. 6

A MEMORIAL

REQUESTING CONGRESS TO UNDERTAKE A SURVEY OF THE HUMAN AND NATURAL RESOURCES OF THE PAPAGO INDIAN RESERVATION.

To the Congress of the United States:

Your memorialist respectfully represents:

The Papago Tribe is one of the poorest Tribes in the State of Arizona although it is second in population, estimated to be nine thousand, and in reservation area, three million acres. It has not had enacted in its behalf by Congress a long-range development program, although such a program was presented and recommended more than ten years ago. Consequently, the Papagos have been unable to make any significant development, either socially or economically.

The Papagos are presently living in chronic and widespread poverty. A large section of the population is on relief. This is not only bad for the morale of the Papagos, but creates a heavy financial drain on government welfare agencies, which can be reduced when Papagos are able to participate in productive economic endeavor and support themselves.

The progress of this large group, whose population is increasing, is of vital importance to the economic future of Southern Arizona, and hence the whole State.

A Tribe, like the Papago Tribe, which needs the help most, but lacks money or influence, receives relatively little attention and is most likely to be neglected. The Tribe does not have the funds necessary to hire qualified experts to make the investigations of social and economic conditions to furnish accurate and reliable data needed as a basis for a sound and constructive program of orderly social and economic development. It must look to the Government to provide these funds.

No adequate studies have been made of the potential natural resources on the Reservation or how many tribal members could make a living on the Reservation if such resources were developed. The more the Reservation can be developed and Papagos participate in the development, the more they will be identified with the area in which they live and they will be able to make an important contribution to its development.

Wherefore your memorialist, the House of Representatives of the State of Arizona, respectfully prays:

1. That the Secretary of the Interior be authorized and directed to undertake or to contract by negotiation for such surveys and investigations as he may deem necessary to accumulate and evaluate basic data for the Papago Indian Reservation relating to Indian owned natural resources, the adequacy of these resources to support the Indian population thereon, the extent to which the Indians are prepared by education and vocational training and personal inclination to develop or participate in the development of the Reservation resources, and the problems that will confront the Indians who must live and work away from the Reservation.

Adopted by the House on March 12, 1962 by the following vote: 73 Ayes, 2 Nays, 5 Not Voting.

Filed in the Office of the Secretary of State—March 12, 1962.

SENATE CONCURRENT MEMORIAL NO. 1

A CONCURRENT MEMORIAL

REQUESTING THE CONGRESS OF THE UNITED STATES AND THE SECRETARY OF INTERIOR TO TAKE APPROPRIATE ACTION TO NAME THE GLEN CANYON DAM THE FRED T. COLTER DAM.

To the Congress of the United States of America and the Secretary of the Department of Interior:

Your memorialist respectfully represents:

The Honorable Fred T. Colter, a native Arizonan, distinguished himself by his civic and political activities throughout his life up until the time of his death.

Mr. Colter was born in the village of Nutrioso, Apache County, Arizona. In addition to being an established rancher, he participated in Arizona political activities and was instrumental in developing not only the Constitution of Arizona but many of the laws which make up the Arizona Revised Statutes.

Fred T. Colter was a member of the Constitutional Convention which met in Phoenix, Arizona, in 1910. Mr. Colter, along with former Governor Osborne, had the distinction of being one of the youngest members of the Constitutional Convention. Moreover, he served the citizens of this State as State Senator and Representative and also in other county offices.

The interest of Fred T. Colter in the development of Arizona was maintained by him throughout his life. He became interested in the utilization of water from the Colorado River and pushed his program forward relentlessly for many years. For their time, his ideas relating to the use of water appeared visionary but as the years passed it was realized that he had proposed a practical program of water utilization.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That in honor of Fred T. Colter, a person of established eminence, the Glen Canyon Dam be hereafter named the "Fred T. Colter Dam."

2. That the Congress of the United States and the Secretary of Interior recognize the achievements of Fred T. Colter and his importance in development of the State of Arizona, and take appropriate action which would result in changing the name of the Glen Canyon Dam to the "Fred T. Colter Dam."

3. That the Secretary of State of the State of Arizona be directed to transmit a certified copy of this Memorial to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Secretary of the Department of Interior, and to each member of the Arizona Congressional delegation.

Passed the Senate February 27, 1962 by the following vote: 28 Ayes, 0 Nays, 0 Not Voting.

Passed the House March 17, 1962 by the following vote: 60 Ayes, 11 Nays, 9 Not Voting.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

SENATE JOINT MEMORIAL NO. 1

A JOINT MEMORIAL

REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO AUTHORIZE THE DIRECTOR OF THE UNITED STATES MINT TO ISSUE A COMMEMORATIVE HALF-DOLLAR COIN COMMEMORATING THE STATE OF ARIZONA'S FIFTIETH YEAR OF STATEHOOD.

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

Your memorialist respectfully represents:

On February 14, 1962, the People of the State of Arizona will celebrate the anniversary of fifty years of Statehood for Arizona. This semicentennial celebration of Arizona's Statehood will continue throughout the year 1962 and the anniversary will undoubtedly be recognized not only within the State but throughout the United States.

In view of this important and significant semicentennial anniversary of Arizona Statehood, the members of the Arizona Legislature believe it appropriate and proper that the President and the Congress of the United States signify its recognition of this important event by authorizing the Director of the Mint to issue a commemorative half-dollar coin so that the whole Nation may join in recognizing Arizona's fiftieth year of Statehood.

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

That the President and the Congress of the United States of America authorize the Director of the Mint to issue a commemorative half-dollar coin in honor of Arizona's fiftieth year of Statehood and so that the People of the whole Nation may join hands in honoring this significant event.

Passed the Senate January 17, 1962 by the following vote; 25 Ayes, 0 Nays, 3 Excused.

Passed the House February 2, 1962, by the following vote: 75 Ayes, 1 Nays, 4 Not Voting.

Approved by the Governor—February 5, 1962.
Filed in the Office of the Secretary of State—February 5, 1962.

SENATE JOINT MEMORIAL NO. 3

A JOINT MEMORIAL

REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PERMITTING THE STATE OF ARIZONA TO SELL PUBLIC LANDS GRANTED TO THE STATE BY THE FEDERAL GOVERNMENT TO

POLITICAL SUBDIVISIONS OF THE STATE AT NOMINAL COST, PROVIDED SUCH LANDS ARE USED FOR A PUBLIC PURPOSE.

To the Congress of the United States of America:

Your memorialist respectfully represents:

Whereas, the State of Arizona holds title to considerable land granted to the State by the terms of the Enabling Act; and

Whereas, the Federal Government, in granting the land to the State of Arizona, has prescribed certain conditions and limitations; and

Whereas, the limitations prescribed by the Federal Government prohibit the sale of such lands to political subdivisions of the State for a nominal cost, provided the lands are to be used for a public purpose; and

Whereas, the State of Arizona has had a phenomenal growth and therefore political subdivisions of the State require lands which can be used for public purposes.

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

1. That the Congress of the United States enact appropriate legislation which will permit the State of Arizona to sell certain lands to political subdivisions of the State for a nominal cost, provided such land is to be used for a public purpose.

2. The Secretary of State of Arizona is directed to transmit a copy of this Memorial to the President of the Senate, the Speaker of the House of Representatives of the United States and to each member of the Arizona Congressional delegation.

Passed the Senate March 17, 1962 by the following vote: 28 Ayes, 0 Nays, 0 Not Voting.

Passed the House March 21, 1962 by the following vote: 71 Ayes, 1 Nays, 8 Not Voting.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 23, 1962.

SENATE MEMORIAL NO. 2

A MEMORIAL

URGING THE CONGRESS OF THE UNITED STATES TO TAKE FAVORABLE ACTION ON H. R. 10646, RELATING TO INCREASED COMPENSATION FOR ENLISTED RESERVISTS CALLED TO ACTIVE DUTY.

To the Congress of the United States:

Your memorialist respectfully represents:

Whereas, Representative W. J. Bryan Dorn has introduced H. R. 10646 into the House of Representatives of the United States, which bill grants an additional one hundred dollars per month for enlisted reservists called to active duty during the Berlin crisis last fall; and

Whereas, the enlisted reservists who have been called to active duty have entered the armed forces during peace time, at great financial sacrifice to themselves and their families and at considerable sacrifice to their progress in their chosen vocation; and

Whereas, the 197th Fighter Group of the Arizona Air National Guard was called up during the recent Berlin crisis and approximately five hundred Arizonans are now serving as enlisted reservists in the armed forces; and

Whereas, passage of H. R. 10646 by the Congress of the United States will permit the reservists and families of the reservists to cope with the unusual economic hardships caused by the unanticipated call to duty during the Berlin crisis.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

1. That the Congress of the United States enact H. R. 10646 which will materially assist the reservists and the families of the enlisted reservists to cope with the unusual economic hardships caused by the unanticipated call to duty during the Berlin crisis.

2. The Secretary of State of Arizona is directed to transmit a copy of this Memorial to the President of the Senate, and the Speaker of the House of Representatives of the United States and to each member of the Arizona Congressional Delegation.

Passed the Senate March 20, 1962 by the following vote: 27 Ayes, 1 Nays, 0 Not Voting.

Approved by the Governor—March 21, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

RESOLUTIONS

HOUSE RESOLUTION NO. 1

A RESOLUTION

ON THE DEATH OF HONORABLE WILLIAM G. BODELL

The Honorable W. G. "Bill" Bodell passed away on June 17, 1961, in Tucson, Arizona; at the age of fifty-one years.

"Bill" Bodell was born on June 13, 1910, at Monroe, Michigan. He received his education in Michigan and there attended an Engineering college for two years.

After his college training "Bill" Bodell worked as an electrical engineer for fourteen years. In 1943 and 1944 he was an air mail pilot. Since 1944, Mr. Bodell engaged in the occupation of contractor.

W. G. Bodell took up residence in Tucson, Arizona, on November 4, 1943, and thereafter Arizona was his home. In addition to his work as a contractor, "Bill" Bodell designed a gun rack which gained considerable popularity and he therefore engaged in the business of manufacturing gun racks.

Mr. Bodell was elected as a member of the Arizona House of Representatives on two occasions, specifically the Twenty-third and Twenty-fourth Legislatures.

During the Twenty-third Legislature "Bill" Bodell served on standing committees of Fish and Game, Highways and Bridges, Labor and Municipalities. During the Twenty-fourth Legislature he was appointed to standing committees representing Administration, Appropriations, Fish and Game, and Highways and Bridges.

The Honorable W. G. "Bill" Bodell served ably and competently during his two terms as a Member of the Arizona House of Representatives. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the Members of the House of Representatives sincerely regret the passing of the Honorable W. G. "Bill" Bodell and do, therefore, extend condolences to the surviving members of his family.

Adopted by the House—January 15, 1962.

Approved by the Governor—January 15, 1962.

Filed in the Office of the Secretary of State—January 16, 1962.

HOUSE RESOLUTION NO. 2

A RESOLUTION

SUGGESTING TO THE HONORABLE MEMBERS OF THE BOARD OF SUPERVISORS IN EACH COUNTY THAT THE DIVISION OF EACH COUNTY INTO LEGISLATIVE DISTRICTS BE CONDUCTED ON A TIME SCHEDULE WHICH WILL AFFORD THOROUGH EXAMINATION BY THE LEGISLATURE.

Whereas, the members of each Board of Supervisors during this year have the responsibility of achieving the very important task of dividing each County into legislative districts; and

Whereas, Article 4, Part 2, Section 1, Constitution of Arizona, provides each Board of Supervisors with ample latitude in determining the dates of such division; and

Whereas, in justice to the People of the State of Arizona and the present members of the Arizona House of Representatives who have a vital stake in this problem, the Boards of Supervisors are urged to act to give sufficient notice to members of the Legislature while in session; and

Whereas, the Secretary of State, in accordance with his obligation as prescribed by Article 4, Part 2, Section 1, Constitution of Arizona, on November 9, 1961, has certified to the Board of Supervisors of each County the number of Representatives such County will be entitled to elect. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

1. That the Board of Supervisors of each County, not less than seven months prior to the next regular general election, shall divide the County into as many legislative districts as there are Representatives to be elected. Furthermore, the Board of Supervisors shall give not less than forty-five days' notice of intention to divide the County into legislative districts by publication in two successive issues of a newspaper of general circulation published in the County.

2. The Secretary of State is hereby authorized to transmit a certified copy of this Resolution to the Clerk of each County Board of Supervisors and to each member of each County Board of Supervisors.

Adopted by the House February 9, 1962 by the following vote: 45 Ayes, 34 Nays, 1 Not Voting.

Filed in the Office of the Secretary of State—February 9, 1962.

HOUSE RESOLUTION NO. 3

A RESOLUTION

COMMEMORATING THE ESTABLISHMENT OF THE LAND-GRANT COLLEGE AND STATE UNIVERSITY SYSTEM; GIVING OFFICIAL RECOGNITION TO ITS CENTENNIAL OBSERVANCE; AND COMMENDING THE UNIVERSITY OF ARIZONA, THE LAND-GRANT INSTITUTION OF THIS STATE.

Whereas, July 2, 1962 marks the centennial of the approval by President Abraham Lincoln of the Morrill Act granting public lands to the several states and territories for the support of colleges emphasizing branches of learning relating to agriculture and mechanical arts, in addition to other scientific and classical studies and military tactics; and

Whereas, under the impetus of that legislation and the creation of the Land-Grant College and State University System came the great developing epoch of American education in applied science, including agriculture and all that pertains to the soil and production therefrom, engineering, and the principles and appliances that relate to the use of natural power and machinery, mining and mineral resources, forestry and forest products, business and commerce, home economics, military tactics, and the broad foundation of arts and sciences that are essential to good citizenship; and

Whereas, the Land-Grant System of higher education now contributes more than one-half of the Nation's scientists and, through its military programs, nearly one-half of all regular and reserve officers entering the Country's armed forces, and in the one hundred years since its origin has inspired and broadened the American tradition of educational opportuntiy for the many instead of the aristocratic few, and fulfilled the needs and aspirations of the common people in their search, in increasing numbers, for higher educational advantages vital to their careers in life; and

Whereas, the University of Arizona, a Land-Grant State University, by accepting demands made upon it as a challenge to its initiative and resourcefulness, has so largely contributed to

the economy of this State and to its civic and cultural growth, and as a center for the development and dissemination of science has been so closely associated with the State's progress; now therefore

Be it resolved by the House of Representatives of the State of Arizona:

The members of this body hereby give official recognition to the Land-Grant Centennial observance; bestow commendation upon the University of Arizona, the Land-Grant institution of this State, for its contributions made through teaching, research and services; express appreciation for the benefits this State has received from the Land-Grant College System of higher education and the continuing value thereof in meeting the State's needs in its unprecedented growth which lies ahead; and direct that copies of this resolution be forwarded by the Secretary of State to the Board of Regents of the Universities and State College of Arizona with a request that a copy be forwarded to the American Association of Land-Grant Colleges and State Universities for inclusion in its Centennial observance records.

Adopted by the House February 23, 1962 by the following vote: 71 Ayes, 1 Nays, 8 Not Voting.

Approved by the Governor—February 26, 1962.

Filed in the Office of the Secretary of State—February 26, 1962.

HOUSE RESOLUTION NO. 4

A RESOLUTION

ON THE DEATH OF HONORABLE JAMES BOYCE SCOTT

The Honorable James Boyce Scott passed away on February 22, 1961, in Morenci, Arizona, at the age of forty-four years.

James Scott was born in Morenci, Arizona, on July 2, 1916. He received his education in Morenci and Clifton schools and graduated from the University of Arizona Law College. Thereafter, he was admitted to practice law in the State of Arizona.

During his lifetime James Boyce Scott served both his Nation, State and Community with distinction. After his graduation from the College of Law, he served six years in the armed services of our Country. He served in the Southern Pacific and

European areas and at the time of his death he held the rank of Lt. Colonel in the United States Army Reserve.

James Scott was interested in his community and was very active in civic affairs. He served as President of the Clifton-Morenci Rotary Club and was Past Exalted Ruler of the Clifton Elks Lodge and Past State Vice President of the Elks. Also, he was a member of the Masonic Lodge, Veterans of Foreign Wars, American Legion and the Greenlee County Chamber of Commerce.

The citizens of James Scott's legislative district honored him by electing him to the Eighteenth Legislature as a member of the Arizona House of Representatives. During his tenure he served on the standing committees of Agriculture and Irrigation, Education, Judiciary, Livestock, and Military Affairs. Mr. Scott served ably and competently during his term. Therefore

Be is resolved by the House of Representatives of the State of Arizona:

That the members of the House of Representatives sincerely regret the passing of the Honorable James Boyce Scott and do, therefore, extend condolences to his widow and other surviving members of his family.

Adopted by the House January 31, 1962 by unanimous vote.

Approved by the Governor—January 31, 1962.

Filed in the Office of the Secretary of State—January 31, 1962.

HOUSE RESOLUTION NO. 5

A RESOLUTION

ON THE DEATH OF THE HONORABLE WILLIAM I. MINOR

The Honorable William I. Minor passed away on May 4, 1961, in Tucson, Arizona, at the age of fifty-nine years.

Mr. Minor was a native of Chicago, Illinois, where he was engaged in the contracting business. In 1946, William I. Minor moved to Arizona and established his residence in Tucson where he became active in politics.

The citizens of Mr. Minor's legislative district elected him as a member of the Arizona House of Representatives to serve in the Twenty-second and in the Twenty-fourth Legislatures.

During his term of office covering the years 1955 and 1956, Mr. Minor served on Committees of Judiciary, Planning and Development, and Public Defense and Veterans' Affairs. During the Twenty-fourth Legislature he was appointed to serve on the following standing committees:

Planning and Development

Public Defense and Veterans' Affairs

Public Institutions

Suffrage and Elections

Mr. Minor was Chairman of the Standing Committee on Planning and Development.

William I. Minor also held several other political and civic positions. In 1952, he was elected as a delegate to the National Democratic Convention. At the same time he was a member of the Democratic State Executive Committee. Mr. Minor was an organizer for the Ancient Order of Hibernians and a member of the Fraternal Order of Eagles.

Mr. Minor aided his Country during World War I and his service was with the Navy in the mine-laying service. Mr. Minor was also a member of the Morgan McDermott Post of the American Legion in Tucson. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the members of the House of Representatives sincerely regret the passing of the Honorable William I. Minor and do, therefore, extend condolences to the surviving members of his family.

Adopted by the House February 2, 1962.

Approved by the Governor—February 2, 1962.

Filed in the Office of the Secretary of State—February 2, 1962.

HOUSE RESOLUTION NO. 6

A RESOLUTION

ON THE DEATH OF HONORALBE EMOGENE MERCER JENNINGS

The Honorable Emogene Mercer Jennings passed away on June 20, 1961, in Phoenix, Arizona, at the age of fifty-seven years.

Mrs. Jennings was born in Dallas, Texas, and in 1917 her family brought her to the State of Arizona. She attended high school in Miami, graduating from Miami High School. Emogene Jennings entered the University of Arizona where she majored in Economics and was graduated with a Bachelor of Arts degree. She took post graduate work at the University of Arizona where she concentrated on Math and Education courses.

The charming and gracious Mrs. Jennings left an outstanding record in Arizona politics and in the civic and cultural activities of the Phoenix Area. She was a charter member of the Junior Woman's Club of Phoenix. She was also a life member of the Woman's Club of Phoenix.

The Honorable Emogene Jennings was given a special commendation from the United States Treasury Department for her work on the War Finance Committee in 1942. The State chairman of this activity honored her further by awarding to her a medal for her outstanding services as a chairman and worker on the War Finance Committee.

The activities of Emogene Mercer Jennings were numerous and varied. She displayed an active interest in the Florence Crittenton Home, Phoenix Little Theatre, Pi Beta Phi Sorority, Red Cross, American Cancer Society and the Woman's Club of Phoenix.

The citizens of her legislative district honored her by electing her twice as a member of the Arizona House of Representatives. She served her two terms from 1956 to 1960.

In the Twenty-third Legislature, Mrs. Jennings served ably and with considerable competence on the Standing Committees of Municipalities, Planning and Development and Suffrage and Elections. During the Twenty-fourth Legislature she served on Committees of Planning and Development, Public Defense and Veterans' Affairs, Suffrage and Elections, and Welfare. Therefore

Be is resolved by the House of Representatives of the State of Arizona:

That the members of the House of Representatives sincerely regret the passing of the Honorable Emogene Mercer Jennings and do, therefore, extend condolences to the surviving members of her family.

Adopted by the House—February 5, 1962.

Approved by the Governor—February 5, 1962.

Filed in the Office of the Secretary of State—February 5, 1962.

HOUSE RESOLUTION NO. 8

A RESOLUTION

ON THE DEATH OF THE HONORABLE JESSIE L. BOYCE.

The Honorable Jessie L. Boyce passed away on November 8, 1961, in Williams, Arizona, at the age of eighty years.

Mr. Boyce was a native of New Mexico and he moved to Arizona during his childhood. Within the State of Arizona, Jessie L. Boyce carved a distinguished career for himself.

Mr. Boyce participated in many community affairs. He was a member of the Knights of Columbus, the Rotary Club and the Elks Lodge. When called upon to participate in civic affairs he did so willingly and gave his best efforts.

In 1906, the Honorable Jessie L. Boyce was appointed Coconino County Recorder. In 1912, he was named Secretary to the State Tax Commission and from 1916 to 1920 he served as the State Auditor.

