ACTS
Memorials and Resolutions

of the

REGULAR SESSION
Eighteenth Legislature

of the

STATE OF ARIZONA
1947

Regular Session Convened January 13, 1947

Regular Session Adjourned Sine Die March 20, 1947

Publication Authorized
Section 4-201, Arizona Code of 1939
(Paragraph 23, Article 2, Chapter 2, Revised Code of 1928)

Chapter 142, Sub. 6, Laws 1947

Regular Session, 18th Legislature

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

AUTHENTICATION

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

THIS IS TO CERTIFY—That the Acts, Memorials and Resolutions published in this volume, are full, true and correct copies of the originals, passed at the Regular Session of the 18th Legislature of the State of Arizona, as they appear on file in the Office of the Secretary of State of Arizona.

That the Regular Session of the 18th Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, January 13, 1947, and adjourned sine die on the 20th day of March, 1947.

That the Acts, Memorials and Resolutions passed at said Session were officially published on the 19th day of June, 1947.

IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 19th day of June, 1947.

DAN E. GARVEY, (Signature)
Secretary of State.

MEMBERS OF THE SENATE

EIGHTEENTH LEGISLATURE
OF ARIZONA
1947

County	Name and Party	Address
Apache	Earl Platt (D)	St. Johns
Cochise	Dan Angius (D)	Bisbee
Cochise	Ralph Cowan (D)	McNeal
Coconino	John G. Babbitt (D)	Flagstaff
Gila	S. L. "Steve" Bixby (D)	Globe
Gila	James R. Heron (D)	Globe
Graham	Wesley A. Townsend (D)	Safford
Greenlee	Fred J. Fritz (D)	Clifton
Maricopa	Marvin E. Smith (D)	Phoenix
Maricopa	O. L. McDaniel (D)	Glendale
Mohave	Earle W. Cook (D)	Kingman
Navajo	Lloyd C. Henning (D)	Holbrook
Pima	Hubert H. d'Autremont (D)	Tucson
Pima	William F. Kimball (D)	Tucson
Pinal	Lloyd E. Canfil (D)	Superior
Santa Cruz	W. H. Hathaway (D)	Nogales
Yavapai	A. L. Favour (D)	Prescott
Yavapai	Sam J. Head (D)	Prescott
Yuma	Hugo B. Farmer (D)	Yuma

MEMBERS OF THE HOUSE

EIGHTEENTH LEGISLATURE OF ARIZONA 1947

District	Name and Party	Address
	APACHE COUNTY	
	Walter Pulsipher (D)	St. Johns
	COCHISE COUNTY	
1.	I. A. Rosok (D)	Bisbee
2.	Carleton W. "Carl" Morris (D)	Warren
3.	Leo F. Foster (D)	Douglas
4.	Stuart F. Krentz (D)	Douglas
5.	A. R. Spikes (D)	Bowie
	COCONINO COUNTY	
1.	F. L. Christensen (D)	Flagstaff
2.	Jesse L. Boyce (D)	Williams
	GILA COUNTY	
1.	Raymond G. Langham (D)	Globe
2.	Harold Copp (D)	Miami
3.	W. G. "Rosie" Rosenbaum (D)	Hayden
	GRAHAM COUNTY	
1.	W. A. McBride (D)	Safford
2.	Milton Lines (D)	Safford
	GREENLEE COUNTY	
	James Boyce Scott (D)	Clifton
	MARICOPA COUNTY	
1.	R. S. "Bob" Hart (D)	Phoenix 1534 W. Monroe
2.	Wing F. Ong (D)	Phoenix 1246 E. Jefferson
3.	Fletcher W. Timmerman (D)	Phoenix 1135 E. Fillmore

4. John E. Hunt (D) ..... Phoenix
813 N. 8th Avenue
5. G. N. Baker (D) ..... Phoenix
356 N. 1st Avenue
6. Sidney Kartus (D) ..... Phoenix
1740 Grand Avenue
7. Mrs. Laura McRae (D) ..... Phoenix
929 East Coronado
8. Jack Cummard (D) ..... Mesa
118 N. Robson
9. Mrs. Claire (Wilford) Phelps (D) ..... Chandler
Box 355A
10. L. Max Connolly (D) ..... Tempe
514 Mill Avenue
11. W. R. Palmer (D) ..... Phoenix
201 N. 17th Street
12. J. M. Combs (D) ..... Glendale
Route 2, Box 138
13. W. E. Craig (D) ..... Wickenburg
Box 126
14. Thornton Jones (D) ..... Buckeye
Box 936
15. R. H. Wallace (R) ..... Phoenix
71 East Pierson
16. Harry Wimberly (D) ..... Phoenix
23 West Broadway
17. Dwight L. Solomon (D) ..... Phoenix
1454 East Osborn Road
18. M. Joe Murphy (D) ..... Phoenix
922 West Willetta
19. R. D. "Dick" Searles (D) ..... Scottsdale
Route 1
20. Lorna E. Lockwood (D) ..... Phoenix
84 West Cypress
21. Al Lindsey (D) ..... Phoenix
800 East Roosevelt
22. H. C. Armstrong (D) ..... Tolleson
Route 1, Box 68
23. W. W. Franklin (D) ..... Phoenix
1645 East Culver

MOHAVE COUNTY

E. L. Jameson (D) ..... Kingman

NAVAJO COUNTY

1. Eva O. Decker (R) ..... Snowflake
2. Clay B. Simer (D) ..... Winslow

PIMA COUNTY

1. Oscar C. Cole (D) ..... Ajo

2. Frank G. Robles (D) .....Tucson
190 West Franklin
3. Ray Martin (D) .....Tucson
25 East Corral
4. John H. Ayraud (D) .....Tucson
326 West District
5. John S. Hardwicke (D) .....Tucson
116 North Tyndall
6. Hamilton R. Catlin (D) .....Tucson
905 Valley National Building
7. Robert H. Forbes (D) .....Tucson
105 Olive
8. V. S. Hostetter (R) .....Tucson
100 Calle Encanto
9. James W. Ewing (R) .....Tucson
N. Campbell Avenue

PINAL COUNTY

1. Parke T. Gilbert (D) .....Casa Grande
2. George Ernst (D) .....Ray

SANTA CRUZ COUNTY

Raymond E. Earhart (D) .....Nogales

YAVAPAI COUNTY

1. R. E. "Bob" Perkins (D) .....Prescott
Jerome Route
2. Dick W. Martin (R) .....Prescott
3. Kel M. Fox (D) .....Sedona
4. Harry E. Metz (D) .....Jerome

YUMA COUNTY

1. Clara Osborne Botzum (D) .....Parker
2. N. S. McCallum (D) .....Yuma
296 Main Street

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ORDER OF ACTS

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18. H. B. 99.	Making a deficiency appropriation to the Supreme Court, and declaring an emergency. Approved March 3, 1947. Effective March 3, 1947.	27
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82. S. B. 133.	Relating to the state hospital for the insane; providing for the appointment of the superintendent, and amending section 8-211, supplement to Arizona Code of 1939 (section 8, chapter 44, laws of 1941); and declaring an emergency. Approved March 20, 1947. Effective March 20, 1947.	175
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ACTS

ACTS

CHAPTER 1

(House Bill No. 11)

AN ACT

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

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

Section 1. APPROPRIATION. The sum of ninety-seven thousand two hundred twenty-nine dollars and seventy cents ($97,229.70) is appropriated to the Eighteenth Legislature, Regular Session.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to provide for the payment of the current and contingent expenses of carrying on the regular session of the eighteenth legislature, and shall be expended for the following objects in not more than the following amounts:

1. For the payment of salaries: 1a. of members of the senate, nine thousand one hundred twenty dollars ($9,120.-00) ; 1b. of members of the house of representatives, twenty-seven thousand eight hundred forty dollars ($27,840.00).

2. For the payment of mileage: 2a. of members of the senate, six hundred twelve dollars and forty cents ($612.-40) ; 2b. of members of the house of representatives, one thousand two hundred seven dollars and thirty cents ($1,207.30).

3. For the payment of salaries and wages: 3a. of officers and employees of the senate, five thousand two hundred fifty dollars ($5,250.00) ; 3b. of officers and employees of the house of representatives, seventeen thousand dollars ($17,000.00).

4. For the payment of the contingent expense: 4a. of the senate, thirteen thousand seven hundred dollars ($13,-

700.00); 4b. of the house of representatives, twenty-two thousand five hundred dollars ($22,500.00).

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

Approved by the Governor—January 20, 1947.

Filed in the Office of the Secretary of State—January 20, 1947.

CHAPTER 2

(House Bill No. 13)

AN ACT

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

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

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

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

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

Approved by the Governor—January 20, 1947.

Filed in the Office of the Secretary of State—January 20, 1947.

CHAPTER 3

(House Bill No. 12)

AN ACT

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

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

Section 1. APPROPRIATION. The sum of thirteen thousand eighty dollars ($13,080.00) is appropriated to the department of library and archives, for the state legislative bureau.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 shall be expended for the following purposes in not more than the following amounts:

1. For the payment of salaries and wages, twelve thousand six hundred eighty dollars ($12,680.00).

2. For the purchase of reference material, supplies and services, four hundred dollars ($400.00).

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

Passed the House—January 16, 1947 without enacting the emergency.

Passed the Senate—January 16, 1947 by enacting the emergency.

Passed the Senate—January 23, 1947 as originally passed by the House.

Approved by the Governor—January 24, 1947.

Filed in the Office of the Secretary of State—January 24, 1947.

CHAPTER 4

(House Bill No. 75)

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF INSTALLATION OF ACCOUSTICAL INSULATION, AND PAINTING THE HOUSE OF REPRESENTATIVES CHAMBERS AND COMMITTEE ROOMS, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of two thousand five hundred dollars is appropriated to the Eighteenth Legislature, Regular Session.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to provide for the furnishing and installation of Acousti-Celotex in the House of Representatives Chambers, and painting of House Chambers and Committee Rooms.

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

Approved by the Governor—January 28, 1947.

Filed in the Office of the Secretary of State—January 28, 1947.

CHAPTER 5

(House Bill No. 32)

AN ACT

MAKING A DEFICIENCY APPROPRIATION TO THE ARIZONA TEACHERS' RETIREMENT SYSTEM, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of thirty-three thousand dollars is appropriated to the Arizona teachers' retirement system out of the state general school fund, to be available during the remainder of the thirty-fifth fiscal year.

Sec. 2. PURPOSE. The purpose of the appropriation made in section 1 is to supplement the state's contribution, as authorized by item 3, subsection (b), Section 30, Chapter 61, Regular Session, Sixteenth Legislature, 1943, to the Arizona teachers' retirement system.

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

Approved by the Governor—February 4, 1947.

Filed in the Office of the Secretary of State—February 4, 1947.

CHAPTER 6

(House Bill No. 48)

AN ACT

RELATING TO EDUCATION; PRESCRIBING THE COMPENSATION OF OFFICERS OF ELECTION, AND AMENDING SECTION 54-411, ARIZONA CODE OF 1939.

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

Section 1. Sec. 54-411, Arizona Code of 1939, is amended to read:

54-411. COMPENSATION. The board of trustees shall appoint as election officials an inspector, two judges and two clerks. If no officials are so appointed, or if those appointed are not present at the opening of the polls, the electors present may select them. In all school districts officers of election may be paid five dollars each, out of the funds of the school district.

Approved by the Governor—February 13, 1947.

Filed in the Office of the Secretary of State—February 14, 1947.

CHAPTER 7

(House Bill No. 54)

AN ACT

RELATING TO CITIES AND TOWNS; PROVIDING FOR THE ANNEXATION OF TERRITORY BY VOLUNTEER FIRE COMPANIES, AND AMENDING ARTICLE 20, CHAPTER 16, ARIZONA CODE OF 1939, BY ADDING SECTION 16-2006a.

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

Section 1. Article 20, chapter 16, Arizona Code of 1939, is amended by adding section 16-2006a, to read:

16-2006a. ANNEXATION. (a) When the residents of territory contiguous to an unincorporated town having a volunteer fire company desire their territory to be annexed by such company, they shall present to the chief of the company a petition in writing, signed by the owners of at least fifty-one per cent of the assessed value of the property in the territory proposed to be annexed, which shall be submitted to the board of supervisors, with the recommendation of the chief.

(b) Upon receipt of a petition for the annexation of territory to that of an unincorporated town, the board shall set a day, not less than ten nor more than thirty days from such receipt, for a hearing, and the clerk of the board shall cause to be published in a paper of general circulation in the county a notice setting forth the purpose of the petition and the day, hour, and place of hearing. Upon the hearing of the petition, the board shall hear those who appear for and against the petition and shall determine whether it shall be to the best interest of the property owners of the area to be annexed and of the annexing district to permit the annexation. The board shall enter its order setting forth its determination, in the minutes of the meeting of the board, not later than ten days from the date of the hearing, and copy of the order shall be filed in the county recorder's office. The order of the board shall be final, but if the petition be denied then a petition for annexation may be filed at intervals of six months. The cost of publication of the notice of hearing shall be a charge against the fund of the volunteer fire company to which annexation is desired.

(c) Upon approval by the board of a petition for annexation, the annexed district shall become a part of the annexing district and subject to all of the provisions of chapter 16, article 20, Arizona Code of 1939, to the same extent as though originally included therein.

Approved by the Governor—February 19, 1947.

Filed in the Office of the Secretary of State—February 19, 1947.

CHAPTER 8

(House Bill No. 46)

AN ACT

RELATING TO THE COUNTY TREASURER; PROVIDING FOR THE CORRECTION OF ERRORS OR ACCIDENTS, AND AMENDING SECTION 17-702, ARIZONA CODE OF 1939.

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

Section 1. Sec. 17-702, Arizona Code of 1939, is amended to read:

17-702. CORRECTION OF ERRORS. (a) When an error appearing in the accounts of the county treasurer, excepting the tax rolls, comes to the notice of such officer, he shall, if the error was made not more than fifteen years prior thereto, immediately correct the same, and place on the margin of the book in which the original entry of such error appears and opposite the correction thereof, a notation of the date of such correction and the reason therefor. In the event such correction depletes or creates a deficit in any fund or account, the treasurer shall show the fund overdrawn, and shall refuse to pay warrants or other evidences of indebtedness issued against the same until the fund is replenished.

(b) Any check drawn by the county treasurer in his official capacity which is not presented for payment within one year after the drawer of the check has ceased to occupy the office of county treasurer shall be deemed to be outlawed and the depository upon which the check was drawn shall, upon certification to it of the amount of such check, the date on which drawn and the name of the payee, pay the amount over to the county treasurer, who shall place it in the county general fund.

(c) At any time within one year after an unpresented check is outlawed, as provided in subsection (b), the person in favor of whom the check was drawn, his administrator, successors or assigns, may present a claim for the amount thereof, to the board of supervisors, and if the board finds that the claim is a legitimate one, and that there was good and sufficient reason for failure to present the original check, it may allow the claim and order the same paid from the county general fund.

Approved by the Governor—February 19, 1947.

Filed in the Office of the Secretary of State—February 19, 1947.

CHAPTER 9

(House Bill No. 43)

AN ACT

RELATING TO PERSONAL ACTIONS, AND AMENDING SECTION 29-201, ARIZONA CODE OF 1939.

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

Section 1. Sec. 29-201, Arizona Code of 1939, is amended to read:

29-201. ONE-YEAR LIMITATION. There shall be commenced and prosecuted within one year after the cause of action shall have accrued, and not afterward, the following actions: 1. for malicious prosecution, or for false imprisonment, or for injuries done to the character or reputation of another by libel or slander; 2. for damages for seduction or breach of promise of marriage; 3. upon a liability created by statute, other than a penalty or forfeiture.

Approved by the Governor—February 19, 1947.

Filed in the Office of the Secretary of State—February 19, 1947.

CHAPTER 10

(House Bill No. 41)

AN ACT

RELATING TO EMPLOYMENT SECURITY; PROVIDING FOR THE EXCLUSION OF REAL ESTATE BROKERS AND SALESMEN FROM THE OPERATION OF EMPLOYMENT SECURITY; AMENDING SECTION 56-1002, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 56-1002, Arizona Code of 1939, is amended to read:

56-1002. DEFINITIONS. As used in this Act, unless the context otherwise requires:

(a) "Base period" means the period beginning with the first day of the nine (9) completed calendar quarters immediately preceding the first day of an individual's benefit year and ending with the last day of the next to the last completed calendar quarter immediately preceding any week with respect to which benefits are payable.

(b) "Benefits" means the money payments payable to an individual, as provided in this Act, with respect to his unemployment.

(c) "Benefit year" with respect to any individual means the fifty-two (52) consecutive weeks period beginning with the first day of the week with respect to which benefits are first payable to him, and thereafter the fifty-two (52) consecutive weeks period beginning with the first day of the first week with respect to which benefits are next payable to him after the termination of his last preceding benefit year.

Any claim for benefits made in accordance with section 6 (a) (§ 56-1006) of this act shall be deemed a valid claim for the purpose of this subsection if the individual has been paid the wages for insured work required under section 4 (d) (4) (§ 56-1004) of this Act. For the purposes of this subsection a week with respect to which an individual files a valid claim shall be deemed to be "in", "within", or

"during" that benefit year which includes the greater part of such week.

(d) "Calendar quarter" means the period of three (3) consecutive calendar months ending on March 31, June 30, September 30, or December 31, or the equivalent thereof as the commission may by regulation prescribe.

(e) "Contributions" means the money payments required by this Act to be made into the state unemployment compensation fund by any employing unit on account of having individuals in its employ.

(f) "Commission" means the employment security commission of Arizona.

(g) "Employing unit" means any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor of any of the foregoing, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had one (1) or more individuals performing services for it within this state.

(1) All individuals performing services within this state for any employing unit which maintains two (2) or more separate establishments within this state shall be deemed to be performing services for a single employing unit for all the purposes of this Act.

(2) Each individual employed to perform or to assist in performing the work of any person in the service of an employing unit shall be deemed to be engaged by such employing unit for all the purposes of this Act, whether such individual was hired or paid directly by such employing unit or by such person, provided the employing unit had actual or constructive knowledge of the work.

(h) "Employer" means:

(1) Any employing unit which, prior to January 1, 1941, was an employer as defined by this law prior to that date, or which, subsequent to December 31, 1940, for some portion of a day, but not necessarily simultaneously, in each of twenty (20) different calendar weeks, whether or not such weeks are or were consecutive, within either the current or the preceding calendar year (and for the purpose of this definition if any week includes both December 31

and January 1, the days up to January 1 shall be deemed one (1) calendar week and the days beginning January 1 another such week), has or had in employment, three (3) or more individuals (irrespective of whether the same individuals are or were employed in each such day).

(2) Any individual or employing unit which acquired the organization, trade or business or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this Act; or which acquired a part of the organization, trade, or business of another which at the time of such acquisition was an employer subject to this Act provided such other would have been an employer under paragraph (1) of this subsection if such part had constituted its entire organization, trade or business.

(3) Any individual or employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit if the employment record of such individual or employing unit subsequent to such acquisition, together with the employment record of the acquired unit prior to such acquisition, both within the same calendar year, would be sufficient to constitute an employing unit an employer subject to this Act under paragraph (1) of this subsection; or

(4) Any employing unit which, together with one (1) or more other employing units, is owned or controlled (by legally enforceable means or otherwise) directly or indirectly by the same interests, or which owns or controls (by legally enforceable means or otherwise) one (1) or more other employing units, and which if treated as a single unit with such other employing units or interests, or both, would be an employer under paragraph (1) of this subsection;

(5) Any employing unit not an employer by reason of any other paragraph of this subsection for which services in employment are performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund; but service performed for such employing unit shall constitute employment for the purposes of this Act only to the extent that such services constitute employment with respect to which such federal tax is payable.

(6) Any employing unit which, having become an employer under paragraph (1), (2), (3) or (4), has not,

under section 8 (§ 56-1008), ceased to be an employer subject to this Act; or

(7) For the effective period of its election pursuant to section 8 (c) (§ 56-1008), any other employing unit which has elected to become subject to this Act.

(i) (1) "Employment" means any service performed prior to January 1, 1941, which was employment as defined in this section prior to such date, and subject to the other provisions of this subsection, service performed after December 31, 1940, including service in interstate commerce, performed for wages or under any contract for hire, written or oral, express or implied.

(2) The term "employment" shall include an individual's entire service, performed within or both within and without this state if:

(A) The service is localized in this state; or

(B) The service is not localized in any state but some of the service is performed in this state and (i) the individual's base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this state.

(3) (A) Services covered by an election pursuant to section 8 (c) (§ 56-1008) of this Act, and

(B) Services covered by an arrangement pursuant to section 14 (§ 56-1018) of this Act between the commission and the agency charged with the administration of any other state or federal unemployment compensation law, pursuant to which all services performed by an individual for an employing unit are deemed to be performed entirely within this state, shall be deemed to be employment if the commission has approved an election of the employing unit for whom such services are performed, pursuant to which the entire service of such individual during the period covered by such election is deemed to be insured work.

(4) Service shall be deemed to be localized within a state if:

(A) The service is performed entirely within such state; or

(B) The service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state, for exemple, is temporary or transitory in nature or consists of isolated transactions.

(5) Services performed by an individual for wages or under any contract of hire shall be deemed to be employment subject to this Act unless and until it is shown to the satisfaction of the commission that:

(A) Such individual has been and will continue to be free from control or direction over the performance of such services, both under his contract of hire and in fact; and

(B) Such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprise for which such service is performed; and

(C) Such individual is customarily engaged in an independently established trade, occupation, profession, or business of the same nature as that involved in the contract of service.

(6) The term "employment" shall not include:

(A) Agricultural labor as defined in paragraph (7) of this subsection;

(B) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;

(C) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States;

(D) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one (21) in the employ of his father or mother;

(E) Service performed in the employ of the United States government or an instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by this Act, except that to the extent that the Congress of the United States shall

permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this Act shall be applicable to such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services; provided that if this state shall not be certified for any year by the social security board under section 1603 (c) of the Federal Internal Revenue Code (U.S.C., tit. 26, § 1603; 6A. F. C. A., tit. 26 § 1603), the payments required of such instrumentalities with respect to such year shall be refunded by the commission from the fund in the same manner and within the same period as is provided in section 13 (c) (§ 56-1014) of this Act with respect to contributions erroneously collected;

(F) Service performed in the employ of this state or of any other state, or of any political subdivision thereof, or any instrumentality of any one (1) or more of the foregoing which is wholly owned by this state or by one (1) or more states or political subdivisions and which exercises only governmental as distinguished from proprietary functions; and any service performed in the employ of any instrumentality of this state or of one (1) or more states or political subdivisions to the extent that the instrumentality is, with respect to such service, exempt under the Constitution of the United States from the tax imposed by section 1600 of the Federal Internal Revenue Code (U.S.C., tit. 26, § 1600; 6A, F.C.A., tit. 26 § 1600.);

(G) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of Congress;

(H) (i) Service performed in any calendar quarter in the employ of any organization exempt from income tax under section 101 of the Federal Internal Revenue Code (U.S.C., tit. 26 § 101; 6 F.C.A., tit. 26, § 101), if:

(I) The remuneration for such services does not exceed forty-five dollars ($45.00), or

(II) Such service is in connection with the collection of dues or premiums for a fraternal beneficiary society, order, or association, and is performed away from the home office, or is ritualistic service in connection with any such society, order, or association, or

(III) Such service is performed by a student who is

enrolled and is regularly attending classes at a school, college, or university;

(ii) Service performed in the employ of an agricultural or horticultural organization exempt from income tax under section 101 (1) of the Federal Internal Revenue Code (U.S.C., tit. 26, § 101; 6 F.C.A., tit. 26 § 101);

(iii) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents, if (I) no part of its net earnings inures (other than through such payments) to the benefit of any private shareholder or individual, and (II) eighty-five (85) per centum or more of the income consists of amounts collected from members for the sole purpose of making such payments and meeting expenses;

(iv) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents or their designated beneficiaries, if (I) admission to membership in such association is limited to individuals who are officers or employees of the United States government, and (II) no part of the net earnings of such association inures (other than through such payments) to the benefit of any private shareholder or individual;

(v) Service performed in any calendar quarter in the employ of a school, college, or university, not exempt from income tax under section 101 of the Federal Internal Revenue Code (U.S.C., tit. 26, § 101; 6 F.C.A., tit. 26, § 101), if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university, and the remuneration for such service does not exceed forty-five dollars ($45.00) (exclusive of room, board, and tuition);

(vi) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation;

(vii) Service performed as a student nurse in the em-

ploy of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to a state law; and service performed as an interne in the employ of a hospital by an individual who has completed a four (4) years' course in a medical school chartered or approved pursuant to state law;

(viii) Service performed by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission;

(ix) Service performed by an individual in the delivery, distribution, or sale of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution; or

(x) Service performed by an individual for a person as a real estate broker or a real estate salesman, if all such service performed by said individual for such person is performed for remuneration solely by way of commission.

(I) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative);

(J) Service performed in the employ of an instrumentality wholly owned by a foreign government;

(i) If the service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof; and

(ii) If the commission finds that the United States secretary of state has certified to the United States secretary of the treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof;

(K) Service covered by an arrangement between the commission and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by such employing unit's duly approved election, are deemed to be performed entirely within such agency's state.

(7) Agricultural Labor. The term "agricultural labor" includes all services performed:

(A) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, bees, poultry, and fur-bearing animals and wildlife.

(B) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm;

(C) In connection with the production or harvesting of maple sugar or maple syrup, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes;

(D) In handling, planting, drying, packaging, packing, processing, freezing, grading, storing or delivery to storage or to market, or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market. The provision of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

As used in this subsection, the term "Farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(j) "Employment office" means a free public employment office or branch thereof operated by this or any other

state as a part of a state-controlled system of public employment offices.

(k) "Fund" means the unemployment compensation fund established by this Act.

(l) "State" includes, in addition to the states of the United States of America, Alaska, Hawaii, and the District of Columbia.

(m) "Unemployment". An individual shall be deemed "unemployed" with respect to any week during which he performs no services and with respect to which no wages are payable to him, or with respect to any week of less than full-time work if the wages payable to him with respect to such week are less than his weekly benefit amount.

(n) "Wages" means all remuneration for services from whatever source, including commissions and bonuses and the cash value of all remuneration in any medium other than cash. Gratuities customarily received by an individual in the course of his work from persons other than his employing unit shall be treated as wages received from his employing unit. The reasonable cash value of remuneration in any medium other than cash, and the reasonable amount of gratuities, shall be estimated and determined in accordance with rules prescribed by the commission; provided that the term "wages" shall not include:

(1) For the purposes of section 3 (d), section (4) (d) (4), and section 7 §§ 56-1003, 56-1004, 56-1007) of this Act, that part of the remuneration which, after remuneration equal to three thousand dollars $3,000) has been paid to an individual by an employer with respect to employment during any calendar year, is paid to such individual by such employer with respect to employment occurring during such calendar year and after January 1, 1940.

(2) The amount of any payment with respect to services performed after January 1, 1941, to, or on behalf of, an individual in its employ under a plan or system established by an employing unit which makes provision for individuals in its employ generally or for a class or classes of such individuals (including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment) on account of (A) retirement, or (B) sickness or accident disability, or (C) medical and hospitalization expenses in connection with sickness or accident disability, or (D) death, provided the individual in its employ (i) has not the option to receive,

instead of provision for such death benefit, any part of such payment or, if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by his employing unit, and (ii) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his services with such employing unit;

(3) The payment by an employing unit (without deduction from the remuneration of the individual in its employ) of the tax imposed upon an individual in its employ under section 1400 of the Federal Internal Revenue Code (U.S.C., tit. 26, § 1400; 6 A, F.C.A., tit. 26, § 1400) with respect to services performed after January 1, 1941, or

(4) Dismissal payments after January 1, 1941, which the employing unit is not legally required to make.

(o) "Week" means such period of seven (7) consecutive days, as the commission may by regulation prescribe.

(p) "Insured work" means employment for employers. (Laws 1936 (1st S.S.), ch. 13, § 2, p. 53; 1941, ch. 124, § 2, p. 325.)

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 19, 1947.

Filed in the Office of the Secretary of State—February 19, 1947.

CHAPTER 11

(House Bill No. 16)

AN ACT

RELATING TO GUARDIAN AND WARD, AND AMENDING SECTION 42-136, ARIZONA CODE OF 1939.

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

Section 1. Sec. 42-136, Arizona Code of 1939, is amended to read:

42-136. APPOINTMENT. If, after a hearing upon such petition, it appear to the court that the person is incapable of taking care of himself or managing his property, the court shall appoint a guardian of his person or estate, or both. The guardian so appointed shall have the care and custody of the person of his ward, or the care and management of his estate, or both, until legally discharged; and he must give bond to the ward, in like manner and with like conditions, and shall have the powers and duties herein prescribed for the guardian of a minor.

Approved by the Governor—February 20, 1947.

Filed in the Office of the Secretary of State—February 21, 1947.

CHAPTER 12

(House Bill No. 68)

AN ACT

MAKING AN EMERGENCY APPROPRIATION TO THE STATE TREASURER, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of eight hundred seventy-five dollars is appropriated to the state treasurer to be available during the remainder of the thirty-fifth fiscal year, for additional personnel.

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 24, 1947.

Filed in the Office of the Secretary of State—February 24, 1947.

CHAPTER 13

(House Bill No. 241)

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA STATE HOSPITAL, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. There is hereby appropriated to the Arizona State Hospital the sum of fifteen thousand dollars ($15,000.00).

Sec. 2. PURPOSE. The purpose of the appropriation made in section 1 is for the purchase of buildings, appurtenances and equipment now located at Rivers, Arizona, and owned by the Federal Government.

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

Approved by the Governor—February 24, 1947.

Filed in the Office of the Secretary of State—February 24, 1947.

CHAPTER 14

(Senate Bill No. 48)

AN ACT

PROVIDING FOR THE ALLOCATION OF EXCESS COUNTY FUNDS, UNDER CERTAIN CIRCUMSTANCES, TO COUNTY SCHOOL FUNDS; PROVIDING FOR THE APPORTIONMENT THEREOF TO SCHOOL DISTRICTS, AND PROVIDING FOR THE EXPENDITURE THEREOF FOR SCHOOL PURPOSES.

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

Section 1. CIRCUMSTANCES PERMITTING TRANS-

FER OF FUNDS. Any other statute to the contrary notwithstanding, whenever a county has on hand funds or revenue in excess of those required to meet all expenditures, debts, obligations and liabilities incurred or to be incurred under its current budget, and such county, because of the anticipated revenue to be derived from other sources, was not required to and did not levy and assess any amount to be raised by direct taxation to meet such expenditures, debts, obligations and liabilities, the board of supervisors may order the county treasurer to transfer all or so much of such excess funds or revenue as it may in its discretion determine to the county school fund to be allocated and apportioned by the county school superintendent to the several school districts in the county in accordance with the provisions of section 54-608 (a), Arizona Code of 1939, as amended.

Sec. 2. APPLICATION AND EXPENDITURE OF FUNDS. Money received by any school district in accordance with the provisions of section 1 hereof shall be applied to the reduction of any special school district tax not theretofore levied for the fiscal year in which said money is received, and to the reduction of any special school district tax which would otherwise be levied for the next ensuing fiscal year, and any balance may be applied by the governing board of such school district, first, to the payment of interest and principal of the bonded debts of the district or the provision of a sinking fund therefor, and, second, to the construction, alteration, or repair of school buildings and facilities and to such other school purposes as such governing body may determine, including the reduction of school district taxes for additional subsequent years.

Approved by the Governor—February 24, 1947.

Filed in the Office of the Secretary of State—February 24, 1947.

CHAPTER 15

(House Bill No. 49)

AN ACT

RELATING TO ADULT PROBATION; PRESCRIBING THE COMPENSATION OF THE ADULT PROBATION OFFICER, HIS DEPUTIES AND ASSISTANTS; AMENDING SECTION 44-2231, ARIZONA

CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 44-2231, Arizona Code of 1939, is amended to read:

44-2231. SALARIES AND EXPENSES. The salary of the adult probation officer, and of each deputy or assistant, shall be fixed by the judge making the appointment, but in no instance shall the salary of the adult probation officer exceed three hundred dollars per month, nor shall the salary of any deputy or assistant exceed two hundred seventy-five dollars per month. The actual expenses of any officer, deputy or assistant, incurred in the performance of his duty or in the execution of the orders of the court shall, when approved by the judge or judges of the criminal division of the superior court, be paid as other county charges.

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, 1947.

Filed in the Office of the Secretary of State—February 26, 1947.

CHAPTER 16

(House Bill No. 103)

AN ACT

RELATING TO THE LEGISLATURE, PROVIDING FOR THE REIMBURSEMENT OF MEMBERS FOR EXPENDITURES FOR SUBSISTENCE AND LODGING, AND DECLARING AN EMERGENCY.

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

Section 1. REIMBURSEMENT OF MEMBERS OF LEGISLATURE. Any member or employee and officer of the legislature, while absent from his usual place of resi-

dence in the service of the state during a session of the legislature, shall be reimbursed for his actual and necessary expenditures for subsistence and lodging, not to exceed the sum of ten dollars per day. All claims for reimbursement as provided in this Act shall be filed as other claims against the state, and shall be accompanied by receipts or vouchers evidencing such expenditures.

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

Passed without the emergency clause and filed in the Office of the Governor February 21st. Disapproved by the Governor February 27th.

Passed the House and Senate February 28th, the Governor's veto notwithstanding.

Filed in the Office of the Secretary of State—February 28, 1947.

CHAPTER 17

(House Bill No. 1)

AN ACT

RELATING TO THE EDUCATION OF CRIPPLED CHILDREN, AND MAKING AN APPROPRIATION.

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

Section 1. APPROPRIATION. There is appropriated annually to the state superintendent of public instruction the sum of five thousand four hundred dollars, for the payment of expenses incurred in the education of children, as provided in section 2. This appropriation is exempt from the quarterly allotment or expenditure limitations of section 2, article 4, chapter 86, Session Laws of 1943.

Sec. 2. PURPOSE. Three thousand six hundred dollars of the appropriation made in section 1 shall be expended by the Maricopa County School Superintendent for the education of patients at the convalescent home for crippled children; and one thousand eight hundred dollars of the appropriation made in section 1 shall be expended

by the Pima County School Superintendent for the education of crippled children.

Sec. 3. METHOD OF DISBURSEMENT. The Maricopa County School Superintendent and the Pima County School Superintendent shall present their claims for expenditures made under the provisions of this Act to the state superintendent of public instruction, who, upon approval of the same, shall file them with the state auditor as provided by law.

Approved by the Governor—March 3, 1947.

Filed in the Office of the Secretary of State—March 3, 1947.

CHAPTER 18

(House Bill No. 99)

AN ACT

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

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

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of subdivision 9, section 1, chapter 103, Laws of 1945, regular session, the sum of eight hundred dollars is appropriated to the supreme court, for other current expenditures, to be available during the remainder of the thirty-fifth fiscal year.

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

Approved by the Governor—March 3, 1947.

Filed in the Office of the Secretary of State—March 3, 1947.

CHAPTER 19

(Senate Bill No. 39)

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR THE DIVISION OF THE STATE INTO CONGRESSIONAL DISTRICTS FOR THE ELECTION OF REPRESENTATIVES IN CONGRESS, AND AMENDING CHAPTER 55, ARIZONA CODE OF 1939, BY ADDING ARTICLE 16.

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

Section 1. Chapter 55, Arizona Code of 1939, is amended by adding article 16:

Article 16

CONGRESSIONAL DISTRICTS

55-1601. CONGRESSIONAL DISTRICTS. For the purpose of selecting the number of representatives in congress to which the state of Arizona is entitled, by and from districts, the following congressional districts are created:

1. Congressional district No. 1 shall comprise the county of Maricopa.

2. Congressional district No. 2 shall comprise the counties of Apache, Cochise, Coconino, Gila, Graham, Greenlee, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai and Yuma.

55-1602. CONDITIONAL DISTRICTS. In the event, and when, the state of Arizona shall be entitled, under the terms of the Act of apportionment, to three representatives in congress the state shall consist of three districts, formed respectively as follows:

1. Congressional district No. 1 shall comprise the county of Maricopa.

2. Congressional district No. 2 shall comprise the counties of Cochise, Pima, Pinal, Santa Cruz and Yuma.

3. Congressional district No. 3 shall comprise the counties of Apache, Coconino, Gila, Graham, Greenlee, Mohave, Navajo and Yavapai.

Filed in the Office of the Governor—February 25. Disapproved by the Governor—March 3.

Passed the Senate March 3 and the House March 4, the Governor's veto notwithstanding.

Filed in the Office of the Secretary of State—March 4, 1947.

CHAPTER 20

(House Bill No. 100)

AN ACT

RELATING TO DISTRICT IMPROVEMENTS; PRESCRIBING IMPROVEMENTS WHICH MAY BE ORDERED; AMENDING SECTIONS 16-2811 AND 16-2858, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 16-2811, supplement to Arizona Code of 1939 (section 11, chapter 43, Laws of 1945), is amended to read:

16-2811. DISTRICT MAY ORDER PUBLIC IMPROVEMENTS. Whenever the public interest or convenience may require, the board of directors of an improvement district is empowered to order: 1. the whole or any portion, either in length or width, of one or more of the streets of such district graded or regraded, paved or repaved, or otherwise improved or reimproved; 2. the construction, reconstruction or repair of any tunnel, subway, viaduct or conduit in, on, under or over which the district may have an easement or right of way therefor; 3. the construction or reconstruction of sidewalks, crosswalks, curbs, gutters, culverts, bridges, tunnels, siphons, manholes, steps, parkings, parkways; 4. the placement, replacement or repair of pipes, hydrants and appliances for fire protection; 5. the construction, reconstruction or repair of sewers, ditches, drains, conduits, pipelines and channels for sanitary and drainage purposes, with outlets, cess-

pools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances in, under, over or through any street or any land of the district or any right of way granted or obtained for such purpose, either within or without the district limits; 6. the construction, reconstruction or repair of waterworks for the delivery of water for domestic purposes, and of wells, ditches, canals, channels, conduits, pipelines and siphons, together with the necessary or usual appurtenances for carrying storm water or water from irrigation ditches, water courses, streams or springs into, through or out of such district in, under, over or through any street, or any land of the district or any right of way granted or obtained for such purpose, either within or without the district limits; 7. the construction, reconstruction or repair of breakwater levees or walls to protect the streets of the district from injury; 8. the construction, reconstruction or repair of lighting plants and poles, wire conduits, lamps, standards, and other appliances for the purpose of lighting and beautifying the streets improved, and, 9. the construction, reconstruction or repair of any work incidental to or connected with any such improvement.

Sec. 2. Sec. 16-2858, Arizona Code of 1939 (section 58, chapter 43, Laws of 1945), is amended to read:

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

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

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

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

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

"lighting plants" includes electric light plants, electric power plants, gas plants, distribution systems, poles, parts, pipes, conduits, wires, tanks, reservoirs, generators for gas or electricity, transmission lines, towers, lamps, transformers of every character, machinery, apparatus, equipment and all appliances and structures necessary or incidental to the construction, installation or operation of a complete electric light power and gas plant and distribution system placed on the streets improved, though extended beyond.

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

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

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

"treasurer" or "district treasurer" means the treasurer of the county in which the district is situated who shall be the treasurer of the district.

"street superintendent" or "superintendent" shall be an employee of the county designated by the board of supervisors to perform the duties prescribed for street superintendent for all of the districts organized in the county under this Act.

"block" means any parcel of ground, whether regular or irregular, which is bounded by streets or by one or more streets and by one or more boundary lines of the district.

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

"chairman of the board of directors" is the person designated by the board of directors to preside over their meetings.

"contractor" includes his personal representative or assignee.

"owner" means the person in whom on the day the action or proceeding is commenced appears the legal title to the lot by deed recorded in the recorder's office or the person in possession of the lot under claim, title or exercising acts of ownership over the same for himself or as the personal representative of the owner.

"improvement bond" means one of the bonds issued under the provisions hereof.

"assessment" or "assessment roll" means a special assessment made under the provisions hereof.

"delinquency" means delinquency in the payment of an assessment.

"time of delinquency" means the time fixed when assessments become delinquent.

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

Approved by the Governor—March 4, 1947.

Filed in the Office of the Secretary of State—March 4, 1947.

CHAPTER 21

(House Bill No. 226)

AN ACT

DIRECTING THE STATE AUDITOR TO PAY CERTAIN CLAIMS PRESENTED AFTER THE CLOSE OF THE FISCAL YEAR IN WHICH THE CLAIMS ACCRUED.

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

Section 1. AUTHORIZATION. The state auditor is directed to audit and, if found to be lawful, to pay the following claims, in the total sum of sixty-six dollars eighty-seven cents, which were presented after the close of the fiscal year in which the claims accrued:

1. Against the game and fish fund, by the: 1a. Lakeside Light & Power Co., by the Valley National Bank of Phoenix as executor of the estate of H. D. Lore, for light and power, May 1 to June 30, 1946, fifty-two dollars sixty-eight cents; 1b. Richfield Oil Corporation, for gas and oil, December 29, 1945 to February 1, 1946, fourteen dollars nineteen cents.

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

Approved by the Governor—March 10, 1947.

Filed in the Office of the Secretary of State—March 10, 1947.

CHAPTER 22

(House Bill No. 175)

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA FOR CONSTRUCTION OF A SCIENCE BUILDING AT THE ARIZONA STATE COLLEGE AT FLAGSTAFF; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. There is hereby appropriated to the board of regents of the university and state colleges of Arizona the sum of two hundred thousand dollars for the construction of a science building at the Arizona state college at Flagstaff, for the equipment of such building and the extension of heating, lighting and service facilities thereto.

Sec. 2. LAPSING OF APPROPRIATION. The appropriation made in section 1 shall not lapse until the purpose for which the appropriation is made shall have been accomplished or abandoned unless the appropriation shall have stood for four years from the effective date of this Act without an expenditure therefrom or encumbrance thereon; this being an exception to the lapsing provisions of section 10-930, Arizona Code of 1939.

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

Approved by the Governor—March 10, 1947.

Filed in the Office of the Secretary of State—March 10, 1947.

CHAPTER 23

(House Bill No. 225)

AN ACT

DIRECTING THE STATE AUDITOR TO PAY A CLAIM PRESENTED AFTER THE CLOSE OF THE FISCAL YEAR DURING WHICH THE CLAIM ACCRUED.

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

Section 1. AUTHORIZATION. The state auditor is directed to audit and, if found to be lawful, to pay from the general fund the claim, in the amount of seventy-four dollars ten cents, of the Florence Crittenton Home against the board of directors of state institutions for juveniles, for care of delinquent girls, from May 22, 1946, to June 30, 1946, inclusive.

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

Approved by the Governor—March 10, 1947.

Filed in the Office of the Secretary of State—March 10, 1947.

CHAPTER 24

(House Bill No. 185)

AN ACT

MAKING APPROPRIATIONS TO THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA FOR CONSTRUCTION OF A PHYSICAL EDUCATION BUILDING AND A STADIUM AT THE ARIZONA STATE TEACHERS COLLEGE AT FLAGSTAFF; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATIONS. There is hereby appropriated to the board of regents of the university and state colleges of Arizona the following sums:

1. The sum of two hundred seventy five thousand dollars for the construction of a physical education building at the Arizona state college at Flagstaff, for the equipment of such building and the extension of heating, lighting and service facilities thereto.

2. The sum of seventy-five thousand dollars for the construction of a stadium at the Arizona state college at Flagstaff, for the equipment of such stadium and the extension of heating, lighting and service facilities thereto.

Sec. 2. LAPSING OF APPROPRIATIONS. The appropriations made in section 1 shall not lapse until the purposes for which the appropriations are made shall have been accomplished or abandoned unless the appropriations shall have stood for four years from the effective date of this Act without an expenditure therefrom or encumbrance thereon; this being an exception to the lapsing provisions of section 10-930, Arizona Code of 1939.

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

Approved by the Governor—March 10, 1947.

Filed in the Office of the Secretary of State—March 10, 1947.

CHAPTER 25

(House Bill No. 176)

AN ACT

AUTHORIZING THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA TO BORROW MONEY FOR IMPROVEMENT OF THE UNIVERSITY LIBRARY BUILDING AND TO PROVIDE FOR PAYMENT THEREOF; AND DECLARING AN EMERGENCY.

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

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

"institution" means the university of Arizona, and includes the board of regents of the university and state colleges of Arizona or any successor governing body;

"board" means the board of regents of the university and state colleges of Arizona or any successor governing body;

"notes" means any promissory note or notes issued pursuant to this Act, or in renewal thereof.

Sec. 2. POWERS. For the purpose of obtaining funds with which to install an air-cooling system in the library building on the campus of the university of Arizona, the institution shall have power in its proper name to borrow money and issue notes; and to provide specially for the payment of such notes.

Sec. 3. ISSUANCE OF NOTES. The institution is authorized to borrow money in various amounts, but not exceeding in the aggregate the sum of seventy-five thousand dollars for the purpose of installing the said air-cooling system, and to issue negotiable promissory notes and any necessary renewal notes as evidence of the money so borrowed. The notes shall be authorized by resolution of the board, may mature at such times not exceeding ten years from the respective dates thereof, may bear interest at such rates not exceeding five percent per annum payable semi-annually, and may be payable at such times and in such partial sums, as such resolution or resolutions may provide.

Sec. 4. MONEYS OF THE INSTITUTION. No money borrowed by the institution under the provisions of this Act shall be required to be paid into the state treasury but shall be deposited by the fiscal officer of the institution in a separate bank account or accounts and disbursed in satisfaction of approved claims arising under the contract or contracts for installation of said cooling system.

Sec. 5. NOTES OBLIGATIONS OF INSTITUTION. All notes issued pursuant to this Act shall be obligations of the institution, payable only in accordance with the terms thereof, and shall not be obligations general, special, or otherwise of the state of Arizona. Such notes shall not constitute a debt, legal or moral, of the state of Arizona and shall not be enforceable against the state, nor shall payment thereof be enforceable out of any funds of the institution other than such income from fees as, under the authority of this Act and by resolution of the board, shall have been allocated to the payment thereof.

Sec. 6. SPECIAL RETIREMENT FUND. To provide for the payment of any money borrowed pursuant to this Act, the board is authorized by resolution to establish a special bank account into which, until such borrowed money and interest thereon is fully paid, the fiscal officer of the institution shall deposit all fees paid by students registered at the university of Arizona for general use of the university library. No money so derived from university library fees and deposited in said special bank account shall be required to be paid into the state treasury, but shall be accumulated and disbursed solely in retirement of any debt created under this Act.

Sec. 7. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act shall become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 10, 1947.

Filed in the Office of the Secretary of State—March 10, 1947.