The citizens of the legislative district in which Jessie Boyce lived recognized his dedication to public service and elected him to serve as a member of the House of Representatives in the Eighteenth and Nineteenth Legislatures. In the Eighteenth Legislature he served on the Standing Committees of Banking and Insurance, Capitol Buildings and Grounds, Game and Fish, Mines and Mining, and National Resources and in the Nineteenth Legislature he served on the Standing Committees of Capitol Building and Grounds, Constitutional Amendments and Referendum, Mines and Mining, and Natural Resources. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the members of the House of Representatives sincerely regret the passing of the Honorable Jessie L. Boyce and do, therefore, extend condolences to the surviving members of his family.

Adopted by the House—February 6, 1962.

Approved by the Governor—February 6, 1962.

Filed in the Office of the Secretary of State—February 6, 1962.

HOUSE RESOLUTION NO. 9

A RESOLUTION

ON THE DEATH OF THE HONORABLE ELI S. PERKINS

The Honorable Eli S. Perkins passed away on September 23, 1961, in Prescott, Arizona, at the age of eighty-eight years.

Eli S. Perkins was born in Kentucky in the year 1873. He graduated from the College of Science in Lebanon, Ohio, on August 2, 1894. Thereafter, until he came to Arizona in 1897, he taught school in Kentucky and Texas. After moving to Arizona Mr. Perkins taught school in St. Johns.

The Honorable Eli S. Perkins was elected to the Twenty-first Territorial Legislature. This legislature was the first to occupy the new Capitol building in Phoenix.

Mr. Perkins, in addition to serving the Territory of Arizona, worked for the United States Government as a deputy collector in the Internal Revenue Department from 1922 to 1945.

Journalism was the major field in which Mr. Perkins participated. In 1904 he purchased the Arizona Gazette. Two years later he disposed of his interest in the Arizona Gazette and purchased the Wickenburg News Herald. Later he moved to Congress Junction where he published the Martinez News Herald. In 1908, Mr. Perkins was the City Editor of the Prescott Journal-Miner.

During his lifetime The Honorable Eli S. Perkins contributed in great measure to his community through his various activities. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the members of the House of Representatives sincerely regret the passing of The Honorable Eli S. Perkins and do, therefore, extend condolences to the surviving members of his family.

Adopted by the House—February 13, 1962.

Approved by the Governor—February 13, 1962.

Filed in the Office of the Secretary of State—February 15, 1962.

HOUSE RESOLUTION NO. 11

A RESOLUTION

ON THE DEATH OF THE HONORABLE JAMES M. COMBS

The Honorable James M. Combs passed away on October 11, 1961, in Glendale, Arizona, at the age of seventy-two years.

James M. Combs was born in Hope, Texas. While still a young lad, in the year 1901, he moved to Arizona.

The business activities of James M. Combs were varied. For over a quarter of a century he operated a ranch. In addition he operated a dairy in Glendale, Arizona, and he assisted in the construction of several apartments.

The voters in the Glendale legislative district recognized his willingness and ability to serve in the field of State Government. His term of service extended over ten years and he served in the Ninth, Eleventh, Thirteenth, Eighteenth and Nineteenth Legislatures. His span of service extended from 1929 to 1950.

While in the Legislature, Mr. Combs served on many Standing Committees. Some of those Committees were Agriculture and Irrigation, Capitol Buildings and Grounds, Highways and Bridges, Education, Public Health, Suffrage and Elections, Ways and Means, Game and Fish, Livestock and Public Lands, Public Institutions, and Petitions and Memorials. Mr. Combs served on all of those Committees diligently and well. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the members of the House of Representatives sincerely regret the passing of The Honorable James M. Combs and do, therefore, extend condolences to the surviving members of his family.

Adopted by the House—February 19, 1962.

Approved by the Governor—February 21, 1962.

Filed in the Office of the Secretary of State—February 21, 1962.

HOUSE RESOLUTION NO. 12

A RESOLUTION

CONGRATULATING LIEUTENANT COLONEL JOHN H. GLENN, JR., FOR HIS SUCCESSFUL FLIGHT AROUND THE WORLD THROUGH SPACE.

Whereas, the World has expectantly and prayerfully watched the preparations to rocket Lieutenant Colonel John H. Glenn, Jr., through space; and

Whereas, the final moment arrived on the morning of February 20, 1962, and the countdown proceeded successfully; and

Whereas, Lieutenant Colonel John H. Glenn, Jr., America's favorite Astronaut, was launched into orbit around the World and successfully completed the course of his flight. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

1. That the People of the State of Arizona herald the event of this flight into space by Lieutenant Colonel John H. Glenn, Jr., as one of the greatest moments in United States history and the members of the House of Representatives of the State of Arizona do hereby extend congratulations and good wishes to our favorite Astronaut in this moment of greatness for the United States of America.

2. That the Honorable Wesley Bolin, Secretary of State of Arizona, is directed to transmit a certified copy of this Resolution to each of the following:

The President of the United States.

The President of the United States Senate.

The Speaker of the United States House of Representatives.

The National Aeronautics and Space Administration.

Lieutenant Colonel John H. Glenn, Jr., United States Marine Corps.

Adopted by the House February 21, 1962 by the following vote: 69 Ayes, 0 Nays, 11 Not Voting.

Approved by the Governor—February 21, 1962.

Filed in the Office of the Secretary of State—February 21, 1962.

HOUSE RESOLUTION NO. 13

A RESOLUTION

GRANTING PERMISSION TO THE Y.M.C.A. MODEL LEGISLATURE TO USE THE HOUSE CHAMBERS FOR ITS MODEL LEGISLATURE IN 1962.

Whereas, each year are Y.M.C.A. sponsors a program for youth which permits the existence and operation of a Model Legislature which contributes to the knowledge of our youth and to the community.

It is generally conceded that the Model Legislature of the Y.M.C.A. makes an educational contribution to our community and at the same time develops a better informed youth in the area of political problems.

In view of this worthy project with such outstanding objectives, the members of the Arizona House of Representatives would like to assist the Model Legislature of the Y.M.C.A. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the Model Legislature of the Y.M.C.A. is hereby permitted to use the House Chambers for the period of their session, provided such use does not interfere with any regular or special session of the Arizona Legislature.

Adopted by the House March 2, 1962 by the following vote: 72 Ayes, 0 Nays, 8 Not Voting.

Approved by the Governor—March 2, 1962.

Filed in the Office of the Secretary of State—March 2, 1962.

HOUSE RESOLUTION NO. 14

A RESOLUTION

URGING THE OBSERVANCE OF PUBLIC SCHOOLS WEEK

Whereas, the National Education Association has designated March 4 through March 10, 1962, as Public Schools Week; and

Whereas, the future of our great country is dependent upon the effectiveness of our educating the youth of the Nation; and

Whereas, it is important that all parts of our community are fully cognizant of our educational processes and the operation of our school plants; and

Whereas, a recognition of our school problems by parents, public officers, business officials and other interested citizens will act as a stimulus to school officials to operate more effectively. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the Members of the House of Representatives hereby recognize Public Schools Week during the week from March 4 to March 10, 1962, and do suggest to parents, public officials, businessmen and other interested citizens that they visit their local public schools for the purpose of becoming more familiar with the operation of the public school programs in operation throughout this state.

Adopted by the House on March 5, 1962 by the following vote: 72 Ayes, 1 Nays, 7 Not Voting.

Approved by the Governor—March 5, 1962.

Filed in the Office of the Secretary of State—March 5, 1962.

HOUSE RESOLUTION NO. 15

A RESOLUTION

PROVIDING FOR THE CREATION OF A HOUSE COMMITTEE FOR THE PURPOSE OF MAKING A STUDY AND RECOMMENDATIONS RELATING TO THE LAWS ON MINES.

Whereas, the safety of employees working in and about mines is of primary importance to the citizens of this State; and

Whereas, mining is an important phase of the economic life of this State; and

Whereas, the Laws of this State relating to mines have not been studied or reviewed for many years. Therefore

Be it resolved by the House of Representative of the State of Arizona:

1. There is created a Mine Study Committee, to be composed of five members of the House of Representatives who

shall be appointed by the Speaker of the House of Representatives. The Speaker shall designate one member as chairman.

2. The duties of the Committee shall include a comprehensive study and review of the Laws of this State relating to surface and underground mines, including but not limited to the taxation and safety of such mines.

3. The Committee shall prepare a report containing a summary of its study, including recommendations for revision of the Statutes pertaining to mines. The report shall be submitted to the Speaker of the House of Representatives and a copy to the President of the Senate no later than the second week of th First Regular Session of the Twenty-sixth Legislature.

4. The Chairman of the Committee may call meetings at such times and places within the State of Arizona as he deems necessary and appropriate.

5. Members of the Committee shall be reimbursed for expenditures as provided in Section 41-1103, Arizona Revised Statutes.

Adopted by the House March 20, 1962 by the following vote: 42 Ayes, 36 Nays, 2 Not Voting.

Filed in the Office of the Secretary of State—March 20, 1962.

HOUSE RESOLUTION NO. 16

A RESOLUTION

ON THE DEATH OF THE HONORABLE JAMES S. SHREEVE

The Honorable James S. Shreeve, affectionately known as "Jim" to all members of the Arizona House of Representatives, quietly passed away March 19, 1962, in Phoenix, Arizona, at the age of seventy years.

Jim Shreeve was born on June 4, 1891, at St. Johns, Arizona. He received his education in the State of Arizona, and spent all of his life in the State he loved so much. During his life Mr. Shreeve worked as a barber and farmer and also for many years he had a dance orchestra.

The Honorable James S. Shreeve was active in community affairs and was a member of the Church of Jesus Christ of Latter-Day Saints.

The citizens of Apache County recognized Jim Shreeve's willingness to serve his community. He was a Constable and Deputy Sheriff for four years and was elected as a member of the County Board of Supervisors, serving fourteen years with that County governing body.

Jim Shreeve was elected to serve in the Twenty-third, Twenty-fourth and Twenty-fifth Legislatures. On January 30, 1962, James S. Shreeve resigned from the Legislature because of ill health. During the term of his service, Jim Shreeve devoted all of his time to the problems of the Legislature. He served on several Standing Committees including Fish and Game, Highways and Bridges, Livestock and Public Lands, Suffrage and Elections, Judiciary, Rules, and State Government. He was also Chairman of the Oil and Gas Study Committee. Therefore

Be it resolved by the House of Representative of the State of Arizona:

That the members of the House of Representatives have suffered a deep personal loss in the passing of The Honorable James S. Shreeve and do, therefore, extend condolences to the surviving members of his family.

Adopted by the House of Representatives—March 20, 1962.

Approved by the Governor—March 21, 1962.

Filed in the Office of the Secretary of State—March 21, 1962.

HOUSE CONCURRENT RESOLUTION NO. 6

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT OF THE CONSTITUTION OF ARIZONA RELATING TO THE QUALIFICATIONS OF PERSONS VOTING FOR PRESIDENTIAL ELECTORS AT A GENERAL ELECTION, AND AMENDING ARTICLE 7, SECTION 2, CONSTITUTION OF ARIZONA.

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

1. The following amendment of article 7, section 2, Constitution of Arizona, is proposed, to become valid when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor.

Section 2. No person shall be entitled to vote at any general election, or for any office that now is, or hereafter may be, elective by the people, or upon any question which may be submitted to a vote of the people, unless such person be a citizen of the United States of the age of twenty-one years or over, and shall have resided in the State one year immediately preceding such election, provided that qualifications for voters at a general election for the purpose of electing presidential electors shall be as prescribed by law. The word "citizen" shall include persons of the male and female sex.

The rights of citizens of the United States to vote and hold office shall not be denied or abridged by the state, or any political division or municipality thereof, on account of sex, and the right to register, to vote and to hold office under any law now in effect, or which may hereafter be enacted, is hereby extended to, and conferred upon males and females alike.

No person under guardianship, non compos mentis, or insane, shall be qualified to vote at any election, nor shall any person convicted of treason or felony, me qualified to vote at any election unless restored to civil rights.

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 21, Constitution of Arizona.

Passed by the House February 2, 1962 by the following vote: 77 Ayes, 0 Nays, 3 Not Voting.

Passed by the Senate February 20, 1962 by the following vote: 28 Ayes, 0 Nays, 0 Not Voting.

Filed in the Office of the Secretary of State—February 21, 1962.

HOUSE CONCURRENT RESOLUTION 7

A CONCURRENT RESOLUTION

ON THE DEATH OF THE HONORABLE ALBERT M. CRAWFORD.

The Honorable Albert M. Crawford, former Speaker of the Arizona House of Representatives, distinguished public servant and well known attorney, quietly passed away in Phoenix, Arizona, on March 17, 1961. The untimely and unfortunate death of "Bumps" Crawford, as he was affectionately known, comes as a shock to his immediate family and as a serious loss to his countless friends throughout the State of Arizona.

During his early youth, Albert "Bumps" Crawford left his native residence of Riverside, California, and moved to Prescott, Arizona. In Prescott he received his early education and in 1917 was awarded a Bachelor of Science Degree from the University of Arizona. In 1929, Mr. Crawford entered the College of Law at the University of Arizona and in 1931 received his LL. B. degree. In the following year he was admitted into the practice of law in Arizona.

Mr. Crawford during his life had a varied and interesting career. At the beginning of his career he was employed as a chemist and metallurgist by the United Verde Copper Company at Clarkdale. After admittance to the Bar of Arizona in 1932, he practiced law in Prescott until 1953. At that time he moved to Phoenix and served in the capacity of General Counsel for the Arizona Railroad Association, a position he continued to hold until the time of his death.

Albert M. "Bumps" Crawford was recognized for his dedication to civic and community activities. The University of Arizona gave Mr. Crawford the outstanding Alumnus Award and, in addition, the Seventy-fifth Anniversary Medallion of Merit. During the years 1935 to 1943, he served as a member of the Board of Regents and was President of the Board in 1942.

Mr. Crawford served his country by being a part of the Armed Forces in World War I. After the war he served as a National Executive Committeeman of the American Legion. He also gave much time to his community and served as President of the Prescott Community Hospital Association.

Other activities consumed much of Mr. Crawford's energies. In 1958 he was appointed Arizona representative to the associate and advisory committee of the American Bar Association Committee on Federal Legislation. Moreover, he was active as a 32nd Degree Mason, and held membership in the El Zaribah Shrine, the Arizona Club, the Phoenix Rotary Club and the Congregational Church. In his church he was a member of the Board of Trustees. Also, he was on the advisory board of the Roosevelt Council, Boy Scouts of America, and was a past Chief of the Smoki Tribe in Prescott.

The Governors of the State of Arizona recognized Mr. Crawford's ability and willingness to serve his State. From 1927 to 1929 he was a member of the Arizona Colorado River Commission and, commencing in 1951, he served two years on the Governor's Educational Committee.

Albert M. "Bumps" Crawford had a successful political career. From 1943 to 1947, he served as the Prescott City Attorney. The citizens of his legislative district in Yavapai County honored him by electing him to the Arizona House of Representatives for three terms. During two of those terms, in 1927 and again in 1929, he served as Speaker of the Arizona House of Representatives. Therefore

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

1. That the Legislature is shocked and grieved at the passing of the Honorable Albert M. "Bumps" Crawford and that his untimely death represents a loss to the citizens of this State.

2. That the Members of the Legislature express their regrets and extend condolences to his widow and other surviving members of his family.

Passed the House January 17, 1962 by unanimous vote.

Passed the Senate January 18, 1962 by the following vote: 27 Ayes, 0 Nays, 1 Excused.

Approved by the Governor—January 23, 1962.

Filed in the Office of the Secretary of State—January 23, 1962.

HOUSE CONCURRENT RESOLUTION NO. 12

A CONCURRENT RESOLUTION

ON THE DEATH OF THE HONORABLE SAM RAYBURN

On the sixteenth day of November, 1961, at the age of seventy-nine years, the Honorable Sam Rayburn quietly passed away in Bonham, Texas.

The Honorable Sam Rayburn, Speaker of the House of Representatives of the United States for almost two decades, was a great American. His achievements as an American statesman

will undoubtedly stand as a monument for many years in the future.

Sam Rayburn served in the Congress of the United States for more than forty-eight consecutive years. The citizens of Texas recognized his greatness and afforded him the opportunity not only to serve Texas but the Nation.

Speaker Sam Rayburn had all of the human characteristics of greatness. He had integrity, maturity, wisdom, humility and a kindness for his fellow man. His passing is a very real loss to every citizen in the United States. Therefore

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

1. That the members of the Arizona State Legislature, on behalf of all of the people of the State, wish to express their regret at the passing of the Honorable Sam Rayburn, an eminent and distinguished citizen of our Nation. His passing has saddened all of our people but the memory of his achievements shall remain for many years.

2. That the Honorable Wesley Bolin, Secretary of State of Arizona, is directed to transmit a certified copy of this resolution to each of the following:

The President of the United States.

The President of the United States Senate.

The Speaker of the United States House of Representatives.

The Governor of the State of Texas.

The President of the Texas State Senate.

The Speaker of the Texas State House of Representatives.

Passed the House January 24, 1962 by unanimous vote.

Passed the Senate January 25, 1962 by unanimous vote.

Approved by the Acting Governor—January 26, 1962.

Filed in the Office of the Secretary of State—January 26, 1962.

SENATE CONCURRENT RESOLUTION NO. 3

A CONCURRENT RESOLUTION

AUTHORIZING THE STATE OF ARIZONA TO SIGN FORMAL AGREEMENTS WITH EACH OF THE TRIBAL COUNCILS WITHIN THE STATE WHICH CLARIFY THE PROBLEM OF VOTING ON INDIAN RESERVATIONS.

Although the Constitution of Arizona and the Statutes are clear as to the procedures, rights and obligations relating to voting on Indian reservations, it appears nonetheless that some misunderstanding and confusion does exist.

In order to either eliminate all confusion, or to reduce it to a minimum, the Legislature is of the firm belief that formal agreements between the State and each tribal council on the subject of voting rights and procedures would help to implement the Statutes of this State. Therefore

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

That the Secretary of State is authorized, on behalf of the State, to enter into formal agreements with each tribal council to clarify the procedures and details of the following subjects:

1. Voting rights on the reservation.

2. Clarification and explanation of State Statutes relating to balloting.

3. The requirements that the county board of supervisors supply ballots and other necessary paraphernalia.

4. Rights of all candidates to campaign for election on Indian reservations.

5. Permission to registration officer to register all eligible voters on Indian reservations.

Passed the Senate March 5, 1962 by the following vote: 28 Ayes, 0 Nays, 0 Not Voting.

Passed the House March 16, 1962 by the following vote: 63 Ayes, 10 Nays, 7 Not Voting.

Approved by the Governor—March 20, 1962.

Filed in the Office of the Secretary of State—March 20, 1962.

SENATE CONCURRENT RESOLUTION NO. 5

A CONCURRENT RESOLUTION

ON THE DEATH OF HONORABLE CHARLES U. PICKRELL

The Honorable Charles U. Pickrell Passed away on January 11, 1962, in Tucson, Arizona, at the age of sixty-nine years.

Charles Pickrell, or "Pick" as he was affectionately known, became a resident of Tempe, Arizona, at the age of six months. He resided within the State all of his life and his only major absence occurred as a result of his army service in World War I for a period of two years.

"Pick" served in France and participated in the St. Mihiel, Argonne and Verdun battles. One of Captain Pickrell's associates in France was former President Harry Truman.

Honorable Charles Pickrell had a distinguished career and his life was dedicated to the service of his fellow-citizens. His accomplishments are too numerous to recite. His friendships with people in and out of the State of Arizona were characteristic of his fine personality. All of his friends were genuinely interested in the many western stories of Arizona lore which "Pick" loved to relate.

Charles Pickrell was a graduate of Tempe Normal School, now known as Arizona State University, and in 1917 he graduated from the University of Arizona.

After World War I, Mr. Pickrell became the Yavapai County Agricultural Agent and in this capacity helped to organize the Yavapai Cattle Growers Association. In 1923, "Pick" was appointed as a livestock specialist in the University of Arizona Agricultural Extension Division.

In 1955, Governor McFarland named Charles Pickrell to administer disbursement of a half-million-dollar drought relief fund allocated to Arizona by the Federal Government.

The British Government appointed Charles Pickrell to visit South Africa to study cattle raising and agricultural possibilities.

Charles Pickrell was a major force in the development of agriculture in the State of Arizona. In 1958, he retired from the position of Director of the Agricultural Extension Service and thereupon he was honored by being appointed Director Emeritus of the Extension Service.

Mr. Pickrell was an active member of many organizations. He was an honorary life member of the Arizona Cattle Growers Association and a life member of the Pioneer Cowboys Association and also of the Yavapai Cattle Growers Association. Other activities included membership in Phi Kappa Phi, Kappa Sigma, Roosevelt Men's Club, Hiram Club and "Pick" was also a former President of the Tucson Chapter of the Westerners Club.

The Honorable Charles U. Pickrell exerted a great influence on the development of this State, particlarly in the field of agriculture and his influence and personality have left a mark that will leave an imprint upon the State for many years in the future. Therefore

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

That the members of the Legislature sincerely regret the passing of the Honorable Charles U. Pickrell and do, therefore, extend condolences to his widow, Anna, his sons, Robert, Charles U. Jr. and James, and his daughter, Mrs. Frances Brown.

Passed the Senate January 17, 1962 by the followng vote: 26 Ayes, 0 Nays, 2 Excused.

Passed the House January 22, 1962 by unanimous vote.

Approved by the Governor—January 23, 1962.

Filed in the Office of the Secretary of State—January 23, 1962.