CHAPTER 26

(House Bill No. 177)

AN ACT

RELATING TO POWER IN THE BOARD OF REGENTS

OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA TO ACCEPT GRANTS OF MONEY; MAKING APPROPRIATIONS FOR THE CONSTRUCTION AND IMPROVEMENT OF BUILDINGS AT THE ARIZONA STATE COLLEGE AT TEMPE; AMENDING CHAPTER 82, ARIZONA SESSION LAWS, REGULAR SESSION OF 1945; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 1, Chapter 82, Arizona Session Laws, Regular Session of 1945, is amended to read:

1. POWER TO ACCEPT GRANTS OF MONEY. The board of regents of the university and state colleges of Arizona shall have the power to accept grants of money from the United States of America or any of its officers or agencies designated or created to make grants for public construction work; or from any individual, group of individuals, corporation or association.

Sec. 2. Sec. 2, Chapter 82, Arizona Session Laws, Regular Session of 1945, is amended to read:

2. APPROPRIATIONS. The following sums are appropriated to the board of regents of the university and state colleges of Arizona:

1. For the thirty-fourth fiscal year, the sum of one hundred fifty thousand dollars, for a science education building at the Arizona State College at Tempe, and the equipment of such building, the extension of heating, lighting and other service facilities thereto and the erection, improvement, extension, repair, replacement, additions to, and equipment of, such other buildings as the board of regents shall deem necessary, or so much of the foregoing construction and improvements as the appropriation will permit.

2. For the thirty-fifth fiscal year, the sum of one hundred fifty thousand dollars, for completion of a science education building at the Arizona State College at Tempe and the equipment of such building and the extension of heating, lighting and other service facilities thereto and the erection, improvement, extension, repair, replacement, additions to and equipment of such other buildings as the board of regents shall deem necessary, or so much of the

foregoing construction and improvements as the appropriation will permit.

Sec. 3. Sec. 3, Chapter 82, Arizona Session Laws, Regular Session of 1945, is amended to read:

3. LAPSING OF APPROPRIATIONS. The appropriations made in section 2 shall not lapse until the purposes for which the appropriations are made shall have been accomplished or abandoned unless the appropriations have stood until 31 December, 1950 without an expenditure therefrom or encumbrance thereon; this being an exception to the lapsing provisions of section 7, article 4, chapter 86, Session Laws of 1943.

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 10, 1947.

Filed in the Office of the Secretary of State—March 10, 1947.

CHAPTER 27

(House Bill No. 178)

AN ACT

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

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

Section 1. DEFINITIONS. The following terms, wherever used or referred to in this Act, shall have the following

meaning unless a different meaning clearly appears from the context:

"institution" means the university of Arizona;

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

"bonds" means any bonds issued pursuant to this Act;

"project" means any student union memorial building constructed at the institution and the equipment and furnishings therefor;

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

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

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

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

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

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

Sec. 3. ISSUANCE OF BONDS. The board shall have power and is hereby authorized from time to time to issue negotiable bonds in various amounts, but not exceeding in the aggregate principal amount the sum of two hundred fifty thousand dollars, for the purpose of acquiring a project in the form of a student union memorial building at the institution with equipment and furnishings therefor. The bonds shall be authorized by resolution of the board. The bonds may be issued in one or more series, bear such date or dates, be in such denomination or denominations, mature at such time or times not exceeding twenty-five years from the respective dates thereof, mature in such amount or amounts, be callable at such time or times, bear

interest payable semi-annually at such rate or rates, be in such form either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, be subject to such terms of redemption with or without premium, as such resolution or other resolutions may provide. The bonds may be sold at not less than par. The bonds shall be fully negotiable within the meaning and for all the purposes of Chapter 52 of the Arizona Code of 1939.

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

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

(b) To provide that bonds issued hereunder shall be secured by a first, exclusive, and closed lien on certain parts or all of the income and revenue which shall be derived from, and which shall be payable from fees, admissions, rentals, and other charges from students, faculty members and others using or being served by, or having the right to use, or having the right to be served by, such project;

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

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

tenance, which costs of operation and maintenance shall be determined by the board in its absolute discretion;

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

(f) To covenant that so long as any of the bonds issued hereunder shall remain outstanding and unpaid, it will not, except upon such terms and conditions as may be determined: 1. voluntarily create or cause to be created any debt, lien, pledge, assignment, encumbrance or other charge having priority to or being on a parity with the lien of the bonds issued hereunder upon any of the income and revenues derived from fees, admissions, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or having the right to be served by, such project, or 2. convey or otherwise alienate the project to acquire which such bonds shall have been issued, or the real estate upon which such project shall be located, except at a price sufficient to pay all the bonds then outstanding issued hereunder to acquire such project and interest accrued thereon, and then only in accordance with any agreements with the holder or holders of such bonds, or 3. mortgage or otherwise voluntarily create or cause to be created any encumbrance on the project to acquire which such bonds shall have been issued or the real estate upon which it shall be located;

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

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

conditions upon which such trustee or trustees or the holder or holders of bonds of any specified amount or percentage of such bonds may exercise such rights and enforce any and all such covenants and resort to such remedies as may be appropriate;

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

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

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

(b) No moneys derived by the board by way of gift

intended solely toward the construction, equipping and furnishing of such project shall be required to be paid into the state treasury but shall be deposited by the treasurer or other fiscal officer of the board in a separate bank account or accounts, in such bank or banks or trust company or trust companies as may be designated by the board and all deposits of such moneys shall, if required by the board, be secured by obligations of the United States of America, of a market value equal at all time to the amount of the deposit; and all banks and trust companies are hereby authorized to give such security. Such money shall be disbursed as may be directed by the board toward costs of constructing, equipping and furnishing such project.

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

Sec. 7. PROHIBITIONS AGAINST OBLIGATING STATE OF ARIZONA. Nothing in this Act contained shall be construed to authorize the board to contract a debt on behalf of, or in any way to obligate, the State of Arizona, or to pledge, assign or encumber in any way, or to permit the pledging, assigning or encumbering in any way of, appropriations made by the Legislature, or revenue derived from the investment of the proceeds of the sale, and from the rental of such lands as have been set aside by the Enabling Act approved June 20, 1910, or other legislative enactments of the United States, for the use and benefit of the board or institution.

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

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

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

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

expiration of four years following the approval of this Act by the governor.

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

Approved by the Governor—March 10, 1947.

Filed in the Office of the Secretary of State—March 10, 1947.

CHAPTER 28

(House Bill No. 179)

AN ACT

MAKING AN APPROPRIATION FOR THE CONSTRUCTION, EQUIPPING AND FURNISHING OF A STUDENT UNION MEMORIAL BUILDING AT THE UNIVERSITY OF ARIZONA; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. Subject to the condition hereinafter stated in Section 3, the sum of one hundred fifty thousand dollars is appropriated from the general fund of the state of Arizona to the board of regents of the university and state colleges of Arizona.

Sec. 2. PURPOSE. The purpose of the appropriation made in section 1 is to provide funds, in addition to funds provided or obtained from other sources, for the construction of, equipment of, and furnishings for, a student union memorial building at the university of Arizona; said building to include dining room facilities for students attending the university.

Sec. 3. CONDITION. Said appropriation is subject to the condition that no part thereof shall be available for expenditure or encumbrance by the board of regents of the university and state colleges of Arizona unless and until said board of regents shall have certified to the state auditor that it has on hand a sum of not less than five hundred thousand dollars which has been received by it as gifts or contributions toward the construction, equip-

ping, and furnishing of said student union memorial building.

Sec. 4. LAPSING OF APPROPRIATION. This appropriation shall not lapse until the purpose for which it is made shall have been accomplished or abandoned, unless it shall have stood for a period of five years from the effective date of this Act 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 10, 1947.

Filed in the Office of the Secretary of State—March 10, 1947.

CHAPTER 29

(House Bill No. 184)

AN ACT

RELATING TO AUTHORITY IN THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA TO CONSTRUCT AND EQUIP DORMITORIES, TO ACCEPT GRANTS OF MONEY FROM A FEDERAL AGENCY, TO BORROW MONEY AND ISSUE BONDS, AND TO PERFORM NECESSARY OR CONVENIENT ACTS IN CONNECTION WITH SUCH PROJECTS; AMENDING SECTIONS 1 AND 3, CHAPTER 81, SESSION LAWS OF 1945, REGULAR SESSION (SECTIONS 54-1331 AND 54-1333, SUPPLEMENT TO ARIZONA CODE OF 1939); AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 1, chapter 81, session laws of 1945, regular session (sec. 54-1331, Supplement to Arizona Code of 1939), is amended to read:

54-1331. DEFINITIONS. In this Act, unless the context otherwise requires:

"College" means the Arizona state college at Tempe, and includes the board of regents of the university and state colleges of Arizona;

"Board" means the board of regents of the university and state colleges of Arizona or other governing body of the institution;

"Bonds" means any bonds issued pursuant to this Act;

"Project" means dormitory buildings constructed pursuant to this Act and includes the equipment therefor;

"Acquire" includes purchase, erect, build, construct, reconstruct, repair, replace, extend, better, equip, develop, improve and embellish;

"Federal agency" means the United States of America or any of its officers or agencies designated or created to make grants of money for public construction work.

Sec. 2. Sec. 3, chapter 81, session laws of 1945, regular session (sec. 54-1333, Supplement to Arizona Code of 1939), is amended to read:

54-1333. ISSUANCE OF BONDS. The college is authorized from time to time to issue negotiable bonds in various amounts, but not exceeding in the aggregate the sum of five hundred thousand dollars ($500,000), for the purpose of acquiring projects in the form of dormitory buildings, dining rooms and the equipment therefor. The bonds shall be authorized by resolution of the board. The bonds may be issued in one or more series, bear such date or dates, be in such denomination or denominations, mature at such time or times, not exceeding thirty (30) years from the respective dates thereof, mature in such amount or amounts, bear interest at such rate or rates not exceeding five (5) per cent per annum, payable semi-annually, 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 or redemption, with or without premium, as such resolution or other resolutions may provide. The bonds may be sold at not less than par. The bonds shall be fully negotiable within the meaning and for all the purposes of chapter 52, Arizona Code of 1939.

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

Approved by the Governor—March 10, 1947.

Filed in the Office of the Secretary of State—March 10, 1947.

CHAPTER 30

(House Bill No. 224)

AN ACT

DIRECTING THE STATE AUDITOR TO PAY A CLAIM PRESENTED AFTER THE CLOSE OF THE FISCAL YEAR.

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

Section 1. AUTHORIZATION. The state auditor is directed to audit and, if found to be lawful, to pay the claim presented after the close of the fiscal year in which it accrued, against the University of Arizona by John L. Anderson, comptroller, for scales, June 4, 1946, eleven dollars seventy-four cents.

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

Approved by the Governor—March 10, 1947.

Filed in the Office of the Secretary of State—March 10, 1947.

CHAPTER 31

(House Bill No. 223)

AN ACT

DIRECTING THE STATE AUDITOR TO PAY CERTAIN CLAIMS PRESENTED AFTER THE CLOSE OF THE FISCAL YEAR IN WHICH THE CLAIMS ACCRUED.

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

Section 1. AUTHORIZATION. The state auditor is directed to audit, and if found to be lawful, to pay the following claims, in the total sum of nine hundred ninety-one dollars and four cents, presented after the close of the fiscal year in which the claims accrued:

1. Against the state examiner, by Ed Rudolph Garage, for repairs and parts, June 29, 1945, seventy-four dollars eighty-six cents.

2. Against the state prison, by the General Petroleum Corporation, for supplies, June 29, 1945, one hundred twenty-four dollars thirty-eight cents.

3. Against the state board of social security and welfare, by: 3a. J. C. Penny Company, for clothing, May 22, 1945, six dollars forty-one cents; 3b. Western Truck Lines, Ltd., for freight, April 26, 1946, one dollar ninety-four cents; 3c. Western Chemical Company, for office supplies, June 20, 1945, three dollars eighty-eight cents; 3d. Mary C. Spaulding, for travel, June 1 to June 30, 1945, fifty-five dollars fifty cents; 3e. Nogales International, for office supplies, June 23, 1945, five dollars fifty cents; 3f. Bower Printing & Stationery Co., for office supplies, August 24, 1945, nineteen dollars twelve cents; 3g. Safeway Stores, Inc., for groceries, March 5, 1943, fifteen dollars; 3h. Cut Rate Grocery, for groceries, April 4 to 11, 1944, fifty-five dollars; 3i. Rita Rios, for room and board, May 1 to 31, 1946, twenty dollars; 3j. John D. Davis Market, for groceries, January 2 to June 12, 1945, one hundred ninety-seven dollars fifty cents; 3k. A. T. & S. F. Railway, for transportation, April 13, 1945, twenty-four dollars eight cents; 3l. Mesa Emporium, for clothing, June 30, 1945, nine dollars eight cents; 3m. Nanking Grocer, for groceries, June 5, 1945, ten dollars; 3n. Theodora Home, for room and board, June 20, 1945, one dollar; 3o. N. L. Smith, for burial, June 30, 1945, seventy-five dollars; 3p. Food Center, for groceries, February 15 to May 27, 1946, twenty-five dollars; 3q. Wrights Grocery, for groceries, April 27, 1946, ten dollars; 3r. Levi Merc. Co., for groceries, May 8, 1946, ten dollars, and 3s. Sam Kee Groc., for groceries, June 18, 1946, ten dollars.

4. Against the Arizona State Board of Health, by Bussey Products Company, for supplies, April 10, 1946, thirty-three dollars and sixty-four cents.

5. Against the Board of Directors of State Institutions

for juveniles, by the Convent of the Good Shepherd, for transportation and meals to and from Oswego, N. Y., and Phoenix, Arizona from May 16, 1946 to June 4, 1946, two hundred four dollars and fifteen cents.

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

Approved by the Governor—March 10, 1947.

Filed in the Office of the Secretary of State—March 10, 1947.

CHAPTER 32

(House Bill No. 104)

AN ACT

FOR THE RELIEF OF CONCEPSION QUIJADA AND R. R. POWERS, AND DECLARING AN EMERGENCY.

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

Section 1. AUTHORIZATION. The state treasurer is authorized to pay out of the general fund: 1. warrant number 4607, dated September 8, 1943, in the amount of forty-two dollars, issued to Concepsion Quijada, and, 2. warrant number 30, dated March 22, 1939, in the amount of one hundred twelve dollars fifty cents, issued to R. R. Powers.

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

Approved by the Governor—March 10, 1947.

Filed in the Office of the Secretary of State—March 10, 1947.

CHAPTER 33

(Sub. House Bill No. 61)

AN ACT

TO TRANSFER FUNDS FOR THE PAYMENT OF W. M. KILLEN, AND DECLARING AN EMERGENCY.

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

Section 1. TRANSFER. The sum of one hundred fifty dollars shall be transferred by the state treasurer from the general fund to the employment security commission fund, to pay warrant number 700, dated September 29, 1936, issued to W. M. Killen.

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

Approved by the Governor—March 10, 1947.

Filed in the Office of the Secretary of State—March 10, 1947.

CHAPTER 34

(House Bill No. 60)

AN ACT

FOR THE RELIEF OF THE WHITE HOUSE DEPARTMENT STORE, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of one thousand two hundred ninety-eight dollars and fifty-four cents is appropriated for the relief of the White House Department Store.

Sec. 2. BASIS OF CLAIM. Payment of the sum appropriated shall be in full satisfaction of the claim of the White House Department Store for five bales of cotton

sheeting delivered to the state prison in April, 1944, and for which payment has not been made.

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

Approved by the Governor—March 10, 1947.

Filed in the Office of the Secretary of State—March 10, 1947.

CHAPTER 35

(Senate Bill No. 75)

AN ACT

RELATING TO PRIVATE CORPORATIONS NOT FOR PECUNIARY PROFIT; PROVIDING FOR LIMITATION UPON THE RIGHT TO HOLD PROPERTY, AND FOR CONSOLIDATION OR MERGER OF SUCH CORPORATIONS, AND AMENDING ARTICLE 4, CHAPTER 53, ARIZONA CODE OF 1939, BY AMENDING SECTION 53-409, AND ADDING SECTION 53-414 THERETO.

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

Section 1. Sec. 53-409, Arizona Code of 1939, is hereby amended to read:

53-409. RIGHT TO HOLD PROPERTY; LIMITATION. Such corporations now or hereafter in existence may hold the property of the association owned prior to the incorporation or acquired thereafter, and transact all business relative thereto, but such corporation shall not own or hold more real property than reasonably necessary for the objects of the corporation, provided, that any corporation may hold, for ten years, any real property acquired in payment of a debt, by foreclosure or otherwise, or by gift or demise, and real estate exchanged therefor.

Sec. 2. Article 4, chapter 53, Arizona Code of 1939, is hereby amended by adding thereto section 53-414, to read:

53-414. CONSOLIDATION OR MERGER. Any two or more domestic non-profit corporations, or one or more domestic non-profit corporations and one or more foreign non-profit corporations, now or hereafter in existence, may merge into one of such corporations or consolidate into a new corpration by adopting a plan of merger or consolidation authorized in the same manner as provided for the authorization of an amendment to the articles of incorporation. Articles of merger or consolidation, setting forth the plan of merger or consolidation so authorized, shall be signed and acknowledged by the president and attested by the secretary of the corporation, and shall be filed with the corporation commission, and the amendments to the articles of incorporation effected thereby shall be recorded and published as articles of incorporation of private corporations are required to be. Unless otherwise provided in the plan of merger or consolidation, memberships in any of the corporations parties to the plan of merger or consolidation shall become memberships in the surviving corporation or in the new consolidated corporation, as the case may be.

Approved by the Governor—March 10, 1947.

Filed in the Office of the Secretary of State—March 11, 1947.

CHAPTER 36

(Senate Bill No. 10)

AN ACT

RELATING TO DENTAL HYGIENE, PROVIDING FOR THE LICENSING AND REGISTRATION OF DENTAL HYGIENISTS, AND AMENDING SECTION 67-908, ARIZONA CODE OF 1939.

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

Section 1. DEFINITIONS. As used in this Act unless otherwise required by the context:

(a) "the board" shall mean the Arizona state dental board.

(b) "recognized dental school" shall mean a dental school maintaining standards of entrance, study, and graduation approved by the board as satisfactory.

(c) A person shall be deemed to be practicing as a "dental hygienist" who under any circumstances attempts to or does make dental examination of, or remove lime deposits, accretions or stains from, the exposed surfaces of the teeth of another person.

Sec. 2. PRACTICE WITHOUT LICENSE UNLAWFUL. It is unlawful and a misdemeanor for any person to practice dental hygiene in the state of Arizona unless he has obtained a license from the board as in this Act provided.

Sec. 3. ELIGIBILITY FOR EXAMINATION; APPLICATION FEE. To be eligible for examination a candidate for a license to practice as a dental hygienist must be at least eighteen years of age, of good moral character, a citizen of the United States or an applicant for citizenship, and must present to the board evidence of graduation or certification in a course or curricula in dental hygiene from a dental college, dental infirmary, or any other institution of equal standing, which maintains a course of instruction for dental hygienists equivalent in all respects to similar courses of instruction maintained in recognized dental schools which offer instruction in dental hygiene. Any such candidate shall make written application to the secretary of the board and accompany the same with the examination fee in the amount of twenty-five dollars, which fee shall not be refunded.

Sec. 4. EXAMINATIONS. The board shall fix a time for the examination of eligible candidates and shall examine such eligible candidates in the subjects included in the standard curricula of the courses of instruction in dental hygiene in recognized dental schools maintaining courses of instruction in dental hygiene, and a practical examination in the removal of deposits from and the polishing of the exposed surfaces of the teeth.

Sec. 5. ISSUANCE OF LICENSE. Candidates who satisfactorily pass the examination shall be issued by the board a license as dental hygienists. The secretary of the board shall promptly notify the secretary of state of licenses issued.

Sec. 6. ANNUAL REGISTRATION FEE; FORFEITURE OF LICENSE; REINSTATEMENT. On or before July 1 of each year every licensed dental hygienist shall pay an annual registration fee of two dollars. Failure to pay such annual registration fee shall ipso facto work a forfeiture of license, but upon written application and

payment within the fiscal year of such forfeiture, of a fine of five dollars, or if after such fiscal year, of a fine of ten dollars, the board shall reinstate said license without examination.

Sec. 7. REVOCATION OF LICENSE. The dental board may, after hearing as hereinafter provided, revoke the license issued to any person under the provisions hereof for any of the following causes:

1. Physical or mental incompetency to practice his profession.

2. Fraud or misrepresentation in procuring a license.

3. Gross immorality.

4. The habitual use of intoxicating liquors or drugs to such an extent as to render him unfit for practice.

Sec. 8. EMPLOYMENT OF DENTAL HYGIENIST BY PUBLIC INSTITUTION OR SCHOOL. Any licensed dentist, public institution or school authority may employ a licensed and registered dental hygienist, who may remove lime deposits, accretions and stains from the exposed surface of the teeth, but shall not perform any other operation on the teeth or tissues of the mouth. He may operate in the office of any licensed dentist or in any public institution or in the schools under the general direction or supervision of a licensed dentist. No such licensed dentist shall have more than one such hygienist under supervision at one time. But nothing in this article shall be construed as authorizing any dental hygienist to perform any operation in the mouth without supervision.

Sec. 9. REVOCATION OF LICENSE OF DENTIST PERMITTING ILLEGAL ACTS BY DENTAL HYGIENIST. The board of dental examiners may revoke or surpend the license of any licensed dentist who shall permit any dental hygienist operating under his supervision to perform any operation other than that permitted under the provisions of this article.

Sec. 10. PROCEEDINGS FOR REVOCATION OF LICENSE. The proceedings upon an accusation for revocation of a license shall be in accordance with section 67-921, Arizona Code of 1939.

Sec. 11. DISPOSITION OF REVENUES. The pro-

visions of section 67-916, Arizona Code of 1939, as amended, shall apply to all fees, fines, and other revenues received by the board under the provisions of this Act.

Sec. 12. DUTIES OF DENTAL BOARD UNDER ACT. So far as applicable, the board shall have the same powers and duties in administering and enforcing the Act that it now has under section 67-910, Arizona Code of 1939, in administering and enforcing the Dental Act of 1935.

Sec. 13. Sec. 67-908, Arizona Code of 1939, is amended to read:

67-908. ORGANIZATION AND MEETINGS. (a) The board shall elect from among its members a president and a secretary, who shall also serve as treasurer. Meetings of the board may be called by the president or by a majority of the members, by mailing a written notice of the time, place and object of the meeting to all members not parties to the call at least fifteen days before the day of meeting. Each member shall file his mailing address with the secretary and give written notice of any change.

(b) The board shall hold not less than two meetings each year at intervals of six months for the examination of applicants to practice dentistry.

Approved by the Governor—March 10, 1947.

Filed in the Office of the Secretary of State—March 11, 1947.

CHAPTER 37

(House Bill No. 181)

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA FOR SALARY INCREASES TO FACULTY AND STAFF; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. There is hereby appro-

priated to the board of regents of the university and state colleges of Arizona, in addition to all other appropriations thereto, the following sums:

1. For the thirty-sixth fiscal year, the sum of two hundred fifty thousand dollars for salary increases to members of the faculty and staff employed at the university of Arizona, the Arizona state college at Tempe and the Arizona state college at Flagstaff.

2. For the thirty-seventh fiscal year, the sum of two hundred fifty thousand dollars for salary increases to members of the faculty and staff employed at the university of Arizona, the Arizona state college at Tempe and the Arizona state college at Flagstaff.

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

Approved by the Governor—March 10, 1947.

Filed in the Office of the Secretary of State—March 11, 1947.

CHAPTER 38

(House Bill No. 182)

AN ACT

MAKING AN ADDITIONAL APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA FOR CONSTRUCTION OF A SCIENCE EDUCATION BUILDING AT THE ARIZONA STATE COLLEGE AT TEMPE: AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. In addition to any other sums appropriated for a similar purpose, there is hereby appropriated to the board of regents of the university and state colleges of Arizona the sum of two hundred twenty-five thousand dollars for the construction of a science education building at the Arizona state college at

Tempe, for the equipment of such building and the extension of heating, lighting and other service facilities thereto.

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 for four years from the effective date of this Act without an expenditure therefrom or encumbrance thereon; this being an exception to the lapsing provisions of section 10-930, Arizona Code of 1939.

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

Approved by the Governor—March 10, 1947.

Filed in the Office of the Secretary of State—March 11, 1947.

CHAPTER 39

(House Bill No. 183)

AN ACT

RELATING TO POWER IN THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA TO ACCEPT GRANTS OF MONEY; MAKING APPROPRIATIONS FOR THE CONSTRUCTION AND IMPROVEMENT OF UNIVERSITY BUILDINGS; AMENDING CHAPTER 64, ARIZONA SESSION LAWS, REGULAR SESSION OF 1945 (INCLUDING SECTION 54-1622, ARIZONA CODE OF 1939); AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 1, Chapter 64, Arizona Session Laws, Regular Session of 1945 (being sec. 54-1622, Arizona Code of 1939), is amended to read:

1. POWER TO ACCEPT GRANTS OF MONEY. The board of regents of the university and state colleges of Arizona shall have the power to accept grants of money

from the United States of America or any of its officers or agencies designated or created to make grants for public construction work; or from any individual, group of individuals, corporation or association.

Sec. 2. Sec. 2, Chapter 64, Arizona Session Laws, Regular Session of 1945, is amended to read:

2. APPROPRIATIONS. The following sums are appropriated to the board of regents of the university and state colleges of Arizona:

1. For the thirty-fourth fiscal year, the sum of three hundred sixty-two thousand three hundred eighty-seven dollars, for some or all of the following projects at the university of Arizona: An aeronautical engineering building, a dairy building, an addition to the law building for housing the law library, and the equipment of such buildings, the extension of the heating, lighting, and other service facilities, and the erection, improvement, extension, repair, replacement, additions to, and equipment of, such other buildings as the board of regents shall deem necessary.

2. For the thirty-fifth fiscal year, the sum of four hundred twenty-nine thousand seven hundred three dollars, for some or all of the following projects at the university of Arizona: Completion of any specific project mentioned in paragraph 1 above, a science building, an addition to the chemistry-physics building, alteration of the engineering building, and the equipment of such buildings, the further extension of the heating, lighting, and other service facilities, or the erection, improvement, extension, repair, replacement, additions to, and equipment of such other buildings as the board of regents shall deem necessary.

Sec. 3. Sec. 3, Chapter 64, Arizona Session Laws, Regular Session of 1945, is amended to read:

3. LAPSING OF APPROPRIATIONS. The appropriations made in section 2 shall not lapse until the purposes for which the appropriations are made shall have been accomplished or abandoned unless the appropriations have stood until 31 December, 1950 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 10, 1947.

Filed in the Office of the Secretary of State—March 11, 1947.

CHAPTER 40

(House Bill No. 76)

AN ACT

RELATING TO PUBLIC MONEYS; PROVIDING FOR THE DISPOSITION THEREOF, AMENDING ARTICLE 4, CHAPTER 4, ARIZONA CODE OF 1939, BY ADDING SECTION 4-402a; AND DECLARING AN EMERGENCY.

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

Section 1. Article 4, chapter 4, Arizona Code of 1939, is amended by adding section 4-402a, to read:

4-402a. TRANSFER OF STATE MONEY. When any money belonging to the state comes into the possession of any state officer, by recovery at law or otherwise, and no provision of law exists for the disposition of the same, it shall be turned over to the state treasurer and placed in the general fund.

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

Approved by the Governor—March 10, 1947.

Filed in the Office of the Secretary of State—March 11, 1947.

CHAPTER 41

(House Bill No. 19)

AN ACT

RELATING TO ELECTIONS, PROVIDING FOR THE TERMINATION OF PROVISIONS FOR VOTING BY PERSONS OF THE MILITARY SERVICE, AMENDING SECTION 1, CHAPTER 21, SESSION LAWS OF

ARIZONA, 1944, SECOND SPECIAL SESSION, AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 1, Chapter 21, Session Laws of Arizona, 1944, Second Special Session (55-1601, Arizona Code, 1939, as amended) is hereby amended to read as follows:

Sec. 1. DEFINITIONS. The term "during the war" when used in this Act shall mean the period between the original passage of this Act and June 30, 1947. The term "military service" shall mean service in the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, Merchant Marines, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy. The term "person in military service" shall mean a resident of this state on active duty in military service, including any period during which a person in military service is absent from duty on account of sickness, wounds, leave or other lawful cause.

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

Approved by the Governor—March 10, 1947.

Filed in the Office of the Secretary of State—March 11, 1947.

CHAPTER 42

(House Bill No. 227)

AN ACT

DIRECTING THE STATE AUDITOR TO PAY CERTAIN CLAIMS PRESENTED AFTER THE CLOSE OF THE FISCAL YEAR IN WHICH THE CLAIMS ACCRUED.

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

Section 1. AUTHORIZATION. The state auditor is directed to audit and, if found to be lawful, to pay the following claims, in the total sum of one thousand five hundred thirty-seven dollars thirty-seven cents, presented

after the close of the fiscal year in which the claims accrued:

1. Against the state highway fund, by the: 1a. National Safety Council, for safety service for the period ending June 30, 1946, twenty-two dollars fifty cents; 1b. Arizona Edison Co., Inc., for lights and power, June, 1946, twelve dollars ninety-nine cents; 1c. General Petroleum Corporation, for motor fuel, February 27, 1946, twenty-eight dollars thirty-eight cents; 1d. Mt. States Telephone & Telegraph Co., for service, May 10 to June 24, 1946, six dollars forty cents; 1e. Bernard Touhey, for travel, January 26 to February 3, 1946, one hundred forty-one dollars twenty-six cents; 1f. E. V. Miller, for travel, January 22 to February 4, 1946, one hundred eighty-four dollars sixty-eight cents; 1g. Dewey Farr, for travel, January 26 to February 3, 1946, one hundred thirty-six dollars fifty-one cents; 1h. H. O. Pace, for travel, January 26 to February 3, 1946, one hundred thirty-six dollars thirteen cents; 1i. M. N. Forman, for travel, January 22 to February 3, 1946, one hundred thirty-one dollars; 1j. H. H. Brown, for travel, January 22 to February 3, 1946, one hundred forty-four dollars eighty cents; 1k. R. A. Hoffman, for travel, January 22 to February 4, 1946, one hundred fifty-nine dollars forty-nine cents; 1l. American Road Builders' Assoc., for dues, July 1, 1945 to June 30, 1946, twenty-five dollars; 1m. W. Oscar Brooksby, for mileage and miscellaneous supplies, June, 1946, twenty-three dollars sixty-five cents; 1n. Motor Supply Co., for supplies, May 22, 1946, ninety-seven cents; 1o. Phoenix Auto Supply Company, for supplies, June 6, 1945, one dollar nine cents; 1p. Mt. States Telephone & Telegraph Co., for service, May and June, 1946, eight dollars; 1q. Mohave County Miner, for notice published March, 1946, three dollars fifty cents; 1r. Navajo-Apache Telephone System, Inc., for service, June, 1946, five dollars thirty-one cents; 1s. Navajo-Apache Telephone System, Inc., for service, June 1946, five dollars; 1t. Town of Williams, for water, June, 1946, nine dollars twenty-one cents; 1u. U. S. Indian Irrigation Service, for water, June, 1946, two dollars; 1v. Arizona Express Inc., for express, June, 1946, thirty dollars thirty-two cents; 1w. Atchison, Topeka & Santa Fe, for freight, March 30 to June 30, 1946, one hundred seventy-eight dollars forty-five cents; 1x.

Boulder Dam Line, for freight, June, 1946, twenty-five dollars forty-two cents; 1y. Southwestern Freight Lines, for freight, September 28, 1945 to June 19, 1946, thirty-seven dollars thirty-five cents; 1z. Atchison, Topeka & Santa Fe Ry. Co. C. L., for freight, April 19, 1946, six dollars four cents; 1aa. J. T. Aiton, for miscellaneous expense, March and April, 1946, two dollars sixty cents; 1bb. Phoenix Auto Supply Co., for machine work, September 26, 1945, thirty-three dollars twenty-three cents, and, 1cc. Atchison, Topeka and Santa Fe, for freight, May and June, 1946, thirty-six dollars nine cents.

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

Approved by the Governor—March 11, 1947.

Filed in the Office of the Secretary of State—March 11, 1947.

CHAPTER 43

(Senate Bill No. 97)

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA COPPER TARIFF BOARD; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of five thousand dollars is appropriated to the Arizona copper tariff board.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the purpose of defraying the expenses of the board, as authorized by section 65-404, Arizona Code of 1939.

Sec. 3. EXEMPTION. This appropriation is exempt from the provisions of section 7, article 4, chapter 86, Laws of 1943, relating to lapsing appropriations.

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

Approved by the Governor—March 11, 1947.

Filed in the Office of the Secretary of State—March 11, 1947.

CHAPTER 44

(House Bill No. 96)

AN ACT

RELATING TO FIREMEN'S RELIEF AND PENSION FUND; AMENDING ARTICLE 19, CHAPTER 16, ARIZONA CODE OF 1939, BY ADDING SECTION 16-1919.

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

Section 1. Article 19, Chapter 16, Arizona Code of 1939, is amended by adding Section 16-1919, to read:

16-1919. EXEMPTION FOR PERIOD OF MILITARY SERVICE. Any member of any fire department or company who shall have served as a member of the military service of the United States during a period of national emergency, immediately following service as a member of such fire department or company, shall not be required to contribute to the firemen's relief and pension fund, in this Article provided, by salary deduction or otherwise for the period during which any such member was in such military service. The period of such military service shall be included in computing the length of service of such firemen in determining eligibility for retirement.

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

Approved by the Governor—March 11, 1947.

Filed in the Office of the Secretary of State—March 11, 1947.

CHAPTER 45

(House Bill No. 130)

AN ACT

RELATING TO HOLIDAYS, AND AMENDING SECTION 35-101, ARIZONA CODE OF 1939.

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

Section 1. Sec. 35-101, Arizona Code of 1939, is amended to read:

35-101. HOLIDAYS ENUMERATED. (a) Sunday of each week, and the first day of January, the twelfth day of February to be known as Lincoln Day, the fourteenth day of February to be known as Admission Day, the twenty-second day of February to be known as Washington's Birthday, the second Sunday in the month of May to be known as Mothers' Day, the thirtieth day of May to be known as Decoration Day, the third Sunday in the month of June to be known as Fathers' Day, the fourth day of July, the twenty-fifth day of December, the day upon which the general election is held, Thanksgiving Day, the first Monday in September to be known as Labor Day, the twelfth day of October to be known as Columbus Day, and the eleventh day of November to be known as Armistice Day of each year shall be holidays.

(b) When any such holiday except Mothers' Day or Fathers' Day falls on a Sunday, the following Monday shall be observed as a holiday.

Approved by the Governor—March 11, 1947.

Filed in the Office of the Secretary of State—March 11, 1947.

CHAPTER 46

(House Bill No. 107)

AN ACT

RELATING TO MUNICIPAL REVENUE BONDS; AMENDING THE MUNICIPAL REVENUE BOND ACT OF 1943, ARTICLE 26, CHAPTER 16, SUPPLE-

MENT TO ARIZONA CODE OF 1939, (CHAPTER 31, ARIZONA SESSION LAWS 1943) BY AMENDING SECTION 16-2602, AND BY ADDING SECTION 16-2620 AND SECTION 16-2621, SUPPLEMENT TO ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

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

Section 1. Article 26, Chapter 16, Supplement to Arizona Code of 1939 (Chapter 31, Arizona Session Laws 1943), designated the Municipal Revenue Bond Act of 1943, is amended by amending Section 16-2602, to read as follows:

16-2602. DEFINITIONS. In this Act, unless the context otherwise requires:

"Municipality" means any incorporated city or town;

"Governing body" means the board, commission, or other body having charge of the financial affairs of a municipality;

"Bond" means any bond issued pursuant to this Act;

"Utility undertaking" means any one or combination of the following: electric light or power, water, sewer, gas, garbage, or rubbish plant or system; or airport, airport buildings, or other airport facilities, or buildings or structures to provide off-street parking of motor vehicles, together with all parts thereof and appurtenances thereto, including, but not limited to, disposal, treatment, and reduction plants, buildings, incinerators, dams, and reservoirs.

Sec. 2. Article 26, Chapter 16, Supplement to Arizona Code of 1939 (Chapter 31, Arizona Session Laws 1943), designated the Municipal Revenue Bond Act of 1943, is amended by adding thereto Section 16-2620 to read as follows:

16-2620. IMPROVEMENTS TO EXISTING SYSTEM. It is the purpose of this Chapter to vest and full authority has been and is hereby vested in any municipality to issue revenue bonds for the purpose of paying the cost of the improvement, reconstruction, extensions and additions to any existing revenue-producing utility, of any kind or class at the time owned and operated by the municipality and

howsoever acquired, and to pledge to the punctual payment of the revenue bonds and interest thereon the revenues of such existing revenue-producing utility, after making reasonable allowance for the cost of maintenance and operation thereof, together with the revenues of the utility undertaking, improvement, reconstruction, extensions and additions to such existing revenue-producing utility, for which the revenue bonds are to be issued, and to provide in the resolution pertaining to the issuance of revenue bonds for the use and disposition of all revenues pledged therein to the payment of principal and interest of the bonds, including the revenues of the existing revenue-producing utility to the fullest extent provided in such resolution and in addition thereto the revenues of the utility undertaking for which the bonds are to be issued, all on such terms and in such manner as the governing body of the municipality may provide or has in the resolution so provided.

Sec. 3. Article 26, Chapter 16, Supplement to Arizona Code of 1939 (Chapter 31, Arizona Session Laws 1943), designated the Municipal Revenue Bond Act of 1943, is amended by adding thereto Section 16-2621, to read as follows:

16-2621. BONDS VALIDATED. All acts and proceedings heretofore taken by any municipality under the Municipal Revenue Bond Act of 1943, or under color of said law, for the authorization, issuance or sale of revenue bonds for any purpose stated in said law, as amended, are hereby confirmed, validated and declared legally effective. This shall include all acts and proceedings of the governing body of such municipality and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance or sale of such bonds. All bonds heretofore authorized to be issued under said law, when hereafter delivered in substantially the form contemplated in such authorization, shall be in the form and manner in which delivered valid, legal and binding obligations of the municipality, payable in accordance with the resolution pertaining to their issuance and secured by the revenues therein pledged and allocated to their payment, and by the covenants and agreements set forth in the resolution authorizing their issuance.

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

Approved by the Governor—March 13, 1947.

Filed in the Office of the Secretary of State—March 13, 1947.

CHAPTER 47

(House Bill No. 29)

AN ACT

RELATING TO COUNTIES; PROVIDING FOR KEEPING AND RECORDING OF INSTRUMENTS; AMENDING SECTIONS 17-801 AND 17-808, ARIZONA CODE OF 1939, AND REPEALING SECTION 17-806, ARIZONA CODE OF 1939.

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

Section 1. Sec. 17-801, Arizona Code of 1939, is amended to read:

17-801. RECORDING OF INSTRUMENTS AND KEEPING RECORDS. The recorder shall have custody of and shall keep all records, maps and papers deposited in his office. He shall record separately, in typewriting, in a fair and legible hand, or by use of photostatic or photographic machines, such instruments or writings as are by law required or permitted to be recorded. He may record instruments in docket books or in separate record books, but they shall be indexed by subject in separate books. Instruments shall be recorded consecutively according to the time at which received.

Sec. 2. Sec. 17-808, Arizona Code of 1939, is amended to read:

17-808. DISCHARGE PAPERS OF SOLDIERS. The recorder shall record without fee the discharge papers of officers and enlisted men of the military and naval forces of the United States, and of war nurses.

Sec. 3. REPEAL. Sec. 17-806, Arizona Code of 1939, is repealed.

Approved by the Governor—March 13, 1947.

Filed in the Office of the Secretary of State—March 13, 1947.

CHAPTER 48

(House Bill No. 218)

AN ACT

RELATING TO TAXATION; DIRECTING THE STATE TAX COMMISSION TO MAKE A SURVEY OF ALL TAXABLE REAL PROPERTY AND IMPROVEMENTS OF THE STATE; AUTHORIZING THE EMPLOYMENT OF EXPERTS, ASSISTANTS, CLERKS, STENOGRAPHERS AND ACCOUNTANTS; PROVIDING FOR THE PAYMENT OF THE EXPENSES OF SUCH SURVEY; REQUIRING THE USE OF THE VALUATIONS FIXED BY SAID SURVEY BY THE VARIOUS COUNTY ASSESSORS; PROVIDING FOR RECOMMENDATIONS OF CORRECTIVE LEGISLATION; PROVIDING PENALTIES AND REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT THEREWITH AND MAKING AN APPROPRIATION.

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

Section 1. The State Tax Commission is hereby authorized and directed to institute and contract for a scientific survey of all real property and improvements situate or found in any city, town or other municipal corporation or legal subdivision of the state. The survey shall be made for the purpose of placing upon the tax rolls in every county of the state all real property and improvements of every kind and character subject to taxation under the existing provisions of law and extending on the tax rolls in every county of the state the proper valuation of such property for tax purposes as required by law. Provided, that property regularly assessed by the State Tax Commission shall not be included in such survey.

Section 2. Such survey shall be commenced as soon as practicable after the 1st day of July 1947 and shall be completed on or before the 30th day of June, 1948. As soon as such survey is completed the boards of supervisors of each county shall be furnished with the valuations of their respective counties as determined by the survey and shall transmit to the county assessor of the county a tax roll showing the description of all real property and improvements within such county together with the valuation of such property as determined by said survey. Said tax

rolls shall be certified to the county assessors prior to the date fixed by law for the filing of the assessment rolls with the clerk of the board of supervisors and the assessors in each county shall extend upon the assessment rolls the descriptions and valuations as found and transmitted by the board of supervisors. The valuations so found by the State Tax Commission and transmitted by the board of supervisors shall supersede any valuations theretofore fixed by said assessors or extended upon the assessment rolls.

It shall be the duty of the State Tax Commission to cause to be placed upon the tax rolls of the county all real property and improvements subject to taxation whether the same appears upon the tax roll heretofore made up by the county assessor or not, and to determine that such valuations are maintained. After receiving said tax rolls from the board of supervisors it shall be the duty of the county assessor to place upon said tax rolls any property which he may discover to have been omitted from said tax rolls and to extend the valuation thereon upon the same basis as the valuations fixed by said survey.

The taxability of, or the valuation of any property or class of property included in the survey may be reviewed before the county board of equalization, the state board of equalization, and in the courts in the same manner and to the same extent as now provided by law where the taxability or valuation of property or classes of property is fixed by the county assessor.

In the event that any property found to be taxable by the survey shall be stricken from the rolls by the county board of equalization as not subject to taxation, or in the event the valuation determined by the survey shall be modified by the county board of equalization then the clerk of the board of supervisors in transmitting an abstract of the assessment roll to the state board of equalization, as required by law, shall endorse upon said abstract of the assessment roll a notation indicating the property or valuation as fixed by the survey and the state board of equalization shall restore said property so stricken or said valuation so modified to the assessment rolls unless in the judgment of the state board of equalization the inclusion of such property or such valuation upon the assessment roll is clearly erroneous and not according to law.

Section 3. The State Tax Commission shall within thirty days following the effective date of this Act, call for bids from qualified tax and valuation experts or firms

to perform the work, as shall be necessary to carry out the provisions of this Act. No person shall be employed to assess and value any property in this survey unless such person shall have had at least ten years actual experience in the assessing and valuing of real property and improvements, and no bid shall be accepted for this survey from any firm which has been in existence for less than five years prior to the awarding of the contract. The State Tax Commission shall have the authority to enter into contracts with tax valuation experts or tax survey organizations, whether residents or non residents of the State of Arizona for the making of such survey in any one or more of the counties of the state, provided that all expenditures made under authority of this Act shall only be made after call for bids, for the particular work to be performed, and the contract shall have been awarded to the lowest qualified bidder.

Section 4. The State Tax Commission shall have the right at any time, acting through any or all of its members, or through any agent or employee designated for the purpose, to examine all property subject to taxation in the state; to hold hearings at any places in the state as to the taxability or value for tax purposes of any property or classes of property; to require the attendance of witnesses and to administer oath; to require the production of documents or other writings; to secure from any taxpayer, individual or corporation, a sworn statement as to the nature, amount, value and situs of the property subject to taxation in which such taxpayers may have any interest.

Section 5. The cost of making such survey in each of the counties of the state shall be a county charge and shall be paid as other county charges upon bills or claims presented to the board of supervisors by the State Tax Commission. Such amount so set up and determined shall not be subject to the Budget Law of the state relating to counties nor shall the amount so expended be taken into consideration in determining the ten percent increase allowed in the regular budget or tax levy in any such fiscal year.

Section 6. Any property wilfully concealed, removed, transferred or misrepresented by the owner or agent of said owner to evade taxation shall, upon discovery, be assessed at twice its value for that year.

Section 7. If any person shall wilfully make or give under oath, or affirmation, a false list of his taxable property under his control, such person shall be guilty of a felony.

Section 8. If any person shall give the State Tax Commission or any of its authorized agents a false name, or shall fail or refuse to swear or affirm to such list, or shall fail or refuse to disclose to the State Tax Commission or such agent, all of his property, shall be guilty of a misdemeanor and punished by a fine of not less than one hundred nor more than three hundred dollars or by imprisonment in the county jail for not less than three months nor more than six months or by both such fine and imprisonment.

Section 9. Any officer, member of any board, or county assessor, or any agent or employee of the State Tax Commission performing this survey who shall neglect or refuse to perform any duty imposed on him herein shall be guilty of a misdemeanor and punished by a fine not to exceed one thousand dollars or imprisonment in the county jail not to exceed one year or by both such fine and imprisonment.

Section 10. The State Tax Commission shall require the successful bidder on this survey to furnish each county assessor with the formulas and tables used in determining the valuations made under this survey and it shall be the duty of the county assessor of each county to assess all property on the tax rolls at the time this survey is completed at the valuations so determined and to use the same formulas and tables as was used in the survey in all future assessments and valuations of property. It shall be the duty of the State Tax Commission to inspect the tax rolls of each county at least once each year following the extension of valuations on the tax rolls and determine if the plan as herein outlined is being followed; if it is determined by the State Tax Commission that any county assessor has failed to perform his duties in this or any other matter they shall immediately take charge of such assessor's office and cause this Act to be fully carried out, at which time the control and management of such office shall be returned to the assessor. The Tax Commission shall report such action and the cause thereof to the next regular or special session of the legislature.

No county assessor shall be paid any salary during the period it shall be necessary for the State Tax Commission to assume jurisdiction of any office.

Section 11. In addition to contracting for a scientific study of all real property, the State Tax Commission shall also contract for a study of assessment practices, taxing methods and possible new sources of revenue. A report of the findings of this study, with recommendations for cor-

rective legislation, shall be submitted to the Governor and the Legislature prior to June 30, 1948.

Section 12. Appropriation. There is hereby appropriated to the State Tax Commission the sum of three hundred thousand dollars, ($300,000.00) for the purpose of making this survey, upon completion of the survey the State Tax Commission shall collect from each county that proportion of the total cost of the survey that each county bears to the total valuation of the state as determined by the survey, said money collected from the counties shall forthwith be paid into the state general fund to apply as reimbursement for the funds appropriated and advanced for the costs of the survey.