SENATE CONCURRENT RESOLUTION NO. 6

A CONCURRENT RESOLUTION

APPROVING THE PLANS FOR THE ESTABLISHMENT OF JUNIOR COLLEGES IN COUNTIES OF YUMA, COCHISE AND PINAL, AND APPROVING THE PLANS FOR THE INTEGRATION OF EASTERN ARIZONA JUNIOR COLLEGE INTO THE STATE JUNIOR COLLEGE SYSTEM.

WHEREAS, the State Board of Directors for Junior Colleges has presented to the Legislature prior to January 15, 1962, plans for the formation and establishment of junior college districts in each of the Counties of Yuma, Cochise and Pinal, as provided by section 15-669, Arizona Revised Statutes, and

WHEREAS, the State Board of Directors for Junior Colleges has presented to the Legislature, prior to January 15, 1962, a plan for the integration of the Eastern Arizona Junior College into the State system of junior colleges, as provided by section 15-662, Arizona Revised Statutes. Therefore

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

1. That the Legislature, having received plans for establishment of junior colleges in Counties of Yuma, Cochise and Pinal as provided by the terms of section 15-669, Arizona Revised Statutes, and plans for the integration of the Eastern Arizona Junior College in the State System of junior colleges, as provided by the terms of section 15-662, Arizona Revised Statutes, hereby approves such plans.

2. That the plans submitted to the Legislature by the State Board of Directors of Junior Colleges and hereby approved shall remain on file with the Secretary of the Arizona Senate and the Chief Clerk of the Arizona House of Representatives.

Passed the Senate Feb. 6, 1962 by the following vote: 28 Ayes, 0 Nays, 0 Not Voting.

Passed the House March 17, 1962 by the following vote: 71 Ayes, 1 Nays, 8 Not Voting.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 22, 1962.

SENATE CONCURRENT RESOLUTION NO. 8

A CONCURRENT RESOLUTION

ON THE DEATH OF HONORABLE JOSEPH HENRY LINES.

On the twenty-first day of September, 1961, at the age of ninety years, the Honorable Joseph Henry Lines quietly passed away in Mesa, Arizona.

Joseph Henry Lines lived in the State of Arizona for over eighty years, having come to this State at the age of nine. For many years he was a resident of Graham County and in 1940 he made his residence in Mesa.

The Honorable Joseph Lines gave generously of himself to his State, community and Church. He achieved distinction in all of his undertakings.

Mr. Lines served many years as a missionary of the Church of Jesus Christ of Latter-Day Saints and for a dozen years he served as the Stake Sunday School Superintendent. He was a member of the High Council of St. Joseph Stake and in 1932 he was ordained as a Patriarch of the Church. Joseph Henry Lines also served his community in Graham County for twenty-five years as Chanrman of the Old Folks Committee.

The people of the community in which Joseph Henry Lines lived recognized his dedication to community service and therefore elected him to serve in the Arizona Legislature. He served in the Arizona Senate during the Fifth and Seventh Legislatures and as a member of the Arizona House of Representatives in the Second, Third, Fourth and Tenth Legislatures. During his tenure he served on various standing committees with distinction.

Joseph Henry Lines devoted much of his legislative activity to the field of education. Leading educators have recognized his valuable contributions to the cause of education. He was one of the originators of our present system of financing school districts on the basis of average daily attendance of pupils in our common and high schools. His efforts to improve the educational system of our State shall be long remembered. Therefore

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

That the Legislature, having learned of the death of the Honorable Joseph Henry Lines, wishes to express its regret and extend condolences to the surviving members of his family.

Passed the Senate January 29, 1962 by the following vote: 28 Ayes, 0 Nays, 0 Not Voting.

Passed the House January 30, 1962 by unanimous vote.

Approved by the Governor—January 31, 1962.

Filed in the Office of the Secretary of State—January 31, 1962.

SENATE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION

AUTHORIZING THE STATE HIGHWAY COMMISSION, OR BOARD OF SUPERVISORS OF THE RESPECTIVE COUNTIES, WITH THE PERMISSION OF THE GOVERNOR, TO

ENTER INTO AGREEMENTS WITH TRIBAL COUNCILS FOR THE PURPOSE OF ASSURING COOPERATION BETWEEN THE STATE AND INDIAN TRIBES IN ADMINISTERING AND ENFORCING HIGHWAY LAWS WITHIN RESERVATIONS.

WHEREAS, it has been judicially recognized that Indian tribes are sovereign in their own territories and therefore the Tribal Council of each territory has full authority to enforce traffic and highway laws in any manner which the Tribal Council may determine.

The members of the Legislature and the Tribal Councils are fully aware that each Tribal Council could promulgate and enforce traffic and highway laws in variance and even in conflict with the established laws and practices of the State.

Conflicts and variances in administration of traffic and highway laws may be avoided by agreement between the State Highway Commission or Boards of Supervisors of the respective Counties, and the Tribal Councils. Agreements can be reached which are based upon mutual understanding and cooperation in the enforcement of highway laws against Indians and non-Indians and the adoption of uniform laws in all areas of the State.

It appears that it would be for the best interests of the entire State to have the laws of Arizona relating to highways administered and enforced for the best interests of everyone. Therefore

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

1. That the State of Arizona through the State Highway Commission,or Board of Supervisors of the respective Counties, with the approval of the Governor are authorized to enter into agreements with any of the Tribal Councils of the State which have adopted highway laws identical with or substantially similar and parallel to the highways laws of the State to provide for the joint or cooperative enforcement of highway laws against Indians and non-Indians in the State.

2. That in order to encourage cooperation in law enforcement without the complete assumption of civil and criminal jurisdiction by the State over Indian Reservations, where this is in the public interest of the States and Indian Reservations concerned, the Congress of the United States is hereby respectfully requested to authorize by appropriate legislation the negotiation and execution of agreements, their amendment or recision by mutual consent for enforcement against Indians

and non-Indians on Indian Reservations within such states, of state laws in whole or in part, or of tribal laws which are identical with or substantially similar and parallel to state laws, as may be agreed upon between any state and any Indian Tribe in respect to all or any part of a Tribal Reservation which lies within such state to the end that joint or cooperative law enforcement by state and Tribal authorities may be agreed upon and put into effect to protect the best interest of the public and the Indians within such State.

Passed the Senate March 5, 1962 by the following vote: 28 Ayes, 0 Nays, 0 Not Voting.

Passed the House March 21, 1962 by the following vote: 75 Ayes, 0 Nays, 5 Not Voting.

Approved by the Governor—March 22, 1962.

Filed in the Office of the Secretary of State—March 23, 1962.

SENATE RESOLUTION NO. 1

A RESOLUTION

COMMEMORATING THE ESTABLISHMENT OF THE LAND-GRANT COLLEGE AND STATE UNIVERSITY SYSTEM; GIVING OFFICIAL RECOGNITION TO ITS CENTENNIAL OBSERVANCE; AND COMMENDING THE UNIVERSITY OF ARIZONA, THE LAND-GRANT INSTITUTION OF THIS STATE.

WHEREAS, July 2, 1962 marks the centennial of the approval by President Abraham Lincoln of the Morrill Act granting public lands to the several states and territories for the support of colleges emphasizing branches of learning relating to agriculture and mechanical arts, in addition to other scientific and classical studies and military tactics; and

WHEREAS, under the impetus of that legislation and the creation of the Land-Grant College and State University System came the great developing epoch of American education in applied science, including agriculture and all that pertains to the soil and production therefrom, engineering, and the principles and appliances that relate to the use of natural power and machinery, mining and mineral resources, forestry and forest products, business and commerce, home economics, military tactics, and the broad foundation of arts and sciences that are essential to good citizenship; and

WHEREAS, the Land-Grant System of higher education now contributes more than one half of the Nation's scientists and, through its military programs, nearly one half of all regular and reserve officers entering the Country's armed forces, and in the one hundred years since its origin has inspired and broadened the American tradition of educational opportunity for the many instead of the aristocratic few, and fulfilled the needs and aspirations of the common people in their search, in increasing numbers, for higher educational advantages vital to their careers in life; and

WHEREAS, the University of Arizona, a Land-Grant State University, by accepting demands made upon its as a challenge to its initiative and resourcefulness, has so largely contributed to the economy of this State and to its civic and cultural growth, and as a center for the development and dissemination of science has been so closely associated with the State's progress; now therefore

Be it resolved by the Senate of the State of Arizona:

The members of this body hereby give official recognition to the Land-Grant Centennial observance; bestow commendation upon the University of Arizona, the Land-Grant institution of this State, for its contributions made through teaching, research and services; express appreciation for the benefits this State has received from the Land-Grant College System of higher education and the continuing value thereof in meeting the State's needs in its unprecedented growth which lies ahead; and direct that copies of this resolution be forwarded by the Secretary of State to the Board of Regents of the Universities and State College of Arizona with a request that a copy be forwarded to the American Association of Land-Grant Colleges and State Universities for inclusion in its Centennial observance records.

Passed the Senate February 6, 1962 by the following vote: 28 Ayes, 0 Nays, 0 Not Voting.

Approved by the Governor—February 6, 1962.

Filed in the Office of the Secretary of State—February 6, 1962.

SENATE RESOLUTION NO. 2

A RESOLUTION

ON THE DEATH OF THE HONORABLE JOHN FRANCIS CONNOR.

The Honorable John Francis Connor passed away on August 23, 1961, in Phoenix, Arizona, at the age of fifty-eight years.

John Francis Connor was a native Arizonan having been born in Jerome, Arizona, where he attended public schools. He was a graduate of St. Joseph's Academy in Prescott, the University of St. Louis and he was awarded his law degree from the University of Southern California.

Mr. Connor gave his time unselfishly for the promotion of community projects. He was a past president of the Catholic Charities of Phoenix, a veteran of World War II and a member of the Luke Greenway Post of the American Legion.

The people of the community in which John Francis Connor lived recognized his ability and competence and therefore selected him to serve the public in several capacities. During his career he served as an Assistant County Attorney in Yavapai County, Assistant Attorney General, State Senator representing Yavapai County, and Superior Court Judge from Maricopa County.

In 1931 and again in 1933, the citizens of Yavapai County elected John Francis Connor to serve as State Senator in the Tenth and Eleventh Legislatures. During his terms of service in the Senate he served on the Standing Committees of Public Health; Public Defense; State Institutions; Agriculture and Forestry; Style, Revision and Compilation; and Judiciary. Moreover, he served on the Special Committees of License, Privilege and Sales Tax, and Proceeds Tax. Therefore

Be is resolved by the Senate of the State of Arizona:

That the members of the Senate sincerely regret the passing of the Honorable John Francis Connor and do, therefore, extend condolences to the surviving members of his family.

Unanimously adopted by the Senate—February 9, 1962.

Approved by the Governor—February 9, 1962.

Filed in the Office of the Secretary of State— February 9, 1962.

SENATE RESOLUTION NO. 3

A RESOLUTION

ON THE DEATH OF MRS. LENNA H. BURGES

Mrs. Lenna H. Burges passed away on January 15, 1962, in Tucson, Arizona, at the age of seventy-seven years.

Mrs. Burges, a charming and gracious lady, lived in Tucson since 1903 and for more than half century was devoted and dedicated to improving and helping the community in which she lived.

Lenna H. Burges was born in Kentucky and attended Stanford Female College in Stanford, Kentucky. She was the first female court reporter in the State of Kentucky.

After moving to Tucson, Arizona, in 1903 she was employed as a secretary and later served as Clerk of the Pima County Superior Court from January, 1927, to January, 1939. Since 1940 and until a few years ago, Mrs. Burges was the personal secretary of William R. Mathews, Editor and Publisher of the Arizona Daily Star.

Mrs. Lenna H. Burges gave much of her time to community activities. She was a Charter Member of the Order of Railway Conductors Auxiliary, Tucson Garden Club, Young Women's Christian Association and she was a Past President of the Tucson Business and Professional Women's Club. In addition she was a member of the Grace Episcopal Church, the National Shorthand Reporters Association, the State Association of Reporters, Rebekah and Eastern Star Chapters and the Brotherhood of Railroad Firemen and Enginemen.

Mrs. Burges was active in Parent Teachers' groups and from 1928 to 1930 she served as President of the Arizona Congress of Parents and Teachers. Also she was a Past President of the Arizona State Federation of Democratic Women's Clubs. Therefore

Be it resolved by the Senate of the State of Arizona:

That the members of the Senate sincerely regret the passing of Mrs. Lenna H. Burges and do, therefore, extend condolences to the surviving members of her family.

Unanimously adopted by the Senate—February 12, 1962.

Approved by the Governor—February 13, 1962.

Filed in the Office of the Secretary of State—February 13, 1962.

SENATE RESOLUTION NO. 4

A RESOLUTION

CONGRATULATING LIEUTENANT COLONEL JOHN H. GLENN, JR., FOR HIS SUCCESSFUL FLIGHT AROUND THE WORLD THROUGH SPACE.

WHEREAS, the World has expectantly and prayerfully watched the preparations to rocket Lieutenant Colonel John H. Glenn, Jr., through space; and

WHEREAS, the final moment arrived on the morning of February 20, 1962, and the countdown proceeded successfully; and

WHEREAS, Lieutenant Colonel John H. Glenn, Jr., America's favorite Astronaut, was launched into space and is reporting the course of his flight to the World. Therefore

Be it resolved by the Senate of the State of Arizona:

That the People of the State of Arizona herald the event of this flight into space by Lieutenant Colonel Glenn, Jr., as one of the greatest moments in United States history and the members of the Arizona State Senate do hereby extend congratulations and good wishes to our favorite Astronaut in this moment of greatness for the United States of America.

Unanimously adopted by the Senate—February 20, 1962.

Approved by the Governor—February 21, 1962.

Filed in the Office of the Secretary of State—February 21, 1962.

SENATE RESOLUTION NO. 6

A RESOLUTION

ON THE DEATH OF MRS. ALICE B. GOOD

On the fifteenth day of March, 1962, at the age of sixty-nine years, Mrs. Alice B. Good quietly passed away in Phoenix, Arizona.

Mrs. Good, a charming and gracious lady, achieved distinction for her dedication in serving the State of Arizona. During her twenty-eight years of service on the staff of the Department of Library and Archives, she assisted and counseled thousands of persons who came to the Library with their prob-

lems. This assistance she gave cheerfully and willingly. Mrs. Good made no distinctions between people and at all times shared her knowledge with all persons regardless of their position or status. She was glad to be of assistance whether it was to a student, a citizen, an employee, a Legislator or the Governor of the State.

Alice B. Good was born in Coffman County, Texas. She was educated at the Jefferson Military College in Mississippi and at Tulane University. After graduation she taught school in New Orleans, Louisiana, and she moved to Globe, Arizona, in 1918. In Globe she was employed as the Librarian and Vice-principal of Globe High School.

In 1933, Mrs. Good joined the staff of the State Department of Library and Archives. In November, 1956, she was appointed as the Director, after the death of The Honorable Mulford Winsor who had been the Director for a quarter of a century.

The accomplishments of Mrs. Good were important to the progress of the State and her distinctions were many. The Library which she directed attained the reputation of being one of the best in the Nation.

Mrs. Good was directly responsible for the promotion of the Library Extension and Bookmobile Service. The Bookmobile Service was begun in 1957 and the Bookmobile route is reported to be the longest in the World. As a result of this service, books are available to persons in every part of the State, regardless of the location of the community. This important contribution stands as a memorial to her dedication as a public servant of the State.

The University of Arizona recognized her fidelity to the people of the State and therefore in 1960 she was awarded the University of Arizona Medallion of Merit for her services to the State.

The Governor, in accepting her resignation as Director of the Department of Library and Archives, in July, 1961, stated: "Few people have served the State with more devotion, or more effectively." Therefore

Be it resolved by the Senate of the State of Arizona:

That the members of the Senate, having learned of the death of Mrs. Alice B. Good, express their sincere sentiment that the death of Mrs. Good is an irreparable loss to the State and a deep personal loss, and therefore wish to express their regret

and to extend condolences to the surviving members of her family.

Unanimously adopted by the Senate—March 19, 1962.

Approved by the Governor—March 20, 1962.

Filed in the Office of the Secretary of Stte—March 20, 1962.

BILLS VETOED BY THE GOVERNOR

OFFICE OF THE GOVERNOR

State House

Phoenix, Arizona

Paul Fannin
Governor

March twenty-eighth, 1962

Dear Mr. Secretary:

I am transmitting to you, with my disapproval, Senate Bill No. 191, being "An Act Relating to Public Improvement Districts; Providing for the Formation of Districts to Provide Parking Areas or to Purchase Electricity or Gas for Lighting Public Streets and Parks, and Amending Title 9, Chapter 6, Article 2, Arizona Revised Statutes, by Adding Sections 9-711 and 9-712."

Had this bill been restricted to its original form providing for the creation of improvement districts for the construction of street lighting facilities, I would have signed the measure. However, by the inclusion of the House amendment providing for the formation of improvement districts to provide for parking areas, I feel this would place the improvement districts in a competitive position with taxpaying private parking facilities and remove property from the tax rolls.

I am aware of the beneficial results that would come if the original form of the bill had been enacted, but I feel that the amendment has put the bill in such a form that I cannot sign it.

Sincerely yours,

/s/ Paul J. Fannin
Paul J. Fannin
Governor

Honorable Wesley Bolin
Secretary of State
Phoenix

SENATE BILL NO. 191

AN ACT

RELATING TO PUBLIC IMPROVEMENT DISTRICTS; PROVIDING FOR THE FORMATION OF DISTRICTS TO PROVIDE PARKING AREAS OR TO PURCHASE ELEC-

TRICITY OR GAS FOR LIGHTING PUBLIC STREETS AND PARKS, AND AMENDING TITLE 9, CHAPTER 6, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 9-711 AND 9-712.

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

Section 1. Title 9, chapter 6, article 2, Arizona Revised Statutes, is amended by adding sections 9-711 and 9-712, to read:

9-711. IMPROVEMENT DISTRICTS FOR PROVIDING PARKING AREAS OR FOR PURCHASING ELECTRICITY OR GAS FOR LIGHTING PUBLIC STREETS AND PARKS

A. In addition to the purposes for which an improvement district may be formed under the provisions of section 9-672, an improvement district may be formed for the sole purpose of providing parking areas or of purchasing electricity or gas for the lighting of the public streets and parks of the improvement district.

B. Subject to the limitations contained in this section, the powers and duties of the governing body of a municipality shall be as provided in this article for other types of improvement districts.

C. The governing body shall make annual statements and estimates of the expenses of the district which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all the property real and personal in the district, publish notice thereof, have hearings thereon and adopt them at the times and in the manner provided for incorporated cities and towns' statements and estimates by applicable portions of sections 42-302 and 42-303, and the governing body, on or before the third Monday in August each year, shall fix, levy and assess the amount to be raised by ad valorem taxes upon all of the property of the district and collect as county taxes are collected the amounts shown by the statements and estimates as adopted by the governing body. All statutes providing for the levy and collection of state and county taxes, including collection of delinquent taxes and sale of property for nonpayment of taxes, are applicable to the district taxes as provided to be levied by this section.

D. An improvement district formed under the provisions of this section shall not be authorized to issue bonds, and no assessment for district purposes against property within such district shall exceed twelve mills upon each dollar of taxable valuation thereof in any year.

E. No such district is authorized to engage in any activity other than contracting for the construction and operation of parking areas and purchasing of electricity or gas for street and public park lighting.

F. In the event the municipality is willing to participate in the costs of providing parking areas or the lighting of streets in said improvement districts, the governing body may by resolution summarily order such participation.

G. The formation of an improvement district under the provisions of this section shall not prevent the subsequent establishment of improvement districts for other purposes, including improvement districts for the purpose of constructing street lighting facilities within any part or all of the same territory.

H. In the event an improvement district is formed which includes the construction and operation of street lighting facilities or the construction and operation of parking areas within all or any part of the territory of a district formed under this section, the governing body may by resolution summarily delete from the district formed under this section any area covered by a subsequently formed district and form a new district from the balance of the original district formed under this section.

9-712. SPECIAL PROVISIONS RELATING TO IMPROVEMENT DISTRICTS FOR PROVIDING PARKING AREAS AND FOR PURCHASING ELECTRICITY OR GAS FOR LIGHTING PUBLIC STREETS OR PARKS

A. If a petition for the formation of an improvement district to provide for parking areas or to purchase electricity or gas for street or public park lighting is presented to the governing body, which purports to be signed by all of the real property owners in the proposed district, the governing body, after verifying such ownership and making a finding of such fact, forthwith may hold the hearing prescribed by section 9-605 without the publication and posting of notices prescribed by said section.

B. If a petition for the formation of an improvement district to provide for parking areas or to purchase electricity or gas for street or public park lighting is presented to the governing body signed by a majority of the real property owners in the proposed district, the governing body shall give the notice of hearing prescribed by section 9-605 and shall hold a hearing thereafter as prescribed by said section, provided, however, that the publication and posting of notices of such hearing

as required by section 9-605 shall not be necessary upon proof of actual notice, by registered mail or personal service, received ten days prior to such hearing by all real property owners in the proposed district who did not sign such petition.

C. In the hearing prescribed by section 9-605, the governing body, in addition to the provisions of said section, shall determine the type of lighting facilities to be installed or parking area to be provided and consider the rate to be paid for purchasing the electricity or gas for the proposed district, or rates to be charged for parking, if any.

D. Improvement districts for street or public park lighting or for parking areas formed under the provisions of this section shall be exempt from the provisions of sections 9-604 and 9-605.

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 28, 1962.