Section 13. All laws or parts of laws in conflict herewith are hereby repealed.

Approved by the Governor—March 13, 1947.

Filed in the Office of the Secretary of State—March 13, 1947.

CHAPTER 49

(House Bill No. 31)

AN ACT

RELATING TO THE ARIZONA PIONEERS' HISTORICAL SOCIETY; AMENDING SECTIONS 7-101 AND 7-102, ARIZONA CODE OF 1939, AND MAKING A CONDITIONAL APPROPRIATION.

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

Section 1. Sec. 7-101, Arizona Code of 1939, is amended to read:

7-101. ORGANIZATION OF SOCIETY. (a) The society of Arizona pioneers organized February 9, 1884, in conformity with the provisions of "An Act to provide for the incorporation of religious, social and benevolent societies," approved February 14, 1873 (seventh legislative assembly of the Territory of Arizona), is designated and shall be known as the Arizona pioneers' historical society. Subject to the limitations imposed by law, the society may purchase, receive, hold, lease and sell property, real and personal, for the benefit of the state and the use of the society.

(b) The society shall have a president, a treasurer, a board of directors and such other officers, to be elected by the members of the society at such times and by such methods, as the by-laws of the society may prescribe.

(c) The president shall preside at meetings of the society and of the board of directors.

(d) The treasurer shall have custody of the funds of the society, other than state appropriations, and shall give a bond in the penal sum of five thousand dollars, payable to the society, conditioned upon the faithful performance of his duties as such treasurer. He shall hold the funds of the society coming into his hands in trust for the society's use and for the benefit of the state, and shall disburse the same only as prescribed by law and the by-laws of the society.

(e) The board of directors shall hold in trust for the state and administer for the benefit of the state and the use of the society all property acquired by the society. The board shall account to the state auditor for all expenditures of state appropriations to the society.

Sec. 2. Sec. 7-102, Arizona Code of 1939, is amended to read:

7-102. FUNCTIONS. The society shall procure, by gift, exchange, or purchase, books, maps, papers and materials pertaining to the history of Arizona and of the west; narratives of historical events of the exploration and early settlement of Arizona, and of overland travel in the state and the west; data relating to Indian tribes, and portraying the antiquities, the past and present conditions and progress of the state; historical and scientific reports of the western states, and materials and facilities for the investigation of historical, scientific, social, educational and literary subjects. Such collections and materials shall be housed suitably for protection, preservation and availability, properly catalogued and kept accessible to the public, without charge, during reasonable hours on business days.

Sec. 3. APPROPRIATION. (a) Subject to the conditions imposed by this section, the sum of seventy-five thousand dollars, or so much thereof, not less than forty thousand dollars, as may be matched by the funds of the society derived from sources other than state appropriation, is appropriated to the Arizona pioneers' historical society building fund.

(b) If, within four years from the date of approval of this Act, the Arizona pioneers' historical society shall deposit with the state treasurer, to be placed in the Arizona pioneers' historical society building fund, not less than forty thousand dollars derived from sources other than state appropriation, an amount equal to such deposit, not to exceed seventy-five thousand dollars, shall become available from this appropriation for the purpose stated in section 4, and all moneys appropriated by this Act and standing to the credit of the Arizona pioneers' historical society building fund shall be subject to disbursement, to the extent that it is matched by the moneys deposited in the fund by the Arizona pioneers' historical society, as provided by law.

Sec. 4. PURPOSE. The conditional appropriation made under the terms of section 3 is for the purpose of enabling the Arizona pioneers' historical society to cause to be erected and equipped, on or near the grounds of the University of Arizona, a building for the use of the society, and to house and render available for research the society's collections of historical and scientific material.

Sec. 5. EXEMPTION. The appropriation made by this Act shall be exempt from the provisions of section 7, article 4, chapter 86, Session Laws of 1943, regular session (section 10-930, supplement to Arizona Code of 1939), relating to lapsing appropriations, and shall not revert until the purpose thereof is accomplished; but this exemption shall not extend beyond the period of four years from and after the date of approval of this Act.

Approved by the Governor—March 13, 1947.

Filed in the Office of the Secretary of State—March 13, 1947.

CHAPTER 50

(House Bill No. 124)

AN ACT

MAKING AN APPROPRIATION TO THE STATE AUDITOR FOR THE REMODELING, PAINTING AND REPAIRING OF OFFICES, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of five thousand dollars is appropriated to the State Auditor for the remodeling, floor covering, painting and repairing of offices.

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, 1947.

Filed in the Office of the Secretary of State—March 13, 1947.

CHAPTER 51

(Senate Bill No. 45)

AN ACT

RELATING TO POSTWAR PLANNING, PROVIDING FOR THE ESTABLISHMENT OF POSTWAR PUBLIC WORKS RESERVE FUNDS BY CITIES AND COUNTIES, AMENDING SECTIONS 3 AND 4, CHAPTER 37, SESSION LAWS OF 1943, AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 3, chapter 37, Session Laws of 1943, is amended to read:

Sec. 3. LOCAL POSTWAR PLANNING BOARDS. Notwithstanding any inconsistent provision of any general, special or local law, each city and county is authorized to create a planning board, or to authorize an existing department or agency thereof, to formulate, develop and annually revise a capital budget and schedule and make preliminary plans and surveys for a long-range, postwar program of local public works projects for execution and construction, by such city or county or by any public agency which it is authorized to assist by any other law, during a ten-year period following the cessation of hostilities; to prepare and maintain current progress information on all local capital projects previously authorized

or for which funds have been or may be made available, and to maintain liaison with state and federal officials and agencies having duties and responsibilities related to planning.

Sec. 2. Sec. 4, chapter 37, Session Laws of 1943, is amended to read:

Sec. 4. CALL FOR BIDS. All construction under this Act shall be done by contract after a call for bids; provided, however, that the provisions of this section shall not apply to any such constructions costing ten thousand dollars or less.

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

Passed the House without sufficient votes to carry the Emergency.

Approved by the Governor—March 13, 1947.

Filed in the Office of the Secretary of State—March 13, 1947.

CHAPTER 52

(House Bill No. 33)

AN ACT

RELATING TO THE ARIZONA TEACHERS' RETIREMENT SYSTEM, PROVIDING FOR THE EMPLOYMENT OF THE EXECUTIVE SECRETARY, AND AMENDING SECTION 21, CHAPTER 61, REGULAR SESSION, SIXTEENTH LEGISLATURE, 1943, ARIZONA CODE OF 1939.

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

Section 1. Sec. 21, Chapter 61, Regular Session, Sixteenth Legislature, 1943, is amended to read:

21. EXECUTIVE SECRETARY. The board of trustees, by a majority vote of its members, shall employ an

executive secretary and fix his salary, not to exceed four thousand two hundred dollars per annum. The executive secretary shall not be a member of the board, and shall be thoroughly qualified in accounting and office management. He shall take and subscribe an oath of office and file the same with the secretary of state, together with a surety bond payable to the state of Arizona in an amount prescribed by the board, not less than one hundred thousand dollars, subject to approval by the governor and the attorney-general. The salary of the executive secretary and premiums for the bond shall be paid from the expense fund.

Approved by the Governor—March 13, 1947.

Filed in the Office of the Secretary of State—March 13, 1947.

CHAPTER 53

(Senate Bill No. 21)

AN ACT

RELATING TO TECHNICAL REGISTRATION, AND AMENDING SECTIONS 67-1804, 67-1806, 67-1808, 67-1812, 67-1814, 67-1815, 67-1817 AND 67-1818, ARIZONA CODE OF 1939.

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

Section 1. Sec. 67-1804, Arizona Code of 1939, is amended to read:

67-1804. BOARD OF TECHNICAL REGISTRATION. The state board of technical registration shall be composed of seven members, one of whom shall be ex-officio the dean or acting dean of the college of engineering at the university of Arizona, and six possessing the qualifications prescribed by section 67-1805. They shall be appointed by the governor, and shall as equally as may be, represent the professions of architecture and engineering. The terms of the appointive members shall be two for one year, two for two years and two for three years. Thereafter the terms of all appointive members shall be three years. The governor may remove any appointive member of the board for misconduct, incapacity or neglect of duty. Appointment to fill a vacancy caused other than by expiration of term

shall be for the unexpired portion of the term.

Sec. 2. Sec. 67-1806, Arizona Code of 1939, is amended to read:

67-1806. COMPENSATION OF MEMBERS. The members of the board shall receive no compensation for their services as such, but they shall receive mileage and travel expenses as prescribed for state officers. The certificate of registration of board members shall be renewed without payment of the renewal fee.

Sec. 3. Sec. 67-1808, Arizona Code of 1939, is amended to read:

67-1808. POWERS AND DUTIES. (a) The board shall: 1. adopt by-laws and rules for the conduct of its meetings and the performance of the duties imposed upon it by law; 2. adopt an official seal for the attestation of certificates of registration and other official papers and documents; 3. consider and pass upon applications for registration; 4. hear and pass upon complaints or charges; 5. compel the attendance of witnesses, administer oaths, and take testimony concerning all matters coming within its jurisdiction; 6. keep a record of its proceedings; 7. keep a register which shall show the date of each application for registration, the name, age, qualifications, and place of business of the applicant, and the disposition of the application, and, 7. do all other things necessary to carry out the purposes of this Act.

(b) The board shall specify on the certificate of registration and annual renewal card issued to each registered engineer the branch of engineering in which he has demonstrated proficiency, and authorize him to use a title which will indicate his proficiency in such branch of engineering. The board shall decide what branches of engineering shall be thus recognized.

(c) The board may hold memberships in and be represented at meetings of the national council of state boards of engineering examiners and the national council of architectural registration boards, and may pay the appropriate membership fees. Members selected to represent the board at such meetings shall be reimbursed for actual and necessary expenses in connection therewith.

(d) The board is authorized to employ and pay on a fee basis persons, including full time employees of any state institution, bureau, or department, to prepare and

grade examinations given to applicants for registration and to fix the fees to be paid for such services, and such state employees are authorized to prepare and grade such examinations, and to receive payment therefor from the technical registration fund.

Sec. 4. Sec. 67-1812, Arizona Code of 1939, is amended to read:

67-1812. REGISTRATION FEES. The following fees shall accompany all applications for registration: 1. for a certificate as an architect or an engineer, fifteen dollars; 2. for a certificate as an assayer or land surveyor, ten dollars, and, 3. if the applicant holds a certificate of qualification issued by a national bureau of registration, five dollars.

Sec. 5. Sec. 67-1814, Arizona Code of 1939, is amended to read:

67-1814. REGISTRATION UPON UNEXPIRED CERTIFICATES. The board may register without examination an applicant who holds a valid and subsisting certificate of registration issued by another state or a foreign country having requirements for registration satisfactory to the board, or a certificate of qualification issued by a national bureau of registration.

Sec. 6. Sec. 67-1815, Arizona Code of 1939, is amended to read:

67-1815. RENEWAL. All certificates of registration shall expire on the last day of December of each year, and shall be invalid after that date unless renewed by the payment of a renewal fee of five dollars. If not paid prior to the expiration date, the renewal fee shall be accompanied by a penalty of ten per cent for each month or fraction of a month of delinquency, not to exceed ten dollars in the aggregate. In the event that a registration has lapsed for three years, a new application, accompanied by the proper fee, shall be required, but time spent by a registrant in any branch of the armed forces of the United States since 1939 shall not be included in computing the three year period.

Sec. 7. Sec. 67-1817, Arizona Code of 1939, is amended to read:

67-1817. SEALS. The board shall adopt and prescribe seals for the use of registrants who hold valid certificates. Each seal shall bear the name of the registrant, and shall state the vocation and, in the case of engineering, the

branch or branches thereof he is permitted to practice, and any other data the board may deem pertinent. Plans, specifications, plats or reports prepared by any such registrant shall be issued under his seal and shall bear the signature of the maker. It shall be unlawful for a registrant whose certificate has expired or has been revoked to use such seal, or to sign, stamp, or seal any document not prepared by him or his bona fide employee.

Sec. 8. Sec. 67-1818, Arizona Code of 1939, is amended to read:

67-1818. EXEMPTIONS AND LIMITATIONS. Architecture, engineering, assaying, or land surveying may be practiced without compliance with the requirements of this Act by: 1. an officer or employee of the United States, practicing as such; 2. a consulting associate of a registrant, if a non-resident who has no established place of business in this state and who is qualified to practice in his own state or country; 3. an employee of a registrant or of a person exempt from registration, if such employment does not involve direct responsibility for design, inspection, or supervision; 4. a non-registrant who holds an unexpired certificate of registration issued by authority of another state or country having requirements for registration satisfactory to the board, if such non-registrant informs the board in writing of his intention to practice and the approximate length of time, not exceeding thirty days in any calendar year, that the work upon which he is to be engaged will consume; 5. a non-registrant who designs buildings the cost of which does not exceed three thousand dollars each, or alterations the cost of which does not exceed one thousand five hundred dollars for each building; 6. a non-registrant who designs buildings or structures to be erected on property owned or leased by him or by a person, firm or corporation which employs him on a full time basis, if such buildings or structures are intended solely for the use of the owner or lessee of the property and are not for sale, rental, or use by the public, or, 7. a person who has applied for registration and paid the fee for such period of time as is required for the board to consider his application and to conduct his examination, if it considers an examination necessary.

Approved by the Governor—March 13, 1947.

Filed in the Office of the Secretary of State—March 13, 1947.

CHAPTER 54

(House Bill No. 243)

AN ACT

RELATING TO LIVESTOCK; PROVIDING FOR INSPECTION OF ANIMALS AND THE RECORDING OF BRANDS, AND AMENDING SECTIONS 50-306, 50-316, 50-802 AND 50-806, ARIZONA CODE OF 1939.

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

Section 1. Sec. 50-306, Arizona Code of 1939, is amended to read:

50-306. INSPECTION MUST BE MADE IMMEDIATELY — FEE — CERTIFICATE. (a) Before any neat animals, horses, mules or asses are slaughtered, sold or driven or conveyed from their accustomed range, or driven or conveyed out of this state, or driven or conveyed from a pasture or other place where they have been kept, such animals must be inspected for health, brands and marks immediately before such drive or conveyance.

(b) Except as otherwise provided for in this Act, it shall be unlawful to slaughter, sell, drive or convey any of the aforesaid animals without such inspection. Upon being advised that any of the aforesaid animals are subject to inspection, the inspector shall proceed at once to inspect said animals, and the owner or person in charge shall pay said inspector fifteen cents (15c) per head for such inspection. Upon the completion of said inspection, the inspector shall deliver to the person in charge of said animals a certificate on a form provided by the Livestock Sanitary Board, showing the date of inspection, the purpose for which inspected, the number, sex and kind of animals inspected, with the brands thereon, and the fee collected therefor, if any, which fee shall thereupon be paid to said inspector by the person in charge of said animals. Provided, that when, prior to inspection, application is made to the board in writing for a waiver of inspection fee, and it appears to the satisfaction of the board that animals are to be moved from pasture or other feeding ground for any purpose, other than slaughter, sale, change of ownership, or removal from the state, the board may waive the inspection fee; but it is unlawful for any person to sell, transfer ownership in, or move any of the aforesaid animals from this state until said animals have been inspected and the inspection fee paid thereon.

Any person who shall sell or otherwise cause the ownership to be changed of any neat animals, horses, mules or asses or who shall cause any such animal to be slaughtered or driven or removed from the state, from the accustomed range or from a pasture or other place where they have been kept before they have been inspected as provided in subsections (a) and (b) hereof, and any person who, for the purpose of procuring any waiver of an inspection fee as provided in subsection (b), shall falsely represent to the board that any animals are being removed from one feeding ground to another for a purpose other than change of ownership, slaughter or removal from the state, shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars ($50.00) nor more than three hundred dollars ($300.00), or imprisoned in the county jail not less than thirty days (30) nor more than one hundred and eighty days (180), or both.

Sec. 2. Sec. 50-316, Arizona Code of 1939, is amended to read:

50-316. RECORDING AND RE-RECORDING OF BRANDS — FEES. The board shall record in a brand book all brands and earmarks adopted as herein provided. Such recording shall consist in depicting in the brand book a facsimile of the brand adopted, and a diagram of the earmarks, together with an entry in said book of the name, residence and post office address of the person adopting the same, the date when presented for record, the place upon the live stock or other animals where the brand is proposed to be used, the kind of animals upon which it is proposed to be used, and a general designation and statement of the location of the range whereon such animals are permitted to range. Before such record is made, proof shall be submitted to the board that the applicant is entitled to use the same. The applicant shall also make an affidavit that he does not know, and is in no way interested in, any similar brand or earmark that is being run or used by another in adjoining states or the Republic of Mexico. The fee for recording a brand or earmark shall be ten dollars ($10.00), and shall entitle the owner to a certified copy of the record. For recording a bill of sale or other instrument of conveyance of a brand or mark, or for the issuance of an additional certified copy of a brand or bill of sale of a brand, the fee shall be one dollar ($1.00). Every owner of a brand or earmark of record as provided in this chapter (article) who desires to continue the use of the same, shall, on or before the thirty-first day of December, 1951, and every ten (10) years thereafter, make application to the board for the re-recording of such brand or earmark. It shall be the duty of the board, at least sixty

(60) days prior to January 1, 1952, to notify in writing every owner of a brand or earmark of legal record in its office, of the right to re-record the same as provided herein. The said notice shall be sent by mail to such owner at the last address of record in the office of the board. The board may also advertise the approach of the re-recording period in such manner and at such time as it may deem advisable. All recorded brands or earmarks for which no application to re-record has been made by December 31, 1951, and by December thirty-first of each re-recording year, shall be deemed abandoned and no longer of legal record. Brands or earmarks thus deemed abandoned shall not be awarded or recorded by the board to other persons than those abandoning the same until one (1) year shall have elapsed from the date of such abandonment. The fee for re-recording a brand or earmark shall be two dollars ($2.00). Otherwise the re-recording shall proceed in the same manner as provided for original recording, including the furnishing of one (1) certified copy of the record to owners of such brand or earmark. It shall not be necessary to advertise brands offered for re-recording. The board is authorized and empowered to issue as it may deem advisable books and supplements thereto containing transcripts or part or all of its records of brands and earmarks, so arranged and indexed as to be suitable for use in identifying any brands or earmarks which may be found on any neat animals, horses, mules, asses, sheep, goats, or the hides thereof, and used in compliance with the terms of this chapter (article); copies of such books shall be available to anyone desiring them at a charge, to be fixed by the board, commensurate with the cost of compilation, publication and issuance, provided, that copies of such brand books or supplements thereto may be furnished by the board, without charge, to any public official or other person whose possession of the same will, in the opinion of the board, serve to promote the general welfare. Expenses in connection with the provisions of this section shall be met from any operation fund of the board, and any moneys derived from the sale of such books or supplements shall be remitted to the state treasurer to be credited to the general fund.

Sec. 3. Sec. 50-802, Arizona Code of 1939, is amended to read:

50-802. INSPECTION OF HIDES. (a) It is unlawful for any person to have in his possession, or to sell, offer for sale, give or exchange the meat of any neat animal, horse, mule or ass, unless the whole hide of such animal has been inspected for marks and brands and the meat thereof stamped as hereinafter provided. The hide of any such animal shall be marked, as provided by the board, so that

it may be identified, for which the inspector shall collect fifteen cents (15c) for each hide so inspected. The inspector shall stamp upon the hind quarter, side, shoulder, neck and shank, of both sides of the meat of the carcass the words "brand inspected". Such stamping shall be done with a stamp adopted and furnished by the board. A violation of this section shall constitute a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars ($50.00) nor more than three hundred dollars ($300.00), imprisonment in the county jail not less than thirty days (30) nor more than one hundred and eighty days (180), or both.

(b) Inspectors shall have authority to stop and search, without warrant, any vehicle, or to search without warrant any container which such inspector suspects contains unstamped meat, and if any be found it shall be taken by the inspector, and unless proof be submitted within twelve (12) hours which satisfies the inspector that the person from whom the meat was taken is the lawful owner thereof, such meat shall be forfeited to the state and sold or disposed of by the inspector.

(c) This section shall not be construed to apply to producers who are slaughtering such animals for their own consumption, nor to require that meat bearing a federal meat inspection stamp, unless the possessor so desires, be stamped as provided in this Act.

Sec. 4. Sec. 50-806, Arizona Code of 1939, is amended to read:

50-806. INSPECTION BEFORE SLAUGHTER. Any person carrying on the business of slaughtering live stock shall notify the nearest livestock inspector of the location of his slaughter-house and of the time it is proposed to slaughter any such animals. No live stock shall be slaughtered until inspected, unless inspection before slaughter be waived by the board. When any such animals are slaughtered, the inspector shall inspect the hides for brands and marks, charging therefor fifteen cents (15c) for each hide inspected, and tag or mark the same in the manner prescribed by the board, unless such tagging or marking be waived by the board.

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 13, 1947.

Filed in the Office of the Secretary of State—March 13, 1947.

CHAPTER 55

(Senate Bill No. 58)

AN ACT

RELATING TO PUBLIC HEALTH; PROVIDING FOR LOCAL HEALTH DEPARTMENTS, AND PRESCRIBING THE POWERS AND DUTIES THEREOF; AND DECLARING AN EMERGENCY.

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

Section 1. DEFINITION. As used in this Act, "a local full time public health service" means a full time service utilizing local, state, federal and other funds, or any combination thereof, employing qualified personnel, working under the direction and supervision of a full time medical director, and conducted in conformity with the rules, regulations and policies of the state department of health.

Sec. 2. HEALTH DEPARTMENTS. (a) For the purpose of providing local full time public health service, the board of supervisors of any county may: 1. establish a county department of health; 2. enter into a cooperative agreement with a city for the establishment of a city-county department, or with one or more counties for the establishment of a district department of health. The establishment of any such department, and any agreement for the establishment of a city-county or a district department of health, shall be subject to the approval of the state department of health and to the provisions of this Act.

(b) A department of health established under the provisions of this Act shall:

1. Be authorized to develop health services with the use of any federal, state or local funds or any combination of funds thereof; 1a. be authorized to expend any moneys budgeted by the city or county for the use of the department, or with the approval of the governing body of the city or county, any money in the general fund of the city or county not otherwise appropriated.

Sec. 3. BOARDS OF HEALTH. (a) Each health department established under the provisions of this Act shall have a board of health constituted as follows:

1. For a county department of health the board of supervisors shall appoint a board to consist of: 1a. a member of the board of supervisors; 1b. the county superintendent of schools; 1c. a member of the county medical society, chosen from a list of three names submitted by the society, and, 1d. two citizens interested in public health. The ex-officio members shall serve during their respective terms of office, one of the citizen members shall serve for a term of one year, and the medical society member and the other citizen member shall serve for terms of three years. Thereafter the term of office of the medical society member and of the citizen members shall be four years.

2. For a city-county department of health the city council and the board of supervisors, acting jointly, shall appoint a board to consist of: 2a. a member of the board of supervisors, to be designated by the board; 2b. a member of the city council, to be designated by the council; 2c. the county or a city superintendent of schools; 2d. a member of the county medical society, to be chosen from three names submitted by the society, and, 2e. two citizens interested in public health. The ex-officio members shall serve during their respective terms in office; one citizen member for a term of one year; the medical society member and one citizen member for a term of three years. Thereafter the term of each member, other than ex-officio members shall be four years.

3. For a district department of health the boards of supervisors of the counties concerned, acting jointly, shall appoint a board to consist of: 3a. a member of each county board of supervisors; 3b. one physician from each county, to be chosen from a list of three names submitted by the medical societies of the respective counties, or if any county does not have a medical society, a physician chosen by the board of supervisors of such county; 3c. the county superintendent or a city superintendent of schools from each county in the district, and, 3d. a citizen of each county who is interested in public health. The ex-officio members shall serve during their terms of office; one medical society member and one citizen member shall serve for one year, and one medical society member and one of the citizen members for a term of three years. Thereafter the term of each member, other than ex-officio members, shall be four years.

(b) Appointment to fill a vacancy on any board caused other than by expiration of term shall be for the unexpired portion of the term.

(c) The director of a county, city-county, or district health department shall serve, without vote, as an ex-officio member of the board.

Sec. 4. POWERS AND DUTIES OF BOARDS. (a) The board of health of each county, city-county, or district health department shall meet and elect from among its members a president and vice-president, and adopt rules not inconsistent with law for its procedure and for the government of the health department. The director of the local health department shall serve as secretary of the board. The board shall hold an annual meeting on the first Tuesday in July of each year, at which officers shall be elected for the ensuing year, and monthly and special meetings on the call of the president, the director, or any two members. A majority of the members shall constitute a quorum.

(b) The board shall:

1. Appoint the director of the department who shall be qualified in accordance with the merit system regulations of the state department of health;

2. Keep minutes of all meetings of the board;

3. Make rules and regulations, not inconsistent with the rules and regulations of the state department of health, for the protection and preservation of public health;

4. Make provisions for suitable offices, facilities and equipment for the health department.

Sec. 5. DUTIES AND POWERS OF THE DIRECTOR. (a) The director of a county, city-county, or district health department shall:

1. Be the executive officer of the department;

2. Perform all duties now required by law of the county superintendent of health;

3. Enforce and observe the rules and regulations of the state department of health, the local board of health, and all laws of the state of Arizona pertaining to the preservation of public health;

4. Appoint all necessary personnel in accordance with the regulations of the merit system of the state department

of health;

5. Submit an annual report not later than July 20 of each year to the state superintendent of health setting forth: (a) the condition of public health in the county or district; (b) the activities of the department during the preceding year; (c) the character and extent of all diseases reported; (d) the expenditures of the department; and (e) such recommendations as he may deem advisable for protection of the public health.

Sec. 6. CONDITIONAL ABOLISHMENT AND REPEAL. Upon the establishment of a county, city-county, or district health department in conformity with the provision of this Act, all boards of health, positions, and regulations of such participating cities and counties existing by virtue of the provisions of article 2, chapter 68, Arizona Code of 1939, shall be automatically abolished.

Sec. 7. STATE PARTICIPATION. The state department of health is authorized to use funds at its command not otherwise appropriated, to match funds provided by cities and counties to establish full time local health department services for any county, city-county, or district, on such uniform terms as it may establish by regulation.

Sec. 8. NON-PARTICIPATION OF INCORPORATED CITIES OR TOWNS IN JOINT HEALTH SERVICES. The legally appointed director of any county or district health department shall not provide health services or have jurisdiction over the health services of any incorporated city or town within the county or district unless the governing body of such incorporated city or town specifically requests such services and participates financially with the legally established county or district health department.

Sec. 9. VALIDITY OF ACT. If any section, clause, phrase or requirement of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions thereof.

Sec. 10. PENALTY. Any person who violates any provision of this Act or the rules and regulations adopted thereunder, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than two hundred dollars, or imprisoned for not more than thirty days, or both.

Sec. 11. EMERGENCY. To preserve the public peace,

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

Approved by the Governor—March 13, 1947.

Filed in the Office of the Secretary of State—March 13, 1947.

CHAPTER 56

(Senate Bill No. 50)

AN ACT

RELATING TO TAXATION; PROVIDING FOR LIMITATIONS UPON THE CORRECTION, ASSESSMENT OR RE-ASSESSMENT OF TAXES UNDER THE EXCISE REVENUE ACT, AND AGAINST ACTIONS OR PROCEEDINGS FOR COLLECTION THEREOF; AND AMENDING SECTION 73-1315, ARIZONA CODE OF 1939.

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

Section 1. Sec. 73-1315, Arizona Code of 1939, is amended to read:

73-1315. COMMISSION TO CORRECT ERRORS. (a) If the taxpayer shall make any error in computing the tax assessable against him, the commission shall correct such error or re-assess the proper amount of taxes and notify the taxpayer of this action by mailing to him promptly a copy of the corrected assessment, and any additional tax for which such taxpayer may be liable shall be paid within ten days after the receipt of such statement; provided, however, that no correction, assessment or re-assessment shall be made for any month since the enactment of the excise revenue Act of 1935 after the expiration of three years from the date upon which the taxpayer was obligated to file his return for such month under the provisions of this article and no action or proceeding may be taken or commenced to collect any taxes levied by this article until the amount thereof has been established by assessment, correction or re-assessment; provided, further, if a taxpayer fraudulently fails or refuses to file a return for any month the commission may assess the amount of taxes payable for that month at any time.

(b) The burden of proving that a sale of tangible personal property was not a sale at retail shall be upon the person who made it, unless such person shall have taken from the purchaser a certificate signed by and bearing the name and address of the purchaser to the effect that the property was purchased for resale.

(c) For the purpose of the proper administration of this Act and to prevent evasion of the tax hereby imposed it shall be presumed that all gross receipts are subject to the tax until the contrary is established.

Approved by the Governor—March 13, 1947.

Filed in the Office of the Secretary of State—March 13, 1947.

CHAPTER 57

(House Bill No. 22)

AN ACT

RELATING TO THE DEPARTMENT OF MINERAL RESOURCES; MAKING AN APPROPRIATION; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of seven thousand nine hundred dollars is appropriated to the department of mineral resources, for the purpose of altering, repairing, improving and equipping the minerals building at the state fair grounds, for the use of the department.

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, 1947.

Filed in the Office of the Secretary of State—March 13, 1947.

CHAPTER 58

(House Bill No. 64)

AN ACT

RELATING TO TEACHERS' RETIREMENT, AND AMENDING SECTIONS 54-1705, 54-1706, 54-1707, 54-1709, 54-1710, SUPPLEMENT TO ARIZONA CODE OF 1939 (SECTIONS 5, 6, 7, 9 AND 10, CHAPTER 61, SESSION LAWS OF 1943, REGULAR SESSION).

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

Section 1. Sec. 54-1705, supplement to Arizona Code of 1939 (section 5, chapter 61, Session Laws of 1943, regular session), is amended to read:

54-1705. PRIOR SERVICE CREDIT. (a) Each member who was an employee in this state, at any time prior to the establishment of the retirement system, and who became a member before January 1, 1947, shall file a statement of prior service, setting forth in detail all service rendered by him within the state for which he claims credit, and as a teacher without the state. Any member who was not an employee at any time during the year immediately preceding the establishment of the retirement system and who became a member before January 1, 1947, shall file a statement of prior service within the state only. Subject to the restrictions contained in subsection (b), the board shall verify the service claimed as soon as practicable after the statement is filed.

(b) Upon verification of a statement of prior service, the board shall issue a prior service certificate certifying the number of years of prior service with which the member is credited. Prior service credit shall include all service within the state prior to July 1, 1943, and not more than fifteen years of service as a teacher without the state, out-of-state service being creditable if the member was employed during the year immediately preceding the establishment of the retirement system. Within one year after the date of issuance of a prior service certificate, any member may request the board to modify or correct the same, and thereafter it shall be final and conclusive for retirement purposes.

(c) A prior service certificate shall become void upon cessation of membership. In the event the holder thereof

again becomes a member, he shall enter the system as an employee not entitled to prior service credit, except as provided in subsection (e), section 54-1710, supplement to Arizona Code of 1939 (section 10, chapter 61, Session Laws of 1943, regular session).

(d) Any person who was an employee immediately prior to military service in the armed forces of the United States in the present national emergency, may file a valid statement of prior service following military discharge if within five years after discharge from such military service he becomes a member.

Sec. 2. Sec. 54-1706, supplement to Arizona Code of 1939 (section 6, chapter 61, Session Laws of 1943, regular session), is amended to read:

54-1706. CREDITABLE SERVICE. (a) Creditable service at retirement on which the retirement allowance of a member is based shall consist of the membership service rendered by him since he last became a member, plus the service certified in his prior service certificate, if any, and his period of military service in the armed forces of the United States rendered in World War II.

(b) To become eligible at retirement for the allowance for the period spent in military service in World War II, a veteran of the armed forces of the United States shall comply with the provisions of section 54-1705, and shall file with the board within one year from July 1, 1947, or within one year from his enrollment in the retirement system, a photostatic copy of his military discharge papers or satisfactory certification of service. The salary received by a veteran of World War II during his last complete year of employment in the public schools of Arizona prior to entering the service shall be considered his annual compensation throughout his period of military service. The board shall issue a corrected prior service certificate to include credit for such military service prior to July 1, 1943, and revise the membership data to include membership credit for a normal pension allowance for such military service subsequent to July 1, 1943. It shall give notice of such revision to the actuary, who, on the basis of the total membership credit resulting from the provisions of this subsection, mortality, and interest earnings tables adopted by the board, and shall separately calculate the increase in the normal contribution rate necessary to fund the military credits within six years from July 1, 1949, and the rate so determined shall be added to the normal pension rate assessed against all employers during the thirty-eighth to the forty-second fiscal years inclusive.

The board shall also provide for the optional payment to the member's individual annuity account of the annuity contribution he otherwise would have made during the period of his military service, based on the regular annuity contribution rate.

(c) The board shall fix the amount of service required in any year to constitute one year of creditable service. No member shall be credited with more than one year for services performed in any one school year, and service rendered throughout the regular school year in any district shall be equivalent to one year of service.

Sec. 3. Sec. 54-1707, supplement to Arizona Code of 1939 (section 7, chapter 61, Session Laws of 1943, regular session), is amended to read:

54-1707. RETIREMENT FOR SERVICE. (a) Any member in service, who desires to be retired for service, shall file a written application with the board of trustees, setting forth the date, not less than thirty nor more than ninety days thereafter, on which he desires to be retired. If he has attained the age of sixty prior to the date specified, he shall be retired, whether or not he separates from service during the period of notification. Any member who has completed thirty years service prior to attaining age sixty may voluntarily discontinue his service, in which case he shall also be entitled to a service retirement pension on the basis of years of creditable service and average final compensation.

(b) Any member in service shall be retired for service at the end of the school year following the date on which he attains the age of sixty-five, unless his employer approves and forwards to the board of trustees his application to be retained. After July 1, 1945, any member in service shall be retired at the end of the school year following the date on which he attains the age of seventy, whether or not he applies to be retained.

Sec. 4. Sec. 54-1709, supplement to Arizona Code of 1939 (section 9, chapter 61, Session Laws of 1943, regular session), is amended to read:

54-1709. SERVICE RETIREMENT ALLOWANCES. Upon retirement for service a member shall receive a service retirement allowance payable throughout life, consisting of: 1. an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement, but in the event the annuity reserve fund is determined

by the board of trustees to be inadequate to pay all such annuities, then the amount of each annuity shall be reduced in the proportion that the annuity reserve fund bears to the total annuities payable therefrom; 2. a pension equal to the sum of six dollars plus one two-hundred-eightieth of his average final compensation multiplied by the number of years of membership service since he last became a member, but in the event the normal pension reserve fund is determined by the board of trustees to be inadequate to pay all of such pensions, then said sum shall be reduced in the proportion that the normal pension reserve fund bears to the total pensions payable therefrom, and, 3. a pension equal to twenty dollars multiplied by the number of years of service certified on his prior service certificate not to exceed thirty years. The provisions of this section shall be retroactive to July 1, 1943.

Sec. 5. Sec. 54-1710, supplement to Arizona Code of 1939 (section 10, chapter 61, Session Laws of 1943, regular session), is amended to read:

54-1710. DISABILITY RETIREMENT ALLOWANCE. (a) Upon retirement for disability a member shall receive a service retirement allowance if he has attained the age of sixty. If he has not attained the age of sixty, he shall receive a disability retirement allowance consisting of: 1. an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement, but in the event the annuity reserve fund is determined by the board of trustees to be inadequate to pay all such annuities, then the amount of each annuity shall be reduced in proportion that the normal pension fund bears to the total annuities payable therefrom; 2. a pension which, together with the annuity, payable as though the annuity reserve fund were adequate to pay all annuities, will provide a total retirement allowance equal to ninety per cent of the sum of six dollars plus three two-hundred-eightieths of his average final compensation multiplied by the number of years of membership service since he last became a member, but in the event the normal pension reserve fund is determined by the board of trustees to be inadequate to pay all such pensions, then said sum shall be reduced in proportion that the normal pension reserve fund bears to the total pensions payable therefrom, and, 3. a pension equal to twenty dollars multiplied by the number of years of prior service certified on his prior service certificate not to exceed thirty years.

(b) A member having less than twenty years of creditable service shall receive a pension sufficient to make the total disability retirement allowance equal to the total

disability retirement allowance which would have been payable had he twenty years of creditable service. In computing the pension provided in this subsection, any member who would have had less than twenty years of creditable service upon retirement for service at the age of sixty shall receive an allowance on account of membership services of not more than ninety per cent of the sum of six dollars plus two-hundred-eightieths of his average final compensation multiplied by the number of years of membership service for which he would have received credit had he remained in service to age sixty.

(c) Not less than once each year for five years after his retirement for disability, and one in every three-year period thereafter, the board of trustees may, and upon his application, shall, require any disability beneficiary under the age of sixty to undergo a medical examination by a physician designated by the board, at the residence of the beneficiary or at a place mutually agreed upon. In the event any disability beneficiary under the age of sixty refuses to submit to the required examination, his pension shall be discontinued until withdrawal of his refusal, and should his refusal continue for one year, all rights to his pension shall be revoked by the board.

(d) In the event the medical board reports and certifies to the board of trustees that any disability beneficiary is engaged or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation, the board of trustees shall investigate the case. If the board concurs in such report, his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, equals the amount of his average final compensation. The amount of pension may be further modified as his earning capacity changes, subject to the condition that the pension shall not exceed: 1. the amount of pension originally granted, nor, 2. an amount which, together with the amount earnable by the beneficiary plus his annuity, equals his average final compensation. A disability beneficiary restored to active service at a compensation less than his average final compensation shall not become a member of the retirement system.

(e) The disability retirement allowance of a disability beneficiary under age sixty who is restored to active service, at a compensation not less than his average final compensation, shall cease, and he shall be reinstated as a member and contribute at the same rate he paid prior to disability. If he be restored to service before he attains the age of fifty-five, his prior service certificate, if any, shall be re-

stored to full force, and he shall be credited with all his membership service upon his subsequent retirement. If he be restored on or after the attainment of age fifty-five he shall, upon his subsequent retirement, be credited with all his service as a member subsequent to his last restoration to membership, and shall receive: 1. a pension therefor as if he were a new entrant, and, 2. the pension which he received immediately prior to his last restoration.

Approved by the Governor—March 13, 1947.

Filed in the Office of the Secretary of State—March 13, 1947.

CHAPTER 59

(Sub. House Bill No. 126)

AN ACT

FOR THE RELIEF OF ALBERT F. ANDERSON AND WALTER A. KENT, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. There is hereby appropriated to the State Land Department the sum of $538.20 from the general fund to pay moneys collected erroneously from Albert F. Anderson, in the amount of $516.00 and Walter A. Kent, in the amount of $22.20.

Sec. 2. BASIS OF CLAIM. Principal and interest paid December 31, 1944, by Albert F. Anderson for water from Lyman Dam but never delivered and fees collected from Walter A. Kent, May 27, 1933, for water permits later withdrawn and not used.

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, 1947.

Filed in the Office of the Secretary of State—March 14, 1947.

CHAPTER 60

(House Bill No. 166)

AN ACT

RELATING TO PUBLIC HEALTH; TRANSFERRING THE OPERATION OF THE STATE WELFARE SANATORIUM AND FUNDS APPROPRIATED THEREFOR TO THE STATE DEPARTMENT OF HEALTH; DESIGNATING AN OFFICIAL STATE AGENCY.

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

Section 1. STATE WELFARE SANATORIUM. As of July 1, 1947, the authority and duty heretofore vested in and imposed upon the State Board of Social Security and Welfare to operate and maintain the State Welfare Sanatorium is imposed upon and vested in the State Department of Health, and all records, files and property, real or personal, held and received by the State Board of Social Security and Welfare for the use and benefit of or appertaining to the State Welfare Sanatorium, shall be transferred to and be held by the State Department of Health.

Section 2. APPROPRIATION. As of July 1, 1947, the unexpended balance of any appropriation made to the State Department or Board of Social Security and Welfare for operation, construction, alterations and improvements, and equipping of the State Welfare Sanatorium is hereby transferred to and made available to the State Department of Health.

Section 3. POWERS OF STATE BOARD OF HEALTH. The State Board of Health shall have power, and it shall be its duty to promulgate rules and regulations consistent with law for the operation of the State Welfare Sanatorium and any addition thereto or branches thereof as may be constructed or acquired.

Section 4. OFFICIAL STATE AGENCY. The State Department of Health is designated as the official state agency to receive, administer and expend any funds granted, contributed or made available by the Federal Government, or appropriated by the state, or received from any other sources, for the treatment, prevention or control of tuberculosis, or the construction, alterations and improvements, and equipping of the State Welfare Sanatorium.

Approved by the Governor—March 14, 1947.

Filed in the Office of the Secretary of State—March 14, 1947.

CHAPTER 61

(House Bill No. 155)

AN ACT

RELATING TO JUDICIAL OFFICERS; PRESCRIBING SALARIES THEREFOR, AND AMENDING SECTION 12-701c, ARIZONA CODE OF 1939.

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

Section 1. Section 12-701c, Arizona Code of 1939, is amended to read:

12-701c. SALARIES OF JUDICIAL OFFICERS. Judicial officers shall receive the following annual salaries: Justices of the supreme court, eight thousand five hundred dollars each; clerk of the supreme court, three thousand nine hundred dollars; reporter of the decisions of the supreme court, one thousand five hundred dollars; judges of the superior courts of Maricopa and Pima counties, seven thousand five hundred dollars each; judges of the superior courts of Coconino, Mohave, Pinal, Yuma, Apache, Cochise, Gila, Graham, Greenlee, Navajo, Santa Cruz, and Yavapai counties, seven thousand dollars each. The salaries of judges of the superior courts shall be paid one-half by the state and one-half by the counties respectively.

Sec. 2. EFFECTIVE DATE. This Act shall take effect July 1, 1947.

Approved by the Governor—March 14, 1947.

Filed in the Office of the Secretary of State—March 14, 1947.

CHAPTER 62

(House Bill No. 114)

AN ACT

RELATING TO ASSISTANCE FOR THE NEEDY BLIND, AND AMENDING SECTION 70-315, ARIZONA CODE OF 1939.

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

Section 1. Sec. 70-315, Arizona Code of 1939, is amended to read:

70-315. EXPENSES FOR TREATMENT. Temporary assistance may be granted by the state board to any applicant for additional assistance granted to any recipient who is in need of treatment either to prevent blindness or to restore his eyesight whether or not he is blind as defined in section 2 (70-302) of this Act, if he is otherwise qualified for assistance under this Act or if he is otherwise qualified in every respect except as to age. The assistance may include necessary traveling and other expenses to receive treatment from a hospital or clinic designated by the state board. Such payments shall be allowed and paid in the same manner as assistance to the blind provided by this Act.

Approved by the Governor—March 14, 1947.

Filed in the Office of the Secretary of State—March 14, 1947.

CHAPTER 63

(House Bill No. 51)

AN ACT

MAKING AN APPROPRIATION TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION, FOR THE ENLARGEMENT OF OFFICES, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of two thousand five hundred dollars is appropriated to the superintendent of public instruction, for the enlargement, alteration and improvement of offices and quarters.

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 15, 1947.

Filed in the Office of the Secretary of State—March 15, 1947.

CHAPTER 64

(House Bill No. 159)

AN ACT

RELATING TO SCHOOL DISTRICT BUDGETS, AND AMENDING SECTION 54-603, ARIZONA CODE OF 1939, AS AMENDED.

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

Section 1. Sec. 54-603, Arizona Code of 1939, as amended, is amended to read:

54-603. SCHOOL DISTRICT BUDGETS. Not later than June first of each year the governing board of each common or high school district shall furnish to the county school superintendent a proposed budget, showing in itemized form the amount of money which, in the board's opinion, is needed for defraying the expenses of the schools within the district for the ensuing year. The proposed itemized budget, the itemized budget as finally adopted, and the records relating to all expenditures made thereunder, as well as the expenditures made pursuant to the authorization provided in sub-section (b) of section 54-608 shall be open to inspection at all times by any citizen or taxpayer of the state.

The superintendent shall prepare a notice fixing a time not later than June fifteenth, and a public place within each district when a meeting will be held at which the governing board will present, for the consideration of the residents and taxpayers of the district, the proposed budget. The notice shall be posted in a conspicuous and generally frequented place in each district and shall be published not less than five (5) days before the meeting, and the adopted budget within thirty days after the meeting, in a newspaper of general circulation within the school district, or, if no such newspaper is published in said school district, in such a newspaper of the nearest school district, by the county school superintendent. At the time and place fixed in the notice the members of the governing board

shall hold the meeting and lay before the residents and taxpayers of the district in attendance thereat the proposed budget. Upon request of any person the governing board shall explain the budget, and any resident or taxpayer may protest the inclusion or exclusion or any item. Thereafter, the governing board shall adopt the budget, making such deductions therefrom as it may see fit, but no additions thereto, and shall, not later than June twenty-fifth of each year, file the same as finally adopted with the county school superintendent who shall then transmit to the boards of supervisors the budgets of common school districts, high school districts and union high school districts, and no expenditures shall be made for a purpose not included in such budget, and no debt, obligation or liability shall be incurred or created in any year in excess of the total amount of such budget as finally adopted, except such as may be authorized by the board of supervisors in accordance with subsection (b) of section 54-608.

Approved by the Governor—March 15, 1947.

Filed in the Office of the Secretary of State—March 15, 1947.

CHAPTER 65

(House Bill No. 138)

AN ACT

RELATING TO MOTOR CARRIERS; PRESCRIBING PAYMENT OF THE FUEL TAX; PROVIDING FOR A REPORT OF FUEL USED; PRESCRIBING AN ADDITIONAL ASSESSMENT; REQUIRING AN ESTIMATE OF TAX, AND AMENDING SECTIONS 4, 5, 7 AND 8, CHAPTER 108, LAWS OF 1941, REGULAR SESSION (SECTIONS 66-1004, 66-1005, 66-1007 AND 66-1008, ARIZONA CODE OF 1939).

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

Section 1. Section 4, chapter 108, Laws of 1941, regular session (section 66-1004, Arizona Code of 1939), is amended to read:

66-1004. PAYMENT AND DISTRIBUTION. (a) The excise tax accrued in any calendar month shall be paid on

or before the twentieth day of the next succeeding month to the vehicle superintendent, who shall promptly pay seven-tenths thereof to the state treasurer, to be placed in the state highway fund, and three-tenths to the several county treasurers, in the proportion that the use of fuel in each county bears to the total use of fuel throughout the state. The superintendent shall deduct all exemptions and refunds before making the division.

(b) The share apportioned to a county shall be used, as may be determined by the board of supervisors, for the construction, improvement, or maintenance of county highways and bridges, or for the retirement of or payment of interest on outstanding county highway bonds.

Sec. 2. Section 5, chapter 108, Laws of 1941, regular session (Section 66-1005, Arizona Code of 1939), is amended to read:

66-1005. REPORT OF FUEL USED. (a) Every user of fuel, on or before the twentieth day of each month, shall file with the superintendent, under oath and on a form prescribed by the superintendent, a report showing the amount of fuel used by him during the next preceding calendar month, and containing such other information as the superintendent may require. The report shall be accompanied by a remittance, payable to the vehicle superintendent, of the amount of excise tax due thereunder.