Filed in the Office of the Secretary of State—March 28, 1962.

FIRST SPECIAL SESSION

of the

Twenty-fifth Legislature

of the

STATE OF ARIZONA

1961

FIRST SPECIAL SESSION CONVENED

July 17, 1961

FIRST SPECIAL SESSION ADJOURNED SINE DIE

July 31, 1961 at 8:27 P.M.

Publication Authorized

Paragraph 9a, Section 41-121,

Arizona Revised Statutes as amended by

Chapter 81, Laws of 1957

Twenty-third Legislature

First Regular Session.

Chapter 150, Laws of 1962

Second Regular Session, Twenty-fifth Legislature

NOTICE: There are a few misspellings, other errors and punctuation mistakes in the body of this volume, which originated in the original 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 First Special Session of the Twenty-fifth Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, July 17, 1961, and adjourned sine die on the 31st day of July, 1961.

IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary of State and affixed the Great Seal of the State of Arizona, this 1st day of August, 1961.

/s/ WESLEY BOLIN
Secretary of State

PROCLAMATION

CALLING A SPECIAL SESSION OF THE TWENTY-FIFTH LEGISLATURE OF THE STATE OF ARIZONA

WHEREAS, the Constitution of Arizona (Article IV, Part 2, Section 3) authorizes the Governor to call a special session of the Legislature when the circumstances demand it, and provides that in such case he shall specify the subjects to be considered; and

WHEREAS, the rapid and substantial growth of Arizona's population has created a need for the revision of the laws relating to the issuance and transfer of spirituous liquor licenses; and

WHEREAS, the need for strengthening the narcotics control laws of the State has likewise been amply demonstrated; and

WHEREAS, both the urgency and the nature of these two matters make it advisable that they be considered promptly by the Legislature in a special session called solely for that purpose,

NOW, THEREFORE, I, Paul J. Fannin, Governor of Arizona, by virtue of the authority vested in me by the Constitution, and in pursuance of my duty, call the Twenty-fifth Arizona Legislature to meet in SPECIAL SESSION at the Capitol on Monday, the seventeenth day of July, 1961, at ten o'clock a.m., and specify the following subjects to be considered during such session:

1. Legislation regulating the issuance and transfer of spirituous liquor licenses.

2. Legislation regulating the acquisition, use and possession of narcotics.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed at the Capitol, in Phoenix, this fourteenth day of June, in the year of Our Lord, One Thousand Nine Hundred and sixty-one.

/s/ PAUL J. FANNIN
GOVERNOR

ATTEST:
Wesley Bolin
Secretary of State

MEMBERS OF THE SENATE
TWENTY-FIFTH LEGISLATURE
OF ARIZONA
1961-1962

County	Name and Party	Address
Apache	Bert J. Colter (D)	Springerville
	Albert F. Anderson (R)	St. Johns
Cochise	Dan S. Kitchel (D)	Bisbee
	A. R. Spikes (D)	Douglas
Coconino	Fred F. Udine (D)	Williams
	Robert W. Prochnow (D)	Flagstaff
Gila	Clarence L. Carpenter (D)	Miami
	William A. Sullivan (D)	Globe
Graham	John Mickelson (D)	Thatcher
	Darvil B. McBride (D)	Thatcher
Greenlee	M. L. (Marshall) Simms (D)	Clifton
	Carl Gale (D)	Duncan
Maricopa	Joe Haldiman, Jr. (D)	Phoenix
	Evan Mecham (R)	Glendale
Mohave	Robert E. Morrow (D)	Kingman
	Thelma Bollinger (D)	Kingman
Navajo	Glenn Blansett (D)	Joseph City
	J. Morris Richards (D)	Winslow
Pima	David Wine (D)	Tucson
	Hiram S. (Hi) Corbett (R)	Tucson
Pinal	Ben Arnold (D)	Coolidge
	Charles S. Goff (D)	Casa Grande
Santa Cruz	Frank A. Bennett (D)	Nogales
	R. G. Michelena (D)	Nogales
Yavapai	David H. Palmer (D)	Prescott
	Sam Steiger (R)	Prescott
Yuma	Harold C. Giss (D)	Yuma
	Ray H. Thompson (D)	Parker

MEMBERS OF THE HOUSE
TWENTY-FIFTH LEGISLATURE
OF ARIZONA
1961-1962

District	Name and Party	Address
	APACHE COUNTY	
	Walter Pulsipher (D)	St. Johns Box 451
	COCHISE COUNTY	
1.	Clyde M. Dalton (D)	Bisbee
2.	A. J. (Jack) Gilbert (D)	Warren
3.	James A. "Jim" Elliott (D)	Douglas 1450 13th St.
4.	W. L. "Tay" Cook (D)	Willcox
	COCONINO COUNTY	
1.	Thos. M. (Tommy) Knoles, Jr. (D)	Flagstaff Box 179
2.	Harold J. Scudder (D)	Williams
	GILA COUNTY	
1.	Louis B. Ellsworth, Jr. (D)	Globe Box 49
2.	Nelson D. Brayton (D)	Miami 823 Merritt St.
3.	Edwynne C. "Polly" Rosenbaum (D)	Globe Box 609
	GRAHAM COUNTY	
1.	Gordon L. Hoopes (D)	Safford 14 Elm Ave.
2.	Milton Lines (D)	Pima
	GREENLEE COUNTY	
1.	Tom W. Berry (D)	Clifton Box 791
2.	G. O. (Sonny) Biles (D)	Morenci Box 747

MARICOPA COUNTY

1. Marshall Humphrey (R) ..... Chandler
   700 Carla Vista Dr.
2. Wm. S. (Bill) Porter (R) ..... Mesa
   15 E. 2nd Ave.
3. L. Waldo DeWitt (R) ..... Mesa
   1018 W. 8th St.
4. L. Alton (Pat) Riggs (D) ..... Tempe
   315 Encanto Drive
5. Elmer King (D) ..... Phoenix
   250 W. Buist
6. Carl Austin (D) ..... Phoenix
   4442 S. 8th Pl.
7. Bob Stump (D) ..... Phoenix
   2850 Westward Blvd.
8. Gilbert Gray (D) ..... Phoenix
   714 W. Pima St.
9. J. D. Holmes (D) ..... Phoenix
   1614 E. Adams St.
10. Martin P. Toscano (D) ..... Phoenix
    1038 N. 25th Pl.
11. David B. Kret (R) ..... Scottsdale
    2420 N. 73rd St.
12. Ralph W. Koch (R) ..... Phoenix
    2526 N. 32nd St.
13. Conrad James Carreon (D) ..... Phoenix
    806 N. 3rd St.
14. Archie C. Ryan (D) ..... Phoenix
    2044 E. Granada Rd.
15. (Mrs. Wm. C.) Gerry Eliot (R) ..... Phoenix
    340 W. Latham
16. Robert H. (Bob) Hutto (D) ..... Phoenix
    2905 W. Garfield St.
17. S. Earl Pugh (D) ..... Phoenix
    3440 W. Palm Lane
18. Derek Van Dyke (R) ..... Phoenix
    1838 Palmcroft Way, N. W.
19. Robert C. (Bob) Wilcox (R) ..... Phoenix
    515 E. Thomas Road

20. W. V. (Pat) Vipperman (D) ..... Phoenix
1811 N. 28th St.

21. Don Reese (R) ..... Scottsdale
6203 E. Joshua Tree Lane

22. Elmer T. Burson (R) ..... Phoenix
3401 N. 34th Pl.

23. F. A. (Rocky) Crane (D) ..... Phoenix
1928 E. Mitchell Dr.

24. Ruth Peck (R) ..... Phoenix
510 E. Medlock Drive

25. George W. Eubank (R) ..... Phoenix
1017 W. Indianola Ave.

26. Robert (Bob) Brewer (R) ..... Phoenix
2536 W. Mulberry Drive

27. George W. Peck (D) ..... Phoenix
4651 N. 30th Ave.

28. Bill Stephens (D) ..... Phoenix
5735 N. 32nd Drive

29. Priscilla H. Hays (R) ..... Phoenix
727 W. Palo Verde Drive

30. F. A. (Jake) Higgins (R) ..... Phoenix
1915 E. Rancho Drive

31. Isabel Burgess (R) ..... Phoenix
4710 N. 35th Way

32. Arthur B. Schellenberg (R) ..... Phoenix
212 E. Harvard Ave.

33. Merle E. Hays (D) ..... Phoenix
1137 E. Orchid Lane

34. Gene B. McClellan (R) ..... Phoenix
8307 N. 29th Drive

35. W. B. Barkley (D) ..... Glendale
40 West E Ave.

36. John Wood (R) ..... Phoenix
2201 W. Coolbrook Ave.

37. T. C. (Doc) Rhodes (D) ..... Avondale
Box 446

MOHAVE COUNTY

J. J. Glancy (D) ..... Kingman
1712 Jefferson St.

NAVAJO COUNTY

1. Augusta T. Larson (R) ..... Lakeside
   Box 238
2. Lee F. Dover (D) ..... Winslow
   1100 Warren Ave.

PIMA COUNTY

1. E. S. (Bud) Walker (D) ..... Ajo
   1541 Rocalla Avenue
2. Arnold Elias (D) ..... Tucson
   323 N. Westmoreland
3. Etta Mae Hutchinson (D) ..... Tucson
   337 South 4th Ave.
4. W. M. (Bill) Carson (D) ..... Tucson
   162 West District
5. Dr. Thomas D. Fridena (D) ..... Tucson
   717 North 6th Ave.
6. Douglas S. Holsclaw (R) ..... Tucson
   1746 East 5th St.
7. Doris Varn (R) ..... Tucson
   2717 East Waverly
8. David G. Hawkins (R) ..... Tucson
   2233 East 4th St.
9. John C. (Jack) Jordan (D) ..... Tucson
   5202 Genematas Drive
10. Alvin Wessler (R) ..... Tucson
    1711 N. Desmond Lane
14. Joe D. Ybarra (D) ..... Tucson
    438 East 33rd St.
15. Nicholas Traficanti (R) ..... Tucson
    3118 E. Blackledge Dr.
16. Harold L. Cook (D) ..... Tucson
    2746 Stratford Drive

PINAL COUNTY

1. Charles Moody (D) ..... Coolidge
   Box 357
2. Frederick S. Smith (D) ..... Superior
   Box 425
3. E. B. Thode (D) ..... Casa Grande
   913 North Olive Drive

SANTA CRUZ COUNTY

Robert R. (Bob) Hathaway (D) ..... Nogales
Duquesne Road

YAVAPAI COUNTY

1. Mabel S. Ellis (D) ..... Prescott
107 East Gurley St.

2. Raymond Rowland (R) ..... Prescott
806 Country Club Dr.

3. Milton O. "Mo" Lindner (D) ..... Clarkdale
Box 608

YUMA COUNTY

1. Cecil D. Miller (D) ..... Yuma
Box 11

2. Robert Klauer (D) ..... Yuma
Box 1412

3. Clara Osborne Botzum (D) ..... Parker

GOVERNOR'S MESSAGE

MESSAGE

of

PAUL FANNIN
Governor of Arizona

to

THE FIRST SPECIAL SESSION OF
THE TWENTY-FIFTH LEGISLATURE

July 17, 1961

Mr. President, Mr. Speaker, Members of the Senate and the House of Representatives, My Fellow Arizonans:

I issued the call of this special session in answer to a clear mandate from our people for straight-forward action to end uncontrolled speculation in liquor licenses and to strengthen our defenses against the evil of illegal narcotics traffic.

Therefore, you are in this special session for the purpose of enacting (1) legislation regulating the issuance and transfer of spirituous liquor licenses, and (2) legislation regulating the acquisition, use and possession of narcotics.

On June 14, at the time of issuing the call, I accompanied it with a statement listing four principles which I believe are essential to a correct solution of the liquor license problem.

These are:

1. All sales, leases, rentals or transfers of ownership of alcoholic beverage licenses should be prohibited, regardless of date of issuance. Justice requires that such statutory change include protective provisions:

   Whereby a qualified person who acquires a going business would be assured of the issuance of a new license for the continuation of the business, and,

   Whereby a person now legally operating a business under a leased license would be assured of an original license.

2. A reasonable time limitation should be imposed beyond which a license must be put to use or cancelled.

3. The present quota law, based on the ten year census, should be replaced by a realistic formula for determining the public convenience and necessity for the issuance of licenses. Such determinations are wisest and fairest when made by that local government closest to that segment of the general public most affected. Therefore, license approval should be founded upon an original determination of

public convenience and necessity by the governing body of the proper political subdivision and, thereafter reviewed by the state department of liquor licenses and control. Such determinations should be subject to court appeal.

4. The fees should be equitably increased so that they will support, in whole, the full cost of operation of the state regulatory department. The taxpaying public at large should not be required, as is now the case, to contribute general tax money to the support of this department.

I also noted on June 14, that in addition to these four specific principles as a basis for amendments of the law, there was also needed a number of technical changes and clarifications. For instance, the eligibility of non-drinking citizens to protest a license issuance should be specifically established. Because of a recent decision of our Supreme Court, it is imperative that we clarify the ownership of licenses by corporations, so long as a qualified person is responsible therefor. All existing liquor licenses expire on December 31, 1961. Therefore, new legislation must be effective prior to that date so that the revisions of the law will be applicable to the issuance of new licenses.

The people of Arizona emphatically reject the false notion that their state government has the slightest legal or moral obligation to insure profit for liquor license speculators. We should not perpetuate a pattern of speculative trafficking in mere permits granted by the state for the sale of alcoholic beverages.

Nor do the people of Arizona accept a situation wherein an original permittee, by the renting or leasing of one or more permits to others, is in effect endowed by our state government with an unearned income.

As I have heretofore stated, the situation as it now stands is repugnant to our people and to the concept of sound and fair government practices.

I have, therefore, purposely devised the wording of the first item in the call so that wide ranging qualification cannot lure us away from or impede the disposal of the clear cut issue of profiteering in liquor licensing. The people of Arizona demand action and I know that you are determined to give it to them.

Now, regarding the second item in the Call:

On the subject of narcotics, Arizonans have a heartfelt compassion for the helpless, trapped addict and have a desire to help him back to life. This feeling is coupled with the firm determination that the strength of the state and local government shall strike as focibly as possible at the peddler, often himself an addict, whose weakness has the evil power to contaminate and to destroy human beings.

Strict and unemotional control of illegal narcotics traffic in this country has long been a serious need. We have a duty to take our place along with our neighboring states to contribute our full share to the battle against this menace to society. As many of you know, the state of California recently enacted more stringent legislation in this field. This further emphasizes our need for action to curb the possibilities of peddlers and addicts seeking haven in our state for their illicit practices.

In regard to the addict the key word is control. It must be, since expert testimony and reports from active and interested segments of our society dramatize the fact that no known CURE has been developed and scientifically proven. Dramatic results, however, have been proven in the area of CONTROL.

Our legislation should be so devised to accomplish two objectives. First, strike a heavy blow at the peddler with stringent mandatory penalties on the first and any subsequent offense. Second, devise a strict and workable system of confinement for the addict.

In the statement accompanying the call I said:

"In regard to the addict, on first offense of usage or possession a mandatory sentence should be given with probation allowable on close control under a testing program such as the nalline test.

On second offense of usage or possession a mandatory penalty should be imposed."

The months of extensive studies, hearings and research on this subject by the dedicated Arizona Citizens' Committee and the Senate Interim Committee provide you with extensive information that will no doubt assist greatly in your drafting of appropriate legislation.

On behalf of the people of Arizona, I extend their heartfelt thanks to the fine public servants on all the committees and supporting groups who have given so unselfishly of their time and services to prepare for this session.

Let me conclude these remarks with these observations.

First, I do not feel that the subject of taxation should be injected into this special session. The problems involving the tax burden upon our homeowners and other real property taxpayers will—and should—be at the fore front of the regular session in January. The complexity and wide significance of this subject, together with other matters of statewide significance which will be before that general session will require your very best single-minded efforts at that time. It should not become piecemealed or involved particularly in the subject of liquor license issuance.

Finally, the official call for this special session deliberately omitted many subject matters which might be regarded as pertaining to liquor legislation. These matters, however, are unrelated to the pressing need we face to amend the laws pertaining to the issuance of licenses. I need not remind us here today that the eyes of every Arizonan are upon us awaiting action. They demand—and are entitled to—action. This action can result if we all lay aside our personal feelings and cooperate with each other. I pledge you my cooperation. I know I shall receive yours.

PAUL FANNIN
Governor

ACTS

CHAPTER 1

Senate Bill No. 1

AN ACT

RELATING TO NARCOTICS; REGULATING THE USE, PRODUCTION, SALE, DISTRIBUTION AND DISPENSING OF NARCOTIC DRUGS; PRESCRIBING PENALTIES; PRESCRIBING CONDITIONS FOR PLACING OFFENDERS ON PROBATION; PRESCRIBING TREATMENT FOR NARCOTIC ADDICTS; AMENDING SECTIONS 36-1001, 36-1002, 36-1019 AND 36-1062, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 9, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 36-1002.01 TO 36-1002.10, INCLUSIVE; AMENDING TITLE 36, CHAPTER 9, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 36-1062.01, 36-1062.02 AND 36-1062.03, AND REPEALING SECTIONS 36-1020, 36-1022 AND 36-1023, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 36-1001, Arizona Revised Statutes, is amended to read:

36-1001. DEFINITIONS

The following words and phrases, as used in this article shall have the following meanings, unless the context otherwise requires:

1. "Person" includes any corportion, association, copartnership or one or more individuals.

2. "Physician" means a person licensed to practice medicine, or osteopathy, in this state and any other person licensed to treat sick and injured human beings in this state, and to use narcotic drugs in connection with such treatment.

3. "Dentist" means a person licensed to practice dentistry in this state.

4. "Veterinarian" means a person licensed to practice veterinary medicine in this state.

5. "Manufacturer" means a person who by compounding, mixing, cultivating, growing or other process, produces or prepares narcotic drugs, but does not inclued an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.

6. "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced or prepared, on official written orders, but not on prescriptions.

7. "Apothecary" means a licensed pharmacist as defined by the laws of this state and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this act shall be construed as conferring on a person who is not registered or licensed as a pharmacist any authority, right or privilege, that is not granted to him by the pharmacy laws of this state.

8. "Hospital" mean an institution for the care and treatment of the sick and injured, approved by the board of health as proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, osteopath, dentist or veterinarian.

9. "Laboratory" means a laboratory approved by the board of health as proper to be entrusted with the custody and use of narcotic drugs for scientific and medical purposes and for purposes of instruction.

10. "Sale" includes barter, exchange or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.

11. "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture or preparation or coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine or substances from which cocaine or ecgonine may be synthesized or made.

12. "Opium" includes morphine, codeine and heroin, and any compound, manufacture, salt, derivative, mixture or preparation of opium, but does not include apomorphine or any of its salts.

13. "Cannabis" includes the following substances under whatever names they may be designated:

(a) Marijuana.

(b) The dried flowering or fruiting tops of the pistillate plant cannabis satina (sativa) L., from which the resin has not been extracted.

(c) The resin extracted from such tops.

(d) Every compound, manufacture, salt, derivative, mixture or preparation of such resin, or of such tops from which the resin has not been extracted.

14. "Narcotic drugs" means coca leaves, opium, cannabis, isonipecaine, amidone, isoamidone, ketobemidone, any other drug of natural or synthetic origin that may be classified as a narcotic by the federal narcotics commissioner, and any substance neither chemically nor physically distinguishable from them.

15. "Federal narcotic laws" means the laws of the United States relating to opium, coca leaves and other narcotic drugs.

16. "Official written order" means an order written on a form provided for that purpose by the United States commissioner of narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the board of health.

17. "Dispense" includes distribute, leave with, give away, dispose of or deliver.

18. "Registry number" means the number assigned to each person registered under the federal narcotic laws.

19. "Board of health" means the state board of health.

20. "Subsequent offense" includes a prior conviction in any state or federal court, for violation of any law or ordinance regulating the use, supply or possession of any narcotic drug.

21. "Licensed" means authorized by the laws of the state to do certain things.

22. "Isonipecaine" means any substance identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof, by whatever trade name designated.

23. "Amidone" means any substance identified chemically as (4-4-diphenyl-6-dimethylamine-heptanone-3), or any salt thereof, by whatever trade name designated.

24. "Isoamidone" means any substance identified chemically as (4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3), or any salt thereof, by whatever trade name designated.

25. "Keto-bemidone" means any substance identified chemically as (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride), or any salt thereof, by whatever trade name designated.

26. "Dihydrocodeinone" means any substance identified chemically as 7, 8 dihydrocodeine-6-one, or any salt thereof, by whatever trade name designated.

27. "Dihydrocodeine" means any substance identified chemically as 7, 8, dihydrocodeine, or any salt thereof, by whatever trade name designated.

28. "Papaverine" means any substance identified chemically as 6, 7-dimethoxy-1-veratrylisoquinoline, or any salt thereof, by whatever trade name designated.

29. "Noscapine" means and substance identified chemically as 2-methyl-8-methoxy-6, 7 methylenedioxy-1-(6, 7-dimethoxy-3-phthalidyl)-1, 2, 3, 4-tetrahydroisoquinoline, or any salt thereof, by whatever trade name designated.

30. "Ethyl-morphine" means any substance identified chemically as 3-ethylmorphine, or any salt thereof, by whatever trade name designated.

31. "Narceine" means any substance identified chemically as (2 carboxylic-3, 4 dimethoxy) 2'-dimethylaminoethyl 4', 5' methylene dioxy 6' methoxybenzylketone, or any salt thereof, by whatever trade name designated.