(b) A report and remittance submitted through the United States mail and received by the vehicle superintendent after the date upon which such report is required to be filed or such payment is required to be made, shall, if the envelope in which such report or remittance is enclosed bears a post office cancellation mark dated on or prior to such date, be treated by the vehicle superintendent as if it had been received on the proper date.

Sec. 3. Section 7, chapter 108, Laws of 1941, regular session (Section 66-1007, Arizona Code of 1939), is amended to read:

66-1007. ADDITIONAL ASSESSMENT. In the event the superintendent is not satisfied with the report filed or the amount of excise tax paid by any user, he shall have power to make an additional assessment of excise taxes due from that user based upon any information available to him. Every additional assessment shall bear interest at the rate of seven per cent per annum, from the twentieth day after the end of the month for which the addi-

tional assessment is made until paid. In the event any part of the deficiency for which the additional assessment is made is found to have been occasioned by negligence or intentional disregard of this Act or of any rule or regulation adopted hereunder, a penalty of twenty-five per cent of the amount of the additional assessment shall be added thereto. The superintendent shall give to the user written notice of the additional assessment, to be served personally, or by mail addressed to the user at his address of record in the office of the superintendent.

Sec. 4. Section 8, chapter 108, Laws of 1941, regular session (Section 66-1008, Arizona Code of 1939), is amended to read:

66-1008. ESTIMATE OF TAX DUE. In the event any user neglects or refuses to make any report required by this Act, the superintendent shall make an estimate, based upon any information available to him, for the month for which the user failed to make the report, and, upon the basis of his estimate, shall assess the excise tax due from that user, adding to the sum thus determined a penalty equal to twenty-five per cent thereof. The assessment shall bear interest at the rate of seven per cent per annum, from the twentieth day after the end of the month for which the assessment is made until paid. The superintendent shall give the user written notice of the assessment, to be served personally, or by mail addressed to the user at his address of record in the office of the superintendent.

Approved by the Governor—March 15, 1947.

Filed in the Office of the Secretary of State—March 15. 1947.

CHAPTER 66

(House Bill No. 18)

AN ACT

RELATING TO MOTOR CARRIERS; PRESCRIBING TAXES AND REPORTS, AND AMENDING SECTIONS 66-518 AND 66-519, ARIZONA CODE OF 1939.

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

Section 1. Sec. 66-518, Arizona Code of 1939, is amended to read:

66-518. LICENSE TAX. (a) In addition to all other taxes and fees every common motor carrier of property and every contract motor carrier of property shall pay to the state, on or before the twentieth day of each month, a license tax of two and one-half per cent of the gross receipts from his operations within the state for the next preceding calendar month, as such carrier, and every common motor carrier of passengers and every contract motor carrier of passengers shall pay to the state, on or before the twentieth day of each month, a license tax of two and one-quarter per cent of the gross receipts from his operations within the state for the next preceding calendar month, as such carrier.

(b) When any carrier shall operate partly within and partly without the state, the gross receipts of such carrier within the state shall be deemed to be all receipts of business beginning and ending within the state, and a proportion based upon the proportion of the mileage within the state to the entire mileage over which business is done, of receipts on all business passing through, into or out of the state. Upon receipt of such taxes the vehicle superintendent shall forthwith transmit the same to the state treasurer, who shall credit such taxes to the state highway fund.

Sec. 2. Sec. 66-519, Arizona Code of 1939, is amended to read:

66-519. CERTIFICATE AND PERMIT HOLDERS. (a) The commission shall weekly furnish to the superintendent the name of every motor carrier licensed by it as a common motor carrier or contract motor carrier, together with such other information as the superintendent may require. The taxes prescribed in section 66-518 shall be paid to the superintendent on or before the twentieth day of each month for the next preceding calendar month, and a sworn statement shall be filed therewith by each motor carrier, on forms prescribed by the superintendent, showing the receipts of such carrier for each month on business beginning and ending in the state; the gross receipts from all business passing through, into or out of the state; the number of vehicles operated in the state; total mileage operated in the state, and such other information as the superintendent may require. If any person shall operate as a common motor carrier of both property and passengers or as a contract motor carrier of both property and passengers, he shall file separate reports on each of such operations. Every motor carrier shall also, within ten days from the date of the filing by him of any return or report with any officer of any state adjoining this state

on his operations as a motor carrier of passengers or property between any such state and this state, file with the superintendent a copy of such return or report.

(b) If a report or remittance required by this article to be filed with or made to the vehicle superintendent is submitted through the United States mail and is not received by the vehicle superintendent until after the date upon which such report is required to be filed or such payment is required to be made, and if the envelope in which such report or remittance is enclosed bears a post office cancellation mark dated on or prior to the date when such report is required to be filed or such payment made, the vehicle superintendent, upon receipt thereof, shall consider the report or remittance as received on the date on which such report is required to be filed or such payment made.

Approved by the Governor—March 15, 1947.

Filed in the Office of the Secretary of State—March 15, 1947.

CHAPTER 67

(House Bill No. 84)

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA CHILDREN'S COLONY BOARD FOR THE ARIZONA CHILDREN'S COLONY.

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

Section 1. APPROPRIATION. The sum of thirty-two thousand eight hundred sixty dollars ($32,860.00) is hereby appropriated from the general fund to the Arizona Children's Colony Board.

Sec. 2. PURPOSE. The appropriation made in section 1 is for the payment of personal services, travel within the state, travel out of state, current expenditures and capital outlay. The board is authorized to employ a superintendent at a salary not to exceed eight thousand dollars per annum, and other necessary personnel. The board is also authorized to employ an architect to prepare preliminary sketches of the Children's Colony.

Sec. 3. EXEMPTION. The above appropriation shall be exempt from the provisions of Section 10-930, Arizona Code of 1939, as amended, which relates to the lapsing of appropriations. Any balance in the above account shall revert to the general fund on June 30, 1949.

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 15, 1947.

Filed in the Office of the Secretary of State—March 15, 1947.

CHAPTER 68

(Senate Bill No. 20)

AN ACT

RELATING TO WORKMEN'S COMPENSATION; DEFINING THE MEASURE OF COMPENSATION FOR OFFICIALS AND EMPLOYEES, AND AMENDING SECTION 56-902, ARIZONA CODE OF 1939.

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

Section 1. Sec. 56-902, Arizona Code of 1939, is amended to read:

56-902. SALARIES AND BONDS. Each commissioner shall receive an annual salary of six thousand dollars, and shall give a corporate surety bond in the sum of ten thousand dollars, to be approved by the governor and filed with the secretary of state. All employees or deputies of the commission receiving or disbursing funds of the state shall give corporate surety bonds in amounts to be fixed and with surety to be approved by the commission.

Approved by the Governor—March 15, 1947.

Filed in the Office of the Secretary of State—March 15, 1947.

CHAPTER 69

(House Bill No. 129)

AN ACT

RELATING TO EDUCATION; PROVIDING FOR ACCEPTANCE OF FEDERAL GRANTS, AND REPEALING SECTION 6, CHAPTER 15, LAWS OF 1942, FIRST SPECIAL SESSION.

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

Section 1. REPEAL. Sec. 6, chapter 15, Laws of 1942, first special session is repealed.

Approved by the Governor—March 15, 1947.

Filed in the Office of the Secretary of State—March 15, 1947.

CHAPTER 70

(House Bill No. 180)

AN ACT

RELATING TO ADMINISTRATIVE POWERS OF THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA, AND AMENDING SECTION 54-1602d OF THE 1945 SUPPLEMENT OF THE ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 54-1602d, 1945 supplement of the Arizona Code of 1939, is amended to read:

54-1602d. ADMINISTRATIVE POWERS OF BOARD. The board shall: 1. enact ordinances for the government of the institutions under its jurisdiction; 2. appoint and employ a president or presidents, vice-presidents, deans, professors, instructors, lecturers, fellows, and such other officers and employees as it deems necessary; 3. fix and determine the salaries of persons so appointed and employed,

and establish a retirement system for any institution under its jurisdiction, and for this purpose make such contributions of funds under its control as it shall deem expedient, but in no event shall the contribution rate be more than five and three one hundredths per cent of the teaching staff pay roll for the year for which such contribution is made, notwithstanding any other provisions of law to the contrary, relating either to non-admitted annuity insurance companies or the expenditure of public moneys; 4. remove any officer or employee when in its judgment the interests of education in this state may require; 5. fix tuitions and fees to be charged, and graduate the same between institutions and between residents, nonresidents, and students from foreign countries; 6. establish curriculums and designate such courses at the several institutions as in its judgment will best serve the interests of the state, and, 7. award such degrees and diplomas upon the completion of such courses and curriculum requirements as it deems appropriate.

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 15, 1947.

Filed in the Office of the Secretary of State—March 15, 1947.

CHAPTER 71

(House Bill No. 161)

AN ACT

RELATING TO SOCIAL SECURITY AND WELFARE; CREATING AN INTERIM COMMITTEE TO INVESTIGATE THE STATE SOCIAL SECURITY AND WELFARE SYSTEM, AND MAKING AN APPROPRIATION.

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

Section 1. CREATION OF COMMITTEE. There shall be an interim committee on the investigation of the social security and welfare system, to consist of the president of the senate and speaker of the house of representatives ex-

officio, three members of the senate, who shall be appointed by the president of the senate, and three members of the house of representatives, who shall be appointed by the speaker of the house. The members of the committee shall be named prior to adjournment of the regular session of the eighteenth legislature, and shall meet and organize by electing a chairman and a vice-chairman.

Sec. 2. DUTIES OF COMMITTEE. (a) It shall be the duty of the committee to make a thorough survey of social and welfare conditions in the state and the several counties thereof and of the system at present in vogue for the rendering of public assistance to needy citizens, including the adequacy of existing laws, the administration of the same, methods of financing, and all matters pertaining to the subject of social security and welfare, and to report its findings in one or more reports, which shall be submitted to the presiding officers of the two houses of the legislature and to the governor. The committee shall meet upon call of the chairman.

(b) For the purposes of the investigation prescribed the committee shall have authority to engage the services of a nationally recognized research agency engaged in the making of surveys of governmental activities and particularly versed in the appraisal of social security and welfare systems, and to fix the compensation therefor.

Sec. 3. POWERS OF COMMITTEE. The committee shall have power, through its chairman, to subpoena witnesses to testify or to produce evidence, documentary or otherwise, on any matters bearing upon the investigation; to administer oaths, to take testimony and to do all things which legislative committees are empowered to do under the provisions of article 3, chapter 2, Arizona Code of 1939. The committee shall have access, through its members, to the public records of any department or office of the state or of any political subdivision thereof. It may employ such reporters, clerks and other assistants as may be necessary for the performance of its duties.

Sec. 4. COMPENSATION OF MEMBERS. Each member of the committee shall receive actual expenses not to exceed six dollars fifty cents for each day spent in attendance upon meetings of the committee and in the performance of duties authorized by the committee, and necessary travel expenses, not to exceed five cents per mile, incurred in going to and from such meetings.

Sec. 5. APPROPRIATION. The sum of ten thousand

dollars ($10,000.00) is appropriated to the committee on the investigation of the social security and welfare system, to carry out the purposes of this Act. Any balance remaining of such appropriation at the close of the thirty-sixth fiscal year shall revert to the general fund.

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

Approved by the Governor—March 15, 1947.

Filed in the Office of the Secretary of State—March 15, 1947.

CHAPTER 72

(Senate Bill No. 23)

AN ACT

RELATING TO TRUST RECEIPTS AND PLEDGES OF PERSONAL PROPERTY UNACCOMPANIED BY POSSESSION IN THE PLEDGEE, AND TO MAKE UNIFORM THE LAW RELATING THERETO.

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

Section 1. SHORT TITLE. This Act may be cited as the uniform trust receipts Act.

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

"buyer in the ordinary course of trade" means a person to whom goods are sold and delivered for new value and who acts in good faith and without actual knowledge of any limitation on the trustee's liberty of sale, and includes one who takes by conditional sale or under a pre-existing mercantile contract with the trustee to buy the goods delivered, or like goods, for cash or on credit, but does not include a pledgee, mortgagee, or transferee in bulk.

"document" means any document of title to goods.

"entruster" means the person who has or directly or

by agent takes a security interest in goods, documents, or instruments under a trust receipt transaction, and includes his successor in interest, but a person in the business of selling goods or instruments for profit, who at the outset of the transaction has, as against the buyer, general property in the goods or instruments, and who sells the same to the buyer on credit, retaining title or other security interest under a purchase money mortgage or conditional sales contract or otherwise, is excluded.

"goods" means chattels personal other than money, things in action, or things so affixed to land as to become a part thereof.

"instrument" means: 1. any negotiable instrument as defined in the uniform negotiable instruments law, as amended; 2. any certificate of stock, or bond or debenture for the payment of money, issued by a public or private corporation as a part of a series, or, 3. any interim deposit, or participation certificate or receipt, or other credit or investment instrument of a sort marketed in the ordinary course of business or finance, of which the trustee, after the trust receipt transaction, appears by virtue of possession and the face of the instrument to be the owner; but does not include any document of title to goods.

"lien creditor" means any creditor who has acquired a specific lien on goods, documents, or instruments by attachment, levy, or similar operation of law or judicial process, and includes a distraining landlord.

"new value" includes new advances or loans made, new obligations incurred, the release or surrender of a valid and existing security interest, and the release of a claim to proceeds under section 11, but does not include extensions or renewals of existing obligations of the trustee, nor obligations substituted for existing obligations.

"person" means individual, trustee, receiver, or other fiduciary, partnership, corporation, business trust, or other association, or two or more persons having a joint or common interest.

"possession," with reference to possession taken or retained by the entruster, means actual possession of goods, documents, or instruments, or, in the case of goods, such constructive possession as, by means of tags, signs, or other outward marks placed and remaining in conspicuous places, may reasonably be expected to indicate to a third party that the entruster has control over or interest in the goods.

"purchase" means taking by sale, conditional sale, lease, mortgage, or pledge, legal or equitable.

"purchaser" means any person taking by purchase, and a pledgee, mortgagee, or other claimant of a security interest created by contract is, in so far as concerns his specific security, a purchaser and not a creditor.

"security interest" means a property interest in goods, documents, or instruments, limited in extent to securing performance of some obligation of the trustee or some third person to the entruster, and includes the interest of a pledgee, and title, whether or not expressed to be absolute, whenever the title is in substance taken or retained for security only.

"transferee in bulk" means a mortgagee, pledgee, or buyer of the trustee's business substantially as a whole.

"trustee" means the person having or taking possession of goods, documents, or instruments under a trust receipt transaction, and includes his successor in interest, but shall not be construed to imply the existence of a trust or any right or duty of a trustee in the sense of equity jurisprudence other than as provided in this Act.

"value" means any consideration sufficient to support a simple contract, and an antecedent or pre-existing claim, whether for money or not, and whether against the transferor or another person, constitutes value where goods, documents, or instruments are taken either in satisfaction thereof or as security therefor.

Sec. 3. TRUST RECEIPT TRANSACTION AND TRUST RECEIPT. (a) A trust receipt transaction, within the meaning of this Act, is any transaction to which an entruster and a trustee are parties, for one of the purposes set forth in subsection (b), whereby: 1. the entruster or a third person delivers to the trustee goods, documents, or instruments in which the entruster, prior to the transaction had, for new value acquires, by the transaction acquires, or as a result thereof is to acquire promptly, a security interest, or, 2. the entruster gives new value in reliance upon the transfer by the trustee to the entruster of a security interest in instruments which are actually exhibited to him or to his agent in that behalf, at a place of business of either entruster or agent, but possession of which is retained by the trustee, subject to the condition that the delivery under item 1 or the giving of new value under item 2 either: 2a. be against the signing and delivery

by the trustee of a writing designating the goods, documents, or instruments concerned, and reciting that a security interest therein remains in or will remain in, or has passed to or will pass to, the entruster, or, 2b. be pursuant to a prior or concurrent written and signed agreement of the trustee to give the writing. The security interest of the entruster may be derived from the trustee or from any other person, and by pledge, transfer of title, or otherwise. If the trustee's rights in the goods, documents, or instruments are subject to a prior trust receipt transaction, or to a prior equitable pledge, sections 10 and 4, respectively, determine the priorities.

(b) A transaction shall not be deemed a trust receipt transaction unless the possession of the trustee thereunder is for a purpose substantially equivalent to one of the following:

1. In the case of goods, documents, or instruments, for the purpose of selling or exchanging them or of procuring their sale or exchange.

2. In the case of goods or documents, for the purpose of manufacturing or processing the goods delivered or covered by the documents, for the purpose of ultimate sale, or of loading, unloading, storing, shipping, transshipping, or otherwise dealing with them in a manner preliminary to or necessary to their sale.

3. In the case of instruments, for the purpose of delivering them to a principal under whom the trustee is holding them, or for consummation of some transaction involving delivery to a depository or registrar, or for their presentation, collection, or renewal.

(c) Any writing described in item 4, subsection (a), signed by the trustee and given in or pursuant to the transaction, is designated in this Act as a "trust receipt." No further formality of execution or authentication shall be necessary to the validity of a trust receipt.

Sec. 4. PLEDGE WITHOUT DELIVERY OR RETENTION OF POSSESSION. (a) An attempted pledge or agreement to pledge not accompanied by delivery of possession, which does not fulfill the requirements of a trust receipt transaction, shall be valid as against creditors of the pledgor only as follows:

1. To the extent that new value is given by the pledgee in reliance thereon, the pledge or agreemnt to pledge shall

be valid as against all creditors with or without notice, for ten days from the time the new value is given.

2. To the extent that the value given by the pledgee is not new value, and in the case of new value after the lapse of ten days from the giving thereof, the pledge shall have validity as against lien creditors without notice, who become such as prescribed in section 9, only as of the time the pledgee takes possession, and without relation back.

(b) Purchasers (including entrusters) for value and without notice of the pledgee's interest shall take free of any pledge or agreement to pledge unless, prior to the purchase, it has been perfected by possession taken.

(c) Where, under circumstances not constituting a trust receipt transaction, a person, for a temporary and limited purpose, delivers goods, documents, or instruments in which he holds a pledgee's or other security interest to the person holding the beneficial interest therein, the transaction has like effect with a purported pledge for new value under this section.

Sec. 5. CONTRACT TO GIVE TRUST RECEIPT. A contract to give a trust receipt, if in writing and signed by the trustee, shall, with reference to goods, documents or instruments thereafter delivered by the entruster to the trustee in reliance on the contract, be equivalent to a trust receipt. The contract, as to such goods, documents, or instruments, shall be specifically enforceable against the trustee; but this section shall not enlarge the scope of the entruster's rights against creditors of the trustee as limited by this Act.

Sec. 6. VALIDITY BETWEEN PARTIES. Between the entruster and the trustee the terms of the trust receipt shall, except as otherwise provided in this Act, be valid and enforceable, but no provisions for forfeiture of the trustee's interest shall be valid except as provided in subsection (g), section 7.

Sec. 7. REPOSSESSION AND DEFAULT. (a) The entruster shall be entitled as against the trustee to possession of the goods, documents, or instruments on default, and as may be otherwise specified in the trust receipt.

(b) An entruster entitled to possession under the terms of the trust receipt or of subsection (a) may take possession without legal process, whenever possible without a breach of the peace.

(c) After possession taken, the entruster shall, subject to subsections (d) and (g), hold the goods, documents, or instruments with the rights and duties of a pledgee.

(d) An entruster in possession may, on or after default, give notice to the trustee of intention to sell, and may, not less than five days after serving or sending the notice, sell the goods, documents, or instruments for the trustee's account, at public or private sale, and may himself become a purchaser at a public sale. The proceeds of the sale shall be applied to: 1. payment of the expenses of sale; 2. payment of the expenses of retaking, keeping, and storing the goods, documents, or instruments, and, 3. satisfaction of the trustee's indebtedness. The trustee shall receive any surplus and shall be liable to the entruster for any deficiency. Notice of sale shall be deemed sufficiently given if in writing, and either personally served on the trustee or sent by postpaid ordinary mail to the trustee's last known business address.

(e) A purchaser in good faith and for value from an entruster in possession takes free of the trustee's interest, even in a case in which the entruster is liable to the trustee for conversion.

(f) Surrender of the trustee's interest to the entruster shall be valid, on any terms upon which the trustee and the entruster may, after default, agree.

(g) As to articles manufactured by style or model, the terms of the trust receipt may provide for forfeiture of the trustee's interest, at the election of the entruster, in the event of the trustee's default, against cancellation of the trustee's then remaining indebtedness; but in the case of the original maturity of that indebtedness there must be cancelled not less than eighty per cent of the purchase price to the trustee or of the original indebtedness, whichever is greater, or, in the case of a first renewal, not less than seventy per cent, or in the case of a second or further renewal, not less than sixty per cent.

Sec. 8. EFFECT OF ENTRUSTER'S FILING OR TAKING POSSESSION. (a) In the event the entruster within the thirty days specified in subsection (a), section 9, files as in this Act provided, the filing shall be effective to preserve his security interest in documents or goods against all persons, except as otherwise provided in sections 9, 10, 11, 12, 15 and 16.

(b) Filing after the lapse of the thirty day period

shall be valid; but in that event, except as provided in paragraph 2, subsection (b), section 10, the entruster's security interest shall be deemed to be created by the trustee as of the time of filing, without relation back, as against all persons not having notice of his interest.

(c) The taking of possession by the entruster shall, so long as possession is retained, have the effect of filing, in the case of goods or documents, and of notice of the entruster's security interest to all persons, in the case of instruments.

Sec. 9. VALIDITY AGAINST CREDITORS. (a) The entruster's security interest in goods, documents, or instruments, under the written terms of a trust receipt transaction, shall without any filing be valid as against all creditors of the trustee, with or without notice, for thirty days after delivery of the goods, documents, or instruments to the trustee, and thereafter except as in this Act otherwise provided. Where the trustee at the time of the trust receipt transaction has and retains instruments, the thirty days shall be reckoned from the time the instruments are actually shown to the entruster, or from the time the entruster gives new value under the transaction, whichever is prior.

(b) Except as provided in subsection (a), the entruster's security interest shall be void as against lien creditors who become such after the thirty day period without notice of his interest and before filing.

(c) Where a creditor secures the issuance of process which within a reasonable time results in attachment of or levy on the goods, he is deemed to have become a lien creditor as of the date of issuance of the process. Unless prior to the acquisition of notice by all creditors filing has occurred or possession has been taken by the entruster, an assignee for the benefit of creditors, from the time of assignment, a receiver in equity, from the time of appointment, or a trustee in bankruptcy or judicial insolvency proceedings, from the time of filing of the petition in bankruptcy or judicial insolvency by or against the trustee, shall, on behalf of all the creditors, stand in the position of a lien creditor without notice, without reference to whether he personally has or has not, in fact, notice of the entruster's interest.

Sec. 10. ENTRUSTER'S PROTECTION AGAINST PURCHASERS. (a) This Act shall not be construed to limit the rights of purchasers in good faith and for value

from the trustee of negotiable instruments or negotiable documents, and purchasers taking from the trustee for value, in good faith, and by transfer in the customary manner instruments in such form as are by common practice purchased and sold as if negotiable, shall hold the same free of the entruster's interest, and filing under this Act shall not be deemed to constitute notice of the entruster's interest to purchasers in good faith and for value of such documents or instruments, other than transferees in bulk. The entrusting (directly, by agent, or through the intervention of a third person) of goods, documents, or instruments by an entruster to a trustee, under a trust receipt transaction or a transaction falling within section 4, shall be equivalent to the like entrusting of any documents or instruments which the trustee may procure in substitution, or which represent the same goods or instruments or the proceeds thereof, and which the trustee negotiates to a purchaser in good faith and for value.

(b) In the event a buyer from the trustee is not protected under subsection (a), the following rules shall govern:

1. Where the trustee, under the trust receipt transaction, has liberty of sale and sells to a buyer in the ordinary course of trade, whether before or after the expiration of the thirty day period specified in subsection (a), section 9, and whether or not filing has taken place, the buyer takes free of the entruster's security interest in the goods so sold, and filing shall not constitute notice of the entruster's security interest to that buyer. No limitation placed by the entruster on the liberty of sale granted to the trustee shall affect a buyer in the ordinary course of trade, unless the limitation is actually known to the latter.

2. In the absence of filing, the entruster's security interest in goods shall be valid as against purchasers, except as provided in this section; but any purchaser, not a buyer in the ordinary course of trade, who, in good faith and without notice of the entruster's security interest and before filing, either gives new value before the expiration of the thirty day period specified in subsection (a), section 9, or gives value after that period, and who in either event before filing also obtains delivery of goods from a trustee, shall hold the subject matter of his purchase free of the entruster's security interest. A transferee in bulk can take only if he gives value after the thirty day period.

3. In the event the entruster consents to or allows the placing of goods subject to a trust receipt transaction in the trustee's stock in trade or in his sales or exhibition

rooms, his consent or allowance shall have like effect as granting the liberty of sale.

(c) As to all cases covered by this section the purchase of goods, documents, or instruments on credit shall constitute a purchase for new value, but the entruster shall be entitled to any debt owing to the trustee and any security therefor by reason of the purchase, except that the entruster's right shall be subject to any set-off or defense valid against the trustee and accruing before the purchaser has actual notice of the entruster's interest.

Sec. 11. ENTRUSTER'S RIGHT TO PROCEEDS. In the event that, under the terms of the trust receipt transaction, the trustee has no liberty of sale or other disposition, or, having liberty of sale or other disposition, is to account to the entruster for the proceeds of any sale or disposition, the entruster shall be entitled, to the extent to which and as against all classes of persons as to whom his security interest was valid at the time of disposition by the trustee: 1. to the debts described in subsection (c), section 10; 2. to any proceeds or the value of any proceeds (whether identifiable or not) of the goods, documents, or instruments, if received by the trustee within ten days prior to application for appointment of a receiver of the trustee, the filing of a petition in bankruptcy or judicial insolvency proceedings by or against the trustee, or demand made by the entruster for prompt accounting, and to a priority to the amount of such proceeds or value, and, 3. to any other proceeds of the goods, documents, or instruments which are identifiable, unless the provision for accounting has been waived by the entruster by words or conduct, and knowledge by the entruster of the existence of proceeds, without demand for accounting within ten days from obtaining that knowledge, shall be deemed a waiver.

Sec. 12. LIENS IN COURSE OF BUSINESS. Specific liens arising out of contractual acts of the trustee, with reference to the processing, warehousing, shipping, or otherwise dealing with a specific goods in the usual course of the trustee's business preparatory to their sale, shall attach against the interest of the entruster in the goods as well as the interest of the trustee, whether or not filing has occurred under this Act. This section shall not obligate the entruster personally for any debt secured by the lien, nor shall it be construed to include the lien of a landlord.

Sec. 13. ENTRUSTER'S RESPONSIBILITY ON SALE BY TRUSTEE. An entruster holding a security interest

shall not, merely by virtue of that interest or of his having given the trustee liberty of sale or other disposition, be responsible as principal or as vendor under any sale or contract to sell made by the trustee.

Sec. 14. FILING AND REFILING. (a) Any entruster undertaking or contemplating trust receipt transactions with reference to documents or goods is entitled to file with the county recorder of the county in which is the chief place of business of the trustee, and where the goods, documents or materials are located at the time of the inauguration of the trust receipt transaction, upon payment of a fee of one dollar, a statement signed by the entruster and the trustee containing: 1. a designation of the entruster and the trustee and the chief place of business of each within the state, and if the entruster has no place of business within the state, his chief place of business outside the state; 2. a declaration that the entruster is or expects to be engaged in financing under trust receipt transactions the acquisition of goods by the trustee, and, 3. a description of the kind or kinds of goods covered or to be covered by that financing.

(b) The following form of statement, or a form containing substantially the same information, shall suffice for the purposes of this Act:

STATEMENT OF TRUST RECEIPT FINANCING

The entruster, ..., whose chief place of business within this state is at..... ..... (or, who has no place of business within this state and whose chief place of business outside this state is at.....), is or expects to be engaged in financing under trust receipt transactions the acquisition by the trustee, ..., whose chief place of business within this state is at....., of goods of the following description: (coffee, silk, automobiles, or the like).

(Signed) .....Entruster
(Signed) .....Trustee

(c) The county recorder shall mark each statement filed with a consecutive file number and the date and hour of filing, and shall keep the same in a separate file. He shall note and index the filing in a suitable index, indexed according to the name of the trustee and containing a notation of the trustee's chief place of business as given in the statement.

(d) Presentation of the statement for filing and payment of the filing fee shall constitute filing under this Act, in favor of the entruster, as to any documents or goods falling within the description in the statement which are, within one year from the date of filing, or have been, within thirty days prior to filing, the subject matter of a trust receipt transaction between the entruster and the trustee.

(e) At any time before expiration of the validity of the filing, as specified in subsection (d), a like statement, or an affidavit by the entruster alone, setting out the information required by subsection (a), may be filed in like manner as the original filing. Filing of the further statement or affidavit shall be valid in like manner and for a like period as an original filing, and shall continue the rank of the entruster's existing security interest as against all junior interest. The county recorder shall mark, file, and index the further statement or affidavit in like manner as the original.

Sec. 15. LIMITATIONS ON EXTENT OF OBLIGATION SECURED. As against purchasers and creditors, the entruster's security interest may extend to any obligation for which the goods, documents, or instruments were security before the trust receipt transaction, and to any new value given or agreed to be given as a part of the transaction; but not, otherwise, to secure past indebtedness of the trustee, nor shall the obligation secured under any trust receipt transaction extend to obligations of the trustee to be subsequently created.

Sec. 16. NOT APPLICABLE TO CERTAIN TRANSACTIONS. This Act does not apply to single transactions of legal or equitable pledge, not constituting a course of business, whether unaccompanied by delivery of possession or involving constructive delivery, and redelivery, actual or constructive, so far as the transactions involve only an entruster who is an individual natural person and a trustee entrusted as a fiduciary with handling investments or finances of the entruster; nor shall it apply to transactions of bailment or consignment in which the title of the bailor or consignor is not retained to secure an indebtedness to him of the bailee or consignee.

Sec. 17. ELECTION AMONG FILING STATUTES. As to any transaction falling within the provisions both of this Act and of any other Act requiring filing or recording, the entruster shall not be required to comply with both, but by complying with the provisions of either at his election may have the protection given by the Act

complied with; except that buyers in the ordinary course of trade as described in subsection (b), section 10, and lienors as described in section 12, shall be protected as therein provided, although the compliance of the entruster be with the filing or recording requirements of another Act.

Sec. 18. CASES NOT PROVIDED FOR. In any case not provided for in this Act the rules of law and equity, including the law merchant, shall apply to trust receipt transactions and purported pledge transactions not accompanied by delivery of possession.

Sec. 19. INTERPRETATION. This Act shall be so construed as to effectuate its general purpose to make uniform the law of the states which enact it.

Approved by the Governor—March 17, 1947.

Filed in the Office of the Secretary of State—March 17, 1947.

CHAPTER 73

(House Bill No. 310)

AN ACT

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

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

Section 1. APPROPRIATION. The sum of three thousand dollars ($3,000.00) is appropriated to the Department of Library and Archives, for the State Legislative Bureau.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 shall be expended for the purpose of salaries.

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

Approved by the Governor—March 18, 1947.

Filed in the Office of the Secretary of State—March 18, 1947.

CHAPTER 74

(House Bill No. 311)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION FOR THE PAYMENT OF CURRENT AND CONTINGENT EXPENSES OF THE EIGHTEENTH LEGISLATURE, REGULAR SESSION, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of twelve thousand dollars ($12,000.00) is appropriated to the Eighteenth Legislature, Regular Session.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to provide for the payment of the current and contingent expenses of carrying on the Regular Session of the Eighteenth Legislature.

1. For the payment of the contingent expense: 1a. Of the Senate, five thousand dollars ($5,000.00); 1b. of the House of Representatives, seven thousand dollars ($7,000.-00).

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

Approved by the Governor—March 18, 1947.

Filed in the Office of the Secretary of State—March 18, 1947.

CHAPTER 75

(House Bill No. 27)

AN ACT

RELATING TO EMPLOYMENT SECURITY; AMENDING SECTIONS 56-1003, 56-1004, AND 56-1007, ARIZONA CODE OF 1939, AND AMENDING ARTICLE

10, CHAPTER 56, ARIZONA CODE OF 1939, BY ADDING SECTIONS 56-1003a, 56-1003b, 56-1003c, 56-1003d, 56-1007a, 56-1007b, 56-1007c, 56-1007d, 56-1007e, 56-1007f, 56-1007g, 56-1007h, 56-1007i, AND 56-1007j.

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

Section 1. Section 56-1003, Arizona Code of 1939, as amended, is amended to read:

56-1003. PAYMENT OF BENEFITS. All benefits provided herein shall be payable from the fund. All benefits shall be paid through employment offices, in accordance with such regulations as the commission may prescribe.

Sec. 2. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1003a, to read:

56-1003a. BENEFIT AMOUNT. (a) An individual's weekly benefit amount shall be an amount equal to one-twentieth of his total wages for insured work paid during that quarter of his base period in which such total wages were highest, except that if such amount is more than twenty dollars the weekly benefit amount shall be twenty dollars, or if less than five dollars the weekly benefit amount shall be five dollars, and if not a multiple of one dollar shall be computed to the next higher multiple of one dollar; provided, however, that if any individual fails to qualify for a weekly benefit amount of one-twentieth of his high quarter earnings, but can qualify for a weekly benefit amount of one dollar less than one-twentieth of his high quarter earnings, his weekly benefit amount shall be one dollar less than one-twentieth of the high quarter earnings.

(b) Each eligible individual who is unemployed with respect to any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of the wages (if any) payable to him with respect to such week which is in excess of three dollars.

Such benefit, if not a multiple of one dollar, shall be computed to the next higher multiple of one dollar.

Sec. 3. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1003b, to read:

56-1003b. DURATION OF BENEFITS. Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to twelve times

his weekly benefit amount.

Sec. 4. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1003c, to read:

56-1003c. SEASONAL EMPLOYMENT. (a) Whenever in any employment it is customary to operate because of climatic conditions or the seasonal nature of the employment only during the regularly recurring period or periods of less than forty-four (44) weeks' duration in any calendar year, then benefits shall be payable only on account of unemployment occurring during the regular period or periods of such seasonal employment, and no benefits shall be paid for unemployment occurring or existing during the seasonal period or periods of unemployment;

(b) As used in this section:

(1) "Seasonal industry" means an occupation or industry in which, because of the seasonal nature thereof it is customary to operate only during a regularly recurring period or periods of less than forty-four (44) weeks in a calendar year; the commission shall, after investigation and hearing, determine, and may thereafter from time to time redetermine, the longest seasonal period or periods during which, by the best practice of the occupation or industry in question, operations are conducted;

(2) "Seasonal worker" means an individual who is ordinarily engaged in a seasonal industry and who during the portion or portions of the year when such industry is not in operation, is ordinarily not engaged in any other work.

(c) The commission shall prescribe fair and reasonable general rules applicable to seasonal workers for determining the total wages in employment by an employer required to qualify such workers for benefits and the period during which benefits shall be payable to them.

Sec. 5. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1003d, to read:

56-1003d. TRANSITION OF BENEFIT RIGHTS. Effective on and after July 1, 1947, the amount and duration of benefits of any individual who is in a benefit year on July 1, 1947, shall be recomputed in accordance with the provisions of this Act and he shall be paid the recomputed weekly benefit amount for the unexpired balance of the recomputed benefit year.

Sec. 6. Section 56-1004, Arizona Code of 1939, as amended, is amended to read:

56-1004. BENEFIT ELIGIBILITY CONDITIONS. An unemployed individual shall be eligible to receive benefits with respect to any week only if the commission finds that:

(a) He has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the commission may prescribe;

(b) He has made a claim for benefits in accordance with the provisions of section 56-1006, Arizona Code of 1939, as amended;

(c) He is able to work, and is available for work;

(d) He has been unemployed for a waiting period of one week. No week shall be counted as a week of unemployment for the purposes of this subsection:

(1) Unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits, provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment, and provided further that the week immediately preceding a benefit year shall be deemed (for the purposes of this subsection only) to be within such benefit year as well as within the preceding benefit year.

(2) If benefits have been paid with respect thereto.

(3) Unless the individual was eligible for benefits with respect thereto as provided in this section and section 56-1005, Arizona Code of 1939, as amended, except for the requirements of this subsection and of subsections (e) and (f) of section 56-1005, Arizona Code of 1939, as amended.

(4) He has during his base period been paid wages for insured work equal to not less than thirty times his weekly benefit amount, of which earnings must have been paid in a calendar quarter or quarters other than the calendar quarter in which the wages paid him for insured work were highest. For the purposes of this subsection, an individual's wages in the amount of $3,000 paid in a period less than the calendar year shall be prorated throughout the period of employment within the calendar year for the purpose of determining base period wages. For the

purposes of this subsection, wages shall be counted as "wages for insured work" for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employing unit by which such wages were paid has become an employer subject to Article 10, Chapter 56, Arizona Code of 1939, as amended.

Sec. 7. Section 56-1007, Arizona Code of 1939, as amended, is amended to read:

56-1007. PAYMENT OF CONTRIBUTIONS. (a) Contributions shall accrue and become payable by each employer for each calendar year in which he is subject to Article 10, Chapter 56, Arizona Code of 1939, with respect to wages for employment. Such contributions shall become due and be paid by each employer to the commission for the fund in accordance with such regulations as the commission may prescribe, and shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ.

(b) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

Sec. 8. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1007a, to read:

56-1007a. RATE OF CONTRIBUTION. (a) Each employer shall pay contributions equal to the following percentages of wages payable by him with respect to employment:

(1) Nine-tenths per centum with respect to employment occurring during the calendar year 1936.

(2) One and eight-tenths per centum with respect to employment occurring during the calendar year 1937.

(3) Two and seven-tenths per centum with respect to employment occurring during the calendar years 1938, 1939, and 1940, and the first calendar quarter of the year 1941.

(b) Each employer shall pay contributions equal to 2.7 per centum of wages paid by him during the last three calendar quarters of the calendar year 1941, and during each calendar year thereafter, with respect to employment

occurring after March 31, 1941, (except as may be otherwise prescribed in section 11 of this Act).

Sec. 9. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1007b, to read:

56-1007b. EMPLOYER ACCOUNTS. (a) The commission shall maintain a separate account for each employer, and shall credit his account with all the contributions paid by him. Nothing in Article 10, chapter 56, Arizona Code of 1939, shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by the employer into the fund.

(b) Benefits paid to an individual shall be charged against the accounts of his base-period employers. The amount of benefits so chargeable against each such base-period employer's account shall bear the same ratio to the total benefits paid to an individual as the base-period wages paid to the individual by such employer bear to the total amount of base-period wages paid to the individual by all his base-period employers.

(c) The standard rate of contributions payable by each employer shall be 2.7 per centum.

(d) 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 36-consecutive-calendar-month period ending on June 30 of the preceding calendar year.

(e) The commission shall, for the year 1942 and each calendar year thereafter, classify employers in accordance with their actual experience in the payment of contributions and with respect to benefits charged against their accounts, with a view to fixing such contribution rates as will reflect such benefit experience. Each employer's rate for any calendar year shall be determined on the basis of his record as of July 1 of the preceding calendar year. If as of the date such classification of employers is made, the commission finds that any employing unit has failed to file any report required in connection therewith, or has filed a report which the commission finds incorrect or insufficient, the commission shall make an estimate of the information required from such employing unit on the basis of the best evidence reasonably available to it at the time, and notify the employing unit thereof by registered mail addressed to its last known address. Unless such employing unit shall file the report or a corrected or suf-

ficient report as the case may be, within fifteen days after the mailing of such notice, the commission shall compute such employing unit's rate of contributions on the basis of such estimates, and the rate as so determined shall be subject to increase but not to reduction, on the basis of subsequently ascertained information.

Sec. 10. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1007c, to read:

56-1007c. TRANSFER OF EMPLOYER EXPERIENCE RATING ACCOUNTS. For the purposes of this section two or more employing units which are parties to or the subject of a merger, consolidation, or other form of reorganization effecting a change in legal identity or form shall be deemed to be a single employing unit if (a) immediately after such change the employing enterprises of the predecessor employing unit or units are continued solely through a single employing unit as successor thereto, and (b) immediately after such change such successor is owned or controlled by substantially the same interests as the predecessor employing unit or units. Effective as of the date of any such change in legal identity or form, the commission shall for purposes of rate determination transfer to the successor the pay roll record and the experience rating record of the predecessor. The successor's contribution rate from such date to the end of the current rate year shall be a newly computed rate determined in accordance with the provisions of this subsection and based upon the combined experience of the predecessor and successor as of the regular computation date for the rate year in which such change was effected. Where the ownership or control of the successor employing unit is not substantially the same the predecessor employing unit shall retain its position and rights with respect to its separate account, contributions and benefit experience if such employing unit does not cease to be an employer subject to Article 10, Chapter 56, Arizona Code of 1939.

Sec. 11. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1007d, to read:

56-1007d. VARIATION OF CONTRIBUTION RATES. Variations from the standard rate of contribution shall be determined in accordance with the following requirements:

(a) If the total of all an employer's contributions paid on or before July 31 of the preceding calendar year with respect to wages paid by him prior to the first day of July

of such preceding calendar year, exceeds the total benefits which were chargeable to his account and were paid on or before July 31 with respect to weeks of unemployment beginning prior to such first day of July, his contribution rate for the ensuing calendar year shall be:

(1) Two and seven-tenths per centum if such excess is less than five per centum of his average annual payroll;

(2) Two per centum if such excess equals or exceeds five but is less than seven per centum of his average annual payroll;

(3) One and one-half per centum if such excess equals or exceeds seven but is less than nine per centum of his average annual payroll;

(4) One per centum if such excess equals or exceeds nine but is less than eleven per centum of his average annual payroll;

(5) One-half per centum if such excess equals or exceeds eleven per centum of his average annual payroll.

(b) Commencing January 1 of any calendar year unless the total assets of the fund, excluding contributions not yet paid at the beginning of such calendar year, exceed:

(1) Two per centum of the total payroll subject to contributions for the three consecutive years prior to July 1 of the preceding calendar year, each employer's rate shall be increased for the ensuing calendar year to the next rate above his computed rate, but not above the maximum rate of two and seven-tenths per centum;

(2) One and one-half per centum of the total payroll subject to contributions for the three consecutive years prior to July 1 of the preceding calendar year, no employer's rate for the ensuing calendar year shall be less than two per centum;

(3) Three-fourths of one per centum of the total payroll subject to contributions for the three consecutive years prior to July 1 of the preceding calendar year, no employer's rate for the ensuing calendar year shall be less than two and seven-tenths per centum.

Sec. 12. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1007e, to read:

56-1007e. TERMS USED FOR EXPERIENCE RATING. (a) The term "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; except that, if any such period includes employment prior to April 1, 1941, then the computation of that portion of such annual payroll as includes employment prior to April 1, 1941, shall be based on the wages payable for such employment rather than the wages paid, and in such event any wages payable for employment prior to April 1, 1941, shall not again be included in such computation as wages paid subsequent to that date; the term "average annual payroll" means the average of the annual payrolls of an employer for the last 3 preceding such 12-month periods.

(b) The term "base-period wages" means the wages paid to an individual during his base period for insured work.

(c) The term "base-period employers" means the employers by whom an individual was paid his base-period wages.

Sec. 13. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1007f, to read:

56-1007f. NOTICE, DETERMINATION AND FINALITY OF EMPLOYER EXPERIENCE RATING. The commission

(a) Shall promptly notify each employer of his rate of contributions as determined for any calendar year pursuant to this Act. Such determination shall become conclusive and binding upon the employer unless, within 15 days after the mailing of notice thereof to his last known address or in the absence of mailing, within 15 days after the delivery of such notice, the employer files an application for review and redetermination, setting forth his reasons therefor. If the commission grants such review, the employer shall be promptly notified thereof and shall be granted an opportunity for a fair hearing, but no employer shall have standing, in any proceeding involving his rate of contributions or contribution liability, to contest the chargeability to his account of any benefits paid in accordance with a determination, redetermination or decision pursuant to section 56-1006, Arizona Code of 1939, as amended, except upon the ground that the services on the basis of which such benefits were found to be chargeable did not constitute services performed in employment for him and only in the event that he was not a party to such determination, redetermination or decision or to any other

proceedings under this Act in which the character of such services was determined. The employer shall be promptly notified of the commission's denial of his application, or of the commission's redetermination, both of which shall become final unless petition for judicial review is filed within the time and in the manner provided in section 56-1011 (b), Arizona Code of 1939, as amended;

(b) May provide by regulation for periodic notification to employers of benefits paid and chargeable to their accounts or of the status of such accounts, and any such notification, in the absence of an application for redetermination filed in such manner and within such period as the commission may prescribe, shall become conclusive and binding upon the employer for all purposes. Such redeterminations, made after notice and opportunity for hearing, and the commission's findings of fact in connection therewith, may be introduced in any subsequent administrative or judicial proceedings involving the determination of the rate of contributions of any employer for any calendar year and shall be entitled to the same finality as is provided in this section with respect to the findings of fact made by the commission in proceedings to redetermine the contribution rate of an employer.

Sec. 14. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1007g, to read:

56-1007g. PROVISIONS FOR CHARGES AND CREDITS TO EMPLOYER ACCOUNTS. For the purposes of this Act, benefits and contributions paid for all periods prior to July 1, 1947, shall be charged or credited in accordance with the provisions of Chapter 124, Laws of 1941, and benefits and contributions paid for all periods including and subsequent to July 1, 1947, shall be made in accordance with this Act; and all such charges and credits shall be included in determining the total charges and credits of each employer for the purpose of this Act.

Sec. 15. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1007h, to read:

56-1007h. REPEAL. Provisions of Article 10, chapter 56, Arizona Code of 1939, which are inconsistent with the provisions of this Act are hereby repealed, but such repeal shall not affect pending proceedings.

Sec. 16. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1007i, to read:

56-1007i. SEVERABILITY. If any provision of this Act shall be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the Act are declared to be severable.

Sec. 17. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1007j, to read:

56-1007j. EFFECTIVE DATE. Unless otherwise specifically provided herein, provisions of this Act shall become effective from and after June 30, 1947.

Approved by the Governor—March 18, 1947.

Filed in the Office of the Secretary of State—March 19, 1947.

CHAPTER 76

(House Bill No. 20)

AN ACT

RELATING TO PREDATORY ANIMALS; PROVIDING FOR A REWARD FOR THE DESTRUCTION THEREOF, AND PRESCRIBING PENALTIES THEREFOR.

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

Section 1. BOUNTY ON PREDATORY ANIMALS. (a) The livestock sanitary board may pay a reward of fifty dollars for each mountain lion, fifty dollars for each lobo wolf, and three dollars fifty cents for each coyote killed within the state.

(b) Any person who kills an animal specified in subsection (a) may claim any award offered therefor by displaying scalp to an inspector of the livestock sanitary board located in the district in which the animal was killed; making affidavit on a form prescribed by the board that he killed the animal, together with the date when, the place where, and the manner in which it was killed, and executing a claim upon the state for the amount claimed. He may retain the hide of the animal killed. If the inspector is satisfied that the animal was killed within the state by the person presenting the claim, he shall approve the claim and forward it together with the claimant's affidavit, to

the board. The board, if it finds the claim in order, shall approve the same and file it with the state auditor. No claim shall be approved unless the claimant is a legal resident of the state and no claim shall be approved if the animal was killed by a federal or state predatory hunter or trapper.

Sec. 2. PENALTY. Violation of any provision of the Act or of the rules or regulations established thereunder is a misdemeanor. Any person found guilty thereof shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars. Imprisonment for not less than thirty days nor more than one year, or both such fine and imprisonment.

Approved by the Governor—March 18, 1947.

Filed in the Office of the Secretary of State—March 19, 1947.

CHAPTER 77

(House Bill No. 28)

AN ACT

RELATING TO EMPLOYMENT SECURITY; AMENDING SECTIONS 56-1002, 56-1006, 56-1008, 56-1011, 56-1014, ARIZONA CODE OF 1939, AND AMENDING ARTICLE 10, CHAPTER 56, ARIZONA CODE OF 1939, BY ADDING SECTIONS 56-1002a, 56-1002b, 56-1002c, 56-1002d, 56-1002e, 56-1002f, 56-1002g, 56-1002h, 56-1002i, 56-1002j, 56-1002k, 56-1002l, 56-1002m, 56-1002n, 56-1002o, 56-1006a, 56-1006b, 56-1006c, 56-1006d, 56-1006e, 56-1011a, 56-1011b, 56-1011c, 56-1011d, 56-1011e, 56-1011f, 56-1011g, 56-1011h, 56-1011i, 56-1011j, 56-1011k, 56-1011l, 56-1011m, 56-1011n, 56-1014a, 56-1014b, 56-1014c, 56-1014d, 56-1014e, 56-1014f, 56-1014g, 56-1014h, 56-1014i, 56-1014j, 56-1014k, 56-1014l, 56-1014m, 56-1014n, 56-1014o, AND 56-1014p.

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

Section 1. Sec. 56-1002, Arizona Code of 1939, as amended, is amended to read:

56-1002. DEFINITION. As used in this Act, unless the context otherwise requires "base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year.

Sec. 2. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1002a, to read:

56-1002a. DEFINITION. As used in this Act, unless the context otherwise requires "benefits" means the money payments payable to an individual as provided in this Act, with respect to his unemployment.

Sec. 3. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1002b, to read:

56-1002b. DEFINITION. As used in this Act, unless the context otherwise requires "benefit year" with respect to any individual means the one-year period beginning with the first day of the first week of unemployment with respect to which the individual first files a claim in accordance with section 17 of this Act, and thereafter the one-year period beginning with the first day of the first week of unemployment with respect to which the individual next files such a claim after the termination of his last preceding benefit year, provided, that at the time of filing such a claim the individual has been paid the wages for insured work required under section 56-1004 (d) (4), Arizona Code of 1939, as amended.

For the purposes of this section a week with respect to which an individual files a valid claim establishing a benefit year shall be deemed to be in that benefit year which includes the greater part of such week.

Sec. 4. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1002c, to read:

56-1002c. DEFINITION. As used in this Act, unless the context otherwise requires "calendar quarter" means the period of three consecutive calendar months ending on March 31, June 30, September 30, or December 31, or the equivalent thereof as the commission may by regulation prescribe.

Sec. 5. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1002d, to read:

56-1002d. DEFINITION. As used in this Act, unless

the context otherwise requires "contributions" means the money payments required by Article 10, Chapter 56, Arizona Code of 1939, to be made into the state unemployment compensation fund by any employing unit on account of having individuals in its employ.

Sec. 6. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1002e, to read:

56-1002e. DEFINITION. As used in this Act, unless the context otherwise requires "commission" means the Employment Security Commission of Arizona.

Sec. 7. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1002f, to read:

56-1002f. DEFINITION. As used in this Act, unless the context otherwise requires "employing unit" means any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor of any of the foregoing, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had one or more individuals performing services for it within this state.

(a) All individuals performing services within this state for any employing unit which maintains two or more separate establishments within this state shall be deemed to be performing services for a single employing unit for all the purposes of Article 10, Chapter 56, Arizona Code of 1939.

(b) Each individual employed to perform or to assist in performing the work of any person in the service of an employing unit shall be deemed to be engaged by such employing unit for all the purposes of Article 10, Chapter 56, Arizona Code of 1939, whether such individual was hired or paid directly by such employing unit or by such person, provided the employing unit had actual or constructive knowledge of the work.

Sec. 8. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1002g, to read:

56-1002g. DEFINITION. As used in this Act, unless the context otherwise requires "employer" means:

(a) Any employing unit which, prior to January 1,

1941, was an employer as defined by this law prior to that date, or which, subsequent to December 31, 1940, for some portion of a day, but not necessarily simultaneously, in each of twenty different calendar weeks, whether or not such weeks are or were consecutive, within either the current or the preceding calendar year (and for the purpose of this definition if any week includes both December 31 and January 1, the days up to January 1 shall be deemed one calendar week and the days beginning January 1 another such week), has or had in employment, three or more individuals (irrespective of whether the same individuals are or were employed in each such day).

(b) Any individual or employing unit which acquired the organization, trade or business or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this Act; or which acquired a part of the organization, trade, or business of another which at the time of such acquisition was an employer subject to this Act provided such other would have been an employer under paragraph (a) of this section if such part had constituted its entire organization, trade or business.

(c) Any individual or employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit if the employment record of such individual or employing unit subsequent to such acquisition, together with the employment record of the acquired unit prior to such acquisition, both within the same calendar year, would be sufficient to constitute an employing unit an employer subject to this Act under paragraph (a) of this section; or

(d) Any employing unit which, together with one or more other employing units, is owned or controlled (by legally enforceable means or otherwise) directly or indirectly by the same interests, or which owns or controls (by legally enforceable means or otherwise) one or more other employing units, and which if treated as a single unit with such other employing units or interests, or both, would be an employer under paragraph (a) of this section;

(e) Any employing unit not an employer by reason of any other paragraph of this section for which services in employment are performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund; but service performed for such employing unit shall constitute employment for the purposes of Article 10, Chapter 56, Arizona

Code of 1939, only to the extent that such services constitute employment with respect to which such federal tax is payable.

(f) Any employing unit which, having become an employer under paragraph (a), (b), (c), or (d), has not, under section 23 of this Act, ceased to be an employer subject to Article 10, Chapter 56, Arizona Code of 1939; or

(g) For the effective period of its election pursuant to section 23 of this Act, any other employing unit which has elected to become subject to Article 10, Chapter 56, Arizona Code of 1939.

Sec. 9. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1002h, to read:

56-1002h. DEFINITION. As used in this Act, unless the context otherwise requires

(a) "Employment" means any service performed prior to July 1, 1947, which was employment as defined in section 56-1002, Arizona Code of 1939, as amended, prior to such date, and subject to the other provisions of this section, service performed on and after July 1, 1947, including service in interstate commerce, performed for wages or under any contract for hire, written or oral, express or implied.

(b) The term "employment" shall include an individual's entire service, performed within or both within and without this state if:

(1) The service is localized in this state; or

(2) The service is not localized in any state but some of the service is performed in this state and (A) the individual's base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled is in this state, or (B) the individual's base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this state.

(c) The term "employment" shall include

(1) Services covered by an election pursuant to section 23 of this Act, and

(2) Services covered by an arrangement pursuant to section 56-1018, Arizona Code of 1939, as amended, between the commission and the agency charged with the administration of any other state or federal unemployment compensation law, pursuant to which all services performed by an individual for an employing unit are deemed to be performed entirely within this state, shall be deemed to be employment if the commission has approved an election of the employing unit for whom such services are performed, pursuant to which the entire service of such individual during the period covered by such election is deemed to be insured work.

(d) Service shall be deemed to be localized within a state if:

(1) The service is performed entirely within such state; or

(2) The service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions.

(e) Services performed by an individual for wages or under any contract of hire shall be deemed to be employment subject to this Act irrespective of whether the common law relationship of master and servant exists unless and until it is shown to the satisfaction of the commission that:

(1) Such individual has been and will continue to be free from control or direction over the performance of such services, both under his contract of hire and in fact; and

(2) Such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprise for which such service is performed; and

(3) Such individual is customarily engaged in an independently established trade, occupation, profession, or business of the same nature as that involved in the contract of service.

(f) The term "employment" shall not include:

(1) Agricultural labor as defined in (g) of this section;

(2) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;

(3) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States;

(4) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;

(5) Service performed in the employ of the United States Government or an instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by this Act, except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this Act shall be applicable to such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services; provided that if this state shall not be certified for any year by the social security administration under section 1603 (c) of the Federal Internal Revenue Code, the payments required of such instrumentalities with respect to such year shall be refunded by the commission from the fund in the same manner and within the same period as is provided in section 49 of this Act, with respect to contributions erroneously collected;

(6) Service performed in the employ of this state or of any other state, or of any political subdivision thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by this state or by one or more states or political subdivisions and which exercises only governmental as distinguished from proprietary functions; and any service performed in the employ of any instrumentality of this state or of one or more states or political subdivisions to the extent that the instrumentality is, with respect to such service, exempt under the Constitution of the United States from the tax imposed by section 1600 of the Federal Internal Revenue Code; except that this state or any other state, or any political subdivision thereof, or instrumentality of any one or more of the foregoing which is wholly owned by this state or by one or more states or political subdivisions may elect coverage whether or not the service performed is governmental or proprietary for any such state or political subdivision thereof or any instrumentality thereof or any department thereof in the

manner prescribed and subject to the terms of section 23 of this Act, and any instrumentality and political subdivision of this state is authorized to appropriate funds to pay contributions as required by this act;

(7) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of Congress;

(8) (A) Service performed in any calendar quarter in the employ of any organization exempt from income tax under section 101 of the Federal Internal Revenue Code, if:

(i) The remuneration for such service does not exceed forty-five dollars, or

(ii) Such service is in connection with the collection of dues or premiums for a fraternal beneficiary society, order, or association, and is performed away from the home office, or is ritualistic service in connection with any such society, order, or association, or

(iii) Such service is performed by a student who is enrolled and is regularly attending classes at a school, college, or university;

(B) Service performed in the employ of an agricultural or horticultural organization exempt from income tax under section 101 (1) of the Federal Internal Revenue Code;

(C) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents, if

(i) No part of its net earnings inures (other than through such payments) to the benefit of any private shareholder or individual, and

(ii) Eighty-five per centum or more of the income consists of amounts collected from members for the sole purpose of making such payments and meeting expenses;

(D) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents or their designated beneficiaries, if

(i) Admission to membership in such association is limited to individuals who are officers or employees of the United States Government, and

(ii) No part of the net earnings of such association inures (other than through such payments) to the benefit of any private shareholder or individual;

(E) Service performed in any calendar quarter in the employ of a school, college, or university, not exempt from income tax under section 101 of the Federal Internal Revenue Code, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university, and the remuneration for such service does not exceed forty-five dollars (exclusive of room, board, and tuition);

(F) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation;

(G) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law; and service performed as an interne in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law;

(H) Service performed by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission; or

(I) Service performed by an individual in the delivery, distribution, or sale of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

(J) Service performed by an individual for a person as a real estate broker or a real estate salesman, if all such

service performed by said individual for such person is performed for remuneration solely by way of commission.

(9) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a non-diplomatic representative);

(10) Service performed in the employ of an instrumentality wholly owned by a foreign government:

(A) If the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

(B) If the commission finds that the United States secretary of state has certified to the United States secretary of the treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States Government and of instrumentalities thereof;

(11) Service covered by an arrangement between the commission and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by such employing unit's duly approved election, are deemed to be performed entirely within such agency's state.

(12) Casual labor not in the course of the employer's trade or business.

(g) The term "agricultural labor" includes all services performed:

(1) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, bees, poultry, and fur-bearing animals and wildlife;

(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by

a hurricane, if the major part of such service is performed on a farm;

(3) In connection with the production or harvesting of maple sugar or maple syrup, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes;

(4) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivery to storage or to market, or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market. The provision of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

As used in this subsection, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

Sec. 10. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1002i, to read:

56-1002i. DEFINITION. As used in this Act, unless the context otherwise requires "employment office" means a free public employment office or branch thereof operated by this or any other state as a part of a state-controlled system of public employment offices, or by a Federal agency charged with the administration of free public employment offices.

Sec. 11. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1002j, to read:

56-1002j. DEFINITION. As used in this Act, unless the context otherwise requires "fund" means the unemployment compensation fund established by section 56-1009, Arizona Code of 1939, as amended.

Sec. 12. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1002k, to read:

56-1002k. DEFINITION. As used in this Act, unless the context otherwise requires "state" includes, in addition to the states of the United States of America, Alaska, Hawaii, and the District of Columbia.

Sec. 13. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1002l, to read:

56-1002l. DEFINITION. As used in this Act, unless the context otherwise requires, an individual shall be deemed "unemployed" with respect to any week during which he performs no services and with respect to which no wages are payable to him, or with respect to any week of less than full-time work if the wages payable to him with respect to such week are less than his weekly benefit amount.

Sec. 14. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1002m, to read:

56-1002m. DEFINITION. As used in this Act, unless the context otherwise requires "wages" means all remuneration for services from whatever source, including commissions and bonuses and the cash value of all remuneration in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the commission; provided that the term "wages" shall not include:

(a) That part of the remuneration which, after remuneration equal to three thousand dollars has been paid to an individual by an employer with respect to employment during any calendar year, is paid after December 31, 1939, and prior to January 1, 1947, to such individual by such employer with respect to employment occurring during such calendar year; or that part of the remuneration which, after remuneration equal to three thousand dollars with respect to employment after 1938 has been paid to an individual by an employer during any calendar year after 1946, is paid to such individual by such employer during such calendar year.

(b) The amount of any payment with respect to services performed after January 1, 1941, to, or on behalf of, an individual in its employ under a plan or system established by an employing unit which makes provision for individuals in its employ generally or for a class or classes

of such individuals (including any amount paid by an employing unit for insurance or annuities, or into a fund to provide for any such payment), on account of (1) retirement, or (2) sickness or accident disability, or (3) medical and hospitalization expenses in connection with sickness or accident disability, or (4) death, provided the individual in its employ (A) has not the option to receive, instead of provision for such death benefit, any part of such payment or, if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by his employing unit, and (B) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his services with such employing unit;

(c) The payment of an employing unit (without deduction from the remuneration of the individual in its employ) of the tax imposed upon an individual in its employ under section 1400 of the Federal Internal Revenue Code with respect to services performed after January 1, 1941, or

(d) Dismissal payments after January 1, 1941, which the employing unit is not legally required to make.

Sec. 15. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1002n, to read:

56-1002n. DEFINITION. As used in this Act, unless the context otherwise requires "week" means such period of seven consecutive days, as the commission may by regulation prescribe.

Sec. 16. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1002o, to read:

56-1002o. DEFINITION. As used in this Act, unless the context otherwise requires "insured work" means employment for employers.

Sec. 17. Section 56-1006, Arizona Code of 1939, as amended, is amended to read:

56-1006. FILING CLAIMS FOR BENEFITS. Claims for benefits shall be made in accordance with such regulations as the commission may prescribe. All base period

employers of a claimant for benefits shall be promptly notified whenever a claimant files an initial claim for benefits during a period of unemployment. Each employer shall post and maintain printed statements of the regulations in places readily accessible to individuals in his service, and shall make available to each thereof, at the time he becomes unemployed, a printed statement of the same. Printed statements shall be supplied by the commission to each employer without cost to him.

Sec. 18. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1006a, to read:

56-1006a. INITIAL CLAIMS DETERMINATION. A representative designated by the commission and hereinafter referred to as a deputy, shall promptly examine the claim and, on the basis of the facts found by him, shall either determine whether or not it is valid, and if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof, or shall refer the claim or any question involved therein to an appeal tribunal or to the commission, which shall make its decision with respect thereto in accordance with the procedure described in section 19 of this Act, except that in any case in which the payment or denial of benefits will be determined by the provisions of section 56-1005 (d), Arizona Code of 1939, as amended, the deputy shall promptly transmit his full finding of fact with respect to such paragraph to the commission, which, on the basis of the evidence submitted and such additional evidence as it may require, shall affirm, modify, or set aside such finding of fact and transmit to the deputy a decision upon the issues involved under that paragraph, which shall be deemed to be the decision of the deputy. The deputy shall promptly notify the claimant and any other interested party of the decision and the reasons therefor. Unless the claimant or an interested party, within seven calendar days after the delivery of notification, or within ten calendar days after notification was mailed to his last known address, files an appeal from the decision, it shall be final, and benefits shall be paid or denied in accordance therewith. If an appeal is duly filed, benefits with respect to the period prior to the final decision of the commission shall be paid only after the decision, except that in the event an appeal tribunal affirms a decision of a deputy, or the commission affirms a decision of an appeal tribunal, allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken, but if such decision is finally reversed, no employer's account shall be charged with benefits so paid.

Sec. 19. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1006b, to read:

56-1006b. APPEALS FOR BENEFITS. Unless the appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for a fair hearing, shall affirm or modify the findings of fact and decision of the deputy. The parties shall be duly notified of the tribunal's decision, together with its reasons therefor, which shall be deemed to be the final decision of the commission, unless within ten days after the date of notification or mailing of the decision, further appeal is initiated pursuant to section 21 of this Act.

Sec. 20. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1006c, to read:

56-1006c. APPEAL TRIBUNALS. To hear and decide disputed claims, the commission shall establish one or more impartial appeal tribunals, consisting in each case of three members, one of whom shall be a salaried examiner, selected in accordance with section 27 of this Act, who shall serve as chairman, one of whom shall be a representative of employers, and the other of whom shall be a representative of employees; each of the latter two members shall serve at the pleasure of the commission and be paid a fee of not more than ten dollars per day of active service on the tribunal, plus necessary expenses. No person shall participate on behalf of the commission in any case in which he is an interested party. The commission may designate alternates to serve in the absence or disqualification of any member of an appeal tribunal. In no case shall the hearing proceed unless the chairman of the appeal tribunal is present.

Sec. 21. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1006d, to read:

56-1006d. COMMISSION REVIEW OF APPEALED DECISIONS. The commission may on its own motion, affirm, modify, or set aside any decision of an appeal tribunal on the basis of evidence previously submitted in the case, or direct the taking of additional evidence, or may permit any of the parties to the decision to initiate further appeals before it. The commission shall permit such further appeal by any of the parties interested in a decision of an appeal tribunal which is not unanimous, or by the deputy whose decision has been overruled or modified by an appeal tribunal. The commission may remove to itself or transfer to another appeal tribunal the proceedings of any claim pending before an appeal tribunal. Any proceeding so

removed to the commission shall be heard in accordance with the requirements of section 36 of this Act. The commission shall promptly notify the interested parties of its findings and decisions, which shall become final unless petition for judicial review is filed within the time and in the manner provided in section 37 of this Act.

Sec. 22. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1006e, to read:

56-1006e. WITNESS FEES. Witnesses subpoenaed pursuant to the provisions of Article 10, Chapter 56, Arizona Code of 1939, shall be allowed fees, not less than those paid in the superior court of Arizona, at a rate fixed by the commission. Such fees shall be deemed a part of the expense of administering this Act.

Sec. 23. Section 56-1008, Arizona Code of 1939, as amended, is amended to read:

56-1008. PERIOD, ELECTION AND TERMINATION OF EMPLOYER COVERAGE. (a) Except as provided in subsection (c) of this section, any employing unit which is or becomes an employer subject to this Act within any calendar year shall be deemed to be an employer during the whole of such calendar year.

(b) Except as otherwise provided in subsection (c) of this section, an employing unit shall cease to be an employer subject to this Act only as of the first day of January of any calendar year, (1) if the commission finds such employing unit ceased all operations for a period of thirty-five (35) weeks in the preceding calendar year, or (2) if the employing unit files with the commission during January of such year, a written application for termination of coverage, and the commission finds that there were not twenty different days, each day being in a different calendar week within the preceding calendar year, within which such employing unit employed three or more individuals in employment subject to this Act. For the purposes of this subsection, the two or more employing units mentioned in paragraph (b) or (c) or (d) of section 8 of this Act shall be treated as a single employing unit.

(c) (1) An employing unit, not otherwise subject to this Act, which files with the commission its written election to become an employer subject hereto for not less than two calendar years, shall, with the written approval of such election by the commission, become an employer subject hereto to the same extent as all other employers, as

of the date stated in such approval, and shall cease to be subject hereto as of January 1 of any calendar year subsequent to such two calendar years, only if during January of such year it has filed with the commission a written notice to that effect.

(2) Any employing unit for which services that do not constitute employment as defined in this Act are performed, may file with the commission a written election that all such services with respect to which payments are not required under an employment security law of any other state or of the Federal government, and which are performed by individuals in its employ in one or more distinct establishments or places of business shall be deemed to constitute employment by an employer for all the purposes to thie Act for not less than two calendar years. Upon the written approval of such election by the commission, such services shall be deemed to constitute employment subject to this Act from and after the date stated in such approval. Such services shall cease to be deemed employment subject hereto as of January 1 of any calendar year subsequent to such two calendar years, only if during January of such year such employing unit has filed with the commission a written notice to that effect.

Sec. 24. Sec. 56-1011, Arizona Code of 1939, as amended, is amended to read:

56-1011. DUTIES AND POWERS OF COMMISSION. It shall be the duty of the commission to administer Article 10, Chapter 56, Arizona Code of 1939; and it shall have power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as it deems necessary or suitable to that end. Such rules and regulations shall be effective upon publication in the manner, not inconsistent with the provisions of this Act, which the commission shall prescribe. The commission shall determine its own organization and methods of procedure in accordance with the provisions of Article 10, Chapter 56, Arizona Code of 1939, and shall have an official seal which shall be judicially noticed. Not later than January 1 of each year, the commission shall submit to the governor a report covering the administration and operation of Article 10, Chapter 56, Arizona Code of 1939, during the fiscal year ending June 30 prior to such report, and shall make such recommendations for amendments to Article 10, Chapter 56, Arizona Code of 1939, as it deems proper. The commission may compromise any claim for contributions more than two years in arrears, or any action in relation thereto. When-

ever a compromise is made by the commission there shall be placed in the files thereof a statement of the amount of the contributions due, assessed, and the amount of additional contributions, penalty and interest imposed by law in consequence of the neglect or delinquency of the employer in question, and the amount actually paid, in accordance with the terms of the compromise.

Sec. 25. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1011a, to read:

56-1011a. REGULATIONS AND GENERAL AND SPECIAL RULES. General and special rules may be adopted, amended, or rescinded by the commission only after public hearing or opportunity to be heard thereon, of which proper notice has been given. General rules shall become effective ten days after filing with the secretary of state and publication in one or more newspapers of general circulation in this state. Special rules shall become effective ten days after notification to or mailing to the last known address of the individuals or employing units affected thereby. Regulations may be adopted, amended, or rescinded by the commission and shall become effective in the manner and at the time prescribed by the commission.

Sec. 26. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1011b, to read:

56-1011b. COMMISSION DETERMINATIONS OF EMPLOYER COVERAGE. The commission may, upon its own motion or upon application of an employing unit, and after notice and opportunity for hearing, make findings of fact and on the basis thereof, determinations with respect to whether an employing unit constitutes an employer and whether services performed for, or in connection with the business of an employing unit constitute employment for such employing unit. All parties to such proceedings shall be promptly notified of the commission's decision which shall become final unless petition for judicial review is filed within the time and in the manner provided in section 37 of this Act. Such decision of the commission, together with the record therein made, shall be admissible in any subsequent judicial proceeding involving liability for contributions. A determination of the commission which has not been appealed, together with the record thereof, may be introduced in any proceeding involving a claim for benefits and the facts therein found and the determination therein made, shall be conclusive unless substantial evidence to the contrary is introduced by or on behalf of the interested parties.

Sec. 27. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1011c, to read:

56-1011c. COMMISSION PUBLICATIONS. The commission shall cause to be printed for distribution to the public the text of Article 10, Chapter 56, Arizona Code of 1939, its regulations and general rules, its annual reports to the governor, and any other material it deems relevant and suitable and shall furnish the same to any person upon application therefor.

Sec. 28. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1011d, to read:

56-1011d. PERSONNEL. Subject to other provisions of Article 10, Chapter 56, Arizona Code of 1939, the commission is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis. The commission may delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of Article 10, Chapter 56, Arizona Code of 1939, and may in its discretion bond any person handling moneys or signing checks hereunder.

Sec. 29. Article 10, Chapter 56, Arizona Code of 1939, is amended by adding section 56-1011e, to read:

56-1011e. ADVISORY COUNCILS. The commission shall appoint without regard to section 28 of this Act a state advisory council not to exceed nine (9) members, composed of men and women, including an equal number of employer representatives and employee representatives who may fairly be regarded as representative because of their vocation, employment, or affiliations, and not more than three (3) members representing the general public as the commission may designate. Such council shall aid the commission in formulating policies and discussing problems related to the administration of Article 10, Chapter 56, Arizona Code of 1939, and in assuring impartiality and freedom from political influence in the solution of such problems. Each member of the state advisory council shall be compensated in the amount of ten dollars ($10.00) for each day in attendance upon a meeting of the council in addition to reimbursement for any necessary expenses, provided, however, that such compensation paid to any one member of the council shall not exceed the sum of one hundred fifty dollars ($150.00) in any one fiscal year. The

commission may also appoint without regard to section 28 of this Act special councils to perform appropriate services, the members of which shall serve without compensation but shall be reimbursed for any necessary expenses.

Sec. 30. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1011f, to read:

56-1011f. EMPLOYMENT STABILIZATION. The commission with the advice and aid of its advisory councils, and through its appropriate divisions, shall take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training, re-training and vocational guidance; to investigate, recommend, advise, and assist in the establishment and operation, by municipalities, counties, school districts, and the state, of reserves for public works to be used in times of business depression and unemployment; to promote the reemployment of unemployed workers throughout the state in every other way that may be feasible; and to these ends to carry on and publish the results of investigations and research studies.

Sec. 31. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1011g, to read:

56-1011g. RECORDS AND REPORTS. Each employing unit shall keep true and accurate work records, for such periods of time and containing such information as the commission may prescribe. Such records shall be open to inspection and be subject to being copied by the commission or its authorized representatives at any reasonable time and as often as may be necessary. Any employing unit which fails to file any contribution and wage report required by the commission in the administration of this Act, in accordance with regulations adopted by the commission, shall pay to the commission, with respect to each such report, a fine of five dollars ($5.00) for the failure to file such report. Sums collected as fines under the provisions of this section shall be deposited by the commission in the unemployment compensation fund. The commission and the chairman of any appeal tribunal may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which it deems necessary for the effective administration of Article 10, Chapter 56, Arizona Code of 1939. Information thus obtained shall not be published or be open to public inspection (other than to public employees in the performance of their public duties) in any manner revealing the employing unit's identity, but any claimant at a hearing before an appeal tribunal or the commission shall be supplied with the information from

such records to the extent necessary for the proper presentation of his claim. The commission may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provision of Article 10, Chapter 56, Arizona Code of 1939, and may in connection with such request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 1606 (c) of the Federal Internal Revenue Code. Any employee or member of the commission who violates any provision of this section shall be fined not less than twenty dollars nor more than two hundred dollars, or imprisoned for not longer than ninety days, or both.

Sec. 32. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1011h, to read:

56-1011h. PRESERVATION AND DESTRUCTION OF RECORDS. (a) The commission may cause to be made such summaries, compilations, photographs, duplications, or reproductions of any records, reports, or transcripts thereof as it may deem advisable for the effective and economical preservation of the information contained therein, and such summaries, compilations, photographs, duplications or reproductions, duly authenticated, shall be admissible in any proceeding under this Act if the original record or records would have been admissible therein.

(b) Any provision of law in this state relating to the preservation of public records notwithstanding, the commission may provide by regulation for the destruction or disposition, after at least five years, of any records, reports, transcripts or reproductions thereof, or other papers in its custody, the preservation of which is no longer necessary for the establishment of contribution liability or benefit rights or for any purpose necessary to the proper administration of Article 10, Chapter 56, Arizona Code of 1939, including any required audit thereof.

Sec. 33. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1011i, to read:

56-1011i. OATHS AND WITNESSES. In the discharge of the duties imposed by Article 10, Chapter 56, Arizona Code of 1939, the chairman of an appeal tribunal and any duly authorized representative or member of the commission shall have power to administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memor-

anda, and other records deemed necessary as evidence in connection with a disputed claim or the administration of Article 10, Chapter 56, Arizona Code of 1939.

Sec. 34. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1011j, to read:

56-1011j. SUBPOENAS. In case of contumacy by, or refusal to obey a subpoena issued to any person, any court of this state within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the commission or its duly authorized representative, shall have jurisdiction to issue to such person an order requiring such person to appear before a commissioner, the commission, or its duly authorized representative, there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof. Any person who shall without just cause fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if it is in his power so to do, in obedience to a subpoena of the commission shall be punished by a fine of not less than two hundred dollars or by imprisonment for not longer than sixty days, or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense.

Sec. 35. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1011k, to read:

56-1011k. PROTECTION AGAINST SELF-INCRIMINATION. No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, and other records before the commission or in obedience to the subpoena of the commission or any member thereof or any duly authorized representative of the commission in any cause or proceeding before the commission, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Sec. 36. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1011l, to read:

56-1011l. STATE-FEDERAL COOPERATION. In the administration of Article 10, Chapter 56, Arizona Code of 1939, the commission shall cooperate to the fullest extent consistent with the provisions of Article 10, Chapter 56, Arizona Code of 1939, with the Social Security Administration, created by the Social Security Act, approved August 14, 1935, as amended; shall make such reports, in such form and containing such information as the Social Security Administration may from time to time require, and shall comply with such provisions as the Social Security Administration may from time to time find necessary to assure the correctness and verification of such reports; and shall comply with the regulations prescribed by the Social Security Administration governing the expenditures of such sums as may be allotted and paid to this state under Title III of the Social Security Act for the purpose of assisting in the administration of Article 10, Chapter 56, Arizona Code of 1939.

Upon request therefor the commission shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under Article 10, Chapter 56, Arizona Code of 1939.

Sec. 37. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1011m, to read:

56-1011m. COMMISSION DECISIONS. In rendering decisions as provided in sections 21, and 25 of this Act, and Sec. 56-1007 (c) (9) Arizona Code of 1939, as amended, the commission shall be governed by the following requirements:

(a) NOTICE, HEARING, RECORDS. In any such case all parties shall be afforded an opportunity for hearing before a member of the commission or any employee designated by the commission after reasonable notice. The notice shall state the time, place and issues involved, but, if, by reason of the nature of the proceeding, the issues cannot be fully stated in advance of the hearing, or if subsequent amendment of the issues is necessary, they shall be fully stated as soon as practicable, and opportunity shall be afforded all parties to present evidence and argument with respect thereto. The commission shall prepare an official record, which shall include testimony and exhibits but it

shall not be necessary to transcribe shorthand notes unless required for court review. Informal disposition may also be made of any such case by stipulation, agreed settlement, consent order, or default.

(b) RULES OF EVIDENCE; OFFICIAL NOTICE. (1) The commission may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. It shall give effect to the rules of privilege recognized by law. It may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

(2) All evidence, including records and documents in the possession of the commission of which it desires to avail itself, shall be offered and made a part of the record in the case, and no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

(3) Every party shall have the right of cross-examination of the witnesses who testify, and shall have the right to submit rebuttal evidence.

(4) The commission may take notice of judicially cognizable facts and in addition may take notice of general, technical, or scientific facts within its specialized knowledge. Parties shall be notified either before or during hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed. The commission may utilize its experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to it.

(c) EXAMINATION OF EVIDENCE BY THE COMMISSION. Whenever a majority of the members of the commission who are to render the final decision have not heard or read the evidence, the decision, if adverse to a party to the proceeding other than the commission itself, shall not be made until a proposal for decision, including findings of fact and conclusions of law, has been served upon the parties, and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to a majority of the members who are to render the decision, who shall personally consider the whole record or such portions thereof as may be cited by the parties.

(d) DECISIONS AND ORDERS. Every decision and order adverse to a party to the proceeding shall be in writ-

ing or stated in the record and shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the conclusions upon each contested issue of fact. Parties to the proceeding shall be notified of the decision and order in person or by mail. A copy of the decision and order and accompanying findings and conclusions shall be delivered or mailed upon request to each party or to his attorney of record.

Sec. 38. Article 10, Chapter 56, Arizona Code of 1939, is amended by adding section 56-1011n, to read:

56-1011n. JUDICIAL REVIEW, JUDGMENT AND APPEALS.

(a) JUDICIAL REVIEW OF CONTESTED CASES. (1) Any person aggrieved by a final decision of the commission, whether such decision is affirmative or negative in form, is entitled to judicial review thereof under this Act.

(2) Proceedings for review shall be instituted by filing a petition for review in the superior court of Arizona within thirty days after the service of the final decision of the commission. Copies of the petition shall be served upon the commission and all other parties of record. The court, in its discretion may permit other interested persons to intervene.

(3) The filing of the petition shall not stay enforcement of the commission decision; but the commission may do so, or the reviewing court may order a stay upon such terms as it deems proper.

(4) Within thirty days after service of the petition, or within such further time as the court may allow, the commission shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review but, by stipulation of all parties to the review proceeding, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

(5) If, before the date set for hearing, application is made to the court for leave to present additional evidence on the issues in the case, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in

the proceeding before the commission, the court may order that additional evidence be taken before the commission upon such conditions as the court deems proper. The commission may modify its findings and decision by reason of the additional evidence and shall file with the reviewing court, to become a part of the record, the additional evidence, together with any modified or new findings or decision.

(6) The review shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the commission, not shown in the record, testimony thereon may be taken in the court. The court shall, upon request, hear oral argument and receive written briefs.

(7) The court may affirm the decision of the commission or remand the case for further proceedings; or it may reverse or modify the decision if the substantial rights of the petitioners may have been prejudiced because of the administrative findings, inferences, conclusions, or decisions are:

(A) In violation of constitutional provision; or

(B) In excess of the statutory authority or jurisdiction of the commission; or

(C) Made upon unlawful procedures; or

(D) Affected by other error of law; or

(E) Unsupported by competent, material, and substantial evidence in view of the entire record as submitted; or

(F) Arbitrary or capricious.

(b) DECLARATORY JUDGMENT ON VALIDITY OF RULES. (1) The validity of any rule may be determined upon petition for a declaratory judgment thereon addressed to the superior court of Arizona, when it appears that the rule, or its threatened application, interferes with or impairs, the legal rights or privileges of the petitioner. The commission shall be made a party to the proceeding. The declaratory judgment may be rendered whether or not the petitioner has first requested the commission to pass upon the validity of the rule in question.

(2) The court shall declare the rule invalid if it finds that it violates constitutional provisions or exceeds the statutory authority of the commission or was adopted without compliance with statutory rule-making procedures.

(c) APPEALS. An aggrieved party may secure a review of any final judgment of the superior court of Arizona under this act by appeal to the supreme court of Arizona. Such appeal shall be taken in the manner provided by law for appeals from the superior court of Arizona in other civil cases.

Sec. 39. Sec. 56-1014, Arizona Code of 1939, as amended, is amended to read:

56-1014. INTEREST ON PAST DUE CONTRIBUTIONS. If contributions are not paid on the date on which they are due and payable as prescribed by the commission, the whole or part thereafter remaining unpaid shall bear interest at the rate of one per cent per month or fraction thereof from and after such date until payment is received by the commission. The date as of which payment of contributions, if mailed, is deemed to have been received may be determined by such regulations as the commission may prescribe. Interest collected pursuant to this section shall be deposited in the unemployment compensation fund.

Sec. 40. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1014a, to read:

56-1014a. COLLECTION BY CIVIL ACTION. If, after due notice, any employer defaults in any payment of contributions or interest, the amount due shall be collected by civil action in the name of the commission, and the employer adjudged in default shall pay the court costs. Civil actions brought under this section shall be heard by the court at the earliest possible date and shall have precedence over all other civil actions, except petitions for judicial review under Article 10, Chapter 56, Arizona Code of 1939, and cases arising under the Workmen's Compensation Law.

Sec. 41. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1014b, to read:

56-1014b. ASSESSMENT IF REQUIRED RETURN NOT MADE. In the event an employer neglects or refuses to make a return as required by Article 10, Chapter 56, Arizona Code of 1939, the commission shall make an estimate, based upon any information in its possession, of the amount of contributions due from such employer for the

period for which he failed to make a return, and shall assess such estimated amount against the delinquent. Such delinquency assessment shall bear interest at the rate of one per cent per month, or fraction thereof, from the date of delinquency as prescribed by commission regulation, after the close of the period for which such assessment is imposed until the date of payment. If such neglect or refusal to file a return is due to fraud or an intent to evade payment of contributions, there shall be added to the amount due a penalty equal to twenty-five per cent thereof. The commission shall promptly notify the delinquent employer of such estimate. Any employer against whom a delinquency assessment is made may petition for reassessment within thirty days after service of notice thereof. If such petition for reassessment is not filed within said thirty days the amount of the assessment shall become final at the expiration thereof.

Sec. 42. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1014c, to read:

56-1014c. JEOPARDY ASSESSMENT FOR CONTRIBUTIONS. In the event the commission believes that the collection of any contribution or assessment imposed pursuant to Article 10, Chapter 56, Arizona Code of 1939, will be jeopardized by delay, it shall thereupon make a jeopardy assessment of such amount, noting such fact upon the assessment, and the amount thereof shall be immediately due and payable. If the amount of the contribution, interest, and penalty specified in the jeopardy assessment is not paid within ten days after service of notice thereof, such jeopardy assessment shall become final at the expiration thereof, unless a petition for reassessment is filed within such period, and the delinquency penalty and interest shall attach. An employer against whom a jeopardy assessment is levied may petition for reassessment by filing his petition with the commission, not more than ten days after service of notice of such assessment, and by depositing at the same time such security as the commission may deem necessary to insure compliance with the provisions of Article 10, Chapter 56, Arizona Code of 1939. Such security may be sold by the commission in accordance with rules and regulations adopted by it.

Sec. 43. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1014d, to read:

56-1014d. PETITION FOR REASSESSMENT. Upon the filing of a petition for reassessment, the commission shall reconsider the assessment, and if the petition so requests shall grant the employer an oral hearing, of which

he shall be given not less than ten days' notice. The commission shall have power to continue the hearing from time to time as may be necessary. The order or decision of the commission upon a petition for reassessment shall become final thirty days after service upon the employer of notice thereof, or, in the case of a jeopardy assessment, at such time as the commission may specify. Any assessment made by the commission shall become due and payable at the time it becomes final, and if not paid when due and payable there shall be added thereto a penalty of ten per cent of the amount thereof.

Sec. 44. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1014e, to read:

56-1014e. METHOD OF SERVING NOTICES. Any notice required by this Act shall be served personally or by registered mail addressed to the last known address of the person.

Sec. 45. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1014f, to read:

56-1014f. PRIORITY OF CONTRIBUTIONS DUE. In the event of any distribution of an employer's assets pursuant to court order, including receivership, assignment for benefit of creditors, adjudicated insolvency, composition, or similar proceeding, contributions then or thereafter due shall be paid in full prior to all other claims except taxes and claims for wages of not more than two hundred and fifty dollars to each claimant, earned within six months prior to commencement of the proceeding. The existence of a condition of insolvency, or the institution of any judicial proceeding for dissolution or distribution of assets, shall cause such priority to attach without action on behalf of the commission. In the event of an employer's adjudication in bankruptcy, judicially confirmed extension proposal, or composition, under the Federal Bankruptcy Act of 1898, as amended, contributions then or thereafter due shall be entitled to such priority as is provided in that Act for taxes due any state or the United States.

Sec. 46. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1014g, to read:

56-1014g. LIEN FOR CONTRIBUTIONS. Separate and apart from and in addition to the other provisions of Article 10, Chapter 56, Arizona Code of 1939, contributions, interest and penalties due under Article 10, Chapter 56, Arizona Code of 1939, shall be a lien, prior and superior to all other liens except taxes, prior recorded realty mort-

gages and unpaid wage claims, not only against the interests of any employer, but against the interests of all others, in the real estate, plant, works, equipment and buildings, improved, operated and constructed by any employer, and also upon any products or articles manufactured by such employer.

Sec. 47. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1014h, to read:

56-1014h. EFFECT OF LIEN. The lien created by this Act shall attach from the date of the commencement of the labor for which the contributions, interest and penalties are due. In order to avail itself of the lien hereby created, the commission shall, within three months after such employer shall have delivered to the commission all reports required by it and shall have become delinquent in the payment of contributions due thereon, file with the county recorder of the county within which such property then be situate, a statement in writing describing in general terms the property upon which a lien is claimed and stating the amount claimed, after deducting credits and offsets, and that the same is delinquent. The county recorder shall record every claim of lien filed pursuant to this section in a lien docket kept for that purpose, which record shall be indexed as deeds and other instruments. If any employer shall fail, delay or refuse to file with the commission all reports required by it, the lien hereby created shall continue in full force and effect although the amount thereof be undetermined and the three months' time within which the commission shall file its claim of lien shall not begin to run until the actual receipt by the commission of all such reports. From and after the filing of such claim of lien, the commission shall be entitled to commence suit to foreclose such lien in the manner provided by law for the foreclosure of other liens on personal or real property.

Sec. 48. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1014i, to read:

56-1014i. RELEASE OF LIEN. The employer against whose property the lien is filed may cause his property to be released by filing with the commission a bond in double the amount claimed in the lien, executed by a surety licensed to do business in the state, running to the commission and conditioned for the payment of all contributions, interest, penalties, damages, costs, charges, and disbursements that may be recovered by the commission against such employer or that may be found to be a lien upon his property. Upon the filing of such bond the commission shall execute and deliver to such employer a release

of such lien, but such release shall not operate in any manner to satisfy the indebtedness secured by said lien. In the event the commission establishes the validity of its lien by suit to foreclose, it shall be entitled to judgment against the surety on said bond.

Sec. 49. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1014j, to read:

56-1014j. EFFECT OF LIEN AFTER SALE OF PROPERTY. The transfer, through sale, exchange, or otherwise, of a major portion of the assets of a delinquent employer shall not defeat or impair the lien in favor of the commission and the person acquiring such assets shall be liable for payment of all delinquent contributions, interest or penalties owed by his predecessor in interest. In any suit or action involving title to real or personal property against which the commission has or may claim a lien, the commission shall be made a party.

Sec. 50. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1014k, to read:

56-1014k. REFUNDS OF CONTRIBUTIONS. Not later than three years after the date on which any contribution or interest thereon becomes due, an employer who has paid such contribution or interest may apply for an adjustment thereof in connection with subsequent contribution payments, or for a refund thereof in the event such adjustment cannot be made. If the commission finds that such contribution or interest, or any part thereof, was erroneously collected, it shall allow such employer to make an adjustment, without interest, in connection with subsequent contribution payments, or if such adjustment cannot be made the commission shall refund said amount, without interest, from the clearing account of the fund. For like cause and within the same period, adjustment or refund may be made on the commission's own initiative.

Sec. 51. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1014l, to read:

56-1014l. ADJUSTMENTS OF CONTRIBUTIONS. Any employer aggrieved by any contribution required by Article 10, Chapter 56, Arizona Code of 1939, shall pay the same before the delinquent date and shall at the same time give notice to the commission that all or part of such payment is made under protest. Such notice shall be in writing, addressed to the commission, stating the reasons for protest and that all or a portion of the payment is protested. Within ten days thereafter he may petition for

a hearing, setting forth the reasons why the petition should be granted and the amount in which the contribution should be reduced. The commission shall grant such hearing, which shall be not later than twenty days after filing the petition, and shall notify the petitioner of the time and place thereof. After the hearing the commission shall make such order as may appear just and lawful and shall furnish a copy thereof to the petitioner. Within twenty days after entry of the order the petitioner may bring an action against the commission in the superior court of the state of Arizona, or in the United States district court, to recover the payment claimed to be invalid. The procedure and the right of appeal from any judgment entered therein shall be subject to the rules applicable to civil suits in said courts, but no judgment for the refund of such contributions shall provide for interest thereon. In the event final judgment is rendered in favor of the employer, the commission shall refund from the clearing account of the fund, the amount found by the judgment to have been invalid or illegally collected.

Sec. 52. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1014m, to read:

56-1014m. LIMITATIONS. No civil action to collect contributions, interest or penalties for any calendar quarter shall be commenced after three years from the close of such calendar quarter.

Sec. 53. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1014n, to read:

56-1014n. REPEAL. Provisions of Article 10, Chapter 56, Arizona Code of 1939, which are inconsistent with the provisions of this Act are hereby repealed, but such repeal shall not affect pending proceedings.

Sec. 54. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1014o, to read:

56-1014o. SEVERABILITY. If any provision of this Act shall be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the Act are declared to be severable.

Sec. 55. Article 10, chapter 56, Arizona Code of 1939, is amended by adding section 56-1014p, to read:

56-1014p. EFFECTIVE DATE. Unless otherwise

specifically provided herein, provisions of this Act shall become effective from and after June 30, 1947.

Approved by the Governor—March 19, 1947.

Filed in the Office of the Secretary of State—March 19, 1947.

CHAPTER 78

(House Bill No. 40)

AN ACT

RELATING TO REAL ESTATE; PROVIDING FOR A REAL ESTATE FUND; CREATING A REAL ESTATE BOARD, AND AMENDING ARTICLE 17, CHAPTER 67, ARIZONA CODE OF 1939, SECTION 67-1711 AND BY ADDING SECTIONS 67-1711a, 67-1711b, AND 67-1711c.

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

Section 1. Sec. 67-1711, Arizona Code of 1939, is amended to read:

67-1711. REAL ESTATE FUND — FINANCIAL REPORT TO GOVERNOR. Ninety (90) per cent of the moneys collected under the provisions of this Act shall, accompanied by detailed statement thereof, be paid at least once each month to the state treasurer, who shall place them in a fund to be known as a real estate fund, and ten (10) per cent of all moneys collected shall be transferred to the general fund of the state. All moneys to the credit of said real estate fund are appropriated for the use of the commissioner for the payment of salaries, office and traveling expenses, and otherwise in carrying out the purposes of this Act. The commissioner shall semi-annually report to the governor, under oath, the total amount of receipts and expenditures of the department for the six (6) months preceding. At the end of each fiscal year all balances remaining in the real estate fund, over and above ten thousand dollars ($10,000.00), shall revert to the general fund of the state.