32. "Cotarnine" means any substance identified chemically as N-methyl 3, 4 dihydro 6, 7, methylenedioxy, 8 methoxyisoquinoline chloride, or any salt thereof, by whatever trade name designated.

33. "Felony offense", and offense "punishable as a felony", means an offense for which the law prescribes imprisonment in the state prison as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.

Sec. 2. Sec. 36-1002, Arizona Revised Statutes, is amended to read:

36-1002. POSSESSION OF NARCOTIC DRUGS; PUNISHMENT

A. Except as otherwise provided in this article, every person who possesses any narcotic drug other than marijuana except upon the written prescription of a physician, osteopath, dentist or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state prison for net less than two years nor more than ten years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than two years in prison.

B. If such a person has been previously convicted once of any felony offense described in this article, or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this state would have been punishable as a felony offense described in this article, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than five years nor more than twenty years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years in prison.

C. If such a person has been previously convicted two or more times of any felony offense described in this article, or has been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this state would have been punishable as a felony offense described in this article, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison from fifteen years to life, and shall not be eligible for release upon completion of sentence, or on parole, or any any other basis until he has served not less than fifteen years in prison.

Sec. 3. Title 36, chapter 9, article 1, Arizona Revised Statutes, is amended by adding sections 36-1002.01 to 36-1002.10, inclusive, to read:

36-1002.01. POSSESSION OF NARCOTIC DRUGS FOR SALE; PENALTY

A. Except as otherwise provided in this article every person who possesses for sale any narcotic drug other than marijuana shall be punished by imprisonment in the state prison for not less than five years nor more than fifteen years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years in prison.

B. If such person has been previously once convicted of any felony offense described in this article or has been previously once convicted of any offense under the laws of any other state or of the United States which if committed in this state would have been punishable as a felony offense described in this article, the previous conviction shall be charged in the in-

dictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than ten years, and shall not be eligible for release upon completion of sentence, or parole, or on any other basis until he has served not less than ten years in prison.

C. If such a person has been previously two or more times convicted of any felony offense described in this article, or has been previously two or more times convicted of any offense under the laws of any other state or of the United States which if committed in this state would have been punishable as a felony offense described in this article, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison for not less than fifteen years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than fifteen years in prison.

36-1002.02. IMPORT AND TRANSPORT OF NARCOTIC DRUGS; SALES AND TRAFFIC IN NARCOTIC DRUGS; PENALTY

A. Except as otherwise provided in this article, every person who transports, imports into this state, sells, furnishes, administers or gives away, or offers to transport, import into this state, sell, furnish, adminster, or give away, or attempts to import into this state or transport any narcotic drug other than marijuana except upon the written prescription of a physician, osteopath, dentist, or veterinarian licensed to practice in this state shall be punished by imprisonment in the state prison from five years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years in prison.

B. If such a person has been previously convicted once of any felony offense described in this article, or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this state would have been punishable as a felony offense described in this article, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be im-

prisoned in a state prison from ten years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than ten years in prison.

C. If such a person has been previously convicted two or more times of any felony offense described in this article, or has been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this state would have been punishable as a felony offense described in this article, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison from fifteen years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than fifteen years in prison.

36-1002.03. INDUCING MINORS TO VIOLATE NARCOTIC DRUG LAWS; PENALTY

A. Every person of the age of twenty-one years or over who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that said minor shall knowingly violate, with respect to a narcotic drug other than marijuana, any provision of this article or section 36-1062, or who hires, employs, or uses a minor to knowingly and unlawfully transport, carry, sell, give away, prepare for sale, or peddle any narcotic drug other than marijuana or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any narcotic drug other than marijuana to a minor shall be punished by imprisonment in the state prison from ten years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years in prison.

B. If such a person has been previously convicted once of any felony offense described in this article, or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this state would have been punishable as a felony offense described in this article, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison from ten years to life, and shall not

be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than ten years in prison.

C. If such a person has been previously convicted two or more times of any felony offense described in this article, or has been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this state would have been punishable as a felony offense described in this article, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison from fifteen years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than fifteen years in prison.

36-1002.04. MINORS INDUCING MINORS TO VIOLATE NARCOTIC DRUG LAWS; PENALTY

A. Every person under the age of twenty-one years who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that the minor shall knowingly violate any provision of this article, or section 36-1062, or who hires, employs, or uses a minor to knowingly and unlawfully transport, carry, sell, give away, prepare for sale or peddle any narcotic drug other than marijuana or who unlawfully sells, furnishes, administers, gives or offers to sell, furnish, administer, or give, any narcotic drug other than marijuana to a minor shall be punished by imprisonment in the state prison for not less than five years.

B. If such a person has been previously convicted of any felony offense described in this article, or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this state would have been punishable as a felony offense described in this article, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than ten years.

C. This section is not intended to affect the jurisdiction of the juvenile court to enforce the provisions of this section.

36-1002.05. GROWING, PROCESSING AND POSSESSING MARIJUANA; PENALTY

A. Every person who knowingly grows, plants, cultivates, harvests, dries, or processes any marijuana, or any part thereof, or who knowingly possesses any marijuana, except as otherwise provided by law, shall be punished by imprisonment in the state prison for not less than one year nor more than ten years but for the first offense the court may impose a fine not exceeding one thousand dollars, imprisonment in the county jail not exceeding one year or both.

B. If such person has been previously convicted once of any felony offense described in this article, or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this state would have been punishable as a felony offense described in this article, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than two years nor more than twenty years.

C. If such person has been previously convicted two or more times of any felony offense described in this article, or has been previously convicted two or more times of any offense under the laws of any other states or of the United States which if committed in this state would have been punishable as a felony offense described in this article, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison for five years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years in prison.

36-1002.06. POSSESSING MARIJUANA FOR SALE; PENALTY

A. Every person who possesses for sale any marijuana except as otherwise provided by law shall be punished by imprisonment in the state prison for not less than two years nor more than ten years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than two years in prison.

B. If such a person has been previously once convicted of any felony offense described in this article, or has been prev-

iously once convicted of any offense under the laws of any other state or of the United States which if committed in this state would have been punishable as a felony offense described in this article, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than five years nor more than fifteen years, and shall not be eligible for release upon completion of sentence, or parole, or any other basis until he has served not less than five years in prison.

C. If such a person has been previously two or more times convicted of any felony offense described in this article, or has been previously two or more times convicted of any offense under the laws of any other state or of the United States which if committed in this state would have been punishable as a felony offense described in this article, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison from ten years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than six years in prison.

36-1002.07. IMPORTS AND TRANSPORTS OF MARIJUANA; SALES AND TRAFFIC; PENALTY

A. Every person who transports, imports into this state sells, furnishes, administers or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport any marijuana shall be punished by imprisonment in the state prison from five years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than three years.

B. If such a person has been previously convicted once of any felony offense described in this article, or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this state would have been punishable as a felony offense described in this article, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in a state prison from five years to life, and shall not be eligible for release upon completion of sentence, or on

parole, or on any other basis until he has served not less than five years in prison.

C. If such a person has been previously convicted two or more times of any felony offense described in this article, or has been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this state would have been punishable as a felony offense described in this article, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in a state prison from ten years to life and shall not be eligible for release upon completion of sentence, or on parole, or any other basis until he has served not less than ten years in prison.

36-1002.08. HIRING OR USING MINOR FOR TRAFFIC IN MARIJUANA; INDUCING MINOR TO USE MARIJUANA; PENALTY

A. Every person of the age of twenty-one years or over who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, giving away, preparing for sale or peddling any marijuana, or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any marijuana to a minor, or who induces a minor to use marijuana in violation of law, is guilty of a felony punishable by imprisonment in the state prison from ten years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years in prison.

B. If such a person has been previously convicted once of any felony offense described in this article, or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this state would have been punishable as a felony offense described in this article, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison from ten years to life, and shall not be eligible for release upon completion of sentence or on parole, or on any other basis until he has served not less than ten years in prison.

C. If such a person has been previously convicted two or more times of any felony offense described in this article, or

has been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this state would have been punishable as a felony offense described in this article, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison from fifteen years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than fifteen years in prison.

36-1002.09. PROBATION; SUSPENDING SENTENCE; WHEN PROHIBITED

A. In no case shall any person convicted of violating any of sections 36-1002 to 36-1002.08, inclusive, or of committing any offense referred to in those sections, be granted probation by the superior court, nor shall the execution of the sentence imposed upon such person be suspended, nor shall the imposition of sentence be suspended, if such person has been previously convicted of any felony offense described in this article, or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this state would have been punishable as a felony offense described in this article, except section 36-1062.

B. In no case shall any person who was of the age of twenty-one years or over at the time of the committision of the offense, who is convicted for the first time of selling, furnishing, administering or giving a narcotic drug other than marijuana to a minor or inducing a minor to use such a narcotic drug in violation of law, be granted probation by the trial court, nor shall the execution of the sentence imposed on such a person be suspended, nor shall the imposition of sentence be suspended.

36-1002.10. FINES; WHEN MAY BE IMPOSED

In addition to the ter mof imprisonment provided by law for persons convicted of violating sections 36-1002 to 36-1002.08, inclusive, the superior court may impose a fine not exceeding fifty thousand dollars for each offense. In no event shall the fine be imposed in lieu of or in substitution for the term of imprisonment provided by law for any of the offenses defined in this article.

Sec. 4. Sec. 36-1019, Arizona Revised Statutes, is amended to read:

36-1019. ENFORCEMENT; REPORTING ADDICTS

A. The superintendent of liquor licenses and control and his designated agents, all officers exercising police powers, and county attorneys, shall enforce the provisions of this article, unless such enforcement is otherwise specifically delegated, and they shall cooperate with all officers and agencies charged with enforcement of laws of other state and nations and of the United States pertaining to narcotic drugs.

B. Sheriffs and police departments of cities and towns on the last day of each month shall file with the superintendent of liquor licenses and control, on a form prepared by the superintendent, the number of persons arrested or detected by such law enforcement officers during such month for narcotic drug addiction. A copy of the report shall be filed at the same time with the agent in charge of the federal bureau of narcotics in this state.

C. The superintendent of liquor licenses and control is authorized and directed to require such law enforcement officers to prepare and file the report described in subsection B of this section.

D. The superintendent shal ltabulate the reports in such manner as will inform the law enforcement officers of this state, or other states, or the federal bureau of narcotics of the names, residences, ages, sex, race, drug used, years addicted, original cause of addiction, and source of supply so far as such information is available to the superintendent.

Sec. 5. Sec. 36-1062, Arizona Revised Statutes, is amended to read:

36-1062. UNLAWFUL ACTS; USER; EXCEPTION; PENALTY FOR VIOLATION; PROBATION

No person shall use, or be under the influence of, or be addicted to the use of a narcotic drug, except when administered by or under the direction of a person licensed by the state to prescribe and administer narcotic drugs. Any person convicted of violating any provision of this section is guilty of a misdemeanor and shall for a first offense be sentenced to serve a term of not less than ninety days nor more than one year in the county jail. The court may place a person convicted under this section on probation for a period not to exceed five years and shall in all cases in which probation is granted require as a condition thereof that such person be confined in the county jail for at least ninety days. The court shall not

absolve a person who violates this section from incarceration at least ninety days in the county jeal.

Sec. 6. Title 36, chapter 9, article 3, Arizona Revised Statutes, is amended by adding sections 36-1062.01, 36-1062.02, and 36-1062.03, to read:

36-1062.01. TEST TO DETERMINE USE OF NARCOTIC DRUGS; APPLICABILITY TO USERS ON PROBATION; COST OF ADMINISTRATION; RULES AND REGULATIONS

A. Whenever a superior court grants probation to a person who has been convicted of violating section 36-1062, the court may require as a condition to probation that the probationer submit to periodic tests by a city, town or county health officer, if a physician, or by a physician appointed by the city, town or county health officer, to determine by means of the use of synthetic opiate antinarcotic in action, or such other tests as may be approved by the state board of health, whether the probationer is a narcotic drug addict. In any case provided for in this section, the city, town or county health officer, if a physician, or the physician appointed by the city, town or county health officer shall report the results of the tests to the court which heard the matter.

B. In any case in which probation is granted to a person who is or has been a user of a narcotic drug, it may be a condition of the probation that the probationar undergo periodic tests as provided in subsection A and that the county, city or town health officer, if a physician, or the physician appointed by the city, town or county health officer shall report the results of the tests to the court which heard the matter.

C. The cost of administering the test provided for by this section shall be a charge against the county.

D. The state board of health shall issue regulations prescribing the method or technique in administering the tests provided for by this section and shall provide the form of the report to be filed with the court.

36-1062.02. TREATMENT FOR NARCOTIC DRUG ADDICTION

A. Nothwithstanding any other provision of this article, a superior court or the board of pardons and parole may grant probation or parole to persons heretofore or hereafter convicted of narcotic drug addiction. The court or board may require, as

a condition of the probation or parole, that the probationer or parolee submit to treatment by a physician appointed by the court or board, but a narcotic drug shall not be used in such treatment.

B. Probation or parole shall not be granted as provided by subsection A unless the state board of health has certified to the several superior courts and to each of the judges of such courts, and to the board of pardons and parole and to the Arizona medical association, that a method is available for the treatment of narcotic drug addiction, specifying the manner of prescribing for and administering the treatment.

C. The physician who treats such person shall report to the court or board the result of such treatment and such recommendations as he considers proper and advisable, and thereupon the court or board may discharge such person from probation or parole or revoke probation or parole as the physician's report may justify.

D. The cost of such treatment shall be a county charge, or a state charge when the board of pardons and parole enforces this section.

E. In lieu of the provisions of subsections A to D, of this section, the judge of a superior court may suspend sentence of any person convicted for a first offense as a user of narcotic drugs under the provisions of section 36-1062, but as a condition of suspendsion the judge shall require the user, with his written consent, to submit to treatment for narcotic drug addiction at a state or federal institution certified by the state board of healh as having facilities to treat such addiction. Where treatment is ordered at a state institution, the cost of such treatment shall be a state charge. The provisions of this subsection shall not be applicable to a person convicted of a second or subsequent felony offense under the terms of this article.

36-1062.03. SECOND OFFENDER USERS; TREATMENT

Any person convicted as a second or subsequent offender under the provisions of section 36-1062 shall be punished as provided by subsections A and B of section 36-1002.

Sec. 7. REPEAL

Sections 36-1020, 36-1022, and 36-1023, Arizona Revised Statutes, are repealed.

Approved by the Governor—July 27, 1961.

Filed in the Office of the Secretary of State—July 27, 1961.

CHAPTER 2

House Bill No. 1

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTIONS 4-101, 4-112, 4-201, 4-202, 4-203, 4-206, 4-207, 4-209, AND 4-210, ARIZONA REVISED STATUTES, AND AMENDING TITLE 4, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 4-205.01, 4-205.02 AND 4-211.

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

Section 1. Sec. 4-101, Arizona Revised Statutes, is amended to read:

4-101. DEFINITIONS

In this title, unless the context otherwise requires:

1. "Beer" means any beverage obtained by the alcoholic fermentation, infusion or decoction of barley malt, hops, or other ingredients not drinkable, or any combination of them.

2. "Broken package" means any container of spirituous liquor on which the United States tax seal has been broken or removed, or from which the cap, cork or seal placed thereupon by the manufacturer has been removed.

3. "Club" includes any of the following organizations where the sale of spirituous liquor for consumption on the premises is made to members only:

(a) A post, chapter, camp or other local unit composed solely of veterans and its duly recognized auxiliary, and which is a post, chapter, camp or other local unit composed solely of veterans which has been chartered by the congress of the United States for patriotic, fraternal or benevolent purposes, and which has, as the owner, lessee or occupant, operated an establishment for that purpose in this state.

(b) A chapter, aerie, parlor, lodge or other local unit of an American national fraternal organization which has as the owner, lessee or occupant operated an establishment for fraternal purposes in this state. An American national fraternal organization as used in this subdivision shall actively operate in not less than thirty-six states or have been in active continuous existence for not less than twenty years.

(c) A hall or building association of such a local unit mentioned in subdivisions (a) and (b), all of the capital stock of which is owned by the local unit or the members, and which operates the club room facilities of the local unit.

(d) A golf club which has more than fifty bona fide members which owns, maintains or operates a bona fide golf links together with a club house.

(e) A social club with more than one hundred bona fide members who are actual residents of the county in which it is located, which owns, maintains or operates club quarters, and which is authorized and incorporated to operate as a nonprofit club under the laws of this state, and has been continuously incorporated and operating for a period of not less than one year. The club shall have had, during such period of one year, a bona fide membership with regular meetings conducted at least once each month, and the membership shall be and shall have been actively engaged in carrying out the objects of the club. The club's membership shall consist of bona fide dues-paying members paying at least six dollars per year, payable monthly, quarterly or annually, which have been recorded by the secretary of the club, and the members at the time of application for a club license shall be in good standing having for at least one full year paid dues. At least fifty-one per cent of the members shall have signified their intention to secure a social club license by personally signing a petition, on a form prescribed by the superintendent, which shall also include the correct mailing address of each signer. The petition shall not have been signed by a member at a date earlier than thirty days prior to the filing of the petition. The club shall qualify for exemption from the payment of state income taxes under the provision of title 43, it being the intent of this paragraph that a license shall not be granted to a club which is, or has been, primarily formed or activated to obtain a license to sell liquor, but solely to a bona fide club, where the sale of liquor is incidental to the main purposes of the club.

4. "Company" or "association", when used in reference to a corporation, includes successors or assigns.

5. "Election days" means the biennial primary election for the nomination of United States, state, county and precinct officers, a special election called pursuant to section 1, article 21 of the constitution, and the biennial general election.

6. "Off-sale retailer" means any person operating a bona fide regularly established retail liquor store selling spirituous liquors, wines and beer, and any established retail store selling commodities other than spirituous liquors and engaged in

the sale of spirituous liquors only in the original package, to be taken away from the premises of the retailer and to be consumed off the premises.

7. "On-sale retailer" means any person operating an establishment where spirituous liquors are sold in the original container for consumption on or off the premises and in individual portions for consumption on the premises.

8. "Person" includes partnership, association, company or corporation, as well as a natural person.

9. "Sell" includes soliciting or receiving an order for, keeping or exposing for sale, delivering for value, peddling, keeping with intent to sell and trafficking in.

10. "Spirituous liquor" includes alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor, malt beverage, absinthe or compound or mixture of any of them, or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, and any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one per cent of alcohol by volume.

11. "Vehicle" means any means of transportation by land, water or air, and includes everything made use of in any way for such transportation.

12. "Veteran" means a person who has served in the United States army, navy, marine corps, revenue marine service, as an active nurse in the services of the American red cross, in the army and navy nurse corps in time of war, or in any expedition of the armed forces of the United States, and has received a discharge other than dishonorable.

13. "Wine" means the product obtained by the fermentation of grapes or other agricultural products containing natural or added sugar or any such alcoholic beverage fortified with grape brandy and containing not more than twenty-four per cent of alcohol by volume.

Sec. 2. Sec. 4-112, Arizona Revised Statutes, is amended to read:

4-112. SUPERINTENDENT; DUTIES; DEPUTIES; SALARIES

A. The superintendent of liquor licenses and control shall administer and enforce the provisions of this title.

B. The superintendent shall:

1. Prescribe necessary rules and regulations:

(a) For carrying out the provisions of this title.

(b) For the proper conduct of the business to be carried on under each specific type of spirituous liquor license.

(c) To enable and assist state officials to collect taxes levied or imposed in connection with spirituous liquors.

(d) To procure full compliance by licensees in the conduct of their business with all provisions of this title.

(e) To hold hearings on applications for licenses and transfers thereof and grant or deny such applications.

2. Prescribe forms for applications and licenses, and other forms as may be necessary under this title.

3. Examine books, records and papers of a licensee.

4. Hear and determine complaints against a licensee.

5. Grant or deny applications for licenses and transfers thereof in accordance with the provisions of this act.

6. Issue subpoenas and other necessary process to procure the presence of persons and the production of papers.

7. Administer oaths, take testimony and punish for contempt.

8. Employ necessary deputies and assistants and pay their compensation and other expenses of administering this title.

C. The superintendent shall keep an index record which shall contain the name and address of each licensee and the name and address of any person having an interest, either legal or equitable, in such license as shown by any written document which document shall be placed on file with the office of the superintendent. The index shall be a public record open to public inspection.

D. The superintendent shall assist in the enforcement of laws relating to possession and sale of narcotic drugs, and in consideration of these additional duties he shall receive an additional salary of two thousand four hundred dollars per annum, but this total salary shall not exceed nine thousand six hundred dollars per annum.

Sec. 3. Sec. 4-201, Arizona Revised Statutes, is amended to read:

4-201. LICENSING; APPLICATION PROCEDURE IN CITY, TOWN OR COUNTY

A. A person desiring a license to manufacture, sell or deal in spirituous liquors shall make application therefor to the superintendent on a form prescribed and furnished by the superintendent.

B. A person desiring a license within an incorporated city or town shall make the application in triplicate, and shall file one copy with the superintendent and two with the city or town clerk. The city or town clerk shall immediately file one copy in his office and post the other for a period of twenty days in a conspicuous place on front of the premises where the business is proposed to be conducted, with a statement requiring any person who is a bona fide resident of the age of twenty-one years or more residing, owning or leasing property within a one-half mile radius from the premises proposed to be licensed, and who is in favor of or opposed to the issuance of the license, to file written arguments in favor of or opposed thereto with the clerk within twenty days after the date of posting. No arguments shall be filed or accepted thereafter. The provisions of this subsection shall not be construed to prevent a bona fide resident of the age of twenty-one years or more residing, owning or leasing property within a one-half mile radius from the premises proposed to be licensed from testifying in favor of or in opposition to the issuance of the license, regardless of whether or not he is a user or nonuser of spirituous liquor.

C. The governing body of the city or town shall then enter an order recommending approval or disapproval and shall file a certified copy of the order with the superintendent. If the recommendation is disapproved, then a statement of the reasons shall be attached to the order. All petitions submitted to the governing body within the twenty-day period for filing the protest shall be transmitted to the superintendent with the certified copy of the order.

D. If a license is applied for to conduct a spirituous liquor business outside an incorporated city or town, two copies of the application shall be filed with the clerk of the board of supervisors of the county where the applicant desires to do business, and the proceedings by the clerk and board of supervisors shall be as provided for cities and towns.

E. Upon receipt of an application for a spirituous liquor license, the superintendent shall place it on file until the expiration of the time fixed for the certified order by the governing body of the city or town or the board of supervisors, and he shall consider the order together with other facts in his possession relating to the qualifications of the applicant.

Sec. 4. Sec. 4-202, Arizona Revised Statutes, is amended to read:

4-202. QUALIFICATIONS OF LICENSEES; CORPORATIONS; AGENTS; TRANSFERS; VALIDATIONS

A. Every spirituous liquor licensee, other than a club licensee, a corporation licensee, a hotel-motel licensee, or a restaurant licensee shall be a citizen of the United States and a bona fide resident of the state. If a partnership, each partner shall be a citizen of the United States and a bona fide resident of the state. If a corporation, it shall be a domestic corporation or a foreign corporation which has qualified to do business in this state, and shall hold its license through an agent.

B. All licenses now held or owned by a corporation either in its name or through its agent or representative are declared valid and subsisting licenses, provided, that an application shall be made to the superintendent of the department of liquor licenses and control within ninety days after the effective date of this section to transfer such license to an agent of the corporation who may be the same person now acting as such, as provided in subsection C of this section.

C. A corporation which conforms to the qualifications prescribed by subsection A shall own the entire equitable interest in its license through an agent provided the agent is otherwise qualified to hold a spirituous liquor license. The agent shall be subject to the penalties prescribed for any violation of the law relating to alcoholic beverages. Upon the death or resignation or discharge of an agent of a corporation holding a spirituous liquor license, the license shall be assigned forthwith to another qualified agent selected by the corporation.

D. No license shall be issued or renewed to any person who, within one year prior to application therefor, has violated any provision of a spirituous liquor license theretofore issued or has had a license revoked, or, within five years, has been convicted of a felony involving moral turpitude. No corporation shall have its annual license issued or renewed unless it has on file with the superintendent a list of its officers and directors and any stockholders who own ten per cent or more of

the corporation. No corporation shall have it spirituous liquor license issued or renewed if any of its officers or directors or any stockholders who own ten per cent or more of the corporation have within five years been convicted of a felony involving moral turpitude.

E. Subsection A shall not be construed to prevent any club, holding a valid license on March 22, 1952, from continuing the club or from renewing its license, subject to compliance with the provisions of law and rules and regulations of the superintendent.

Sec. 5. Sec. 4-203, Arizona Revised Statutes, is amended to read:

4-203. LICENSES; ISSUANCE; CONTENTS; TRANSFERS; SUSPENSION OR REVOCATION; REVERSION TO STATE

A. The superintendent shall issue a spirituous liquor license only after satisfactory showing of the capability, qualifications and reliability of the applicant, and, with the exception of club licensees, that the public convenience requires or that the best interest of the community will be substantially served by the issuance.

B. The license shall be to manufacture, sell or deal in spirituous liquors only at the place and in the manner provided therein, and a separate license shall be issued for each specific business, each license specifying:

1. The particular spirituous liquors which the licensee is authorized to manufacture, sell or deal in.

2. The place of business for which issued.

3. The purpose for which the liquors may be manufactured or sold.

C. A spirituous liquor license shall be transferable as to any permitted location within the same county, and such transfers shall meet the requirements of original applications.

D. A spirituous liquor license, other than a club license, a hotel-motel license and a restaurant license, may be transferred to a person qualified to be a licensee, provided such transfer includes a bona fide bulk sale of the entire business and stock in trade. All transfers shall meet the requirements of original applications.

E. No spirituous liquor license shall be assigned, transferred or sold, except as provided for in this title. No spirituous liquor license shall be leased or subleased, except that for the purpose of preserving rights and duties that have already matured, any licensee who has leased a spirituous liquor license under a lease in effect on the effective date of this subsection shall, after examination of such lease by the superintendent, be permitted to continue the lease according to its terms, and the license shall revert to the lessor upon expiration of the lease, or upon any termination of the lease, or by December 31, 1963, whichever is sooner.

F. Every license issued under this title before, on or after the effective date of this subsection shall revert to the state forthwith if the licensee does not use the license, in a business established for such purpose, within six months after the effective date of this subsection, or within six months after the date of issuance of the license, whichever is later, except that the superintendent may grant an additional period of time of not more than six months if in his judgment the licensee is in good faith attempting to comply with the provisions of this subsection.

G. A license which has been placed in use within the time prescribed by subsection F and which subsequently is not used by the licensee for a period in excess of six months shall revert to the state, except that the superintendent may grant additional time if, in his judgment, the licensee is in good faith attempting to comply with this subsection.

H. The superintendent may suspend or revoke a license issued pursuant to this section or sections 4-205, 4-205.01 or 4-205.02 for violation of or noncompliance with the laws of the state governing the manufacture and sale of spirituous liquor.

Sec. 6. Title 4, chapter 2, article 1, Arizona Revised Statutes, is amended by adding sections 4-205.01 and 4-205.02, to read:

4-205.01. HOTEL-MOTEL LICENSE; ISSUANCE; REGULATORY PROVISIONS; NONTRANSFERABILITY; REVOCATION

A. The superintendent may issue a hotel-motel license to any hotel or motel in this state that has in conjunction therewith a restaurant in which meals are served. For the purpose of this section, "meals" means the usual assortment of foods commonly ordered at various hours of the day, but the service of such food and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement.

B. The provisions of section 4-206 shall not apply to nor in any manner restrict the issuance of a hotel-motel license pursuant to or within the provisions of this section.

C. Such license shall be issued in the name of the hotel or motel upon application therefor by the owner or lessee of the motel or hotel, provided the applicant is otherwise qualified to hold a spirituous liquor license. The holder of such license shall be subject to the penalties prescribed for any violation of the law relating to alcoholic beverages.

D. The holder of a hotel-motel license may sell and serve spirituous liquors solely for consumption on the licensed premises.

E. A hotel-motel license shall not be transferable from person to person nor from location to location.

F. In addition to other grounds prescribed in this title upon which a license may be revoked, the superintendent may revoke a hotel-motel license issued pursuant to this section in any case where, in his judgment, the licensee ceases to operate as a hoted or motel, as prescribed in subsection A of this section.

4-205.02. RESTAURANT LICENSE; ISSUANCE; REGULATORY PROVISIONS; NONTRANSFERABILITY; REVOCATION

A. The superintendent may issue a restaurant license to any restaurant in this state which is regularly open for the serving of meals to guests for compensation, and has suitable kitchen facilities connected therewith for keeping, cooking and preparing foods required for ordinary meals. For the purpose of this section, "meals" means the usual assortment of foods commonly ordered at various hours of the day, but the service of such food and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement.

B. The provisions of section 4-206 shall not apply to nor in any manner restrict the issuance of a restaurant license pursuant to the provisions of this section.

C. Such license shall be issued in the name of the restaurant upon application therefor by the owner or lessee of the restaurant, provided the applicant is otherwise qualified to hold a spirituous liquor license. The holder of such license shall be subject to the penalties prescribed for any violation of the law relating to alcoholic beverages.

D. The holder of a restaurant license may sell and serve spirituous liquors solely for consumption on the licensed premises.

E. A restaurant license shall not be transferable from person to person nor form location to location.

F. In addition to other grounds prescribed in this title upon which a license may be revoked, the superintendent may revoke a restaurant license issued pursuant to this section in any case where, in his judgment, the licensee ceases to operate as a restaurant, as prescribed in subsection A of this section.

Sec. 7. Sec. 4-206, Arizona Revised Statutes, is amended to read:

4-206. LICENSES; NUMBER PERMITTED; EXCEPTION

A. The total number of spirituous liquor licenses issued within a single county for on-sale retailers' licenses providing for consumption on the premises of all spirituous liquors shall not exceed:

1. One license for each one thousand inhabitants for the first twenty-four thousand inhabitants within the county, and in addition

2. One license for each two thousand inhabitants for the population within the county from twenty-five thousand through one hundred thousand inhabitants, and in addition

3. One license for each two thousand five hundred inhabitants for the population within the county from one hundred one thousand inhabitants.

B. The total number of spirituous liquor licenses issued within a single county for on-sale retailers' licenses providing for consumption on the premises of beer and wine shall not exceed one license for each five hundred inhabitants, including licenses permitting the sale of beer and wine as provided in subsection A.

C. The total number of spirituous liquor licenses issued within a single county for off-sale retailers' licenses providing for the sale of spirituous liquors, wines and beer only in the original packages to be taken from and consumed off the premises shall not exceed:

1. One license for each one thousand inhabitants for the first twenty-four thousand inhabitants within the county, and in addition

2. One license for each two thousand inhabitants for the population within the county from twenty-five thousand through one hundred thousand inhabitants, and in addition

3. One license for each two thousand five hundred inhabitants for the population within the county from one hundred one thousand inhabitants.

D. Club licenses, hotel, motel or restaurant licenses issued pursuant to section 4-205.01, and any license issued to a lessee pursuant to section 4-212 shall not be considered in determining the legal number of licenses permitted in any county.

E. The population of a county shall be deemed to be the population as last determined by the bureau of the census, less the number of Indian wards of the United States residing therein, as shown by the census.

F. Subsections A, B and C shall not be construed to prevent any licensee holding a valid license on March 30, 1950, or his transferee, from continuing the licensed business or from renewing his license, subject to compliance with the provisions of law and the rules and regulations of the superintendent, regardless of the fact that the continuance or renewal may result in there being outstanding, in any county, licenses in excess of the number provided in subsections A, B and C.

G. In addition to the spirituous liquor licenses permitted to be issued in each county under the provisions of subsection A of this section, an additional number of each class of such licenses as enumerated in section 4-209 may be issued within each county during the calendar year of 1962, and each calendar year thereafter to and including the year 1970. The number of additional licenses to be issued in each class of licenses during each of such years shall not exceed ten per cent of the total number of each class of such licenses issued and in effect within the county as of December 31, 1961. For the purpose of determining the number of additional licenses to be issued in each class of licenses in a county, a fraction of five tenths or more shall entitle the county to have an additional license issued in such class. Licenses authorized under this subsection shall be originally issued only during the calendar year for which each ten per cent additional licenses are permitted, and shall not be permitted to accumulate for original issuance in any subsequent year. In all other respects, the provisions of this title applicable to licenses authorized under subsection A of this section shall be applicable to the additional licenses authorized under this subsection.

Sec. 8. Sec. 4-207, Arizona Revised Statutes, is amended to read:

4-207. LICENSING OF PREMISES NEAR SCHOOL BUILDING PROHIBITED; RESTRICTION ON ISSUANCE OF LICENSES

A. No retailer's license shall be issued for any building whose exterior walls are within three hundred horizontal feet of a public or parochial school building or church building in which services are regularly conducted.

B. In addition to the restrictions imposed by subsection A of this section, no license shall be issued for use on any premises that are under the exclusive jurisdiction of the state fair commission.

Sec. 9. Sec. 4-209, Arizona Revised Statutes, is amended to read:

4-209. FEES; APPLICATION, ISSUANCE, ANNUAL AND TRANSFER; SEASONAL OPERATION

A. A fee shall accompany an application for an original license or transfer of a license, or in case of renewal, shall be paid in advance. Every license shall expire December 31 of each year. An application fee for an original license shall be fifty dollars, which shall be retained by the state.

B. Issuance fees for original licenses shall be:

1. Distiller's license, five hundred dollars.

2. Brewer's license, five hundred dollars.

3. Winer's license, five hundred dollars.

4. Wholesaler's license to sell all spirituous liquors, five hundred dollars.

5. Wholesaler's license to sell wine and beer, five hundred dollars.

6. On-sale retailer's license to sell all spirituous liquors by individual portions and in the original containers, five hundred dollars.

7. On-sale retailer's license to sell wine and beer by individual portions and in the original containers, one hundred fifty dollars.

8. On-sale retailer's license to sell beer by individual portions and in the original containers, one hundred dollars.

9. Off-sale retailer's license to sell all spirituous liquors, five hundred dollars.

10. Off-sale retailer's license to sell wine and beer, one hundred fifty dollars.

11. Off-sale retailer's license to sell beer, one hundred dollars.

12. Railroad license issued in the name of an operating railroad company to sell all spirituous liquors in individual portions or in the original containers on all passenger trains operated by the railroad company, five hundred dollars.

13. Airline license issued in the name of an operating airline company to sell or serve spirituous liquors solely in individual portions on all passenger planes operated by the airline company, five hundred dollars.

14. Club license issued in the name of a bona fide club qualified under this chapter to sell all liquors on-sale, one hundred dollars.

15. Hotel-motel license issued as such to sell and serve spirituous liquors solely for consumption on the licensed premises of the hotel or motel, one thousand dollars.

16. Restaurant license issued as such to sell and serve spirituous liquors solely for consumption on the licensed premises of the restaurant, one thousand dollars.

C. If a license is issued on or after July 1 in any year, one half of the annual license fee shall be charged.

D. The annual fees for licenses shall be:

1. Distiller's license, three hundred fifty dollars.

2. Brewer's license, three hundred fifty dollars.

3. Winer's license, one hundred fifty dollars.

4. Wholesaler's license to sell all spirituous liquors, two hundred fifty dollars and, commencing January 1, 1963, an additional amount equal to one per cent of the gross sales of spirituous liquors made by such wholesaler during the calendar year 1962, and each year thereafter, such additional amount to be based on the gross sales of spirituous liquors made by

such wholesaler during the calendar year immediately preceding.

5. Wholesaler's license to sell wine and beer, one hundred dollars and, commencing January 1, 1963, an additional amount equal to one per cent of the gross sales of spirituous liquors made by such wholesaler during the calendar year 1962, and each year thereafter, such additional amount to be based on the gross sales of spirituous liquors made by such wholesaler during the calendar year immediately preceding.

6. On-sale retailer's license to sell all spirituous liquors by individual portions and in the original containers, one hundred fifty dollars.

7. On-sale retailer's license to sell wine and beer by individual portions and in the original containers, seventy-five dollars.

8. On-sale retailer's license to sell beer by individual portions and in the original containers, twenty-five dollars.

9. Off-sale retailer's license to sell all spirituous liquors, fifty dollars.

10. Off-sale retailer's license to sell wine and beer, fifty dollars.

11. Off-sale retailer's license to sell beer, twenty-five dollars.

12. Railroad license issued in the name of an operating railroad company to sell all spirituous liquors in individual portions or in the original containers on all passenger trains operated by the railroad company, two hundred twenty-five dollars.

13. Airline license issued in the name of an operating airline company to sell or serve spirituous liquors solely in individual portions on all passenger planes operated by the airline company, two hundred twenty-five dollars.

14. Club license issued in the name of a bona fide club qualified under this title to sell all liquors on-sale, one hundred fifty dollars.

15. Hotel-motel license issued as such to sell and serve spirituous liquors solely for consumption on the licensed premises of the hotel or motel, five hundred dollars.

16. Restaurant license issued as such to sell and serve spirituous liquors solely for consumption on the licensed premises of the restaurant, five hundred dollars.

E. Where the business of an on-sale retail licensee is seasonal, not extending over periods of more than six months in any calendar year, he may designate the periods of his operation, and a license may be granted for those periods only, upon payment of one half the fee prescribed in subsection D.

F. Transfer fees from person to person for licenses transferred pursuant to section 4-203, subsection D, shall be:

1. Distiller's license, five hundred dollars.

2. Brewer's license, five hundred dollars.

3. Winer's license, three hundred dollars.

4. Wholesaler's license to sell all spirituous liquors, five hundred dollars.

5. Wholesaler's license to sell wine and beer, two hundred dollars.

6. On-sale retailer's license to sell all spirituous liquors by individual portions and in the original containers, three hundred dollars.

7. On-sale retailer's license to sell wine and beer by individual portions and in the original containers, one hundred fifty dollars.

8. On-sale retailer's license to sell beer by individual portions and in the original containers, fifty dollars.

9. Off-sale retailer's license to sell all spirituous liquors, one hundred dollars.

10. Off-sale retailer's license to sell wine and beer, one hundred dollars.

11. Off-sale retailer's license to sell beer, fifty dollars.

12. Railroad license issued in the name of an operating railroad company to sell all spirituous liquors in individual portions or in the original containers on all passenger trains operated by the railroad company, four hundred fifty dollars.

13. Airline license issued in the name of an operating airline company to sell or serve spirituous liquors solely in individual portions on all passenger planes operated by the airline company, four hundred fifty dollars.

G. Transfer fees from location to location, as provided for in section 4-203, subsection C, shall be one hundred dollars.

H. Fees for the transfer or assignment of a spirituous liquor license not otherwise provided for in this title shall be one hundred dollars.

Sec. 10. Sec. 4-210, Arizona Revised Statutes, is amended to read:

4-210. REVOCATION AND SUSPENSION; NOTICE; APPEAL

A. A spirituous liquor license may be suspended or revoked by the superintendent for violation of, or noncompliance with, any provision of this title, or any rule or regulation issued pursuant to this title, or any condition imposed upon the licensee by the license.

B. A license shall be suspended or revoked only after a hearing before the superintendent, and only after reasonable notice has been given the licensee or an employee of the licensee by service on the licensed premises.

C. The decision of the superintendent shall be final in any matter relating to the issuance, transfer, renewal, suspension or revocation of a license, unless the person aggrieved, within ten days after the date of the decision, files on appeal with the superior court of the county in which the licensed premises are located. On the appeal, the court shall hear and determine the matter de novo not more than ten days after the date of filing the appeal. The provisions of this subsection shall not be construed to prevent a bona fide resident of the age of twenty-one years or more residing, owning or leasing property within a one-half mile radius from the premises proposed to be licensed from testifying in favor of or in opposition to the issuance of the license.

D. Pending determination of the appeal, the decision and order of the superintendent shall remain in full force and effect.

Sec. 11. Title 4, chapter 2, article 1, Arizona Revised Statutes, is amended by adding section 4-211, to read:

4-211. LICENSE AUTHORIZED UPON LOSS OF LICENSE BY LESSEE OF LEASE; ISSUANCE; TRANSFERABILITY

A. Upon the reversion of a license as provided in section 4-203, subsection E, the superintendent shall issue to the lessee from whom the license reverted a license of the same class

as that which reverted, provided such lessee makes application within six months from the date of reversion for such license in accordance with section 4-201.

B. The license shall be issued in the name of the applicant, provided the applicant is otherwise qualified to have such license issued. The holder of the license shall be subject to the penalties prescribed for any violation of the law relating to alcoholic beverages.

C. The provisions of section 4-206 shall not apply to nor in any manner restrict the issuance of a license issued under the provisions of this section.

D. Such license shall be transferable from location to location.

Approved by the Governor—August 7, 1961.

Filed in the Office of the Secretary of State—August 7, 1961.

MEMORIALS

SENATE CONCURRENT MEMORIAL NO. 1

A CONCURRENT MEMORIAL

RECOMMENDING TO THE CONGRESS OF THE UNITED STATES THAT RESEARCH BE UNDERTAKEN IN FIVE MAJOR AREAS RELATING TO NARCOTIC DRUG ADDICTION AND METHODS OF TREATING NARCOTIC DRUG ADDICTS.

To the Congress of the United States of America:

Your memorialist respectfully represents:

WHEREAS, the American Bar Association and the American Medical Association established a Joint Committee for the purpose of studying the problem of narcotic drug addiction in the United States; and

WHEREAS, the Joint Committee of the American Bar Association and the American Medical Association on Narcotic Drugs concluded that the problem of narcotic drug addiction and its solution is of paramount importance to the people of the United States; and

WHEREAS, the Joint Committee issued an interim and final report of its study and research on narcotic drugs, which contained recommendations for research in five major areas; and

WHEREAS, the Legislature of the State of Arizona believes that the Congress of the United States can play a major role in eradicating the evils existing in drug addiction.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the Congress of the United States exert every effort to place into effect the following recommendations proposed by the Joint Committee of the American Bar Association and the American Medical Association on Narcotic Drugs:

a. An experimental facility for the outpatient treatment of drug addicts, to explore the possibilities of dealing with at least some types of addicted persons in the community rather than in institutions.

b. An extensive study of relapse and causative factors in drug addiction.

c. The development of sound and authoritative techniques and programs for the prevention of drug addiction.

d. A critical evaluation of present legislation on narcotic drugs and drug addiction.

e. A study and analysis of the administration of present narcotic laws.

2. That the Honorable Wesley Bolin, Secretary of State of the State of Arizona, be authorized to transmit a copy of this Senate Concurrent Memorial to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each member of the Congress of the United States.

Passed the Senate July 21, 1961 by the following vote: 23 Ayes, 1 Nays, 4 Not Voting.