Sec. 2. Article 17, chapter 67, Arizona Code of 1939, is amended by adding section 67-1711a to read:

67-1711a. REAL ESTATE BOARD. A real estate board to consist of the real estate commissioner and six (6) other members shall be appointed by the governor for a term of three (3) years and they shall hold office until the appointment and qualification of their successor. No person shall be appointed a member of the board who has not been for five (5) years a real estate broker actively engaged in business as such in Arizona. Not more than two (2) members shall be appointed from any one county in the state. The terms of the members of the board as first appointed shall expire as follows: two (2) members, January 31, 1948; two (2) members, January 31, 1949; two (2) members January 31, 1950. Vacancies from any cause shall be filled by the governor for the unexpired term.

Sec. 3. Article 17, chapter 67, Arizona Code of 1939, is amended by adding section 67-1711b, to read:

67-1711b. ORGANIZATION. The real estate commissioner shall be chairman of the board. The board shall meet for the transaction of business at least once each quarter-year at such place in Arizona as it may designate. It may meet oftener upon five days' written notice of the time and place of meeting signed by the commissioner or a majority of the members of the board. A majority of the board constitutes a quorum for the transaction of business and the performance of any duty or for the exercise of any power or authority of the board. A vacancy on the board does not impair the right of the remaining members to perform all the duties and exercise all the power and authority of the board.

The members of the board other than the real estate commissioner shall serve without compensation except that each member shall be allowed actual and necessary traveling expenses in the discharge of his duties.

Sec. 4. Article 17, chapter 67, Arizona Code of 1939, is amended by adding section 67-1711c, to read:

67-1711c. FUNCTIONS OF BOARD. The board may:

1. Inquire into the matters of real estate licenses of Arizona, the functions of the division and the business policy thereof.

2. Confer with and advise the governor and other state officers as to how the division may best serve the state and the real estate licensees of the division.

3. Make such recommendations and suggestions of

policy to the commissioner as the board deems beneficial and proper for the welfare and progress of the real estate licensees and of the real estate business in Arizona.

Disapproved by the Governor—March 15, 1947.

Passed by the House and the Senate, Governor's veto notwithstanding—March 19, 1947.

Filed in the Office of the Secretary of State—March 19, 1947.

CHAPTER 79

(Senate Bill No. 54)

AN ACT

RELATING TO THE CORPORATION COMMISSION, AND PROVIDING FOR PAYMENT OF THE COMMISSION'S EXPENSES IN SUPERVISING AND REGULATING ELECTRICAL, GAS, TELEPHONE AND WATER CORPORATIONS; AND DECLARING AN EMERGENCY.

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

Section 1. ASSESSMENT FOR EXPENSES. (a) To enable the corporation commission to perform its lawful duties relating to classifications to be used, rates and charges to be made and collected, rules and regulations to be prescribed, and supervision over electrical, gas, telephone, and water corporations, the commission shall annually make an assessment against each such corporation, excepting corporations not required to hold certificates of convenience and necessity. Such assessment shall be equal to one-tenth of one per cent up to two hundred fifty thousand dollars and two-tenths of one per cent above such amount, of the gross operating revenue of any such corporation derived from intrastate operations during the preceding calendar year.

(b) The assessment prescribed by subsection (a) shall be levied by the commission not later than the first day of July, and shall be paid within fifteen days after the mailing, by registered mail, to any such corporation, of notice thereof and a bill of the amount.

(c) Each electrical, gas, telephone and water corporation shall, on or before the first day of June, file with the commission, under oath, a statement showing its gross operating revenues derived from intrastate operations during the preceding calendar year.

Sec. 2. DISPOSITION OF MONEYS. All moneys received by the commission under the provisions of this Act shall be paid to the state treasurer and placed in the general fund of the state.

Sec. 3. ENFORCEMENT OF PAYMENT. If any corporation to which a bill for the amount assessed against it as provided in this Act has been rendered, shall fail or refuse to pay the same within fifteen days, or shall fail to file with the commission objections to the same as provided by section 4, the commission shall transmit to the state treasurer a certified copy of the bill of such assessment together with notice of the neglect or refusal of the corporation to pay the bill, and at the same time shall mail to the corporation a copy of the notice transmitted to the state treasurer. Within ten days after receipt of the notice and certified copy of the bill, the state treasurer shall proceed to collect the amount stated to be due, with legal interest, by the seizure and sale of any goods or chattels, including stocks, securities, bank accounts, evidences of debt, and accounts receivable belonging to such corporation, anywhere within the state. Such seizure and sale shall be made by the state treasurer, and the proceedings thereunder governed, as nearly as may be, by the provisions of section 73-1828, Arizona Code of 1939.

Sec. 4. OBJECTION TO CHARGE. (a) Within fifteen days after the date of mailing of a bill as provided in this Act the corporation against which the bill is rendered may file with the commission its objections thereto. Not less than five nor more than ten days after giving notice thereof to the objector, the commission shall hold a hearing on the objections.

(b) If after a hearing as provided in subsection (a) the commission finds any part of the charge against the objecting corporation to be excessive, erroneous, unlawful or invalid, it shall record its findings upon its minutes and transmit to the objector, by registered mail, an amended bill in accordance with the findings, which shall have the same force and effect as an original bill. If the commission finds the entire bill unlawful or invalid, it shall notify the objector, by registered mail, of such determination, and the original bill shall be null and void. If the commission finds that the bill as rendered is neither excessive, erroneous,

unlawful or invalid, in whole or in part, it shall record such findings upon its minutes, and transmit to the objector, by registered mail, notice thereof.

(c) If a bill against which objections are filed is not paid within ten days after mailing to the objector notice of a finding that the objections have been disallowed, or in case as amended bill is not paid within ten days after a copy thereof is mailed to the objector, the commission shall give notice of the delinquency to the state treasurer and to the objector, and the state treasurer shall proceed to make collection as provided in section 3.

Sec. 5. COLLECTION NOT TO BE ENJOINED. No suit or proceeding shall be maintained in any court for the purpose of restraining or delaying the collection or payment of a bill rendered in accordance with the provisions of this Act. A corporation against which a bill is rendered shall pay the amount thereof, and after such payment may in the manner herein provided, at any time within two years from the date of such payment, sue the state in an action at law to recover the amount paid, with legal interest thereon from the date of payment, upon the ground that the assessment was excessive, erroneous, unlawful or invalid in whole or in part.

Sec. 6. FAILURE TO OBJECT. No action for recovery of an amount paid under the terms of this Act shall be maintained in any court unless objections have been filed with the commission as provided in section 4. In an action for recovery of any such payments, the plaintiff shall be entitled to raise any relevant issue of law, but the commission's findings of fact shall be prima facie evidence of the facts therein stated.

Sec. 7. FINDINGS OF FACT. Findings of fact of the commission within the meaning of this Act shall be: 1. determinations of fact expressed in bills rendered pursuant to this Act, and, 2. determinations of fact set out in the minutes of the commission recording the action of the commission in passing upon such bills and upon objections thereto.

Sec. 8. EXCLUSIVE REMEDY FOR RECOVERY. The procedure provided in this Act for determining the lawfulness of bills and the recovery of payments made pursuant to bills for assessments shall be exclusive of all other remedies and procedures. The provisions of sections 69-248, 69-249 and 69-250, Arizona Code of 1939, for judicial review of orders and determinations of the corporation commission shall not be applicable to any findings,

determinations, bills or assessments made under this Act.

Sec. 9. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Passed the Senate with insufficient votes to carry emergency clause—February 24, 1947.

Passed the House—March 10, 1947.

Disapproved by the Governor—March 15, 1947.

Passed the Senate, the Governor's veto the contrary, notwithstanding—March 17, 1947.

Passed the House, the Governor's veto to the contrary, notwithstanding—March 19, 1947.

Filed in the Office of the Secretary of State—March 19, 1947.

CHAPTER 80

(House Bill No. 309)

AN ACT

MAKING AN APPROPRIATION FOR EXPENSES OF MEMBERS AND EMPLOYEES OF THE LEGISLATURE, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. There is appropriated the sum of twenty thousand dollars.

Sec. 2. PURPOSE. So much of this appropriation as is necessary shall be available to pay subsistence and lodging claims of members and employees of the state legislature incurred and chargeable under the provisions of chapter 16, (House Bill No. 103) Laws of 1947, enacted by the Eighteenth Legislature and effective February 28, 1947. The funds herein appropriated are chargeable with and shall be available and used to pay any and all legal claims for reimbursement of claimants for any moneys expended by them on and after February 28, 1947. This appropriation is not subject to the provisions of chapter 10-923, Laws of 1939 as amended.

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

Disapproved by the Governor—March 19, 1947.

Passed the House and Senate, the Governor's veto to the contrary, notwithstanding—March 19, 1947.

Filed in the Office of the Secretary of State—March 19, 1947.

CHAPTER 81

(Senate Bill No. 65)

AN ACT

RELATING TO EMPLOYMENT; PROHIBITING THE DENIAL OF EMPLOYMENT BECAUSE OF NONMEMBERSHIP IN A LABOR ORGANIZATION; PROHIBITING AGREEMENTS EXCLUDING ANY PERSON FROM EMPLOYMENT BECAUSE OF NONMEMBERSHIP IN A LABOR ORGANIZATION; PROHIBITING STRIKES OR PICKETING TO INDUCE VIOLATION OF THIS ACT; MAKING ILLEGAL COMPELLING OR ATTEMPTING TO COMPEL A PERSON TO JOIN A LABOR ORGANIZATION OR LEAVE HIS EMPLOYMENT AGAINST HIS WILL; PROHIBITING CONSPIRACIES TO CAUSE THE DISCHARGE OF ANY PERSONS BECAUSE OF NONMEMBERSHIP IN A LABOR ORGANIZATION; PRESCRIBING PENALTIES; AND DECLARING AN EMERGENCY.

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

Section 1. DEFINITION OF LABOR ORGANIZATION. The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes,

wages, rates of pay, hours of employment or other conditions of employment.

Sec. 2. AGREEMENTS PROHIBITING EMPLOYMENT BECAUSE OF NONMEMBERSHIP IN LABOR ORGANIZATION PROHIBITED. No person shall be denied the opportunity to obtain or retain employment because of nonmembership in a labor organization, nor shall the state, or any subdivision thereof or any corporation, individual or association of any kind enter into any agreement, written or oral, which excludes any person from employment or continuation of employment because of nonmembership in a labor organization.

Sec. 3. CERTAIN CONTRACTS DECLARED ILLEGAL AND VOID. Any act or any provision in any agreement which is in violation of this Act shall be illegal and void. Any strike or picketing to force or induce any employer to make an agreement in writing or orally in violation of this Act shall be for an illegal purpose.

Sec. 4. COMPELLING PERSON TO JOIN LABOR ORGANIZATION OR TO STRIKE AGAINST HIS WILL OR TO LEAVE HIS EMPLOYMENT PROHIBITED. It shall be unlawful for any employee, labor organization, or officer, agent, or member thereof to compel or attempt to compel any person to join any labor organization or to strike against his will or to leave his employment by any threatened or actual interference with his person, immediate family or property.

Sec. 5. CONSPIRACIES TO VIOLATE ACT PROHIBITED. Any combination or conspiracy by two or more persons to cause the discharge of any person or to cause him to be denied employment because he is not a member of a labor organization, by inducing or attempting to induce any other person to refuse to work with such person, shall be illegal.

Sec. 6. LIABILITY FOR DAMAGES. Any person who violates any provision of this Act, or who enters into any agreement containing a provision declared illegal by this Act, or who shall bring about the discharge or the denial of employment of any person because of nonmembership in a labor organization shall be liable to the person injured as the result of such act or provision and may be sued therefor, and in any such action any labor organization, subdivision or local thereof shall be held to be bound by the acts of its duly authorized agents acting within the

scope of their authority, and may sue or be sued in its common name.

Sec. 7. INJUNCTIVE RELIEF. Any person injured or threatened with injury by any act declared illegal by this Act shall, notwithstanding any other provision of law to the contrary, be entitled to injunctive relief therefrom.

Sec. 8. DEFINITION OF PERSON. The word "person" includes a corporation, association, company, firm or labor organization, as well as a natural person.

Sec. 9. SEVERABILITY OF PROVISIONS. If any word, clause, phrase, sentence, provision or other part of this Act or the application thereof to any person or circumstance shall be held invalid, the remainder of this Act and the application of such invalid word, clause, phrase, sentence or other provision of this Act to other persons or circumstances shall not be affected thereby.

Sec. 10. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Passed the Senate, and House with insufficient votes to carry Emergency Clause.

Approved by the Governor—March 20, 1947.

Filed in the Office of the Secretary of State—March 20, 1947.

CHAPTER 82

(Senate Bill No. 133)

AN ACT

RELATING TO THE STATE HOSPITAL FOR THE INSANE; PROVIDING FOR THE APPOINTMENT OF THE SUPERINTENDENT, AND AMENDING SECTION 8-211, SUPPLEMENT TO ARIZONA CODE OF 1939 (SECTION 8, CHAPTER 44, LAWS OF 1941); AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 8-211, Arizona Code of 1939 (section 8, chapter 44, Laws of 1941), is amended to read:

8-211. SUPERINTENDENT. (a) The superintendent shall be appointed by the board. He shall have charge of the state hospital, supervise and direct its activities, subject to the provisions of law and the rules and regulations of the board, and be directly responsible to the board for car-

(b) 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 Association of American Medical Colleges, and shall have had not less than three years' experience in the treatment of mental and nervous diseases. He shall be removed only for cause, and shall receive a salary to be prescribed by the board, not to exceed seven thousand two hundred dollars per annum.

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

Approved by the Governor—March 20, 1947.

Filed in the Office of the Secretary of State—March 20, 1947.

CHAPTER 83

(House Bill No. 247)

AN ACT

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

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

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

50-103. STATE VETERINARIAN. The governor shall appoint, with the consent of the senate, a skilled veterinary surgeon, who shall be a graduate in good standing

of a recognized school of veterinary surgery, shall hold his office at the pleasure of the board, and whose salary, to be fixed by the board, shall not exceed four thousand two hundred dollars per annum, and the mileage and traveling expenses allowed public officers. He shall execute a bond to the state in the sum of five thousand dollars. He shall devote his time to his job as state veterinarian and shall not engage in outside private practice.

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

Approved by the Governor—March 24, 1947.

Filed in the Office of the Secretary of State—March 24, 1947.

CHAPTER 84

(House Bill No. 216)

AN ACT

MAKING AN APPROPRIATION TO THE LIVESTOCK SANITARY BOARD, AND PROVIDING FOR EXEMPTION FROM FINANCIAL CODE.

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

Section 1. APPROPRIATION. The sum of seventy-five thousand dollars is appropriated to the Livestock Sanitary Board, for use in effecting the prevention and control of the foot-and-mouth disease.

Sec. 2. EXEMPTION. This appropriation shall be exempt from the provisions of Sec. 10-930, Arizona Code of 1939, as amended, relating to lapsing 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 24, 1947.

Filed in the Office of the Secretary of State—March 24, 1947.

CHAPTER 85

(House Bill No. 34)

AN ACT

RELATING TO EDUCATION; PRESCRIBING A STATE LEVY AND A COUNTY LEVY FOR COMMON AND HIGH SCHOOL EDUCATION; PROVIDING FOR APPORTIONMENT OF SCHOOL FUNDS; PROVIDING FOR COUNTY-WIDE SCHOOL-TAX DISTRICTS; AMENDING ARTICLE 6, CHAPTER 54, ARIZONA CODE OF 1939 BY ADDING SECTIONS 54-601a AND 54-605a, AND AMENDING SECTIONS 54-602, 54-604, 54-605, AND 54-608, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Article 6, chapter 54, Arizona Code of 1939, is amended by adding section 54-601a, to read:

54-601a. STATE LEVY FOR SCHOOLS. In addition to the minimum prescribed by section 54-601, the legislature shall appropriate a sum which, when added thereto, shall equal ninety-five dollars per capita per annum for common school education. The appropriation shall be computed according to the average daily attendance in common schools during the previous year as shown by the records of the superintendent of public instruction. The sum of the appropriation authorized by section 54-601 and by this section shall constitute the aggregate sum to be raised by state taxation for the support of common school and high school education.

Sec. 2. Sec. 54-602, Arizona Code of 1939, is amended to read:

54-602. APPORTIONMENT OF FUNDS AND PAYMENTS TO COUNTIES. (a) After making the necessary allowance for the payment from the state school fund of all amounts authorized for the state board in the general appropriations bill, the board shall allocate the balance remaining in the state school fund, for common school and high school education in the proportions respectively that average daily attendance during the previous year in common schools and high schools multiplied by ninety-five, bear to the sum of the product so obtained. The amounts

so allocated shall be apportioned to the several counties on the basis of average daily attendance in the common and high schools in each county. No apportionment or allowance shall be made for attendance at schools conducted at night, for attendance of nonresident alien children, nor for wards of the United States for whom tuition is paid.

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

(c) As used in this section:

"common school" means the first to eighth grades inclusive.

"high school" means the ninth to twelfth grades inclusive.

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

Sec. 3. Sec. 54-604, Arizona Code of 1939, is amended to read:

54-604. SPECIAL COUNTY SCHOOL RESERVE FUND. The treasurer of each county shall transfer each fiscal year from the county school fund to a fund to be known as the special county school reserve fund an amount estimated by the county school superintendent to be required for such fund. Such estimate shall be submitted to the county treasurer and the board of supervisors not later than the tenth day of July of each year, and shall include the amounts needed for payment of necessary expenses in newly formed school districts, for the transportation of school children to and from one and two-room rural schools, for the transportation of school children in unorganized territory to organized districts, and the amount in excess of the estimated per capita apportionment from the county school fund to one and two-room schools which will provide each school district with not more than two thousand five hundred dollars for a one-room school and five thousand dollars for a two-room school, provided such schools are maintained for a minimum of eight months per year, and the amount necessary to establish schools in unorganized territory.

Sec. 4. Sec. 54-605, Arizona Code of 1939, is amended to read:

54-605. COUNTY AND SCHOOL DISTRICT LEVIES FOR COMMON AND HIGH SCHOOL EDUCATION. (a) The board of supervisors of each county shall at the beginning of each fiscal year provide and set aside from the county general fund an amount, which when added to the amounts appropriated by the legislature pursuant to 54-601 and 54-601a, shall equal one hundred fifteen dollars per capita per annum for common and high school education within the county. Such county levy shall be computed according to the average daily attendance of pupils in common school and high school within each county during the previous year as shown by the records of the superintendent of public instruction, but there shall not be included in such computation pupils attending schools conducted at night, nonresident alien children, and wards of the United States for whom tuition is paid. The sum raised pursuant to this section shall be part of the county school fund.

(b) The county school superintendent, not later than July tenth of each year, shall file with the board of supervisors his estimate in writing, based on the budgets adopted by the governing board of each school district, of the amount of school funds needed by each district for the ensuing year. Such estimate shall also contain a statement of the average daily attendance in the common and high schools, respectively, of each school district during the

preceding year, the number of one-room and the number of two room rural schools in each school district and the average daily attendance in such one and two-room rural schools of each such district during the preceding year. It shall also contain an estimate of the total amount to be received for the year by each such district from the county school fund and the special county school reserve fund. The county school superintendent shall determine whether or not the estimated amount to be received by each school district, from the county school fund and the special county school reserve fund, together with any other anticipated revenue of such district except special school district taxes, will produce the amount of money budgeted by the governing body of such school district for such year, and if not he must include in his estimate the additional amount needed for each such district and certify the same to the board of supervisors in writing at the time of filing his estimate.

(c) The board of supervisors of each county shall annually at the time of levying other taxes, levy a special school district tax on the property in any district in which such additional amount is required, which tax shall be at a rate sufficient to provide such additional amount. Such tax shall be added to and collected in the same manner as other county taxes on the property within such district. The amount of such special school district tax levied upon the property in a particular school district shall be paid into the school fund of such district.

Sec. 5, Article 6, chapter 54, Arizona Code of 1939, is amended by adding thereto section 54-605a, to read:

54-605a. COUNTY-WIDE SCHOOL-TAX DISTRICTS. The common school districts and high school districts in any county may be consolidated in a county-wide school-tax district solely for the purpose of assessment and levy of taxes for the administrative and instructional expenses of the schools of such county on a county-wide basis.

When fifteen per cent of the school electors of any county petition the county school superintendent for the formation of such county-wide school-tax district, he shall within ten days call an election to be held not less than sixty nor more than ninety days thereafter to determine such question. Public notices of such election shall be posted in not less than three public places in each school district in the county at least thirty days before said election, and published in a newspaper of general circulation in the county three times, the first of which publication shall be at least ten days before the election. Said election shall be

held in the same manner and the electors shall possess the qualifications prescribed for the election of trustees. The ballots shall be prepared by the county school superintendent and delivered to the clerk of the board of trustees of each school district in the county at least five days before the election. The ballots shall contain the words "county-wide school-tax district, YES.....", "county-wide school-tax district, NO.....".

The officers of each election in each school district shall be appointed by the board of trustees in such district. The election shall be held, the results reported, and the vote canvassed in the manner provided in section 54-406.

If a majority of the votes cast in the county favors such county-wide school-tax district, thereafter taxes shall be assessed, levied and collected for the administrative and instructional costs and expenses of each school district in the county on a county-wide basis, and in making his estimates required by section 54-605, the county school superintendent shall segregate the items contained in the budgets of each common school district and of each high school and union high school district for administrative and instructional costs and expenses, and file his estimate of the amount of school funds needed by each district for such purposes for the ensuing year and for the combined amount needed for such purposes in the county for the ensuing year and file such estimates with the board of supervisors. The board of supervisors of each county shall set a date for a hearing upon such estimates and shall give at least ten days notice of a public hearing thereon by posting copies of such notice in at least three public places in each district in the county at least ten days prior to such hearing, and at such hearing any qualified school elector in the county shall have the right to protest any item in the budget estimate of any district. At or after such hearing, the board of supervisors shall review and equalize said estimates in order to provide, in so far as practicable, equal educational opportunities in each common school district in the county and equal educational opportunities in each high school district and union high school district in the county, and shall, from the county school fund, place into the school fund of each district the amount estimated by the county school superintendent, as revised by the board of supervisors, to be needed for such district for such pur-divided, but attendance at one session only shall be counted poses. Taxes needed to provide such funds shall be assessed and levied on the property in the county and collected as are other county taxes. Budgets and estimates for each common school district, high school district or union high school district for the principal and interest on bonds here-

tofore or hereafter issued by such district, capital investment, improvements and repairs shall be made and taxes for such purposes as provided in section 54-608b shall be assessed and levied only upon the property in such district as provided in section 54-605 and 54-608b.

Any qualified school elector residing in any district in the county shall have the right of protest given to the residents and taxpayers of school districts in section 54-603 and at the hearing before the board of supervisors shall have the right to protest any item for administrative or instructional expense in the budget of any school district in the county. Nothing herein contained shall be deemed to change the status of existing county-wide high school districts or to prohibit the formation of new county-wide high school districts under the provisions of section 54-915, Arizona Code of 1939 and the provisions of said section shall remain in full force and effect.

Sec. 6. Sec. 54-608, Arizona Code of 1939, is amended to read:

54-608. APPORTIONMENT OF COUNTY SCHOOL FUND. (a) The county school superintendent after deducting the amount fixed for the special county school reserve fund, shall apportion all moneys to the credit of the county school fund, for common school and high school education in the proportion that average daily attendance in common and high schools during the preceding year multiplied by one hundred fifteen, bear to the sum of the product so obtained. For the purpose of this section, only the six months of school showing the highest average daily attendance shall be considered in computing the average daily attendance.

(b) When it appears that a school which has been maintained for four months, has an average daily attendance greater than during the preceding year, or in the event of the destruction of or damage to the facilities of the school, the governing board of the district may present a petition to the county superintendent requesting authority to incur liabilities in excess of the district budget, in such amount as the board shall deem necessary. The county superintendent shall forward the petition together with his recommendation and a copy of the budget of the district, to the board of supervisors. The board of supervisors shall hold a hearing on the petition within twenty days after receipt thereof and shall determine whether the petition shall be allowed, allowed after revision, or denied, but in no event shall an allowance be made on account of increased school attendance which will increase the per capita

expenditure per school child allowed by the budget of the district for that year. If the petition is allowed in whole or in part, the governing board shall be authorized to incur liabilities in accordance therewith, and the county school superintendent, upon presentation of proper vouchers, shall draw his warrants against such additional allowance. The liability so incurred shall be included as a separate item in the estimate of the district for the succeeding year. A copy of the order of the board of supervisors authorizing the incurring of such liabilities shall be certified by the clerk of the board and by him filed with the county treasurer.

(c) The special county school reserve fund shall be used for: 1. necessary expenses in newly formed school districts; 2. transportation of children to and from one and two-room rural schools; 3. transportation of children in unorganized territory to organized districts; 4. necessary expenses in excess of the per capita apportionment from the county school fund for the establishment of schools in unorganized territory, and, 5. costs of maintaining one and two-room rural schools in any school district in excess of the amount available for such schools from the county school fund, but not to exceed the additional amount required and estimated for such purpose by the county school superintendent in fixing the amount of the special county school reserve fund under the provisions of section 54-604. The apportionment of such fund may be delegated by the board of supervisors to the county school superintendent. If at the end of any school year any part of the reserve fund remains unexpended, such amount shall be shown in the estimate of the county superintendent for the succeeding year, as a balance of county school funds on hand.

Sec. 7. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 24, 1947.

Filed in the Office of the Secretary of State—March 24, 1947.

CHAPTER 86

(Senate Bill No. 163)

AN ACT

RELATING TO SURPLUS PROPERTY OF THE UNIT-

ED STATES; AUTHORIZING THE PURCHASE THEREOF BY AGENCIES OF THE STATE AND ITS POLITICAL SUBDIVISIONS; ESTABLISHING A CENTRAL SURPLUS PROPERTY PURCHASING AGENCY, AND MAKING AN APPROPRIATION.

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

Section 1. AUTHORITY TO PURCHASE SURPLUS PROPERTY. The state of Arizona, through any department, board, commission, or agency thereof, and any county, city, town, or other political subdivision, is authorized to enter into contracts with the United States of America, or with any agency thereof, for the purchase of equipment, supplies, materials, or other property, without regard to the provisions of law requiring the advertising, giving of notices, inviting or receiving bids, or which may require the delivery of purchases before payment, for which purpose funds, appropriated as provided by law, are available, and to this end the executive head of any such department, board, commission, or agency of the state, the county board of supervisors, and the governing authority of any city or town, may designate by appropriate resolution or order any office holder or employee of its own to enter a bid or bids in its behalf at any sale of equipment, supplies, material or other property, owned by the United States of America or any agency thereof, and may authorize such person to make any down payment, or payment in full, required in connection with such bidding.

Sec. 2. SURPLUS PROPERTY PURCHASING AGENT. (a) As soon as practicable after this Act takes effect the governor shall appoint a surplus property purchasing agent. Any department, board, commission or agency of the state, or any agency of any county, city, town or other political subdivision of the state desiring to pool its applications or bids for surplus property of the United States, with those of other departments, boards, commissions, or agencies of the state and its political subdivisions, and having funds available for the purchase of the property desired, may file a list of its wants with the surplus property purchasing agent, in such form, in accordance with such rules and regulations and accompanied by such down payments as the surplus property purchasing agent may prescribe or as the provisions of the law of the United States relating to the sale of surplus property and the rules and regulations of the federal government with respect thereto may require.

(b) The surplus property purchasing agent shall pro-

cure complete information with respect to surplus property available for sale, and all information necessary to facilitate the purchase of the same, and upon request shall furnish such information to any interested agency of the state or any political subdivision or any honorably discharged veteran of the armed forces of the United States of America and other citizens of Arizona. Whenever he deems it advisable the surplus property purchasing agent or an accredited representative may visit any regional office of the federal government at which surplus property shall be available for sale to this state, for the purpose of examining such property and determining its suitability and value.

(c) The surplus property purchasing agent shall receive a salary of five hundred dollars per month. He may employ such assistants and purchase such supplies as may be required to carry out the purposes of this Act.

Sec. 3. SUSPENSION OF RESTRICTIVE LAWS. The provisions of any state law, or of any rule or regulation of any agency of the state made pursuant to law, relating to the mode or manner of making purchases, or of making payment for the same, shall not apply to purchases of surplus property under the provisions of this Act, for which purchases funds are lawfully available, and the governing body of any county, city, town or other political subdivision of the state may for like purpose and to like extent declare any such law, rule or regulation of the political subdivision of no effect.

Sec. 4. APPROPRIATION. The sum of fifty thousand dollars is appropriated to the surplus property purchasing agent, twenty-five thousand dollars to be available for each of the thirty-sixth and thirty-seventh fiscal years.

Sec. 5. EFFECTIVE DATE. This Act shall take effect upon the termination of chapter 11, Laws of 1946, second special session.

Approved by the Governor—March 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 87

(Senate Bill No. 11)

AN ACT

FOR THE RELIEF OF ARTHUR RALSTON; AND DE-

CLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of ten thousand dollars is appropriated for the relief of Arthur Ralston.

Sec. 2. BASIS OF CLAIM. Payment of the sum appropriated shall be in full satisfaction of a judgment in favor of Arthur Ralston, in cause number 14,524, rendered by the superior court of Yavapai county on January 5, 1939; affirmed by the supreme court on June 19, 1939; judgment entered on the mandate of the supreme court, by the superior court of Yavapai county, on July 20, 1939, and renewed October 13, 1943, for the payment of back wages under the state minimum wage law.

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

Passed with insufficient votes to carry the Emergency Clause.

Approved by the Governor—March 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 88

(Senate Bill No. 98)

AN ACT

MAKING AN APPROPRIATION TO THE GOVERNOR, FOR THE PAYMENT OF INSURANCE PREMIUMS; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of six thousand seven hundred fifty dollars is appropriated to the governor.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is to enable payment for the current

fiscal year, of premiums for adequate insurance coverage of capitol buildings, the state hospital for the insane, the industrial school, the home for aged and infirm Arizona pioneers, and the state prison, made necessary by increased costs of replacement.

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 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 89

(Senate Bill No. 161)

AN ACT

RELATING TO SLAUGHTER OF ANIMALS; PROVIDING FOR THE INSPECTION OF LIVESTOCK, AND AMENDING ARTICLE 3, CHAPTER 50, ARIZONA CODE OF 1939, BY ADDING SECTION 50-803d.

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

Section 1. Article 3, chapter 50, Arizona Code of 1939, is amended by adding section 50-803d, to read:

50-803d. INSPECTION FOR SLAUGHTER. Any person licensed to operate a livestock slaughter establishment may employ a qualified veterinary, approved by the livestock sanitary board or by the state veterinarian, to inspect the meat of all livestock slaughtered and processed in his establishment. The meat of every animal found to be free from disease shall be so stamped by the veterinary and may thereafter be sold anywhere within the state, without regard to the laws or ordinances of any city or town relating to the inspection of meat or slaughter establishments.

Approved by the Governor—March 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 90

(Senate Bill No. 152)

AN ACT

MAKING AN APPROPRIATION TO THE STATE HOSPITAL BOARD, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of five hundred dollars is appropriated to the state hospital board.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the purpose of reimbursing members of the state hospital board for attorneys' fees personally advanced in defending the case, number 54750, in the superior court of Maricopa county, of Elizabeth Wilson and others against the members of the board.

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 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 91

(Senate Bill No. 153)

AN ACT

RELATING TO DECISIONS OF THE ARIZONA SUPREME COURT; PROVIDING FOR THE PUBLICATION AND DISTRIBUTION THEREOF, AND AMENDING SECTIONS 19-207 AND 19-208, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 19-207, Arizona Code of 1939, is amended to read:

19-207. PUBLICATION OF DECISIONS. The supreme court, as soon as practicable after the decisions of the court are announced, shall cause the same to be published in suitable volumes which, in addition, shall contain appropriate headnotes, tables of cases reported, together with a table of statutes cited and construed. Each volume shall also contain a digest of the law in the reported cases and the words and phrases therein construed. These volumes shall, with the approval of the court, be then printed and bound.

Sec. 2. Sec. 19-208, Arizona Code of 1939, as amended, is amended to read:

19-208. PUBLICATION AND SALE OF REPORTS. The supreme court is authorized to contract with that person who shall agree to publish and sell such reports on the terms most advantageous to the state. Such contractor shall agree to publish and deliver to the secretary of state not less than four hundred volumes at the contract price. The contractor shall not sell any of the Arizona reports published by him to any person other than the state of Arizona. The secretary of state, after he shall have made the distribution otherwise provided for under section 19-209, Arizona Code of 1939, as amended, shall offer for sale and sell any volumes available to any person desiring to purchase same at a price to be established by the supreme court. The number of volumes to be sold to any one purchaser shall be within the discretion of the secretary of state.

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

Approved by the Governor—March 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 92

(Senate Bill No. 157)

AN ACT

RELATING TO THE ESTABLISHMENT OF A SCHED-

ULE OF FEES FOR SERVICES PERFORMED BY THE COMMISSION OF AGRICULTURE AND HORTICULTURE, AND DECLARING AN EMERGENCY.

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

Section 1. FEE PLAN. The commission of agriculture and horticulture shall immediately institute, undertake and complete a comprehensive study for the purpose of determining an equitable schedule of fees for services rendered by said commission to growers, producers, processors, brokers, distributors and any and all persons in any way dealing with agricultural and horticultural products, as defined by chapter 49, Arizona Code of 1939. The commission as a result of such study, shall prepare a comprehensive plan for the establishment of such a system of service fees, and shall submit a report thereon, together with its findings and recommendations to the Arizona legislature not later than the nineteenth regular session.

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

Approved by the Governor—March 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 93

Senate Bill No. 24)

AN ACT

RELATING TO THE ARIZONA TEACHERS' RETIREMENT SYSTEM, AND AMENDING SECTION 15, CHAPTER 61, SESSION LAWS OF 1943, REGULAR SESSION (SECTION 54-1715, SUPPLEMENT TO THE ARIZONA CODE OF 1939).

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

Section 1. Sec. 15, chapter 61, Session Laws of 1943, regular session (section 54-1715, Supplement to the Arizona Code of 1939), is amended to read:

54-1715. CONTRIBUTION BY STATE AND COUN-

TIES. (a) There shall be paid semiannually, on account of each member, into the normal pension accumulation fund and the accrued liability fund, and to be known respectively as the normal contribution and the accrued liability contribution, separate amounts each equal to a percentage of the member's earnable compensation to be determined on the basis of the liabilities of the retirement system as shown by actuarial valuation.

(b) Immediately after making each valuation required by this Act, the actuary, on the basis of the rate of interest and the mortality and other tables adopted by the board of trustees, shall determine the normal contribution rate, but in no event shall the rate exceed five and three hundredths per cent of the employee pay roll for the year for which the rate is fixed. The normal contribution rate shall be the constant percentage of the earnable compensation of the average member which, if contributed on the basis of his compensation throughout his entire period of service, would be sufficient to provide for the payment of any pension on his account.

(c) Immediately succeeding the first valuation, the actuary, on the basis prescribed in subsection (b), shall compute the accrued liability contribution rate. The rate shall be that percentage of the annual employee pay roll of the members having prior service certificates, which when applied to each prospective annual pay roll, plus the contributions to the accrued liability fund provided for in section 30, will provide for the payment of all pensions payable from such fund.

(d) The accrued liability contribution shall be discontinued when the accumulated reserve in the accrued liability fund equals the present value of the total liability of the fund.

(e) Not later than the first day of January next preceding each regular session of the legislature, the board of trustees shall certify to the superintendent of public instruction an estimate of the amounts which will become due and payable on account of the accrued liability contribution to the accrued liability fund during the following biennum. The amount so certified, within the sums authorized by law, shall be included in the budget of the superintendent of public instruction, and shall be paid from the state school fund.

(f) Not later than the first day of January next preceding each regular session of the legislature, the board of trustees shall certify to the superintendent of public in-

struction, the board of regents of the university and state colleges, and the board of directors of the Arizona state school for the deaf and the blind, an estimate of the amounts which will become due and payable on the earnable compensation of employees of the state department of education, the state colleges, and the Arizona state school for the deaf and the blind during the following biennum on account of the normal contribution to the pension accumulation fund. The amount so certified shall be included in the respective budgets of such department and institutions, and appropriated and paid in the manner provided by law.

(g) The superintendent of public instruction, the board of regents of the university and state colleges, and the board of directors of the Arizona state school for the deaf and the blind shall certify to the state auditor, not later than the second Monday in December and June of each fiscal year, one-half of the amounts ascertained as provided in subsection (e) and (f) for each year of the biennum. Upon receipt thereof the state auditor shall draw his warrants on the state treasurer for the respective amounts due the retirement system, payable to the board of trustees, and the board, after making proper record thereof, shall transmit the amounts due to the state treasurer for credit to the respective funds.

(h) Not later than the first day of July of each year the board of trustees shall certify to each county school superintendent the amount which will become due and payable from the county to the normal pension accumulation fund, on the earnable compensation of employees within the county as defined in this Act, on account of normal contributions during the succeeding fiscal year. The amount so certified shall be included in the estimate of the county school superintendent to the board of supervisors, and the board shall levy a county tax sufficient to raise the same. Upon collection by the county treasurer such moneys shall be segregated into the teachers' retirement fund, payments from which shall be made only upon the county school superintendent's warrant drawn upon the order of the board of trustees.

(i) Not later than the second Monday in December and June respectively of each fiscal year the county school superintendent, upon the order of the board of trustees, shall draw his warrant on the county treasurer, payable to the board of trustees, for one-half of the amount certified as provided in subsection (h). The county school superintendent shall transmit the warrant to the board of trustees, and the board shall record the same and transmit it

to the state treasurer, who shall credit the proceeds to the pension accumulation fund.

Approved by the Governor—March 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 94

(Senate Bill No. 27)

AN ACT

RELATING TO COUNTY LAW LIBRARIES; PROVIDING FOR A COUNTY LAW LIBRARY FUND, AND AMENDING SECTION 34-129, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 34-129, Arizona Code of 1939, is amended to read:

34-129. LAW LIBRARY FUND. (a) There shall be set apart twenty-five per cent of all fees collected by the superior court in each county, or such higher percentage of such collections as the board of supervisors shall authorize, to be placed in a county law library fund. This fund shall be used for the purchase of books for a county law library, under the direction of the judge of the superior court, and the moneys therein shall be paid out only upon the order of the judge directed to the county treasurer.

(b) In any county when the county law library fund at the close of the fiscal year exceeds three thousand dollars, the board of supervisors may by resolution, adopted by vote of the members, and with the concurrence of the judge of the superior court, transfer the surplus of such fund in the excess of three thousand dollars, to a fund to be known as the building repair fund. Any moneys so transferred shall be expended only for additions, alterations and repairs to the court house. Such moneys shall be exempt from the provisions of sections 73-503 and 73-504, relating to county budgets, but its expenditure shall be subject to all applicable provisions of law respecting advertising and securing of bids.

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 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 95

(Senate Bill No. 53)

AN ACT

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

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

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of subdivision 2, section 1, chapter 103, Laws of 1945, the sum of five hundred dollars is appropriated to the secretary of state, to be available during the remainder of the thirty-fifth fiscal year, and to be expended only for current expenditures and contingencies.

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 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 96

(Senate Bill No. 64)

AN ACT

FOR THE RELIEF OF ED AND CHARLES WESTON.

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

Section 1. AUTHORIZATION AND DIRECTION TO QUITCLAIM. The governor of the state of Arizona and the state of Arizona board of social security and welfare are authorized and directed, jointly, to execute in favor of Ed Weston and Charles Weston, as grantees, a quitclaim deed conveying the right, title and interest, if any, of the state of Arizona and of the state of Arizona board of social security and welfare to that certain tract of land containing about three acres, located in the northwest quarter of the northeast quarter of the southeast quarter of section 14, township 14 north, range 2 west, Gila and Salt river base and meridian, and more particularly described by metes and bounds, as follows, as said description is contained in a warranty deed executed by Ed Weston and Charles Weston under date of May 16, 1935, in favor of "emergency relief administration of Arizona, federal emergency relief administration" and recorded in book 163 of deeds, at page 191, records of the office of the county recorder of Yavapai county, Arizona:

> "Commencing at an iron pipe at the northwest corner of the land deeded to E. P. Sandler, which is a point 652.75 feet, S84°55' West of the Northeast quarter corner of the Southeast quarter of Section Fourteen; thence 495 feet S84°55' West to an iron stake; thence South zero degrees 56 minutes West 264 feet to an iron stake; thence North 84°55' East 495 feet to an iron stake; thence North zero degrees 56 minutes East to the place of beginning, containing three acres more or less; together with easements and rights of way for necessary storage tanks and pipe lines upon the land of the Grantor located in the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section Fourteen (Sec 14), Township Fourteen North (T14N), Range Two West (R2W), G&SRB &M."

Approved by the Governor—March 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 97

(Senate Bill No. 79)

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR THE RECOGNITION OF NEW POLITICAL PARTIES, AND AMENDING SECTION 55-1006, ARIZONA CODE OF 1939.

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

Section 1. Sec. 55-1006, Arizona Code of 1939, is amended to read:

55-1006. NEW POLITICAL PARTIES. (a) A political organization which, at the last preceding general election, cast for its candidates for state office, or for any county or city office, not less than five per cent of the total votes cast in the state or in such county or city, shall be entitled to representation as a political party on the official ballot for state officers, or of such county or local subdivision.

(b) A new political party shall become eligible for recognition and shall be represented by an official party ballot at the next ensuing general primary election and accorded a column on the official ballot at the succeeding general election upon the filing with the secretary of state of a petition signed by a number of qualified electors equal to not less than two per cent of the votes cast for governor at the last preceding election in at least five counties. The petition shall: 1. bear the certification of the county recorder of each such county that he has examined the signatures on the petition and that it contains the signatures of qualified electors of the county of which he is the recorder equal to not less than two per cent of the votes cast for governor in such county at the last preceding general election, and, 2. be verified by the affidavit of ten qualified electors of the state, asking that the signers thereof be recognized as a new political party. The status as qualified electors of the signers of such affidavit shall be certified by the county recorder of the county in which they reside.

(c) A new political party shall become eligible for recognition and shall be represented by an official party ballot at the next ensuing primary election of a county or city and be placed on the official ballot at the succeeding regular election upon filing with the clerk of the board of

supervisors or the city clerk of such county or city a petition signed by a number of qualified electors equal to not less than three per cent of the votes cast for county attorney in the case of a county petition, or for mayor in the case of a city petition. The petition shall bear the certification of the county recorder or the city clerk, as the case may be, that he has examined the signatures on the petition and that it contains the signatures of a number of qualified electors equal to not less than three per cent of the votes cast for county attorney or mayor at the last preceding election, and that it contains the signatures of qualified electors in not less than one-fourth of the election precincts of the city or county.

(d) Any petition for the recognition of a new political party shall be filed not less than thirty nor more than sixty days prior to the primary election.

Approved by the Governor—March 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 98

(Senate Bill No. 92)

AN ACT

RELATING TO PUBLIC HEALTH, AND PROVIDING FOR A NON-PROFIT SCHOOL LUNCH PROGRAM.

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

Section 1. DEFINITIONS. As used in this Act, unless the context otherwise requires:

"school board" means the board of trustees of an elementary school district or the governing board of a high school.

"school" means a public, tax-supported elementary or high school.

"school lunch program" means a program under which lunches are served by a school on a non-profit basis to children in attendance, including a program under which federal assistance is received.

Sec. 2. ACCEPTANCE OF FEDERAL FUNDS. The state board of education may accept and direct the disbursement of funds appropriated by act of Congress and apportioned to the state for use in connection with school lunch programs. The board shall deposit such funds with the state treasurer, who shall credit them to a special fund to be known as the school lunch program fund, and shall make disbursements therefrom upon the warrant of the board.

Sec. 3. POWERS OF THE BOARD. The state board of education may enter into agreements with any agency of the federal government, school board or other agency or person, direct the disbursement of federal and state funds in accordance with applicable provisions of federal and state law, prescribe regulations, employ personnel, give technical advice and assistance to school boards in connection with the establishment and operation of a school lunch program, assist in training personnel engaged in the operation of such program, and take such other action as it may deem necessary to provide for the establishment and maintenance thereof. The board and school boards may also accept gifts for use in connection with a school lunch program.

Sec. 4. LUNCH ROOMS. School boards may operate school lunch rooms and programs, and for such purpose may employ personnel, purchase equipment and food, and incur other necessary expenses, making payment therefor through the use of gifts or donations, the proceeds of sales of school lunches, or contributions made available by the federal government or funds obtained by district levy; but no moneys acquired by the levy of state, county or district taxes shall be expended for food.

Sec. 5. RECORDS. The state board of education shall prescribe regulations for keeping accounts and records and making reports, under the supervision of school boards. Such accounts and records shall be available at all times for inspection and audit by authorized officials and shall be preserved for a period, not exceeding five years, to be prescribed by the board. The board shall conduct or cause to be conducted audits, inspections and administrative reviews of accounts, records and operations relating to school lunch programs necessary to determine whether the school lunch programs are being administered according to the provisions of this Act and the regulations made thereunder.

Sec. 6. REPORTS. The state board of education may, to the extent that funds are available, and in cooperation with other agencies and organizations, conduct a study of

methods of improving and expanding school lunch programs and promoting nutritional education in schools, conduct appraisals of the nutritive benefits of school lunch programs, and report its findings and recommendations to the governor from time to time.

Sec. 7. AUTHORIZATION FOR APPROPRIATION. There shall be included in the budget of the superintendent of public instruction, for presentation to the legislature, such sums as may be required by the state board of education for and limited to the administration of this Act, including the establishment, maintenance, operation and expansion of school lunch programs.

Approved by the Governor—March 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 99

(Senate Bill No. 124)

AN ACT

MAKING AN APPROPRIATION TO THE HOME FOR AGED AND INFIRM ARIZONA PIONEERS, FOR THE CONSTRUCTION OF A ROAD, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of twenty-eight thousand eight hundred dollars is appropriated to the home for aged and infirm Arizona pioneers.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the purpose of grading and constructing a road or highway from a point at or near the intersection of Carleton and McCormick streets, in the city of Prescott, to the site of the home for aged and infirm Arizona pioneers.

Sec. 3. EXEMPTION. This Act is exempt from the provisions of section 7, article 4, chapter 86, Laws of 1943, relating to lapsing appropriations.

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

Approved by the Governor—March 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 100

(Senate Bill No. 125)

AN ACT

RELATING TO HIGHWAYS; PROVIDING FOR BIDS FOR THE PERFORMANCE OF WORK AND THE PURCHASE OF EQUIPMENT AND SUPPLIES, AND AMENDING SECTION 59-111, ARIZONA CODE OF 1939.

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

Section 1. Sec. 59-111, Arizona Code of 1939, is amended to read:

59-111. CALL FOR BIDS. All items of construction or reconstruction involving an expenditure of fifty thousand dollars or over; all purchases of equipment involving an expenditure in excess of ten thousand dollars, and all purchases of supplies and materials involving an expenditure of two thousand five hundred dollars or over, shall be called for by advertising in a newspaper of general circulation published within the state, for two consecutive insertions if it be a weekly newspaper, or for two insertions not less than six or more than ten days apart if it be a daily newspaper. If the bids received for construction or reconstruction are not satisfactory, a second such call shall be made, and if they are again rejected by the commission it may authorize the state engineer to construct or reconstruct the item as it may deem most advantageous. Should a bid satisfactory to the commission be received, it shall authorize the state engineer to let a contract to the lowest responsible bidder, upon the contractor giving such bonds as may be deemed necessary. The advertisement shall state specifically the character of the work to be done, and the kind and quality of materials or supplies to be furnished.