Passed the House July 25, 1961 by the following vote: 77 Ayes, 0 Nays, 3 Not Voting.

Approved by the Governor—July 28, 1961.

Filed in the Office of the Secretary of State—July 28, 1961.

SENATE JOINT MEMORIAL NO. 1

A JOINT MEMORIAL

REQUESTING THE UNITED STATES TREASURY DEPARTMENT TO IMPLEMENT EXISTING PRACTICES FOR THE PURPOSE OF PERMITTING ITS CUSTOMS SERVICE AND THE BUREAU OF NARCOTICS TO MAINTAIN A MORE RIGID BORDER INSPECTION AND THEREBY PREVENT THE ILLEGAL IMPORTATION OF NARCOTIC DRUGS.

To the Honorable Clarence Douglas Dillon, Secretary of the Treasury, and the Commissioners of the Bureau of Customs and the Bureau of Narcotics:

Your memorialist respectfully represents:

WHEREAS, it is generally recognized that the illegal sale of narcotic drugs results in an increase in crime, degeneracy and a low moral behavior; and

WHEREAS, the source of supply of illegal narcotic drugs primarily occurs because of smuggling such drugs across United States Borders from foreign countries; and

WHEREAS, each border state within the United States is restricted by rules of international agreements limiting its effort to cope with the problem; and

WHEREAS, the prime responsibility for preventing the smuggling of narcotic drugs rests with the Federal Government and specifically the United States Treasury Department through its agencies designated as the Bureau of Customs and the Bureau of Narcotics; and

WHEREAS, there is imperative need for acceleration of every effort to further reduce the illicit traffic in narcotic drugs.

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

1. That the Secretary of the Treasury implement the personnel and activities of the Bureau of Customs and the Bureau of Narcotics with appropriate directives for the purpose of eliminating the smuggling of narcotic drugs.

2. The Honorable Wesley Bolin, Secretary of State of the State of Arizona, is directed to send certified copies of this Senate Joint Memorial to the Honorable Clarence Douglas Dillon, Secretary of the Treasury, to the Commissioner of the Bureau of Customs and the Commissioner of the Bureau of Narcotics, and to the members of the Arizona delegation in Congress, the Honorables Carl Hayden, Barry Goldwater, John Rhodes, and Morris Udall.

Passed the Senate July 21, 1961 by the following vote: 23 Ayes, 0 Nays, 5 Not Voting.

Passed the House July 25, 1961 by the following vote: 78 Ayes, 0 Nays, 2 Not Voting.

Approved by the Governor—July 25, 1961.

Filed in the Office of the Secretary of State—July 26, 1961.

GOVERNOR'S REMARKS

REMARKS

by

PAUL FANNIN

Governor of Arizona

at close of

The First Special Session

of the

Twenty-fifth Legislature

July 31, 1961

The people of Arizona join me in expressing thanks to you for the excellent narcotics legislation you adopted at this Special Session, and for the hard work and conscientious effort it represents. The need to strengthen Arizona's narcotics laws was urgent, and your action is an achievement you may well be proud of and for which I commend you. We will now be in a position to deal forthrightly with narcotics problems needing serious attention, and which were becoming an increasingly horrible menace to our society.

It was imperative that action be taken immediately, not only to prevent a continuance of present illegal activities in the sale and use of narcotics, but to avoid a movement of illicit trafficking from our neighboring State of California as a result of more stringent legislation adopted over their this year. Your response to my request in this area has been unhesitating and courageous. The result is that our regulatory department and other law enforcement agencies, together with our courts, now have the means necessary to wage war against narcotics peddlers and treat addicts with equity and understanding.

This practical and stringent legislation is the result of months of extensive study, hearings and research, both by your committees and by supporting groups. Again, on behalf of the people of this State, I express our heartfelt thanks to the dedicated public servants serving on the Arizona Citizens' Narcotics Committee, who gave unselfishly of their time and services to assist you in preparing for this Session and supporting you in the adoption of a sound legislative program.

I cannot comment to any extent on the liquor control bill you have adopted, because I will need to study it in order to see how nearly it meets what I feel are the most serious inequities now existing. However, my impression is that you have accomp-

lished a number of the objectives our people hoped for when I called this special session.

The sale and lease of liquor licenses will cease to be a profitable speculative venture in Arizona if the legislation you adopted is what it should be.

Considerable disappointment no doubt will be expressed that you have not acted as forthrightly in this field as you did in narcotics legislation, and that the results here do not meet all of the hopes expressed during the past months. Instead of bringing profiteering in liquor licenses to a decisive end, speculators apparently are being given an additional period of grace. If, finally, however, this whole inequitable system has been given a death blow, it will be a commendable service to the people of Arizona which you have performed.

In one respect I am particularly disappointed with the liquor control bill as I understand you have adopted. I firmly believe local authorities should have greater control over the issuance of licenses, both as to number and location. You chose otherwise. It would have been much better, it seems to me, to have given the people of the various towns and communities in Arizona a real voice in the matter of just how many liquor establishments they are to have and where they should be located.

You may rest assured this bill will be given my most serious consideration.

My primary purpose in calling this special session was to deal with problems in narcotics and liquor license control so urgently in need of attention that further delay could not be permitted. It was also to remove the vexatious issue of speculation in liquor licenses from the agenda of the next regular session of this legislature. There are other matters of tremendous importance which will require your undeviating attention at that time.

And for one example, next January you will be faced with the responsibility of making legislative determinations based upon a full study of the effects of the School Finance Act of 1959 in relation to the tax problem of the homeowner and other school district property taxpayers.

Speaking in general terms, it might be said that during the first two years of the Finance Act and its companion revenue measure, the school district tax rates were in large part protected against increase. In some instances there were sharp decreases.

As yet the complete statewide compilation of this year's school district tax rates is not available. It is becoming obvious, however, that despite a seventy-five per cent increase in the last two years in total of school support from the state level, and a continued increase in state support this year, the earlier trend toward lower school district tax rates has turned.

In essence the objective of our school tax money is to purchase instruction time for our children and to provide facilities for the utilization of that instruction time.

The questions for proper legislative inquiry which stem from that basic proposition relate not only to the raising and distribution of money for schools but also relate to the utilization of that money once it is appropriated.

Therefore, in January it will be our responsibility as elected representatives of the people who support our schools, to determine the facts back of the general upward turn in school district tax rates. Acting upon those facts, it will be our responsibility to take definite action, not only in the areas of state finance of the public school system but also in those areas relating to the question: "Are we expending these vast sums of public money for the school system as wisely, as thriftily, and as purposefully as we should and can?"

There is an interim of five months between now and the regular session next January.

It will be several weeks before complete information is available upon the school tax and revenue situation, statewide, at the school district and county levels for the current fiscal year.

It is my intention to avail myself at an early opportunity of the thoughts of Senate President Carpenter and of House Speaker Cook as to the feasibility of any interim legislative committee study and preparation upon this problem, which undoubtedly will be a dominant one at the regular session.

To that end I wish at this time to take the opportunity of presenting some facts in connection with the School Finance Act of 1959 and its companion revenue measure, the Special Education Tax.

In the two fiscal years (1957-58 and 1958-59) preceding enactment of the School Finance Act of 1959 and its companion revenue measure, the Special Education Excise Tax Act, there was appropriated from the State General Fund a combined total of $85,914,000 for the purposes of education in Arizona.

This state support was the grand total of state government appropriations for the elementary and high school system, the state college and universities, junior colleges, the State Deaf and Blind School, the State Department for Public Instruction, textbooks, teachers retirement and for other services.

Subsequently on July 1, 1959 the School Finance Act of 1959, a major achievement of the 24th Legislature, became effective, together with its revenue measure.

In the following two fiscal years (1959-60 and 1960-61) there was appropriated from the State General Fund a combined total of $136,961,572 for the above noted educational purposes.

This was a State General Fund increase of $51,047,565 for education in two years alone and does not take into account any increase in county or school district support.

This $51.0 million increase in state support for education was off-set by a revenue of $43,108,311 from the Special Education Tax during the two fiscal years in question.

(1959-60 . . . . $19,633,998 and 1960-61 . . . . $23,474,313. These were State Tax Commission monthly reports. Total $43,108,311.)

I use the word "off-set" advisedly. Actually, as can be seen, in addition to the increase balanced by the Special Education Tax revenue in the two years, there was an additional $7,939,254 turned into the channels of education from the State General Fund.

In any event, as was the purpose of the Arizona Legislature in 1959, every cent of the Special Education Tax has gone for education over and above the continued previous state expenditures.

A comparison with the previous two fiscal years shows that in the two fiscal years following the enactment of the School Finance Act and its revenue measure, that State General Fund support of our universities and college increased $13,061,176 or 41 per cent. State General Fund support of elementary and secondary education increased $36,838,368 or 75 per cent. State General Fund support of other areas of education such as junior colleges, the Deaf and Blind School, teachers retirement, increased $1,148,021 or 22 per cent.

In the current fiscal year, 1961-62, which began July 1, there will be appropriated from the State General Fund $49,648,210 to elementary and high schools.

This is a $5,576,634 increase over the state school appropriation in the immediately previous fiscal year, 1960-61.

Actually, in terms of dollars and cents the State General Fund's current (1961-62) support of elementary and high school education is $25,999,443 more than it was in fiscal 1957-58. This is an increase of 110 per cent in five years from the State General Fund level.

During that 5 year period Arizona Public School enrollment has increased 36.76 per cent. (ACTUAL attendance 1957-58, 217,984 students in elementary and high schools. ESTIMATED attendance 1961-62, 298,109 students in elementary and high schools.)

Certainly Arizona has no reason to be ashamed of its financial efforts in public education. In fact, Arizona stands near the top—fourth, in fact—among the states in percentage of state and local taxes applied to education.

But, the responsibility we have for providing Arizona's children with a modern public school system must be balanced by a responsibility to our taxpayers. The taxpayers' resources are not inexhaustible. They deserve every protection we can give them.

This has been a long day for you, and I will not at this time discuss any of the other subjects which will require your urgent attention at the regular session in January. You have assigned committees on some of the other subjects that will be involved. During the interim between now and January a great deal additional preparation for the regular session can be made, and I will counsel with President Carpenter and Speaker Cook on that at an early date.

It may well be that as a state and as a nation we will be faced with situations in the days immediately ahead calling for a greater test of our courage as a people and our dedication to the cause of human liberty than any we have yet known. We may be called upon to take immediate and drastic steps in the defense of our nation and our way of life. Emergency legislation requests from the Defense Department in Washington or from the President of the United States may be received, and in this event I know you will speedily rise to any need. These are matters of a grave and serious nature which I ask you to keep in mind as you adjourn. Everyone of us hopes from the innermost depths of his heart that the threat of international Communist aggression hanging over the world today will not unleash upon the human race the ghastly destruction of a nuclear war, but God grant us the wisdom and strength to be ever ready to meet it if it should come.

PAUL FANNIN
Governor

PROCLAMATION CALLING SPECIAL ELECTION

STATE OF ARIZONA

EXECUTIVE DEPARTMENT

A PROCLAMATION BY THE GOVERNOR OF THE STATE OF ARIZONA

* * * * *

WHEREAS, a vacancy exists in the office of a Representative to the Congress of the United States in Arizona by reason of the resignation of the Honorable Stewart L. Udall, Representative from Arizona's Congressional District No. 2 to the Congress of the United States, said Congressional District No. 2 comprising the counties of Apache, Cochise, Coconino, Gila, Graham, Greenlee, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai and Yuma, as set forth in Section 16-727, ARS; and

WHEREAS, it is provided by Article I, Section 2 of the Constitution of the United States that:

> "When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such vacancies."

and,

WHEREAS, it is provided by Section 16-704, ARS, that:

> "Special elections to fill a vacancy in the office of a member of the legislature, or a representative or senator in congress, shall be held only on the proclamation of the governor for that purpose."

and,

WHEREAS, it is provided by Section 10, Article VII of the Constitution of Arizona, that:

> "The Legislature shall enact a direct primary election law, which shall provide for the nomination of candidates for all elective, state, county, and city offices, including candidates for United States Senator and for Representative in Congress."

and,

WHEREAS, it is provided in Section 16-702, ARS, that:

"On the eighth Tuesday prior to a general or special election at which candidates for public office are to be elected, a primary election shall be held."

NOW, THEREFORE, I, Paul J. Fannin, Governor of the State of Arizona, in pursuance of my duty as prescribed by Article 1, Section 2 of the Constitution of the United States, and Section 16-704, ARS, do hereby proclaim a

SPECIAL PRIMARY ELECTION

in the Second Congressional District of Arizona comprising the counties of Apache, Cochise, Coconino, Gila, Graham, Greenlee, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai and Yuma, as set forth in Section 16-727, ARS, said Special Election to be held on Tuesday, the Seventh day of March, 1961, for the nomination of candidates for the office of Representative from Arizona Congressional District No. 2 to the Congress of the United States, to fill the unexpired term of the Honorable Stewart L. Udall, resigned;

and I do hereby proclaim a

SPECIAL GENERAL ELECTION

in the Second Congressional District of the State of Arizona comprising the counties of Apache, Cochise, Coconino, Gila, Graham, Greenlee, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai and Yuma, for the election of a Representative from the Second Congressional District of Arizona to the Congress of the United States to fill the unexpired term of Honorable Stewart L. Udall, resigned, said Special General Election to be held on Tuesday, the second day of May, 1961.

And I do hereby offer a reward of Fifty ($50.00) Dollars for the arrest and conviction of any and every person violating any of the penal provisions of the election laws of the State of Arizona, such rewards to be paid until the total amount hereafter expended for the purpose reaches the amount of One Thousand ($1,000.00) Dollars.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed.

DONE at the Capitol, in the City of Phoenix, this twentieth day of January, in the year of Our Lord One Thousand Nine Hundred and Sixty-one.

PAUL J. FANNIN
GOVERNOR

ATTEST:

WESLEY BOLIN
Secretary of State

OFFICIAL CANVASS

ELECTION RETURNS

OFFICIAL CANVASS

SPECIAL PRIMARY ELECTION — MARCH 7, 1961

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
Total Registration	3,296	16,103	9,527	9,699	4,957	4,697	3,170	7,688	92,426	14,896	3,582	12,039	13,538	195,618
Total Ballots Cast	1,079	5,205	1,720	3,748	1,409	1,718	997	2,209	20,170	3,304	1,017	2,496	2,939	48,011
Per Cent of Votes Cast	32.74	32.32	18.05	38.64	28.42	36.58	31.45	28.73	21.82	22.18	28.40	20.73	21.71	24.54
REPRESENTATIVE IN CONGRESS, Dist. 2														
Conrad James Carreon (D)	82	329	142	503	93	161	51	91	570	236	46	94	218	2,616
William F. (Bill) Hendrix (D)	115	666	189	248	288	109	151	330	1,398	466	106	214	191	4,471
William E. "Bill" Netherton (D)	10	290	34	189	24	14	15	35	1,138	218	35	34	89	2,125
Harold A. (Porque) Patten (D)	4	500	111	323	66	50	98	189	1,851	309	211	204	248	4,207
H. Earl Rogge, Jr. (D)	22	198	24	142	199	653	61	46	1,014	81	51	114	42	2,647
Morris K. Udall (D)	633	2,515	769	1,857	571	611	461	1,004	10,016	1,400	422	1,059	1,619	22,937
Mac C. Matheson (R)	139	575	404	298	138	71	152	444	3,894	463	106	732	472	7,888

OFFICIAL CANVASS

SPECIAL GENERAL ELECTION — MAY 2, 1961

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
Total Registration	3,345	16,260	9,652	9,725	5,006	4,699	3,189	7,815	93,134	14,932	3,664	12,073	13,687	197,181
Total Ballots Cast	1,712	8,878	4,246	5,341	2,779	2,351	1,442	4,155	51,374	6,865	1,624	5,724	5,254	101,745
Per Cent of Votes Cast	51.18	54.60	43.99	54.92	55.51	50.03	45.22	58.11	55.16	45.97	44.32	47.41	38.39	51.60
REPRESENTATIVE IN CONGRESS, Dist. No. 2														
Morris K. Udall (D)	997	4,891	1,662	3,292	1,200	1,621	598	1,642	26,216	3,548	874	2,226	2,537	51,304
Mac C. Matheson (R)	685	3,838	2,509	1,976	1,579	707	786	2,461	24,749	3,188	721	3,427	2,671	49,297

OFFICIAL CANVASS

PRIMARY ELECTION — SEPTEMBER 13, 1960

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
Total Registration	3,257	15,589	9,355	10,786	5,602	5.014	218,327	3,349	7,915	84,735	15,694	3,849	12 177	14,358	410,007
Total Ballots Cast	2,133	11,531	5,153	7,410	4,036	4,038	106.071	2,525	4.947	40,615	10,493	2,963	7.929	9,673	219,516
Per Cent of Votes Cast	65.49	73.97	55.08	68.70	72.05	80.53	48.58	75.37	62.50	47.93	66.86	76.98	65.11	67.37	53.54
PRESIDENTIAL ELECTORS															
Democratic:															
Thomas J. Croaff, Jr.	797	4,782	1,960	3,733	1,469	1,849	40,379	888	1,859	11,396	4,986	1,001	2,992	4,174	82,265
Rawghlie C. Stanford	939	6,451	2,234	3,962	1,919	2,239	40,983	1,147	2,282	12,862	5,307	1,157	3,432	4,693	89.607
Ernest W. McFarland	1,186	7,140	2,572	4,735	2,178	2,766	46,028	1,330	2,730	16,537	6,163	1,609	3,851	5,567	104,392
Leisa G. Bronson	807	5,168	2,165	3,313	1,587	1,825	33,954	952	1,954	12,249	4,501	988	3,156	4,149	76,768
Daniel Edward Garvey	1,052	6,556	2,466	4,206	1,945	2,406	40,418	1,198	2,397	14,171	5,676	1,399	3,756	5,285	92,931
Republican:															
Elizabeth Ann Parkman	222	1,032	1,014	433	326	81	27,637	245	771	8,673	1,112	175	1,807	1,353	44,611
Margaret A. Rockwell	240	1,032	1,034	433	327	82	28,122	253	788	8,686	1,128	175	1,845	1,367	45,512
E. I. Whiting	247	1,024	1,018	424	327	81	27,109	244	840	8,534	1,106	179	1,818	1,362	44,313
Barnett E. Marks	226	1,052	1,016	432	325	83	28,271	242	766	8,779	1,112	177	1,820	1,360	45,661
Socialist-Labor Party:															
George Horvath							1			2					3
Wrignol E. Quillen							1			2					3
William M. Reynolds							4			2					6
Pauline Reynolds							1			2					3
REPRESENTATIVE IN CONGRESS, Dist. No. 1															
Democratic:															
Mubarek Ali Khan							11,295								11,295
Richard F. "Dick" Harless							46,296								46,296
Republican:															
John J. Rhodes							31,827								31,827

REPRESENTATIVE IN CONGRESS, Dist. No. 2															
Democratic:															
Stewart L. Udall	1,276	8,164	3,080	5,297	2,107	3,000		1,381	2,835	21,548	6,835	1,750	4,410	6,374	68,057
Republican:															
Mac C. Matheson	253	1,060	1,110	459	355	87		279	815	8,823	1,116	169	1,800	1,359	17,685
JUDGE OF THE SUPREME COURT, Term No. 1 (expiring the first Monday in January, 1967)															
Democratic:															
M. T. Phelps	647	3,614	1,324	2,547	1,255	1,521	25,223	626	1.440	7,659	3,031	888	1,947	2,888	54,610
Lorna E. Lockwood	971	5,799	2,184	3,735	1,708	1,945	38,851	1,216	2,183	14,409	5,181	1,073	3,364	4,198	86,817
JUDGE OF SUPREME COURT, Term No. 2 (expiring the first Monday in January, 1967)															
Democratic:															
Fred C. Struckmeyer, Jr.	1,318	7,910	2,990	5,347	2,042	2,798	51,815	1,362	2,911	15,772	7,053	1,614	4,494	6,272	113,698
JUDGE OF SUPREME COURT Term No. 3															
Democratic:															
Glenn Ginn	1,206	7,310	2,685	4,883	1,906	2,647	44,790	1,196	2,710	14,762	6,611	1,467	4,120	5,941	102,234
Republican:															
Jesse A. Udall	250	974	1,013	411	310	75	28,639	271	753	8,493	1,082	153	1,684	1,292	45,400
GOVERNOR															
Democratic:															
Lee Ackerman	1,306	7,832	2,754	5,166	2,244	3,065	52,513	1,346	3,002	22,003	6,774	1,692	4,178	6,267	120,142
Republican:															
Paul Fannin	296	1,178	1,153	477	345	98	32,361	304	896	9,711	1,226	177	2,072	1,475	51,769
SECRETARY OF STATE															
Democratic:															
Wesley Bolin	1,332	8,343	3,097	5,517	2,388	3,186	57,632	1,465	3,115	18,764	7,166	1,693	4,660	6,531	124,889