The bond may be required to contain a power of attorney to confess judgment upon said bond in the event of a default in the contract to the full amount, or any part of the bond, and a confession of judgment made pursuant thereto shall be valid and binding upon the contractor and the surety.

Approved by the Governor—March 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 101

(Senate Bill No. 126)

AN ACT

RELATING TO THE STATE HIGHWAY COMMISSION; AUTHORIZING THE REPRODUCTION OF ANY ARIZONA HIGHWAY DEPARTMENT RECORDS BY PHOTOSTATING, PHOTOGRAPHING OR MICROPHOTOGRAPHING; PROVIDING FOR THE ADMISSIBILITY IN EVIDENCE OF SUCH REPRODUCED RECORDS; PROVIDING FOR THE DISPOSAL, DESTRUCTION OR ARCHIVAL STORAGE OF SUCH REPRODUCED RECORDS; AND DIRECTING THE DISPOSAL OF OBSOLETE OR NONESSENTIAL RECORDS WITHOUT NEED FOR REPRODUCTION.

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

Section 1. REPRODUCTION OF RECORDS. The state highway commission may cause any records kept by the Arizona highway department to be photographed, microphotographed, photostated or reproduced on film. Such film or reproducing material shall be of durable material and the device used to reproduce such records on such film or material shall be such as to accurately reproduce and perpetuate the original records in all details.

Sec. 2. RECORDS ADMISSIBLE IN EVIDENCE. Such photostatic copy, photograph, microphotograph or photographic film of the original records shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all courts or administrative agencies. A facsimile, exemplification or certified copy thereof shall,

for all purposes recited herein, be deemed to be a transcript exemplification or certified copy of the original.

Sec. 3. NOTIFICATION OF REPRODUCTION. Whenever such photostatic copies, photographs, microphotographs or reproductions on films shall be placed in conveniently accessible files and provisions made for preserving, examining and using same, the state highway commission may certify those facts to the director of the department of library and archives, who shall thereafter, within ninety days, direct the disposal, archival storage or destruction of such records or papers.

Sec. 4. DESTRUCTION OF RECORDS. Upon certification by the state highway commission of any obsolete or nonessential records, which the commission determines are not of sufficient value to be preserved by being photographed, microphotographed, photostated or reproduced on film, the director of the department of library and archives shall order their destruction within ninety days from such certification; provided, however, that the director may elect to have any such documents proposed to be destroyed transferred to his division upon request therefor, within said ninety day period.

Approved by the Governor—March 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 102

(Senate Bill No. 128)

AN ACT

RELATING TO THE STATE HIGHWAY FUND OF THE STATE HIGHWAY DEPARTMENT, AND AMENDING SECTION 59-302, ARIZONA CODE OF 1939, AS AMENDED.

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

Section 1. Sec. 59-302, Arizona Code of 1939, as amended, is amended to read:

59-302. STATE HIGHWAY FUND; OF WHAT IT SHALL CONSIST. The state highway fund shall consist

of: 1. all money received from licenses and taxes authorized in articles 2, 3, 4, 5, 6, and 7 of chapter 66, Laws of 1939 (Highway Code); 2. all money appropriated thereto by the legislature; 3. all money received from donations for the construction, improvement or maintenance of state highways or bridges; such donations shall be credited to a special account and expended only for the purpose indicated by the donor; 4. all money received from counties, including proceeds from bond issues, under cooperative agreements. Said money shall be by the treasurer deposited to the credit of said fund in a special account upon delivery to him of a concise written agreement between the department and the county stating the purposes for which such money is surrendered by such county, and the said money shall be expended only as stated in said agreement; 5. all money received from the United States by virtue of an Act of Congress, to provide aid in the construction of rural and post roads; provided, that all such money received on projects for which the funds necessary to be provided by the state are wholly derived from such sources as mentioned in subparagraphs 3 and 4 of this section, shall be allotted by the department and so deposited by the treasurer into the special account within said fund created for each such project; and provided, further, that upon the completion of any such project and the satisfaction and discharge in full of all obligations of whatsoever kind created on account thereof, the unexpended balance in such special account for such project shall, upon request of the department, be, by the treasurer transferred into said highway fund, and may, together with any further federal aid thereafter received on account of such project, be expended under the general provisions of this chapter; 6. all money to come into the custody of any officer or agent of the state derived from whatsoever source, to be used for the construction, improvement or maintenance of state highways or bridges; 7. all moneys heretofore or hereafter deposited in the general fund arising from the disposal of state personal property belonging to the state highway department, pursuant to section 4-318, Arizona Code of 1939, as amended; the receipts from the sale or disposal of any or all other property held by the state highway department that was purchased with state highway funds.

Approved by the Governor—March 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 103

(Senate Bill No. 130)

AN ACT

RELATING TO THE ARIZONA HIGHWAYS MAGAZINE AND AMENDING SECTION 59-701, ARIZONA CODE OF 1939, AS AMENDED.

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

Section 1. Sec. 59-701, Arizona Code of 1939, as amended, is amended to read:

59-701. ENCOURAGEMENT OF TOURIST TRAVEL. (a) For the purpose of encouraging tourist travel to and through the state, the state highway commission is authorized to expend, out of the state highway fund, not to exceed the sums prescribed by law, in giving publicity to points and places of historic interest, climatic and recreational advantages, the possibilities of successful pursuits and industrial enterprises, and such other information as in the opinion of the commission tends to attract visitors to the state. Such publicity shall be given through the medium of the magazine, "Arizona Highways," and the publication of maps, pamphlets and other descriptive material designed to carry out the purposes of this Act.

(b) From and after the expiration date of all presently existing subscriptions, and, in the case of new subscriptions, not later than the beginning of the next fiscal year, the highway commission shall fix the price to be paid for annual subscriptions, for single copies, and the discount to be allowed dealers to Arizona Highways. Provided, however, annual subscriptions shall be sold at not less than two dollars per year, not less than twenty-five cents per single copy, but the publication shall be provided free of charge to libraries, schools, chambers of commerce, and to such hotels, tourist agencies, visitors, and prospective visitors, and to such other persons or agencies, and in such quantities, as the commission shall deem beneficial in carrying out the purposes of this Act. Provided that in no case the number of free copies each month shall exceed ten per cent of the total number of paid subscriptions.

Approved by the Governor—March 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 104

(Senate Bill No. 165)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE APPRENTICESHIP COUNCIL.

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

Section 1. APPROPRIATION. The sum of four thousand dollars is appropriated to the apprenticeship council, two thousand dollars for the thirty-sixth fiscal year and two thousand dollars for the thirty-seventh fiscal year. This appropriation is in addition to any other appropriation to the apprenticeship council.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the purpose of providing supplemental funds for the general operating expenses of the apprenticeship council.

Approved by the Governor—March 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 105

(House Bill No. 10)

AN ACT

FOR THE RELIEF OF JAMES F. McDONALD, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of one hundred fifty-four dollars is appropriated for the relief of James F. McDonald.

Sec. 2. BASIS OF CLAIM. Payment of the sum appropriated in section 1 shall be in full satisfaction of the claim of James F. McDonald for necessary expenses incurred and expenditures made in the operation and main-

tenance of the bureau of criminal identification, while in the performance of his duties as superintendent of such bureau, during the period from June 30, 1945, to December 31, 1946, when no funds for the purpose were available.

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

Approved by the Governor—March 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 106

(House Bill No. 44)

AN ACT

RELATING TO GUARDIAN AND WARD; AND AMENDING SECTIONS 42-103 AND 42-116, ARIZONA CODE OF 1939.

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

Section 1. Section 42-103, Arizona Code of 1939, is amended to read:

42-103. CUSTODY AND EDUCATION OF MINOR — CARE OF ESTATE — MARRIAGE. If the minor has no father or mother living, competent to have the custody and care of his education, the guardian appointed shall have the same. The guardian shall have the custody and care of the minor, and the care and management of his estate, until such minor arrives at the age of majority or marries, or until the guardian is legally discharged, except that the marriage of the ward shall not terminate the guardianship of the ward's separate estate but shall on and after the ward attains the age of eighteen years terminate the same as to the ward's community property and as to such property the same shall not again be subject to guardianship proceedings by reason of the owner's minority.

Sec. 2. Section 42-116, Arizona Code of 1939, is amended to read:

42-116. TERMINATION OF GUARDIAN'S POWER. The power of a guardian appointed by a parent or the court is superceded by: order of the court; the marriage of the ward except as provided by the provisions of section 42-103, Arizona Code of 1939 as amended; or by the ward attaining the age of majority.

Approved by the Governor—March 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 107

(House Bill No. 45)

AN ACT

RELATING TO THE RIGHTS OF MARRIED PERSONS; REMOVING LEGAL DISABILITY OF MINORITY AS TO PERSONS, EIGHTEEN YEARS OF AGE AND OVER, IN DEALING WITH THEIR COMMUNITY PROPERTY, AND AMENDING ARTICLE 3, CHAPTER 63, ARIZONA CODE OF 1939, AS AMENDED, BY ADDING SECTION 63-308.

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

Section 1. Article 3, chapter 63, Arizona Code of 1939, as amended, is amended by adding Section 63-308 to read:

63-308. MINORITY REMOVED AS DISABILITY IN DEALING WITH COMMUNITY PROPERTY. Lawfully married men and women eighteen years of age or over shall not be under legal disability by reason of their minority with regard to any transaction affecting their real or personal community property and shall as to such property possess all the property and estate rights and liabilities usually attached to and assumed by persons of the age of twenty-one years and over. A dissolution of marriage shall not deprive either of the parties concerned, who are of the age of eighteen years or over at the time of such dissolution, of authority to enter into transactions affecting the community property acquired by them during coveture and which may be vested in either or both of them as the result of the dissolution of the marriage.

Approved by the Governor—March 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 108

(House Bill No. 69)

AN ACT

MAKING AN APPROPRIATION TO THE GOVERNOR CREATING A REVOLVING FUND, FOR THE ACTIVITIES OF THE COUNCIL FOR ON-THE-JOB TRAINING, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of ten thousand dollars is appropriated to the governor.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to create a revolving fund for defraying expenses incurred under the direction of the council for on-the-job training for veterans, in conformity with the provisions of the servicemen's readjustment Act of 1944, as amended (58 Stat. at Large, 284). Said fund shall be reimbursed by payments from the U. S. Veterans' Administration of expenditures made under the provisions of this Act, as authorized by the servicemen's readjustment Act of 1944, as amended.

Sec. 3. EXEMPTION. This Act shall be exempt from the provisions of sec. 7, article 4, chapter 86, Laws of 1945, and the appropriation made under the terms of sections 1 and 2 shall not lapse until the purpose for which it is made shall have been accomplished in accordance with the provisions of the servicemen's readjustment Act of 1944.

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 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 109

(House Bill No. 74)

AN ACT

RELATING TO CORPORATIONS; PROVIDING FOR THE CONTINUED EXISTENCE THEREOF FOR THE PURPOSE OF SUIT, AND AMENDING ARTICLE 3, CHAPTER 53, ARIZONA CODE OF 1939, BY ADDING SECTION 53-309.

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

Section 1. Article 3, chapter 53, Arizona Code of 1939, is amended by adding section 53-309, to read:

53-309. CONTINUED EXISTENCE FOR PURPOSE OF SUIT. (a) As used in this section:

"dissolved corporation" means a corporation which has ceased to exist.

"dissolution" means any termination of existence.

"suit" means a proceeding by which a legal or equitable remedy is pursued in a court of record.

(b) A dissolved corporation may be sued in its corporate name upon any cause of action which, but for such dissolution, would have accrued against it. No suit, action or proceeding to which a dissolved corporation is a party at the time of dissolution, shall abate or be discontinued by reason thereof. Execution or process may issue against a dissolved corporation and any order, judgment or decree of court may be enforced against it.

(c) Service of process against a dissolved corporation shall be made by delivering a copy of the summons and complaint, in the order designated, to: 1. any one of the last acting officers or directors; 2. a receiver or person having charge of the assets; 3. a person who, at the time of dissolution, was a duly appointed agent for the service of process or a stockholder, or, 4. if none of such persons can be found, the corporation commission, as prescribed by section 21-314. A copy of the summons shall be published as provided by section 21-306.

(d) When there is no officer or agent competent to execute on behalf of a dissolving corporation a deed or other instrument relating to property either real or personal, or when a dissolved corporation or its officers do not comply with a judgment or decree of court, or when a court deems it proper, a judgment or decree shall contain a self-executing provision which shall have the effect of the deed or instrument ordered to be executed, or the court may appoint a master to execute the same in the name of the dissolved corporation.

(e) This section shall not be construed to terminate the authority of persons appointed under the provisions of sections 53-306, 53-307 and 53-308. The superior court of the county in which the principal office of a dissolved corporation was located, shall have jurisdiction of suits relating to dissolved corporations.

Approved by the Governor—March 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 110

(House Bill No. 93)

AN ACT

RELATING TO UNCLAIMED MONEY OR PROPERTY IN THE HANDS OF PUBLIC OFFICIALS; PROVIDING FOR THE DISPOSAL THEREOF; REPEALING SECTIONS 12-415, 12-416 AND 12-417, ARIZONA CODE ANNOTATED, 1939, AND DECLARING AN EMERGENCY.

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

Section 1. REPEAL. Sections 12-415, 12-416 and 12-417, Arizona Code Annotated, 1939, are repealed.

Sec. 2. DISPOSAL OF UNCLAIMED MONEY OR PROPERTY. All money or property: (1) used as evidence and remaining unclaimed in the hands of a state, county, city or town officer, after final disposition of the cause in which so used; (2) seized by a peace officer as

being used unlawfully or for an unlawful purpose and held unclaimed from date of seizure; or (3) coming into the hands of any state, county, city or town officer as lost, unclaimed, or contraband, shall, if no other disposal is prescribed by law, be delivered to the clerk of the superior court if held by a state or county officer; or to the clerk of a city court if held by a city officer; or to the justice of the peace if held by a town officer. Money so delivered shall be deposited in the general fund of the state, county, city or town as the case may be.

Sec. 3. SALE. If any such money or property shall not be claimed and taken away within six months after the time it shall have been delivered to the officer receiving custody of the property pursuant to section 2, the said officer may at any time thereafter proceed to sell the same in the manner provided in this chapter, except as provided in section 7 of this Act with regard to property unlawful per se, and in section 8 of this Act with regard to unclaimed money.

Sec. 4. PETITION TO SELL. The officer having custody of the property under section 2 of this Act shall file a petition in the superior court of the county where such property or some part thereof is situated, setting forth a description of the property, the name of the person last lawfully seized or possessed thereof, the names, if any, of the persons claiming the property, the facts and circumstances in consequence of which such property is unclaimed, and requesting that the said property be sold in the manner provided herein.

Sec. 5. NOTICE OF INTENT TO SELL, HOW GIVEN. Before any such property shall be sold, if the name and residence of the owner thereof be known, said petitioner shall give at least sixty days notice of such petition to the owner either personally or by mail, or by leaving a notice at his residence or place of doing business; but if the name and residence of the owner be not known, the petitioner shall cause a notice to be published containing a description of the property, for the space of six weeks successively, in a newspaper, if there be one published in the same county; if there be no newspaper published in the same county, then said notice shall be published in a newspaper nearest thereto in the state; the last publication of such notice shall be at least eighteen days previous to the time of sale.

Sec. 6. SALE OF PROPERTY. If after sixty days notice shall have been given, the owner or person entitled to such property shall not take the same away or answer the petition filed on such property in the superior court

where filed, such court shall order the property be sold, and the same shall be sold, in the manner provided by law for the sale of personal property under execution in a civil action. The proceeds shall be paid to the general fund of the jurisdiction from whom the unclaimed property was received pursuant to section 2. If upon a hearing of such petition and answer it appears that the state has good title to the estate or property in the petition mentioned, or any part thereof, the court shall order the property be sold in the manner provided in this section and the proceeds shall be paid to the general fund of the jurisdiction from whom the unclaimed property was received pursuant to section 2.

Sec. 7. PROPERTY UNLAWFUL PER SE. Where property has been seized which, in the opinion of the officers having custody thereof, is so constructed that it is incapable of being lawfully used, the person having custody thereof shall petition the court for an order directing the destruction of such property. The petition and notice shall be in the form required for unclaimed property hereinbefore provided. If upon default or hearing the court shall adjudge the property illegal per se, the court shall order the property be destroyed by the petitioner.

Sec. 8. UNCLAIMED MONEY. In the case of unclaimed money, the person having custody of the money pursuant to section 2 shall file a petition to have the money escheated, the petition to be in the form required by section 4 of this Act, except for the request for sale. Notice of such petition to escheat shall be given by said officer as provided in section 5 of this Act. If after said notice shall have been given, the owner or person entitled to such property shall not take the same away or answer the petition filed on such money in the superior court, such court shall order that the said money be paid into the general fund of the jurisdiction from whom the unclaimed money was received pursuant to section 2. If, upon a hearing of said petition and answer it appears that the state has good title to the unclaimed money in the petition mentioned, or any part thereof, judgment shall be rendered that the state shall be seized or possessed thereof, and an order made that said money be paid into the general fund of the jurisdiction from whom the unclaimed money was received pursuant to section 2.

Sec. 9. 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 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 111

(House Bill No. 116)

AN ACT

RELATING TO STATE AID FOR JUNIOR COLLEGES; AMENDING SECTION 54-711, ARIZONA CODE OF 1939; MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY.

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

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

54-711. APPROPRIATION FOR STATE AID. (a) One-half of the cost of maintaining any public junior college possessing the qualifications hereinafter prescribed, not exceeding thirty thousand dollars per annum, shall be paid by the state. This subsection shall constitute a continuing appropriation.

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

(c) Not later than January 1 of each odd-numbered year the board of education of any public junior college qualified to receive state aid shall submit to the state superintendent of public instruction a budget for the ensuing fiscal biennium, and the superintendent shall transmit the same to the legislature, with his certificate as to the eligibility of the said public junior college and his recommnedation concerning the amount of state aid to be extended. No part of said state aid shall be expended for the construction

or repair of buildings, or the purchase of grounds or equipment.

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 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 112

(House Bill No. 120)

AN ACT

PROVIDING FOR THE TRANSFER OF APPROPRIATION FROM THE STATE DEPARTMENT OF HEALTH TO THE ARIZONA STATE COLLEGE AT TEMPE.

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

Section 1. TRANSFER. Any balance remaining of the appropriation to the state department of health under the provisions of chapter 84, Laws of 1945, regular session, is transferred and appropriated to the Arizona state college at Tempe.

Sec. 2. PURPOSE. The purpose of the transfer made under the provisions of section 1 is to facilitate the use of the funds for research in the elimination of poisonous animals and to dispense with unnecessary clerical procedure.

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 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 113

(House Bill No. 141)

AN ACT

RELATING TO WORKMEN'S COMPENSATION; DEFINING CERTAIN TERMS, AND AMENDING SECTION 56-929, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 56-929, Arizona Code of 1939, is amended to read:

56-929. DEFINITIONS. (a) In this article, unless the context otherwise requires, the terms "employee", "workman", and "operative" mean: 1. every person in the service of the state, or of a county, city, town, municipal corporation, or school district, including regular members of lawfully constituted police and fire departments of cities and towns, and under appointment or contract of hire, except elective officials, and except officials receiving more than thirty-six hundred dollars per year salary, and, 2. every person in the service of any employer subject to the provisions of this article, including aliens and minors legally or illegally permitted to work for hire, but not including a person whose employment is casual and is not in the usual course of trade, business or occupation of the employer.

(b) Lessees of mining property and their employees and contractors, engaged in the performance of work which is a part of the business conducted by the lessor and over which the lessor retains supervision or control, are within the meaning of this section employees of the lessor, and deemed to be drawing such wages as are usually paid employees for similar work, and the lessor may deduct from the proceeds of ores mined by the lessees the premium required by this article to be paid for such employees.

(c) Regular members of volunteer fire departments organized pursuant to the provisions of article 20, chapter 16, are deemed to be employees; but for the purposes of this article, the basis for computing wages for premium payments and compensation benefits for a volunteer fireman shall be two hundred dollars per month.

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

Approved by the Governor—March 25, 1947.

Filed in the Office of the Secretary of State—March 25, 1947.

CHAPTER 114

(House Bill No. 194)

AN ACT

RELATING TO PUBLIC OFFICERS AND EMPLOYEES, AND PROVIDING FOR LEAVE OF ABSENCE FOR TRAINING DUTY WITH THE ARMED FORCES OR WITH THE NATIONAL GUARD.

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

Section 1. LEAVE OF ABSENCE FOR TRAINING DUTY. All officers and employees of the state, or of any county, city or town, or of any agency thereof, shall be granted leave of absence without pay, on all days during which they are employed, under orders, on training duty with any branch of the armed forces of the United States, or with the national guard of the state, for a period of not to exceed fifteen days in any one calendar year. Such period of time spent in training duty under orders shall not be deducted from the vacation period with pay to which any officer or employee may otherwise be entitled.

Approved by the Governor—March 26, 1947.

Filed in the Office of the Secretary of State—March 26, 1947.

CHAPTER 115

(Senate Bill No. 49)

AN ACT

RELATING TO PUBLIC BUILDINGS; PRESCRIBING

THE TERMS OF NOTICE TO CONTRACTORS, AND AMENDING SECTION 9-105, ARIZONA CODE OF 1939.

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

Section 1. Sec. 9-105, Arizona Code of 1939, is amended to read:

9-105. NOTICE TO CONTRACTORS. Every agent shall, upon acceptance and approval of the working drawings and specifications, cause to be published a notice to contractors of intent to receive bids and to contract for the erection of the proposed structure, and stating:

1. The nature of the work required and the type, purpose and location of the proposed building and where the plans, specifications and full information as to the proposed work are on file or may be obtained.

2. That contractors desiring to submit proposals may obtain copies of full or partial sets of plans and specifications for estimate on request or by appointment. The return of such plans and specifications must be guaranteed by a deposit of a designated amount, which deposit will be refunded on the return of the plans and specifications in good order.

3. That every proposal must be accompanied by a certified check for five per cent of the amount of the bid included in the proposal, as a guarantee of the intent of the contractor to enter into a contract to perform all the matters included in the said proposal in accordance with the plans and specifications, or as liquidated damages in event of failure or refusal of the contractor to enter into such contract, to be returned to the contractors whose proposals are not accepted, and to the successful contractor upon the execution of a satisfactory bond and contract as hereinafter provided.

4. That the right is reserved to reject any or all proposals or to withhold the award if for any reason it may so determine.

(a) If the agent believes that any construction, building, addition, or alteration contemplated at the institution can be advantageously done by the inmates thereof, and regularly employed help, he may cause such work to be done by such inmates and employees without advertising for bids.

(b) If the agent believes the work can be done more advantageously, any building, structure, addition, or alteration, not exceeding twenty-five hundred dollars in total cost, may be constructed by day's work or force account and advertisement for bids dispensed with.

Approved by the Governor—March 27, 1947.

Filed in the Office of the Secretary of State—March 27, 1947.

CHAPTER 116

(Senate Bill No. 127)

AN ACT

RELATING TO COOPERATIVE NATIONAL AGREEMENTS AND AUTHORIZING THE STATE ENGINEER TO ENTER INTO SUCH AGREEMENTS WITH THE UNITED STATES GOVERNMENT; AMENDING CHAPTER 50 OF THE SESSION LAWS OF 1943, AND REPEALING SECTIONS 5 AND 6, CHAPTER 50, SESSION LAWS OF 1943, REGULAR SESSION.

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

Section 1, chapter 50, Session Laws of 1943, regular session, is amended to read:

Section 1. COOPERATIVE NATIONAL AGREEMENTS. The state engineer, with the approval of the state highway commission, is authorized and empowered to enter into cooperative agreements with the United States secretary of war, United States secretary of the navy, the commissioner of public roads of the United States or any other authorized officer or agency of the United States, for the construction, acquisition, maintenance or improvement of roads and other projects.

Section 2, chapter 50, Session Laws of 1943, regular session, is amended to read:

Sec. 2. PROVISIONS OF COOPERATIVE AGREEMENTS. (a) Any cooperative agreement entered into under the provisions of this Act shall provide that all funds

advanced by the state in pursuance of such project shall be promptly reimbursed by the United States agency entering into the agreement to the extent of the agency's participation in the cost of the same. Where the agreed participation of the United States agency is one hundred per cent of the cost, or under such other conditions as the state engineer shall determine, the agreement may contain a further provision that the whole of the agency's participation cost shall be deposited in advance in a special trust account with the state treasurer.

(b) Cooperative agreements authorized by this Act shall, whenever feasible, enumerate as closely as possible all items of costs and expenditures for which the United States agency is obligated to reimburse the state highway department.

Section 3, chapter 50, Session Laws of 1943, regular session, is amended to read:

Sec. 3. STATE ENGINEER AUTHORIZED TO ADVANCE FUNDS. (a) When the state engineer shall determine that it is necessary for the expeditious completion of any cooperative agreement undertaken pursuant to this Act, he is authorized to pay from the state highway fund or any account within the state highway fund, all costs of construction, including the acquisition of lands or property necessary to the project, engineering costs, operational expense, equipment rentals, and all such other costs as may have the prior approval of the United States department or agency with which the cooperative agreement has been made.

(b) The state engineer shall have power to set up proper budget items within or without the state highway fund or special accounts with such fund, and to make and certify transfers of funds among or between such accounts and the special trust account referred to in section 2, or any other trust account that may be established by the United States government or by the state highway department, for the carrying out of cooperative agreements as provided by this Act.

Section 4, chapter 50, Session Laws of 1943, regular session, is amended to read:

Sec. 4. REIMBURSEMENT BY FEDERAL AGENCY. The United States agency with which a cooperative agreement is entered into shall promptly reimburse the state highway fund or account within such fund for all ex-

penditures made by the state engineer under the agreement, chargeable to such agency, at reasonably regular intervals, as the work progresses.

Sec. 5. REPEAL. Sections 5 and 6, chapter 50, Session Laws of 1943, regular session, are hereby repealed.

Approved by the Governor—March 27, 1947.

Filed in the Office of the Secretary of State—March 27, 1947.

CHAPTER 117

(Senate Bill No. 55)

AN ACT

RELATING TO ELECTIONS; PRESCRIBING AN AFFIDAVIT OF REGISTRATION; PROVIDING FOR CANCELLATION OF REGISTRATION, AND AMENDING SECTIONS 55-205, 55-207, 55-209 AND 55-215, ARIZONA CODE OF 1939.

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

Section 1. Sec. 55-205, Arizona Code of 1939, is amended to read:

55-205. AFFIDAVIT OF REGISTRATION. (a) The form to be used for the registration of electors shall contain:

1. The full name of the elector, including the middle name, if any, and if of a woman, preceded by the designation "Miss" or "Mrs." as the case may be.

2. Party affiliation.

3. State or country of nativity.

4. Occupation.

5. Actual place of residence, including post office address, name of city or town if any, street and number of dwelling or such description of the place that it can readily be ascertained and identified.

6. If naturalized, the time, place and court of naturalization, evidenced by legal proof thereof, if available, exhibited by the applicant, or supplied by the information required in the affidavit of registration.

7. If citizenship is claimed by virtue of father's naturalization, evidence that permanent residence began during the applicant's minority.

8. If citizenship by marriage is claimed, the date, place of marriage, and name of the person to whom married.

9. A statement that the elector is not registered in any other precinct.

10. A statement as to whether or not the elector is able to read the constitution of the United States in the English language, and to write his name, and whether or not the elector has any physical disability by reason of which he can not mark his ballot, and if he can not mark his ballot by reason of physical disability, the nature of such disability.

11. A statement that the elector has resided in the state for a period of one year next preceding the general election, and in the county and precinct thirty days preceding such election.

12. A statement that the elector is twenty-one years of age or over.

(b) The affidavit of registration shall be in substantially the following form:

AFFIDAVIT OF REGISTRATION

State of Arizona)
) ss.
County of)

I, the undersigned elector, do solemnly swear (or affirm) that I am a citizen of the United States and will have resided in the state of Arizona one year prior to the next general election.

1. My full name is.....
(to be printed by registration officer)

2. I am affiliated with the.....party.

3. State or country of nativity.....

4. My occupation is.....

5. My place of residence is.....precinct, ...street, city of....., county of....., state of Arizona.

6. I was naturalized in the.....court, ... county, state of....., on the.....day of.....A. D. ....., as evidenced by certificate of naturalization exhibited herewith.

7. Said certificate of naturalization is.....or out of my possession and has not been revoked.

8. I became a citizen by virtue of the naturalization of my father, which took place during my minority, and began to reside permanently in the United States while such minor.

9. I became a citizen by virtue of my marriage on the .....day of.....A. D. 1..... to.....(husband) who was then a citizen or who subsequently became a citizen of the United States.

(NOTE: Cross out any clauses 6, 7, 8 or 9 which do not apply).

10. I am not registered in any other county in this state.

11. I am.....able to read the constitution in the English language because of.....

12. I am.....able to write my name because of .....

13. I can.....mark my ballot, by reason of physical disability, viz:.....

14. I am a.....man, ...feet .....inches in height and weigh approximately .....pounds and .....years of age. My color is.....

.....
(Elector sign here)

.....
(Post office address)

Subscribed and sworn to before me this.....day of .....A. D. 19.....

.....
(Title or designation of officer)

(c) The affidavit of registration shall be printed on first class record paper ten inches wide and fourteen inches in length, with a margin of one inch at the top, one inch on the right side and one and one-half inches on the left side, and shall be suitably punched for binding.

Sec. 2. Sec. 55-207, Arizona Code of 1939, is amended to read:

55-207. AFFIDAVIT OF REGISTRATION IN GENERAL COUNTY REGISTER. The recorder shall, upon receipt of an affidavit of registration in proper form, assign the affidavit to its proper precinct and alphabetical arrangement in the general county register.

Sec. 3. Sec. 55-209, Arizona Code of 1939, is amended to read:

55-209. APPLICATION FOR CANCELLATION. (a) Upon receipt of an application for cancellation the recorder shall remove the affidavit of registration to which it relates from the general county register, stamp the latter "cancelled," and place both documents in a cancellation binder provided for such purpose. Application for cancellation shall be arranged and bound in like manner as affidavits of registration.

(b) An application for cancellation of registration shall be preserved for two years from the date of execution thereof, after which it, together with all cancelled registrations to which it relates, and all registrations cancelled for failure to vote, may be destroyed.

Sec. 4. Sec. 55-215, Arizona Code of 1939 (section 2, chapter 90, Laws of 1943, regular session), is amended to read:

55-215. CANCELLATION FOR FAILURE TO VOTE. (a) Following the general election in each even numbered year the recorder shall procure from the board of supervisors the poll lists containing the names of all electors who voted at such general election and also the names of all electors who voted at the preceding primary election. The registration of an elector who votes at neither the primary nor the general election shall be cancelled and removed from the general county register. The recorder shall indicate on the face of a cancelled registration the date of cancellation and the fact that it was for failure to vote, and shall file the cancelled registration in its proper place in the cancellation binder.

(b) Upon completion of the cancellation of electors for failure to vote, the county recorder shall indicate all such cancellations, the dates thereof and the reasons therefor, on a legible copy of precinct registers prepared for use at the general election thereof and forward the same to the secretary of state, who shall file such precinct registers in his office.

Approved by the Governor—March 27, 1947.

Filed in the Office of the Secretary of State—March 27, 1947.

CHAPTER 118

(Sub. House Bill No. 245)

AN ACT

RELATING TO ELECTRIC, COOPERATIVE, NON-PROFIT, MEMBERSHIP CORPORATIONS; BEING COMPREHENSIVE AS TO THEIR FORMATION, DISSOLUTION, THEIR POWERS, RIGHTS AND IMMUNITIES, CONSOLIDATION, MERGER AND THE CONVERSION OF EXISTING CORPORATIONS; PROVIDING FOR FRANCHISES AND RIGHTS OF WAY.

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

Section 1. SHORT TITLE. This Act may be cited as the "Electric Cooperative Act."

Sec. 2. PURPOSE. Cooperative, non-profit, membership corporations may be organized under this Act for the purpose of supplying electric energy to persons in rural areas and promoting and extending the use of electric energy in such rural areas.

Sec. 3. DEFINITIONS. In this Act:

(a) "Cooperative" means any corporation organized under this Act or which becomes subject to this Act in the manner hereinafter provided; and (b) "Person" means any natural person, firm, association, corporation, business trust, partnership, Federal agency, state or political subdivision or agency thereof, or any body politic, and (c) "Rural area" means any area of this state not included

within the boundaries of any city or town having a population in excess of twenty-five hundred (2500) inhabitants and such term shall be deemed to include both the farm and non-farm population thereof.

Sec. 4. POWERS. A cooperative shall have power:

(a) To sue and be sued in its corporate name; (b) to have existence for a period of twenty-five (25) years with the privilege of extension as provided by law; (c) to adopt a corporate seal and alter the same; (d) to generate, manufacture, purchase, acquire, accumulate and transmit electric energy, and to distribute, sell, supply, and dispose of electric energy to its members, to governmental agencies and political subdivisions, and to other persons not in excess of ten per centum (10%) of the number of its members, provided, however, that a cooperative may furnish electric service to non-member cold storage or processing plants without limitation; (e) to assist persons to whom electric energy is or will be supplied by the cooperative in wiring their premises and in acquiring and installing electrical and plumbing appliances, equipment, fixtures and apparatus by the financing thereof; (f) to assist persons to whom electric energy is or will be supplied by the cooperative in constructing, equipping, maintaining and operating electric cold storage or processing plants, by the financing thereof; (g) to construct, purchase, lease as lessee, or otherwise acquire, and to equip, maintain, and operate, and to sell, assign, convey, lease as lessor, mortgage, pledge, or otherwise dispose of or encumber, electric transmission and distribution lines or systems, electric generating plants, lands, buildings, structures, dams, plants and equipment, and any other real or personal property, tangible or intangible, which shall be deemed necessary, convenient or appropriate to accomplish the purpose for which the cooperative is organized; (h) to purchase, lease as lessee, or otherwise acquire, and to use, and exercise and to sell, assign, convey, mortgage, pledge or otherwise dispose of or encumber, franchises, rights, privileges, licenses and easements; (i) to borrow money and otherwise contract indebtedness, and to issue notes, bonds, and other evidences of indebtedness, and to secure the payment thereof by mortgage, pledge, or deed of trust of, or any other encumbrance upon, any or all of its then owned or after-acquired real or personal property, assets, franchises, or revenues; (j) to construct, maintain and operate electric transmission and distribution lines along, upon, under and across publicly owned lands and public thoroughfares, including, without limitation, all roads, highways, streets, alleys, bridges and causeways; and to acquire for such purposes, franchises, licenses, permits, easements, rights

of way and all similar rights and privileges relating to such purposes; (k) to exercise the power of eminent domain in the manner and to the extent provided by the laws of this state for the exercise of such power by other corporations constructing or operating electric transmission and distribution lines or systems; (l) to become a member of other cooperatives or corporations or to own stock therein; (m) to conduct its business and exercise its powers within or without this state; (n) to adopt, amend and repeal by-laws; and (o) to do and perform any other acts and things, and to have and exercise any other powers which may be necessary, convenient, or appropriate to accomplish the purpose for which the cooperative is organized.

Sec. 5. NAME. The name of a cooperative shall include the words "Electric" and "Cooperative", and the abbreviation "Inc.", unless, in an affidavit made by its president or vice-president, and filed with the Corporation Commission, or in an affidavit made by a person signing articles or incorporation, consolidation, merger or conversion, which relate to such cooperative, and filed, together with any such articles, with the Corporation Commission it shall appear that the cooperative desires to do business in another state and is or would be precluded therefrom by reason of the inclusion of such words or either thereof in its name. The name of a cooperative shall be distinct from the name of any other cooperative or corporation organized under the laws of, or authorized to do business in, this state. Only a cooperative doing business in this state pursuant to this Act shall use both the words "Electric" and "Cooperative" in its name; provided, however, that this section shall not apply to any corporation which becomes subject to this Act by complying with the provisions of section 20 of this Act and which elects to retain a corporate name which does not comply with this section.

Sec. 6. INCORPORATORS. Five (5) or more natural persons, or two (2) or more cooperatives, may organize a cooperative in the manner hereinafter provided.

Sec. 7. ARTICLES OF INCORPORATION. Articles of incorporation of a cooperative shall recite that they are executed pursuant to this Act and shall state: (1) the name of the cooperative; (2) the address of its principal office; (3) the names and addresses of the incorporators; and (4) the names and addresses of its directors; and may contain any provisions not inconsistent with this Act deemed necessary or advisable for the conduct of its business. Such articles shall be signed by each incorporator and acknowledged by at least two of the incorporators, or on their behalf, if they are cooperatives. It shall not be necessary to

recite in the articles of incorporation of a cooperative the purpose for which it is organized or any of its corporate powers.

Sec. 8. BY-LAWS. The Board of Directors shall adopt the first by-laws of a cooperative to be adopted following an incorporation, conversion, merger or consolidation. Thereafter the members shall adopt, amend or repeal the by-laws by the affirmative vote of a majority of those members voting thereon at a meeting of the members. The by-laws shall set forth the rights and duties of members and directors and may contain other provisions for the regulation and management of the affairs of the cooperative not inconsistent with this Act or with its Articles of Incorporation.

Sec. 9. MEMBERS. Each incorporator of a cooperative shall be a member thereof, but no other person may become a member thereof unless such other person agrees to use electric energy or other services furnished by the cooperative when they are made available through its facilities. Any member of a cooperative, other than a member which is itself a cooperative, who agrees to use electric energy shall cease to be a member if he does not use electric energy supplied by the cooperative within six (6) months after it is made available to him or if electric energy is not made available to him by the cooperative within two (2) years after he becomes a member, or such lesser period as the by-laws of the cooperative may provide. A husband and wife may hold a joint membership in a cooperative. Membership in a cooperative shall not be transferable, except as provided in the by-laws. The by-laws may prescribe additional qualifications and limitations in respect to membership.

Sec. 10. MEETINGS OF MEMBERS. (a) An annual meeting of the members of a cooperative shall be held at such time and place as shall be provided in the by-laws. (b) Special meetings of the members may be called by the president, by the board of directors, by any three (3) directors, or by not less than ten per centum (10%) of the members. (c) Except as otherwise provided in this Act, written or printed notice stating the time and place of each meeting of the members and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be given to each member, either personally or by mail, not less than ten (10) days nor more than twenty-five (25) days before the date of the meeting. If mailed, such notice shall be deemed to be given when deposited in the United States mail with postage prepaid addressed to the member at his address as it appears on the records of the cooper-

ative. (d) Unless the by-laws prescribe the presence of a greater percentage or number of the members for a quorum, a quorum for the transaction of business at all meetings of the members of a cooperative having not more than one thousand (1,000) members, shall be five per centum (5%) of all members, present in person, and of a cooperative having more than one thousand (1,000) members, shall be fifty (50) members present in person. If less than a quorum is present at any meeting, a majority of those present in person may adjourn the meeting from time to time without further notice. (e) Each member shall be entitled to one (1) vote on each matter submitted to a vote at a meeting of the members. Voting shall be in person, but, if the by-laws so provide, may also be by mail.

Sec. 11. WAIVER OF NOTICE. Any person entitled to notice of a meeting may waive such notice in writing either before or after such meeting. If any such person shall attend such meeting, such attendance shall constitute a waiver of notice of such meeting, unless such person participates therein solely to object to the transaction of any business because the meeting has not been legally called or convened.

Sec. 12. BOARD OF DIRECTORS. (a) The business of a cooperative shall be managed by a board of not less than five (5) directors, each of whom shall be a member of the cooperative or of another cooperative which is a member thereof. The by-laws shall prescribe the number of directors, their qualifications, other than those prescribed in this Act, the manner of holding meetings of the board of directors and of electing successors to directors who shall resign, die, or otherwise be incapable of acting. The by-laws may also provide for the removal of directors from office and for the election of their successors. Directors shall not receive any salaries for their services as directors and, except in emergencies, shall not be employed by the cooperative in any capacity involving compensation without the approval of the members. The by-laws may, however, prescribe a fixed fee, and provide that expenses of attendance may be allowed to each director, for attendance at each meeting of the board of directors. (b) The directors of a cooperative named in any articles of incorporation, consolidation, merger or conversion, shall hold office until the next annual meeting of the members and until their successors are elected and qualify. At each annual meeting, or, in case of failure to hold the annual meeting as specified in the by-laws, at a special meeting called for that purpose, the members shall elect directors to hold office until the next annual meeting of the members, except as otherwise provided in this Act. Each director shall hold office

for the term for which he is elected and until his successor is elected and qualifies. (c) Instead of electing all the directors annually, the by-laws may provide that half of them, or a number as near thereto as possible, shall be elected to serve until the next annual meeting of the members and that the remaining directors shall be elected to serve until the second annual meeting. Thereafter, as directors' terms expire, the members shall elect their successors to serve until the second succeeding annual meeting after their election. (d) A majority of the board of directors shall constitute a quorum. (e) If a husband and wife hold a joint membership in a cooperative, either one, but not both, may be elected a director. (f) The board of directors may exercise all of the powers of a cooperative not conferred upon the members by this Act, or its articles of incorporation or by-laws.

Sec. 13. DISTRICTS. The by-laws may provide for the division of the territory served or to be served by a cooperative into two or more districts for any purpose, including, without limitation, the nomination and election of directors and the election and functioning of district delegates. In such case the by-laws shall prescribe the boundaries of the districts, or the manner of establishing such boundaries, and the manner of changing such boundaries, and the manner in which such districts shall function. No member at any district meeting and no district delegate at any meeting shall vote by proxy or by mail.

Sec. 14. OFFICERS. The officers of a cooperative shall consist of a president, vice-president, secretary and treasurer, who shall be elected annually by and from the board of directors. When a person holding any such office ceases to be a director he shall cease to hold such office. The offices of secretary and of treasurer may be held by the same person. The board of directors may also elect or appoint such other officers, agents, or employees as it deems necessary or advisable and shall prescribe their powers and duties. Any officer may be removed from office and his successor elected in the manner prescribed in the by-laws.

Sec. 15. AMENDMENT OF ARTICLES OF INCORPORATION. A cooperative may amend its articles of incorporation by complying with the following requirements, provided, however, that a change in location of principal office may be affected in the manner set forth in section 16 of this Act: The proposed amendment shall be presented to a meeting of the members, the notice of which shall set forth or have attached thereto the proposed amendment. If the proposed amendment, with any changes, is approved by the affirmative vote of not less than two-

thirds of those members voting thereon at such meeting, articles of amendment shall be executed and acknowledged on behalf of the cooperative by its president or vice-president and its seal shall be affixed thereto and attested by its secretary. The articles of amendment shall recite that they are executed pursuant to this Act and shall state: (1) the name of the cooperative; (2) the address of its principal office; and (3) the amendment of its articles of incorporation. The president or vice-president executing such articles of amendment shall make and annex thereto an affidavit stating that the provisions of this section in respect of the amendment set forth in such articles were duly complied with.

Sec. 16. CHANGE OF LOCATION OF PRINCIPAL OFFICE. A cooperative may, upon authorization of its board of directors or its members, change the location of its principal office by filing a certificate reciting such change of principal office, executed and acknowledged by its president or vice-president under its seal attested by its secretary, in the office of the Corporation Commission.

Sec. 17. CONSOLIDATION. Any two (2) or more cooperatives (each of which is hereinafter designated a "consolidating cooperative"), may consolidate into a new cooperative (hereinafter designated the "new cooperative"), by complying with the following requirements: (a) The proposition for the consolidation of the consolidating cooperatives into the new cooperative and proposed articles of consolidation to give effect thereto shall be submitted to a meeting of the members of each consolidating cooperative, the notice of which shall have attached thereto a copy of the proposed articles of consolidation; (b) if the proposed consolidation and the proposed articles of consolidation, with any amendments, are approved by the affirmative vote of not less than two-thirds of those members of each consolidating cooperative voting thereon at each such meeting, articles of consolidation in the form approved shall be executed and acknowledged on behalf of each consolidating cooperative by its president or vice-president and its seal shall be affixed thereto and attested by its secretary. The articles of consolidation shall recite that they are executed pursuant to this Act and shall state: (1) the name of each consolidating cooperative and the address of its principal office; (2) the name of the new cooperative and the address of its principal office; (3) a statement that each consolidating cooperative agrees to the consolidation; (4) the names and addresses of the directors of the new cooperative; and (5) the terms and conditions of the consolidation and the mode of carrying the same into effect, including the manner in which members of the consolidating

cooperatives may or shall become members of the new cooperative; and may contain any provisions not inconsistent with this Act deemed necessary or advisable for the conduct of the business of the new cooperative. The president or vice-president of each consolidating cooperative executing such articles of consolidation shall make and annex thereto an affidavit stating that the provisions of this section in respect of such articles were duly complied with by such cooperative.

Sec. 18. MERGER. Any one or more electric cooperatives (each of which is hereinafter designated a "merging cooperative") may merge into another cooperative (hereinafter designated the "surviving cooperative"), by complying with the following requirements:

(a) The proposition for the merger of the merging electric cooperatives into the surviving cooperative and proposed articles of merger to give effect thereto shall be submitted to a meeting of the members of each merging cooperative and of the surviving cooperative, the notice of which shall have attached thereto a copy of the proposed articles of merger;

(b) if the proposed merger and the proposed articles of merger, with any amendments, are approved by the affirmative vote of not less than two-thirds of those members of each cooperative voting thereon at each such meeting, articles of merger in the form approved shall be executed and acknowledged on behalf of each such cooperative by its president or vice-president and its seal shall be affixed thereto and attested by its secretary. The articles of merger shall recite that they are executed pursuant to this Act and shall state: (1) The name of each merging cooperative and the address of its principal office; (2) the name of the surviving cooperative and the address of its principal office; (3) a statement that each merging cooperative and the surviving cooperative agree to the merger; (4) the names and addresses of the directors of the surviving cooperative; and (5) the terms and conditions of the merger and the mode of carrying the same into effect, including the manner in which members of the merging cooperatives may or shall become members of the surviving cooperative; and may contain any provisions not inconsistent with this Act deemed necessary or advisable for the conduct of the business of the surviving cooperative. The president or vice-president of each cooperative executing such articles of merger shall make and annex thereto an affidavit stating that the provisions of this section in respect of such articles were duly complied with by such cooperative.