OFFICIAL CANVASS

PRIMARY ELECTION — SEPTEMBER 13, 1960

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
ATTORNEY GENERAL															
Democratic:															
Wade Church	783	5,546	1,673	3,264	1,463	1,788	30,718	1,053	1,971	15,446	4,028	1,441	2,722	3,865	75,761
Charles C. Stidham	783	3,766	1,873	2,940	1,468	1,733	34,265	830	1,591	8,216	4,117	588	2,465	3,367	68,002
Republican:															
Robert Pickrell	240	1,017	982	404	326	85	29,999	263	750	8,815	1,088	179	1,740	1,341	47,229
AUDITOR															
Democratic:															
Jewel W. (Mrs. Lon) Jordan	1,404	8,575	3,183	5,641	2,383	3,226	56,909	1,616	3,214	19,367	7,357	1,751	4,895	6,593	126,114
Republican:															
Mrs. Norman (Peggy) Hurley	244	997	989	412	312	84	29,224	256	750	8,614	1,065	177	1,778	1,335	46,237
SUPT. OF PUBLIC INSTRUCTION															
Democratic:															
W. W. "Skipper" Dick	961	4,812	1,908	3,156	1,524	1,744	38,471	969	1,861	11,542	4,689	1,025	3,025	4,101	79,788
M. L. Brooks	591	4,396	1,501	2,900	1,369	1,701	23,167	862	1,639	10,003	3,242	945	2,059	2,909	57,284
Republican:															
L. W. Hacker	237	977	945	400	305	78	28,467	250	721	8,517	1,037	169	1,683	1,272	45,058
STATE MINE INSPECTOR															
Democratic:															
R. V. (Roy) Hersey	603	4,536	1,302	3,134	1,310	1,292	28,352	684	1,358	8,416	4,514	756	1,796	2,542	60,595
E. F. "Al" Chavez	350	2,035	783	1,298	507	1,345	12,662	229	557	5,771	1,783	722	619	1,663	30,324
Tom A. Phillips	563	2,539	1,211	1,664	946	886	18,808	838	1,404	6,970	1,692	478	2,665	2,509	43,173

STATE TREASURER															
Democratic:															
J. W. Kelly	929	5,628	2,168	4,049	1,871	2,075	38,492	1,085	2,414	11,872	5,123	1,216	3,427	4,391	84,740
Edythe M. Schantz	511	3,163	1,035	1,711	878	1,309	18,294	570	903	8,345	2,407	616	1,441	2,448	43,631
Republican:															
John Henley Eversole	227	979	960	405	304	79	28,840	244	711	8,524	1,049	171	1,741	1,309	45,543
STATE TAX COMMISSIONER															
Democratic:															
William E. Stanford	1,313	8,201	2,979	5,411	2,198	3,096	54,556	1,356	3,097	18,290	7,068	1,659	4,366	6,362	119,952
CORPORATION COMMISSIONER															
Democratic:															
George F. Senner, Jr.	1,331	7,998	2,904	5,340	2,244	3,064	52,229	1,401	3,008	18,186	6,863	1,625	4,265	6,146	116,604
Republican:															
Franklin L. Naylor, Jr.	212	985	940	407	297	82	29,436	245	726	8,514	1,035	170	1,672	1,298	46,019

OFFICIAL CANVASS

GENERAL ELECTION — NOVEMBER 8, 1960

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
Total Registration	3,773	18,054	11,232	11,621	5,466	5,312	250,301	3,648	9,128	104,166	17,498	4,076	13,960	15,889	474,124
Total Ballots Cast	3,109	15,625	9,317	9,456	4,700	4,553	217,822	3,062	7,506	90,743	14,305	3,310	11,719	12,910	408,137
Per Cent of Votes Cast	82.40	86.55	82.95	81.37	85.97	85.71	87.02	83.94	82.23	87.11	81.75	81.21	83.94	81.25	86.08
PRESIDENTIAL ELECTORS															
Democratic: Kennedy															
Thomas J.Croaff, Jr. Daniel Edward Garvey Ernest W. McFarland Rawghlie C. Stanford	1,459	7,419	4,065	5,251	2,091	3,069	86,834	1,303	3,052	42,171	7,232	1,868	4,325	6,642	176,781
Republican: Nixon															
Elizabeth Ann Parkman Barnett E. Marks Margaret A. Rockwell E. I. Whiting	1,568	7,572	4,870	3,806	2,491	1,313	127,090	1,641	4,090	46,734	6,441	1,265	6,813	5,547	221,241
Sociatist-Labor Party: Hass															
George Horvath Wrignol E. Quillen William M. Reynolds Pauline Reynolds	3	16	9	8	1	4	135	8	9	239	11	2	9	15	469
REPRESENTATIVE IN CONGRESS, Dist. No. 1															
Richard F. "Dick" Harless (D)							83,676								83,676
John J. Rhodes (R)							121,563								121,563

REPRESENTATIVE IN CONGRESS, Dist. No. 2															
Stewart L. Udall (D)	1,590	7,715	4,705	5,352	2,178	3,032		1,474	3,139	44,737	7,443	1,786	4,744	7,617	95,512
Mac C. Matheson (R)	1,149	5,811	3,535	2,611	2,012	1,061		1,004	3,019	40,731	4,735	1,078	5,181	3,884	75,811
JUDGE OF THE SUPREME COURT, Term No. 1 (expiring the first Monday in January, 1967)															
Lorna E. Lockwood (D)	1,838	10,832	6,547	6,050	2,527	2,815	133,408	1,720	5,273	47,903	9,722	2,034	8,271	9,753	248,693
JUDGE OF THE SUPREME COURT, Term No. 2 (expiring the first Monday in January, 1967)															
Fred C. Struckmeyer, Jr. (D)	1,671	9,593	5,925	5,444	2,293	2,578	114,830	1,323	4,899	35,665	9,011	1,844	7,444	9,233	211,753
JUDGE OF THE SUPREME COURT, Term No. 3 (expiring the first Monday in January, 1965)															
Glenn Ginn (D)	506	3,049	1,327	1,439	515	740	38,433	430	1,700	17,143	2,379	577	2,268	3,063	73,569
Jesse A. Udall (R)	1,568	8,562	5,535	5,060	2,785	2,254	103,456	1,379	4,211	41,439	7,862	1,678	6,243	7,423	199,455
JUDGE OF THE SUPREME COURT, Term No. 4 (expiring the first Monday in January, 1965)															
Renz L. Jennings (D)	881	4,589	1,971	2,526	1,130	354	58,750	566	2,899	13,111	3,583	726	3,053	2,685	96,824
Robert O. Lesher (R)	227	2,287	1,076	778	302	76	26,344	530	688	24,513	1,243	577	1,186	1,383	61,210
Porter Murray (D)	289	1,141	972	1,063	1,007	2,852	17,033	209	645	6,586	1,352	304	1,250	1,772	36,475
Charles Stidham (D)	510	2,979	2,550	1,994	514	193	47,061	486	1,585	11,948	3,907	513	2,654	4,063	80,957
GOVERNOR															
Lee Ackerman (D)	1,329	7,276	3,280	4,856	2,043	2,983	78,019	1,199	2,953	39,932	6,612	1,508	3,746	5,869	161,605
Paul Fannin (R)	1,653	7,614	5,565	4,183	2,531	1,396	135,757	1,701	4,068	48,006	7,396	1,605	7,563	6,464	235,502

OFFICIAL CANVASS

GENERAL ELECTION — NOVEMBER 8, 1960

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
SECRETARY OF STATE															
Wesley Bolin (D)	1,950	10,563	6,278	6,943	3,107	3,729	125,143	2,023	5,024	48,578	10,579	2,143	7,428	9,540	243,028
ATTORNEY GENERAL															
Wade Church (D)	1,403	7,408	3,697	5,253	2,229	3,016	84,421	1,459	3,485	39,886	6,701	1,620	4,371	6,340	171,289
Robert Pickrell (R)	1,454	7,043	5,040	3,626	2,119	1,248	126,225	1,298	3,452	46,563	6,923	1,400	6,550	5,358	218,198
AUDITOR															
Jewel W. (Mrs. Lon) Jordan (D)	1,907	10,100	5,503	6,803	3,076	3,602	111,726	1,885	4,832	46,830	9,543	2,048	6,585	8,298	222,738
Mrs. Norman (Peggy) Hurley (R)	924	4,152	3,072	1,941	1,203	632	94,319	734	1,970	36,438	3,758	814	4,235	3,384	157,576
SUPT. OF PUBLIC INSTRUCTION															
W. W. "Skipper" Dick (D)	1,897	9,864	5,277	6,461	2,930	3,556	110,183	1,792	4,619	47,180	9,611	2,058	6,314	8,161	219,903
L. W. Hacker (R)	916	4,113	3,163	2,102	1,272	631	94,786	780	2,032	35,319	3,681	725	4,211	3,291	157,022
STATE MINE INSPECTOR															
R. V. (Roy) Hersey (D)	1,967	10,609	5,927	6,894	3,010	3,681	122,535	2,019	5,030	49,574	10,738	2,155	7,265	9,187	240,591

STATE TREASURER															
J. W. Kelly (D)	1,880	9,608	4,965	6,379	2,875	3,551	106,115	1,712	4,522	44,836	9,282	1,997	5,810	8,081	211,613
John Henley Eversole (R)	813	3,860	3,171	1,991	1,165	584	93,492	725	1,949	35,804	3,569	749	4,352	3,247	155,471
STATE TAX COMMISSIONER															
William E. Stanford (D)	1,651	9,749	5,714	5,428	1,956	2,102	124,683	1,470	4,341	43,145	9,202	1,732	7,049	8,968	227,190
CORPORATION COMMISSIONER															
George F. Senner, Jr. (D)	1,814	9,385	5,035	6,375	2,749	3,514	106,945	1,712	4,467	46,027	9,041	1,974	5,808	7,549	212,395
Franklin L. Naylor, Jr. (R)	891	4,176	3,149	2,264	1,304	615	93,601	750	2,069	35,180	3,905	776	4,385	3,785	156,850

INITIATIVE & REFERENDUM

100—Proposing an amendment to the Constitution of Arizona excepting University and College faculty members from restrictions on the employment of aliens, and amending Article 18, Section 10, Constitution of Arizona

100 Yes	844	5,553	3,694	2,959	1,099	1,267	74,273	761	2,183	37,575	3,798	1,255	3,369	5,162	144,792
100 No	1,077	4,697	3,105	3,162	1,328	1,587	63,524	938	2,949	13,405	4,419	880	3,927	4,282	109,280

101—An initiative measure repealing Article VI of the Constitution of Arizona and amending the Constitution of Arizona by adding a new article VI

101 Yes	802	5,723	3,986	2,988	1,073	1,112	92,790	621	1,564	39,691	5,432	955	3,918	5,544	166,199
101 No	1,100	4,416	2,641	3,053	1,318	1,683	44,650	1,127	3,594	11,156	3,625	1,140	3,281	3,724	86,508

200—An act relating to revenue and taxation; special privilege tax account; license fee and privilege tax administration fund; appropriation to welfare department and municipalities; permitting the taking of a special census to be used as the basis for apportionment; and amending section 42-1341, Arizona Revised Statutes.

200 Yes	1,212	7,355	4,037	4,157	1,049	901	98,137	1,154	2,574	40,750	6,371	1,700	4,110	6,063	179,570
200 No	768	3,355	3,110	2,326	1,414	1,981	38,816	700	2,746	11,865	3,158	649	3,277	3,546	77,711

SUPERIOR COURT JUDGES — OFFICIAL CANVASS

COCHISE COUNTY

William E. Kimble (R)	7,481
John Pintek (D)	5,432

MARICOPA COUNTY

Div. No. 7

Laurens L. Henderson (R)	92,382
John Van Landingham (D)	43,524

Div. No. 10

E. R. Thurman (D)	117,082

Div. No. 11

Ross F. Jones (R)	115,365

PIMA COUNTY

Div. No. 3

Robert O. Roylston (R)	46,508

PINAL COUNTY

Div. No. 2

T. J. Mahoney (D)	9,417

YUMA COUNTY

Div. No. 2

James Duke Cameron (R)	4,882
John A. McQuire (D)	6,627

ARIZONA STATE LEGISLATURE — OFFICIAL CANVASS

APACHE COUNTY

Senators:

Bert J. Colter (D)	1,610
Melvin S. Crosby (D)	1,550
Albert F. Anderson (R)	1,574

Representatives:

James S. Shreeve (D)	1,616
Richard G. Udall (R)	1,341

COCHISE COUNTY

Senators:

Dan S. Kitchel (D)	9,963
A. R. Spikes (D)	10,162

Representatives:

Dist. No. 1	
Clyde M. Dalton (D)	2,790
Edna Landin (R)	1,905
Dist. No. 2	
A. J. (Jack) Gilbert (D)	3,162
Dist. No. 3	
James A. (Jim) Elliott (D)	2,084
Dist. No. 4	
W. L. "Tay" Cook (D	2,395

COCONINO COUNTY

Senators:

Robert W. Prochnow (D)	6,455
Fred F. Udine (D)	5,836

Representatives:

Dist. No. 1	
Thos. M. (Tommy) Knoles, Jr. (D)	3,822
Dist. No. 2	
Harold J. Scudder (D)	2,508

GILA COUNTY

Senators:

Clarence L. Carpenter (D)	6,889
William A. Sullivan (D)	6,621

Representatives:

Dist. No. 1	
Louis B. Ellsworth, Jr. (D)	2,052
Dist. No. 2	
Nelson D. Brayton (D)	1,598
Dist. No. 3	
Edwynne C. (Polly) Rosenbaum (D)	3,314

GRAHAM COUNTY

Senators:

Darvil B. McBride (D)	3,145
John Mickelson (D)	3,197

Representatives:

Dist. No. 1	
Gordon L. Hoopes (D)	2,397
Dist. No. 2	
Milton Lines (D)	923

GREENLEE COUNTY

Senators:

M. L. (Marshall) Simms (D)	3,753
Carl Gale (D)	2,632

Representatives:

Dist. No. 1	
Tom W. Berry (D)	1,766
Dist. No. 2	
G. O. (Sonny) Biles (D)	2,043

MARICOPA COUNTY

Senators:

Joe Haldiman, Jr. (D)	101,803
Frank G. Murphy (D)	96,360
Ralph G. Burgbacher (R)	98,477
Evan Mecham (R)	101,022

Representatives:

Dist. No. 1	
John R. Carney (D)	2,697
Marshall Humphrey (R)	3,225
Dist. No. 2	
Chas. Rogers (D)	2,198
Wm. S. Porter (R)	4,251
Dist. No. 3	
Frank J. Popello (D)	2,469
L. Waldo DeWitt (R)	3,022
Dist. No. 4	
L. Alton Riggs (D)	3,146
Jim Holley (R)	2,632

ARIZONA STATE LEGISLATURE — OFFICIAL CANVASS

Dist. No. 5	
Elmer King (D)	3,454
Paul E. Carney (R)	2,368
Dist. No. 6	
Carl Austin (D)	3,153
Anthony J. LaSalvia (R)	1,752
Dist. No. 7	
Bob Stump (D)	3,027
Mort Brayer (R)	1,348
Dist. No. 8	
Gilbert Gray (D)	2,938
Nellye Maye Taylor (R)	765
Dist. No. 9	
J. D. Holmes (D)	3,189
Mayo A. Powell (R)	554
Dist. No. 10	
Martin P. Toscano (D)	2,779
Nan Douglass (R)	1,555
Dist. No. 11	
Frank Bowman (D)	4,538
David B. Kret (R)	5,808
Dist. No. 12	
Sherman R. Dent (D)	2,104
Ralph W. Kock (R)	2,333
Dist. No. 13	
Conrad James Carreon (D)	1,971
W. E. Reed (R)	1,371
Dist. No. 14	
Archie C. Ryan (D)	2,217
Dist. No. 15	
J. R. Johnson (D)	1,829
Gerry Eliot (R)	2,042
Dist. No. 16	
Robert H. Hutto (D)	2,512
William A. Herron (R)	1,451
Dist. No. 17	
S. Earl Pugh (D)	6,865
John S. Buford (R)	5,243
Dist. No. 18	
Lawrence J. Fleming (D)	1,532
Robert L. Myers (R)	2,568
Dist. No. 19	
Cleo Lee (D)	1,485
Robert C. Wilcox (R)	2,464
Dist. No. 20	
W. F. Vipperman (D)	2,122
Chesley A. Northrop (R)	1,890
Dist. No. 21	
Frank Anderson (D)	3,119
Don Reese (R)	7,561
Dist. No. 22	
Art Hargrave (D)	1,987
Elmer T. Burson (R)	3,091
Dist. No. 23	
F. A. Crane (D)	2,385
W. I. Lowry (R)	1,903
Dist. No. 24	
Ted Mote (D)	1,871
Ruth Peck (R)	2,639
Dist. No. 25	
Newton Frishberg (D)	1,856
George W. Eubank (R)	2,566
Dist. No. 26	
M. Frances Adams (D)	1,832
Robert Brewer (R)	2,438
Dist. No. 27	
George W. Peck (D)	2,622
R. H. Scholtz (R)	1,857
Dist. No. 28	
Bill Stephens (D)	4,533
Richard A. Steiner (R)	4,273
Dist. No. 29	
Richard Kamps (D)	2,026
Priscilla H. Hays (R)	2,381
Dist. No. 30	
Monica C. Hayes (D)	1,673
F. A. Higgins (R)	2,868
Dist. No. 31	
Mary Eloise Reynolds (D)	2,278
Isabel Burgess (R)	4,174
Dist. No. 32	
Tom Roof (D)	1,183
Arthur B. Schellenberg (R)	3,420
Dist. No. 33	
Merle E. Hays (D)	3,966
C. H. Moritz (R)	3,383
Dist. No. 34	
E. G. Sauer (D)	3,329
Gene B. McClellan (R)	4,388
Dist. No. 35	
W. B. Barkley (D)	3,375
Robert D. Lunberg (R)	2,617

Dist. No. 36

Lewis B. Bramkamp (D)	3,129
John Wood (R)	3,288
Arnold Opengart (Ind)	103

Dist. No. 37

T. C. Rhodes (D)	3,042
M. B. Shears (R)	1,844

MOHAVE COUNTY

Senators:

Thelma E. Bollinger (D)	1,661
Robert E. Morrow (D)	1,999
Wallace E. Stone (R)	1,299

Representative:

J. J. Glancy (D)	2,190

NAVAJO COUNTY

Senators:

Glenn Blansett (D)	4,300
J. Morris Richards (D)	4,135
Marshall H. Flake (R)	2,211
Almon D. Owens (R)	2,001

Representatives:

Dist. No. 1

Mary Lou Loveland (D)	1,665
Augusta T. Larson (R)	2,323

Dist. No. 2

Lee F. Dover (D)	2,418

PIMA COUNTY

Senators:

Thomas Collings (D)	38,833
David Wine (D)	47,030
Hiram S. (Hi) Corbett (R)	47,511

Representatives:

Dist. No. 1

E. S. (Bud) Walker (D)	1,647
Malin W. Lewis (R)	857

Dist. No. 2

Arnold Elias (D)	4,853
Ralph Curtis (R)	3,631

Dist. No. 3

Etta Mae Hutcheson (D)	1,277

Dist. No. 4

W. M. (Bill) Carson (D)	4,457

Dist. No. 5

Dr. Thomas D. Fridena (D)	1,290

Dist. No. 6

Douglas S. Holsclaw (R)	1,645

Dist. No. 7

Russ Andalaro (D)	1,636
Doris Russell Varn (R)	2,319

Dist. No. 8

James N. (Jimmie) Corbett, Jr. (D)	1,661
David G. Hawkins (R)	2,273

Dist. No. 9

John C. (Jack) Jordan (D)	3,095
Harry Badet (R)	2,553

Dist. No. 10

Ray C. Brown (D)	4,006
Alvin Wessler (R)	4,646

Dist. No. 11

Ray Martin (D)	5,043
James B. Meigs, Jr. (R)	4,070

Dist. No. 12

Robert M. Pagel (D)	1,919
John H. Haugh (R)	3,585

Dist. No. 13

Earl H. Upham (D)	4,461
Thomas C. Webster (R)	5,003

Dist. No. 14

Joe D. Ybarra (D)	2,443

Dist. No. 15

Ethel R. Ramsey (D)	1,741
Nick Traficanti (R)	1,981

Dist. No. 16

Harold L. Cook (D)	4,084
Robert G. Harrington (R)	2,163

PINAL COUNTY

Senators:

Ben Arnold (D)	9,457
Charles S. Goff (D)	8,780
Reuel N. Pomeroy (R)	3,746

Representatives:

Dist. No. 1

Charles Moody (D)	3,476

ARIZONA STATE LEGISLATURE — OFFICIAL CANVASS

Dist. No. 2

Frederick S. Smith (D)	3,604
David D. Owens (R)	1,184

Dist. No. 3

E. B. Thode (D)	3,408

SANTA CRUZ COUNTY

Senators:

Frank A. Bennett (D)	1,633
R. G. Michelena (D)	1,503
Margaret M. (Margo) Moore (R)	1,298
L. E. (Doc) Sexton (R)	1,360

Representatives:

Robert R. (Bob) Hathaway (D)	2,359
Clinton L. Mellor (R)	664

YAVAPAI COUNTY

Senators:

Chas. H. (Chick) Orme, Sr. (D)	5,286
David H. Palmer (D)	6,397
Sam Steiger (R)	5,550

Representatives:

Dist. No. 1

Mabel S. Ellis (D)	2,545

Dist. No. 2

Joseph (Joe) L. Allen (D)	1,793
Raymond Rowland (R)	1,804

Dist. No. 3

Milton O. "Mo" Lindner (D)	1,872
C. H. "Hank" Marion (R)	1,752

YUMA COUNTY

Senators:

Harold C. Giss (D)	9,832
Ray H. Thompson (D)	8,291

Representatives:

Dist. No. 1

Cecil D. Miller (D)	2,386

Dist. No. 2

Robert L. (Bob) Klauer (D)	3,713

Dist. No. 3

Clara Osborne Botzum (D)	2,918
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