Sec. 19. EFFECT OF CONSOLIDATION OR MERGER. (a) In the case of a consolidation the existence of the consolidating cooperatives shall cease and the articles of consolidation shall be deemed to be the articles of incorporation of the new cooperative; and in the case of a merger the separate existence of the merging cooperatives shall cease and the articles of incorporation of the surviving cooperative shall be deemed to be amended to the extent, if any, that changes therein are provided for in the articles of merger;

(b) All the rights, privileges, immunities and franchises and all property, real and personal, including without limitation applications for membership, all debts due on whatever account and all other choses in action, or each of the consolidating or merging cooperatives shall be deemed to be transferred to and vested in the new or surviving cooperative without further act or deed;

(c) The new or surviving cooperative shall be responsible and liable for all the liabilites and obligations of each of the consolidating or merging cooperatives and any claim existing or action or proceeding pending by or against any of the consolidating or merging cooperatives may be prosecuted as if the consolidation or merger had not taken place, but the new or surviving cooperative may be substituted in its place; and

(d) Neither the rights of creditors nor any liens upon the property of any of such cooperatives shall be impaired by such consolidation or merger.

Sec. 20. CONVERSION OF EXISTING CORPORATIONS. Any corporation organized under the laws of this state and supplying or having the corporate power to supply electric energy may be converted into a cooperative by complying with the following requirements and shall thereupon become subject to this Act with the same effect as if originally organized under this Act:

(a) The proposition for the conversion of such corporation into a cooperative and proposed articles of conversion to give effect thereto shall be submitted to a meeting of the members or stockholders of such corporation, or in case of a corporation having no members or stockholders, to a meeting of the incorporators of such corporation, the notice of which shall have attached thereto a copy of the proposed articles of conversion;

(b) If the proposition for the conversion of such corporation into a cooperative and the proposed articles of con-

version, with any amendments, are approved by the affirmative vote of not less than two-thirds of those members of such corporation voting thereon at such meeting, or, if such corporation is a stock corporation, by the affirmative vote of the holders of not less than two-thirds of those shares of the capital stock of such corporation represented at such meeting and voting thereon, or, in the case of a corporation having no members and no shares of its capital stock outstanding, by the affirmative vote of not less than two-thirds of its incorporators, articles of conversion in the form approved shall be executed and acknowledged on behalf of such corporation by its president or vice-president and its seal shall be affixed thereto and attested by its secretary. The articles of conversion shall recite that they are executed pursuant to this Act and shall state: (1) the name of the corporation and the address of its principal office prior to its conversion into a cooperative; (2) the statute or statutes under which it was organized; (3) a statement that such corporation elects to become a cooperative, nonprofit, membership corporation subject to this Act; (4) its name as a cooperative; (5) the address of the principal office of the cooperative; (6) the names and addresses of the directors of the cooperative; and (7) the manner in which members, stockholders or incorporators of such corporation may or shall become members of the cooperative; and may contain any provisions not inconsistent with this Act deemed necessary or advisable for the conduct of the business of the cooperative. The president or vice-president executing such articles of conversion shall make and annex thereto an affidavit stating that the provisions of this section were duly complied with in respect of such articles. The articles of conversion shall be deemed to be the articles of incorporation of the cooperative.

Sec. 21. DISSOLUTION. (a) A cooperative which has not commenced business may be dissolved by delivering to the Corporation Commission articles of dissolution which shall be executed and acknowledged on behalf of the cooperative by a majority of the incorporators and which shall state: (1) the name of the cooperative; (2) the address of its principal office; (3) that the cooperative has not commenced business; (4) that any sums received by the cooperative, less any part thereof disbursed for expenses of the cooperative, have been returned or paid to those entitled thereto; (5) that no debt of the cooperative is unpaid; and (6) that a majority of the incorporators elect that the cooperative be dissolved. (b) A cooperative which has commenced business may be dissolved in the following manner: The proposition to dissolve shall be submitted to the members of the cooperative at any annual or special meeting, the notice of which shall set forth such proposition. The members at any such meeting shall ap-

prove, by the affirmative vote of not less than a majority of all members of the cooperative, the proposition that the cooperative be dissolved. Upon such approval, a certificate of election to dissolve (hereinafter designated the "certificate"), executed and acknowledged on behalf of the cooperative by its president or vice-president under its seal, attested by its secretary, and stating: (1) the name of the cooperative; (2) the address of its principal office; and (3) that the members of the cooperative have duly voted that the cooperative be dissolved, shall, together with an affidavit made by its president or vice-president executing the certificate, stating that the statements in the certificate are true, be submitted to the Corporation Commission for filing. Upon the filing of the certificate and affidavit by the Corporation Commission, the cooperative shall cease to carry on its business except to the extent necessary for the winding up thereof, but its corporate existence shall continue until articles of dissolution have been filed by the Corporation Commission. The board of directors shall immediately cause notice of the dissolution proceedings to be mailed to each known creditor of and claimant against the cooperative and to be published once a week for two successive weeks in a newspaper of general circulation in the county in which the principal office of the cooperative is located. The board of directors shall wind up and settle the affairs of the cooperative, collect sums owing to it, liquidate its property and assets, pay and discharge its debts, obligations and liabilities, other than those to patrons arising by reason of their patronage, and do all other things required to wind up its business, and after paying or discharging or adequately providing for the payment or discharge of all its debts, obligations and liabilities, other than those to patrons arising by reason of their patronage, shall distribute any remaining sums, first to patrons for the pro rata return of all amounts standing to their credit by reason of their patronage, and second to members for the pro rata repayment of membership fees. Any sums then remaining shall be distributed among its members and former members in proportion to their patronage. the board of directors shall thereupon authorize the execution of articles of dissolution, which shall be executed and acknowledged on behalf of the cooperative by its president or vice-president, and its seal shall be affixed thereto and attested by its secretary. The articles of dissolution shall recite that they are executed pursuant to this Act and shall state: (1) the name of the cooperative; (2) the address of its principal office; (3) the date on which the certificate of election to dissolve was filed by the Corporation Commission; (4) that there are no actions or suits pending against the cooperative; (5) that all debts, obligations and liabilities of the cooperative have been paid and discharged or that adequate provision has been made therefor; and (6) that the

preceding provisions of this subsection have been duly complied with. The president or vice-president executing the articles of dissolution shall make and annex thereto an affidavit stating that the statements made therein are true.

Sec. 22. FILING OF ARTICLES. Articles of incorporation, amendment, consolidation, merger, conversion, or dissolution, when executed and acknowledged and accompanied by such affidavits as may be required by applicable provisions of this Act, shall be presented to the Corporation Commission for filing in the records of that office. If the Corporation Commission shall find that the articles presented conform to the requirements of this Act, it shall, upon the payment of the fees as in this Act provided, file such articles in the records of that office and upon such filing the incorporation, amendment, consolidation, merger, conversion, or dissolution provided for therein shall be in effect. The provisions of this section shall also apply to certificates of election to dissolve and affidavits executed in connection therewith pursuant to subsection (b) of section 21 of this Act.

Sec. 23. NON-PROFIT OPERATION. A cooperative shall be operated on a non-profit basis for the mutual benefit of its members and patrons. The bylaws of a cooperative or its contracts with consumers shall contain such provisions relative to the disposition of revenues and receipts as may be necessary and appropriate to establish and maintain its non-profit and cooperative character.

Sec. 24. DISPOSITION OF PROPERTY. (a) The board of directors of a cooperative shall have full power and authority, without authorization by the members thereof, to authorize the execution and delivery of a mortgage or mortgages or a deed or deeds of trust of, or the pledging or encumbering of, any or all of the property, assets, rights, privileges, licenses, franchises and permits of the cooperative, whether acquired or to be acquired, and wherever situated, as well as the revenues therefrom, all upon such terms and conditions as the board of directors shall determine, to secure any indebtedness of the cooperative to United States of America or any agency or instrumentality thereof. Any such mortgage or mortgages or deed or deeds of trust shall be exempt from mortgage recordation tax. (b) A cooperative may not otherwise sell, mortgage, lease or otherwise dispose of or encumber all or a substantial portion of its property unless such sale, mortgage, lease or other disposition or encumbrance is authorized by the affirmative vote of not less than a majority of all the members of the cooperative; provided, however, that notwithstanding any other provision of this Act, or any

other provision of law, the board of directors may, upon the authorization of a majority of those members of the cooperative present at a meeting of the members thereof, sell, lease or otherwise dispose of all or a substantial portion of its property to another cooperative doing business in this state pursuant to this Act or to the holder or holders of any notes, bonds or other evidences of indebtedness issued to United States of America or any agency or instrumentality thereof.

Sec. 25. NON-LIABILITY OF MEMBERS FOR DEBTS OF COOPERATIVE. No member shall be liable or responsible for any debts of the cooperative and the property of the members shall not be subject to execution therefor.

Sec. 26. RECORDATION OF MORTGAGES — EFFECT THEREOF. Any mortgage, deed of trust or other instrument executed by a cooperative doing business in this state pursuant to this Act, which affects real and personal property and which is recorded in the real property records in any county in which such property is located or is to be located, shall have the same force and effect as if the mortgage, deed of trust or other instrument were also recorded, filed or indexed as provided by law in the proper office in such county as a mortgage of personal property. All after-acquired property of such cooperative described or referred to as being mortgaged or pledged in any such mortgage, deed of trust or other instrument, shall become subject to the lien thereof immediately upon the acquisition of such property by such cooperative whether or not such property was in existence at the time of the execution of such mortgage, deed of trust or other instrument. Recordation of any such mortgage, deed of trust or other instrument shall constitute notice and otherwise have the same effect with respect to such after-acquired property as it has under the laws relating to recordation, with respect to property owned by such cooperative at the time of the execution of such mortgage, deed of trust or other instrument and therein described or referred to as being mortgaged or pledged thereby. The lien upon personal property of any such mortgage, deed of trust or other instrument shall, after recordation thereof, continue in existence and of record for the period of time specified therein without the refiling thereof or the filing of any renewal certificate, affidavit or other supplemental information required by the laws relating to the renewal, maintenance or extension of liens upon personal property.

Sec. 27. CONSTRUCTION STANDARDS. Construction of electric lines by a cooperative shall, as a minimum

requirement, comply with the standards of the national electric safety code in effect at the time of such construction.

Sec. 28. DIRECTORS, OFFICERS OR MEMBERS—NOTARIES. No person who is authorized to take acknowledgments under the laws of this state shall be disqualified from taking acknowledgments of instruments executed in favor of a cooperative or to which it is a party, by reason of being an officer, director or member of such cooperative.

Sec. 29. FEES. The corporation commission shall charge and collect for: (a) Filing articles of incorporation, ten dollars ($10.00); (b) Filing articles of amendment, ten dollars ($10.00); (c) Filing articles of consolidation or merger, ten dollars ($10.00); (d) Filing articles of conversion, ten dollars ($10.00); (e) Filing certificate of election to dissolve, ten dollars ($10.00); (f) Filing articles of dissolution, ten dollars ($10.00); and (g) Filing certificate of change of principal office, five dollars ($5.00).

Sec. 30. TERRITORY. PROHIBITIONS. A cooperative organized pursuant to this Act is hereby expressly prohibited from supplying electric energy in any territory already being served by the existing electric facilities of any other person and is further expressly prohibited from constructing electric distribution lines that duplicate existing electric facilities of any other person, for the purpose of serving any person who is already receiving service from such existing electric facilities. Subject to the provisions and limitations of section 4 of this Act, nothing in this section shall be interpreted, construed or applied as a prohibition against, or a limitation upon the power of cooperatives for, the making of acquisitions of electric facilities in rural areas or the supplying of electric energy to persons in rural areas who may have been receiving electric energy from electric facilities that may be acquired by such cooperatives in rural areas.

Sec. 31. SECURITIES ACT EXEMPTION. The provisions of articles 10 and 11 of chapter 53 of the Arizona Code of 1939 shall not apply to any note, bond or other evidence of indebtedness issued by any cooperative doing business in this state pursuant to this Act to United States of America or any agency or instrumentality thereof, or to any mortgage, deed of trust or other instrument executed to secure the same nor shall such provisions apply to the issuance of membership certificates or any other evidence of member interest by any cooperative.

Sec. 32. USE OF ROADS AND STREETS—NOTICE —PROTEST. (a) A cooperative shall have the use of and the right is expressly granted to it to use the public highways, county highways, and streets and alleys in or outside of the service area of such cooperative, and such cooperative may construct and operate lines connecting any points within the state and connect at the state boundary with like lines provided, that within the confines of municipal corporations, use and occupancy of streets shall be under such rights as may be acquired by franchises according to law, and subject to control and regulation by municipal authorities and the use of public highways, except state highways, by cooperatives not within the confines of any incorporated city or town, shall be regulated by the board of supervisors of the county, by license or franchise. Such board of supervisors in granting such license or franchise, or at any time after the same is granted, may impose such restrictions and limitations as to the use of such public roads as may be deemed best for the public safety or welfare. Every franchise granted hereunder shall include provisions requiring the grantee thereof to bear all expenses, including damage and compensation for any alteration of the direction, surface, grade or alignment of any county road, made for the purpose of such franchise. (b) The board of supervisors, before granting of the privileges herein contemplated, shall give public notice of its intention to make such grant, by publishing such notice in some newspaper of general circulation, published within the county, for at least once a week for three weeks prior to the day set for the consideration of such action. If, on or before such date, more than fifty per centum (50%) of the qualified electors of said county, shall petition such board of supervisors to deny such privilege, they shall so act, and any privilege granted against such petition shall be void.

Sec. 33. CONSTRUCTION OF ACT. This Act shall be construed liberally. The enumeration of any object, purpose, power, manner, method, or thing shall not be deemed to exclude like or similar objects, purposes, powers, manners, methods or things.

Sec. 34. SEPARABILITY OF PROVISIONS. If any provisions of this Act, or the application of such provisions to any person or circumstances is held invalid, the remainder of the Act and the application of such provisions to other persons or circumstances shall not be affected thereby.

Sec. 35. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act shall

become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved by the Governor—March 27, 1947.

Filed in the Office of the Secretary of State—March 27, 1947.

CHAPTER 119

SENATE BILL NO. 46

AN ACT

RELATING TO THE DESTRUCTION OF CERTAIN PUBLIC DOCUMENTS AFTER THE SAME SHALL HAVE BEEN MICROFILMED AND REPRODUCED, AND PRESCRIBING THE CONDITIONS UPON WHICH SUCH DOCUMENTS MAY BE DESTROYED, AND SPECIFYING WHICH DOCUMENTS MAY NOT BE DESTROYED.

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

Section 1. SHORT TITLE. This Act shall be known as the microfilm and reproduction of documents Act.

Sec. 2. DESTRUCTION OF RECORDS. Public records of the State of Arizona, or of any department thereof which are more than five years old and which have no historical value may be destroyed at the discretion of the chief official of the department responsible for their custody, provided such documents have first been microfilmed, photographed, microphotographed, photostated or reproduced on film, inspected by at least two officials, one of whom shall have been approved by the governor, another by the state auditor, and provided every reel containing such microfilms or reproductions, shall have been certified by the person in charge of such reproduction, and by the aforesaid two inspectors, to contain an exact replica of every document reproduced thereon, and that said reels, conveniently indexed shall be preserved in the records department in which the original records originated.

Sec. 3. NOTICE TO OFFICIALS. Before any public document or set of documents shall be destroyed, the official intending so to destroy it shall give ninety days' notice to

the governor, the state auditor, the attorney general, and the department of library and archives, of such intention. This notice shall set forth the index numbers, letters, or other symbols identifying the reel or reels on which such documents are microfilmed, or on such other reproductions of such documents, together with the nature of the contents of each reel or reproduction, and the dates between which the originals of such contents first became a part of the records of such department. Each of the aforesaid officers may within ninety days of receiving such notice, remove to his own office any of such records as he desires to preserve. If two of said officers indicate a desire to preserve the same document it shall be placed in the custody of the State Librarian, until both of said officers, or their successors, may release the same.

Sec. 4. DEPARTMENT OF LIBRARY AND ARCHIVES. The Department of Library and Archives may claim and preserve any original document which has been microfilmed in accordance with this Act, and which would otherwise be destroyed, and documents claimed by other departments as provided in Section 3 of this Act shall not be destroyed by such department until thirty days notice of the intention to destroy same shall have been given to the Department of Library and Archives.

Sec. 5. PRESERVATION OF RIGHTS. Notwithstanding anything contained in this Chapter or elsewhere in the Statutes of this State, no document shall ever be destroyed which is, or may become evidence of any title to or right in, real property, or of the right of any person to practice any trade or vocation in the State of Arizona or elsewhere, or of the right of any person to any honor, exemption, privilege or preference at any time or any place whatever.

Sec. 6. REPRODUCTIONS ACCEPTABLE AS EVIDENCE. All certified photostats of microfilmed public documents, when such have been certified in accordance with the foregoing provisions, shall be received in evidence in all courts, and before all commissions or examining bodies in Arizona, the same as originals would be.

Sec. 7. DUTIES AND FUNCTIONS UNIMPAIRED. Nothing in this Act shall affect in any way the present duties or functions of the State Department of Library and Archives, nor apply to any record or document which is in the custody of said department at the time of the enactment of this Act, or which may thereafter come lawfully into the possession of said department.

Sec. 8. REPEAL. All laws and parts of laws conflicting herewith are hereby repealed.

Approved by the Governor—March 27, 1947.

Filed in the Office of the Secretary of State—March 27, 1947.

CHAPTER 120

SENATE BILL NO. 57

AN ACT

RELATING TO CORPORATIONS AND SOCIETIES; PRESCRIBING THE TERM OF EXISTENCE THEREOF, AND AMENDING SECTION 53-304, ARIZONA CODE OF 1939.

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

Section 1. Sec. 53-304, Arizona Code of 1939, is amended to read:

53-304. TERM AND RENEWAL OF EXISTENCE. A corporation may be formed to endure for twenty-five years and may be renewed for successive periods of twenty-five years by appropriate resolutions of renewal adopted, within five years after the date of expiration, by three-fourths of the votes cast at a stockholder's meeting duly called and held for that purpose, if all corporation fees and charges imposed by law have been paid; but a corporation which has been dissolved or whose affairs have been wound up according to law shall not be renewed. Charters which have been renewed within five years after the expiration thereof, but prior to the effective date of this Act shall be deemed valid renewals.

Approved by the Governor—March 27, 1947.

Filed in the Office of the Secretary of State—March 27, 1947.

CHAPTER 121

SENATE BILL NO. 107

AN ACT

RELATING TO TAXATION; PRESCRIBING THE

DUTIES OF THE STATE TAX COMMISSION, AND AMENDING SECTION 73-103, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 73-103, Arizona Code of 1939, is amended to read:

73-103. DUTIES OF COMMISSION. (a) The commission shall keep a record of its official proceedings, and a seal, which shall bear the impression "State Tax Commission of Arizona" and the design of a pair of scales, representing equality. Every process of or certification by the commission shall be attested by its seal. The offices of the commission shall be at the capitol.

(b) The commission may employ and fix the compensation of a secretary and a clerk, who shall hold their positions at the will of the commission, and such other assistants, experts and attorneys as may be necessary to perform the duties of the commission.

(c) The secretary shall keep full and correct minutes of all hearings and proceedings and shall be the custodian of and affix the seal in all proper cases. The commission may incur such travel or other expenses as may be necessary for the proper discharge of its duties, to be paid on claims approved by the chairman or any two members of the commission.

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, 1947.

Filed in the Office of the Secretary of State—March 27, 1947.

CHAPTER 122

HOUSE BILL NO. 160

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR

DEPUTY REGISTRATION OFFICERS, AND AMENDING ARTICLE 2, CHAPTER 55, ARIZONA CODE OF 1939, BY ADDING SECTION 55-202a.

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

Section 1. Article 2, chapter 55, Arizona Code of 1939, is amended by adding section 55-202a, to read:

55-202a. DEPUTY REGISTRATION OFFICER. When the county recorder shall deem it necessary or advisable, in order to expedite or facilitate the registration of electors in any precinct or in any district composed of two or more precincts, he may commission a deputy registration officer for such purpose. The person appointed shall have a fixed office, place of business or residence; shall be qualified to take acknowledgments of affidavits, and shall serve without pay.

Approved by the Governor—March 27, 1947.

Filed in the Office of Secretary of State—March 27, 1947.

CHAPTER 123

HOUSE BILL NO. 36

AN ACT

RELATING TO THE BOARD OF VETERINARY EXAMINERS; PROVIDING FOR THE ISSUANCE OF LICENSES, AND AMENDING SECTION 67-1903, ARIZONA CODE OF 1939.

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

Section 1. Sec. 67-1903, Arizona Code of 1939, is amended to read:

67-1903. APPLICATIONS AND EXAMINATIONS FOR LICENSE. (a) A person desiring to practic veterinary medicine or surgery, shall apply to the board for a license upon a form furnished by the board, accompanied by a fee of ten dollars and satisfactory evidence of his good moral character and that he has graduated and received a degree from a veterinary medical school recognized by the

American veterinary medical association. The board shall ascertain, by means of such examination to be held in the office of the state veterinarian at Phoenix, Arizona, within ninety days after the filing of such application with the board and if he makes an average of sixty per cent in the various subjects of the examination, the board shall issue a license to him within thirty days after said examination. The board shall consecutively number all applications received, note upon each its disposition, file the same, and number consecutively all licenses issued. Veterinarians heretofore licensed in this state may continue the practice of their profession without further examination.

(b) Any applicant for a certificate to practice veterinary medicine or surgery shall for a fee of one dollar be granted a reciprocity certificate without examination if he shall file with the veterinary board, in addition to the documents required by subsection (a), a certificate or license to practice veterinary medicine or surgery issued to said applicant by the examining authority of any state in which the requirements are not less than those in force in this state at the time of application, provided that such applicant holds a license from a state or states granting equal reciprocity, and a further certificate, issued by the veterinary medical officer or board of the jurisdiction wherein the applicant last engaged in practice, that the applicant was either an active ethical practitioner, who has had at least two years of experience in veterinary practice other than food or meat inspection, a veterinary inspector of the United States Bureau of Animal Industry, or a veterinary officer of the armed forces of the United States, for a period of at least two years immediately prior to issuance of such certificate. After one year of continuous residence and practice in the state, a final license shall be issued to the holder of a reciprocity certificate.

(c) That a qualified applicant be granted a temporary permit to practice veterinary medicine in Arizona until the next state board examination for veterinarians is given.

Approved by the Governor—March 27, 1947.

Filed in the Office of the Secretary of State—March 27, 1947.

CHAPTER 124

HOUSE BILL NO. 278

AN ACT

RELATING TO INSURANCE AND THE REGULATION

OF INSURANCE COMPANIES AND AMENDING SECTION 61-341, ARIZONA CODE ANNOTATED, 1939.

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

Section 1. Sec. 61-341, Arizona Code Annotated, 1939, is amended to read as follows:

61-341. CHARGES PROHIBITED AND REPORTS. It shall be unlawful for any insurance company or for any officer, or representative of such company, to include in the sum charged or designated in a policy of insurance, any fee, charge, or perquisite, except the premium for said insurance and any membership fee charged by an insurance company doing a substantial portion of its business on a membership plan of operation. Every agent or other representative of a company issuing a policy in this state, shall report to the company the exact consideration charged and written in the policy as a premium for the risk assumed or as a membership fee.

Approved by the Governor—March 27, 1947.

Filed in the Office of the Secretary of State—March 27, 1947.

CHAPTER 125

SENATE BILL NO. 96

AN ACT

RELATING TO INSURANCE; DUTIES OF CORPORATION COMMISSION WITH RESPECT THERETO; PROVIDING FOR THE ISSUANCE OF TEMPORARY LICENSES TO AGENTS; AMENDING SECTIONS 61-301 AND 61-322, ARIZONA CODE OF 1939; AMENDING ARTICLE 3, CHAPTER 61, ARIZONA CODE OF 1939, BY ADDING SECTIONS 61-301a, 61-301b AND 61-301c; AMENDING ARTICLE 7, CHAPTER 61, ARIZONA CODE OF 1939, BY ADDING SECTION 61-710a; AND AMENDING SECTION 61-409, ARIZONA CODE OF 1939.

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

Section 1. Sec. 61-301, Arizona Code of 1939 (section 1, chapter 100, Session Laws of 1945, regular session), is amended to read:

61-301. CORPORATION COMMISSION TO ENFORCE INSURANCE LAWS. (a) The corporation commission shall administer the laws relating to insurance companies, and shall promulgate rules and regulations for the effective execution of such laws and the protection of the insuring public.

(b) The commission shall have the sole power to issue certificates of incorporation, certificates of authority and licenses to corporations and organizations to do insurance business, and to impose fines and other penalties as provided in this chapter.

(c) The commission shall provide all necessary books and blanks for the administration of the insurance laws, compile such laws in pamphlet form for the use of interested persons, and take all measures required for the administration of the insurance division.

(d) No member of the commission nor any employee thereof shall be directly or indirectly interested in any insurance corporation, except as an ordinary policyholder.

Sec. 2. Article 3, chapter 61, Arizona Code of 1939, is amended by adding section 61-301a, to read:

61-301a. DIRECTOR OF INSURANCE. (a) The commission shall appoint a director of insurance who shall have supervision, subject to the authority of the commission, of the administration of laws relating to insurance as prescribed in this chapter and regulations promulgated by the commission pursuant thereto.

(b) The director of insurance shall be appointed for a term of six years; shall be subject to removal by the commission for cause, and shall receive a salary of six thousand dollars per annum. He shall have been a resident of this state for at least three years prior to such appointment and be well versed in insurance matters.

(c) The director of insurance or a deputy authorized by the commission shall have authority to hold hearings, make findings and issue orders in matters pertaining to insurance rates and insurance rating organizations in all

cases required by statute or the orders of the commission.

Sec. 3. Article 3, chapter 61, Arizona Code of 1939, is amended by adding section 61-301b, to read:

61-301b. DEPUTIES AND ASSISTANTS. (a) The commission shall appoint a supervisor of insurance rates, who shall also serve as chief deputy director of insurance. He shall be subject to removal for cause, and shall receive a salary of six thousand dollars per annum, and be reimbursed for expenses incurred in making or participating in examinations pertaining to rating matters. The supervisor of insurance shall be a person versed in insurance rating procedure and familiar with the operation of insurance companies and rating organizations, and shall have supervision, under the commission and the director, of the administration of laws pertaining to insurance rates and rating organizations.

(b) The commission shall appoint an actuary, who shall be a graduate in actuarial science of an accredited university and who shall receive a salary not to exceed five thousand dollars per year, and such other deputies, assistants, examiners and clerks at salaries to be fixed by the commission, as may be necessary to properly discharge the duties imposed upon the insurance division.

Sec. 4. Article 3, chapter 61, Arizona Code of 1939, is amended by adding section 61-301c, to read:

61-301c. EXPENSES FOR PUBLIC PURPOSE. Travel and other expenses, either in or out of the state, incurred by the director, his deputies and assistants, for a public purpose, not to exceed the amount available therefor by appropriation, shall be paid by the commission. The payment of dues assessed by the national association of insurance commissioners; travel without the state by the director or his deputy in attendance upon meetings of the national association of insurance commissioners; expenses incurred in connection with such attendance, and travel within the state, visiting agencies and gaining acquaintance with the operations of insurance agencies, shall be deemed to be a public purpose.

Sec. 5. Sec. 61-322, Arizona Code of 1939 (section 3, chapter 100, Session Laws of 1945, regular session), is amended to read:

61-322. FEES. The following fees, in addition to fees otherwise prescribed, shall be paid by domestic, foreign or alien companies or rating organizations:

1. Filing articles of incorporation or charter or certified copy of articles, charter or by-laws or other record of organization required to be filed in the office of the commission, twenty-five dollars.

2. Filing amended articles of incorporation, charter or by-laws or a certified copy thereof, ten dollars.

3. Issuing certificate of authority or license, fifty dollars.

4. Renewal of certificate of authority or amended license, thirty dollars.

5. Filing annual statement of condition and report of Arizona business, twenty-five dollars.

6. Filing rate manuals, rating schedules, rating plans and papers pertinent thereto and corrections and amendments thereof, ten cents per folio, but not exceeding five dollars per classification of insurance as provided in section 61-102, Arizona Code of 1939, in any calendar year.

7. Copy of papers filed in the office of the commission, per folio, twenty cents.

8. Filing miscellaneous papers, each, one dollar.

9. Issuing agent's license to represent companies, two dollars.

Sec. 6. Sec. 61-409, Arizona Code of 1939, is amended to read:

61-409. TEMPORARY LICENSES. (a) In the event of the death or inability further to act of an insurance agent holding a certificate of authority from any insurer where no other agent in the copartnership, association or corporation is authorized to represent such insurer, the commission may issue a temporary license to another person or individual duly authorized and appointed by the copartnership, association or corporation to represent such insurer.

(b) The commission may issue a temporary license to: 1. the executor or administrator of the estate of a deceased person who at the time of his death was a licensed insurance agent; 2. a surviving next of kin of a deceased licensed insurance agent when no administrator of his estate has been appointed and no executor has qualified

under his duly probated will; 3. to a person designated by a duly licensed agent conducting an established agency business in the state of Arizona to replace an agent no longer employed by or associated with such agency; and, 4. an agent licensed in another state who is sent to this state by an insurance company to act in a capacity that requires the agent to be licensed.

(c) A temporary license may be issued for ninety days with the privilege of renewal for another ninety days; but in the case of an executor or administrator of an estate as provided in subsection (b), the temporary license shall continue until the executor or administrator disposes of the business, but not to exceed a period of fifteen months. No fee shall be charged for a temporary license.

Sec. 7. Section 10, article 7, chapter 61, Arizona Code of 1939, is amended by adding new section 61-710a, to read;

61-710a. PROHIBITION OF DUAL OR MULTIPLE PAY LIFE INSURANCE POLICIES. No life insurance policy shall be issued or delivered in this state if it provides that on the death of anyone not specifically named as insured therein the owner or beneficiary of the policy shall receive the payment or granting of anything of value.

Approved by the Governor—March 27, 1947.

Filed in the Office of the Secretary of State—March 27, 1947.

CHAPTER 126

SENATE BILL NO. 73

AN ACT

RELATING TO THE TRANSACTION OF INSURANCE AND THE SUPERVISION THEREOF BY THE ARIZONA CORPORATION COMMISSION, INCLUDING THE MAKING, FIXING, AND REGULATION OF RATES AND PREMIUMS, THE ESTABLISHMENT, LICENSING AND REGULATION OF RATING BUREAUS AND OTHER ORGANIZATIONS, PERMITTING MEMBERSHIP BY INSURERS IN SUCH RATING BUREAUS AND ORGANIZATIONS, PRE-

SCRIBING FEES AND PENALTIES, PROVIDING FOR JUDICIAL REVIEW OF ACTS OF THE COMMISSION IN CONNECTION THEREWITH, PRESCRIBING CERTAIN EXEMPTIONS, AMENDING CHAPTER 61, ARIZONA CODE OF 1939, BY ADDING A NEW ARTICLE 11 THERETO, AND DECLARING AN EMERGENCY.

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

Section 1. Chapter 61, Arizona Code of 1939, is amended by adding article 11:

Article 11. RATES, RATING BUREAUS, ORGANIZATIONS.

61-1100. PURPOSE. The purpose of this article is to promote the public welfare by regulating insurance rates to the end that they shall not be excessive, inadequate or unfairly discriminatory, and to authorize and regulate cooperative action among insurers in rate making and in other matters within the scope of this article. Nothing in this article is intended (1) to prohibit or discourage reasonable competition, or (2) to prohibit or encourage, except to the extent necessary to accomplish the aforementioned purpose, uniformity in insurance rates, rating systems, rating plans or practices. Wherever the word "commission" is used in this article, it shall mean the Arizona corporation commission. This article shall be liberally interpreted to carry into effect the provisions of this section.

61-1101. SCOPE OF ARTICLE. This article applies to fire and allied lines, marine and inland marine insurance on risks located in this state. Inland marine insurance shall be deemed to include insurance now or hereafter defined by statute, or by interpretation thereof, or if not so defined or interpreted, by ruling of the commission, or as established by general custom of the business, as inland marine insurance.

This article shall not apply:

(a) To reinsurance, other than joint reinsurance to the extent stated in section 61-1111;

(b) To insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity,

or other risks commonly insured under marine, as distinguished from inland marine, insurance policies;

(c) To insurance of hulls of aircraft, including their accessories and equipment, or against liability arising out of the ownership, maintenance or use of aircraft;

(d) To motor vehicle insurance, nor to insurance against liability arising out of the ownership, maintenance or use of motor vehicles;

(e) Mutual fire and lightning insurance companies operating under the provisions of article 6 of this chapter.

61-1102. MAKING OF RATES.

(a) Rates shall be made in accordance with the following provisions:

(1) Manual, minimum, class rates, rating schedules or rating plans, shall be made and adopted, except in the case of specific inland marine rates on risks specially rated.

(2) Rates shall not be excessive, inadequate or unfairly discriminatory. No rate shall be held to be excessive if the commission finds that free competition exists in the area and in the classification covered by any such rate.

(3) Due consideration shall be given to past and prospective loss experience within and outside this state, to the conflagration and catastrophe hazards, to a reasonable margin for underwriting profit and contingencies, to dividends, savings or unabsorbed premium deposits allowed or returned by insurer to their policyholders, members or subscribers, to past and prospective expenses both country-wide and those specially applicable to this state, and to all other relevant factors within and outside this state; and in the case of fire insurance rates consideration shall be given to the experience of the fire insurance business during a period of not less than the most recent five-year period for which such experience is available.

(b) Except to the extent necessary to meet the provisions of subdivision (2) of subsection (a) of this section, uniformity among insurers in any matters within the scope of this section is neither required nor prohibited.

(c) Rates made in accordance with this section may be used subject to the provisions of this article.

(d) Nothing in this article shall be construed to prohibit payment of dividends by insurers issuing policies on the participating plan or by mutual or cooperative insurers, provided that in the payment of such dividends there shall be no unfair discrimination between policyholders.

61-1103. RATE FILINGS. (a) Every insurer shall file with the commission, except as to inland marine risks which by general custom of the business are not written according to manual rates or rating plans, every manual, minimum, class rate, rating schedule or rating plan and every other rating rule, and every modification of any of the foregoing which it proposes to use. Every such filing shall state the proposed effective date thereof, and shall indicate the character and extent of the coverage contemplated. When a filing is not accompanied by the information upon which the insurer supports such filing, and the commission does not have sufficient information to determine whether such filing meets the requirements of this article, it may require such insurer to furnish the information upon which it supports such filing and in such event the waiting period shall commence as of the date such information is furnished. The information furnished in support of a filing may include (1) the experience or judgment of the insurer or rating organization making the filing, (2) its interpretation of any statistical data it relies upon, (3) the experience of other insurers or rating organizations, or (4) any other relevant factors. A filing and any supporting information shall be open to public inspection after the filing becomes effective. Specific inland marine rates on risks specially rated, made by a rating organization, shall be filed with the commission.

(b) An insurer may satisfy its obligation to make such filings by becoming a member of, or a subscriber to, a licensed rating organization which makes such filings, and by authorizing the commission to accept such filings on its behalf; provided, that nothing contained in this article shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization.

(c) The commission shall review filings as soo nas reasonably possible after they have been made in order to determine whether they meet the requirements of this article.

(d) Subject to the exception specified in subsection (e) of this section, each filing shall be on file for a waiting period of fifteen days before it becomes effective, which period may be extended by the commission for an additional period not to exceed fifteen days if it gives written notice

within such waiting period to the insurer or rating organization which made the filing that it needs such additional time for the consideration of such filing. Upon written application by such insurer or rating organization, the commission may authorize a filing which it has reviewed to become effective before the expiration of the waiting period or any extension thereof. A filing shall be deemed to meet the requirements of this article unless disapproved by the commission within the waiting period or any extension thereof.

(e) Specific inland marine rates on risks specially rated by a rating organization shall become effective when filed and shall be deemed to meet the requirements of this article until such time as the commission reviews the filing and for so long thereafter as the filing remains in effect.

(f) Under such rules and regulations as it shall adopt the commission may, by written order, suspend or modify the requirement of filing as to any kind of insurance, subdivision, or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used. Such orders, rules and regulations shall be made known to insurers and rating organizations affected thereby. The commission may make such examination as it may deem advisable to ascertain whether any rates affected by such order meet the standards set forth in subdivision 2 of subsection (a) of section 61-1102.

(g) Upon the written application of the insured, stating his reasons therefor, filed with and approved by the commission, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

(h) On and after January 1, 1948, no insurer shall make or issue a contract or policy except in accordance with the filings which are in effect for said insurer as provided in this article or in accordance with subsections (f) or (g) of this section. This subsection shall not apply to contracts or policies for inland marine risks as to which filings are not required.

61-1104. DISAPPROVAL OF FILINGS.

(a) If within the waiting period or any extension thereof as provided in subsection (d) of section 61-1103, the commission finds that a filing does not meet the requirements of this article, it shall send to the insurer or rating organization which made such filing, written notice of disapproval of such filing specifying therein in what respects it finds such filing fails to meet the requirements of this

article and stating that such filing shall not become effective. Before disapproving any filing, notice shall be given and a hearing held as provided in subsection (c) of this section.

(b) If within thirty days after a specific inland marine rate on a risk specially rated by a rating organization, subject to subsection (e) of section 61-1103 has become effective, the commission finds that such filing does not meet the requirements of this article, it shall send to the rating organization which made such filing written notice of disapproval of such filing specifying therein in what respects it finds that such filing fails to meet the requirements of this article and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Said disapproval shall not affect any contract made or issued prior to the expiration of the period set forth in said notice.

(c) If at any time subsequent to the applicable review period provided for in subsection (a) or (b) of this section, the commission finds that a filing does not meet the requirements of this article, it shall, after a hearing held upon not less than ten days' written notice, specifying the matters to be considered at such hearing, to every insurer and rating organization which made such filing, issue an order specifying in what respects it finds that such filing fails to meet the requirements of this article, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Copies of said order shall be sent to every such insurer and rating organization. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order.

(d) Any person or organization aggrieved with respect to any filing which is in effect may make written application to the commission for a hearing thereon, provided, however, that the insurer or rating organization that made the filing shall not be authorized to proceed under this subsection. Such application shall specify the grounds to be relied upon by the applicant. If the commission shall find that the application is made in good faith, that the applicant would be so aggrieved if his grounds are established, and that such grounds otherwise justify holding such a hearing, it shall, within thirty days after receipt of such application, hold a hearing upon not less than ten days' written notice to the applicant and to every insurer and rating organization which made such filing.

If, after such hearing, the commission finds that the

filing does not meet the requirements of this article, it shall issue an order specifying in what respects it finds that such filing fails to meet the requirements of this article, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Copies of said order shall be sent to the applicant and to every such insurer and rating organization. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order.

(e) No manual, minimum, class rate, rating schedule, rating plan, rating rule or any modification of any of the foregoing which has been filed pursuant to the requirements of section 61-1103 of this article shall be disapproved if the rates thereby produced meet the requirements of said section.

61-1105. COOPERATION BETWEEN INSURERS. Subject to the provisions of this article, two or more admitted insurers may act in concert with each other, and with others, with respect to all matters pertaining to making rates, rating plans or rating systems or the preparation or making of insurance policy or bond forms, underwriting rules, surveys, inspections and investigations, or the furnishing of loss or expense statistics or other information and data, or carrying on of research.

61-1106. RATING ORGANIZATIONS.

(a) A corporation, an unincorporated association, a partnership or an individual, whether located within or outside of this state, may make application to the commission for license as a rating organization for such kinds of insurance, or subdivision or class of risk or a part or combination thereof as are specified in its application and shall file therewith (1) a copy of its constitution, its articles of agreement or association or its certificate of incorporation, and of its by-laws, rules and regulations governing the conduct of its business, (2) a list of its members and subscribers, (3) the name and address of a resident of this state upon whom notices or orders of the commission or process affecting such rating organization may be served, and (4) a statement of its qualifications as a rating organization. If the commission finds that the applicant is competent, trustworthy and otherwise qualified to act as a rating organization and that its constitution, articles of agreement or association or certificate of incorporation, and its by-laws, rules and regulations governing the conduct of its business conform to the requirements of law, it shall issue a license specifying the kinds of insurance, or subdivision or class of risk or part or combination thereof for

which the application is authorized to act as a rating organization. Every such application shall be granted or denied in whole or in part by the commission within sixty days of the date of its filing with it. Licenses issued pursuant to this section shall remain in effect for three years unless sooner suspended or revoked by the commission. The fee for said license shall be twenty-five dollars. Said license fee shall be in lieu of all other fees, licenses or taxes to which said rating organization might otherwise be subject. Licenses issued pursuant to this section may be suspended or revoked by the commission, after hearing upon notice, in the event the rating organization ceases to meet the requirements of this subsection. Every rating organization shall notify the commission promptly of every change in (1) its constitution, its articles of agreement or association, or its certificate of incorporation, and its by-laws, rules and regulations governing the conduct of its business, (2) its list of members and subscribers, and (3) the name and address of the resident of this state designated by it upon whom notices or orders of the commission or process affecting such rating organization may be served.

(d) Subject to rules and regulations which have been approved by the commission as reasonable, each rating organization shall permit any insurer, not a member, to be a subscriber to its rating services for any kind of insurance subdivision, or class of risk or a part or combination thereof for which it is authorized to act as a rating organization. Notice of proposed changes in such rules and regulations shall be given to subscribers. Each rating organization shall furnish its rating services without discrimination to its members and subscribers. The reasonableness of any rule or regulation in its application to subscribers, or the refusal of any rating organization to admit an insurer as a subscriber, shall, at the request of any subscriber or any such insurer, be reviewed by the commission at a hearing held upon at least ten days' written notice to such rating organization and to such subscriber or insurer. If the commission finds that such rule or regulation is unreasonable in its application to subscribers, it shall order that such rule or regulation shall not be applicable to subscribers. If the rating organization fails to grant or reject an insurer's application for subscribership, within thirty days after it was made, the insurer may request a review by the commission as if the application had been rejected. If the commission finds that the insurer has been refused admittance to the rating organization as a subscriber without justification, it shall order the rating organization to admit the insurer as a subscriber. If it finds that the action of the rating organiza-

tion was justified, it shall make an order affirming its action.

(c) Cooperation among rating organizations or among rating organizations and insurers in rate making or in other matters within the scope of this article is hereby authorized, provided the filings resulting from such cooperation are subject to all the provisions of this article which are applicable to filings generally. The commission may review such cooperative activities and practices and if, after a hearing, it finds that any such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this article, it may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this article, and requiring the discontinuance of such activity or practice.

(d) Any rating organization may provide for the examination of policies, daily reports, binders, renewal certificates, endorsements or other evidences of insurance, or the cancellation thereof, and may make reasonable rules governing their submission. Such rules shall contain a provision that in the event any insurer does not within sixty days furnish satisfactory evidence to the rating organization of the correction of any error or omission previously called to its attention by the rating organization, it shall be the duty of the rating organization to notify the commission thereof. All information so submitted for examination shall be confidential.

(e) Any rating organization may subscribe for or purchase actuarial, technical or other services, and such services shall be available to all members and subscribers without discrimination.

(f) Each rating bureau making rates for fire insurance and each insurer making its own rates shall keep and maintain a service office in this state which shall be equipped with adequate rating facilities, and shall keep and maintain in such office a complete supply of forms, clauses, permits, rules, maps and surveys and such other information and data as will enable it to promulgate rates in accordance with the provisions of this article in the line or lines in which it has qualified to do business in this state.

61-1107. DEVIATIONS. Every member of or subscriber to a rating organization shall adhere to the filings made on its behalf by such organization except that any such insurer may make written application to the commission for permission to file a deviation from the class

rates, schedules, rating plans or rules respecting any kind of insurance, or class of risk within a kind of insurance, or combination thereof. Such application shall specify the basis for the modification and a copy thereof shall also be sent simultaneously to such rating organization. The commission shall set a time and place for a hearing at which the insurer and such rating organization may be heard and shall give them not less than ten days' written notice thereof. In the event the commission is advised by the rating organization that it does not desire a hearing it may, upon the consent of the applicant, waive such hearing. In considering the application for permission to file such deviation the commission shall give consideration to the available statistics and the principles for rate making as provided in section 61-1103 of this article. The commission shall issue an order permitting the deviation for such insurer to be filed if it finds it to be justified and it shall thereupon become effective. It shall issue an order denying such application if it finds that the resulting premiums would be excessive, inadequate or unfairly discriminatory. Each deviation permitted to be filed shall be effective for a period of one year from the date of such permission unless terminated sooner with the approval of the commission.

61-1108. APPEAL BY MINORITY. Any member of or subscriber to a rating organization may appeal to the commission from the action or decision of such rating organization in approving or rejecting any proposed change in or addition to the filings of such rating organization and the commission shall, after a hearing held upon not less than ten days' written notice to the appellant and to such rating organization, issue an order approving the action or decision of such rating organization or directing it to give further consideration to such proposal, or, if such appeal is from the action or decision of the rating organization in rejecting a proposed addition to its filings, it may, in the event it finds that such action or decision was unreasonable, issue an order directing the rating organization to make an addition to its filings, on behalf of its members and subscribers, in a manner consistent with its findings, within a reasonable time after the issuance of such order.

61-1109. INFORMATION TO BE FURNISHED INSUREDS; HEARINGS AND APPEALS OF INSUREDS. Every rating organization and every insurer which makes its own rates shall, within a reasonable time after receiving written request therefor, and upon payment of such reasonable charge as it may make, furnish to any insured affected by a rate made by it, or to the authorized repre-

sentative of such insured, all pertinent information as to such rate. Every rating organization and every insurer which makes its own rates shall provide within this state reasonable means whereby any person aggrieved by the application of its rating system may be heard, in person or by his authorized representative, on his written request to review the manner in which such rating system has been applied in connection with the insurance afforded him. If the rating organization or insurer fails to grant or reject such request within thirty days after it is made, the applicant may proceed in the same manner as if his application had been rejected. Any party affected by the action of such rating organization or such insurer on such request may, within thirty days after written notice of such action, appeal to the commission, which, after a hearing held upon not less than ten days' written notice to the appellant and to such rating organization or insurer, may affirm or reverse such action.

61-1110. ADVISORY ORGANIZATIONS.

(a) Every group, association or other organization of insurers, whether located within or outside this state, which assists insurers which make their own filings or rating organizations in rate making, by the collection and furnishing of loss or expense statistics, or by the submission of recommendations, but which does not make filings under this article, shall be known as an advisory organization.

(b) Every advisory organization shall file with the commission (1) a copy of its constitution, its articles of agreement or association or its certificate of incorporation and of its by-laws, rules and regulations governing its activities, (2) a list of its members, (3) the name and address of a resident of this state upon whom notices or orders of the commission or process issued at its direction may be served, and (4) an agreement that the commission may examine such advisory organization in accordance with the provisions of section 61-1113 of this article.

(c) If, after a hearing, the commission finds that the furnishing of such information or assistance involves any act or practice which is unfair or unreasonable or otherwise inconsistent with the provisions of this article, it may issue a written order specifying in what respects such act or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this article, and requiring the discontinuance of such act or practice.

(d) No insurer which makes its own filings nor any rating organization shall support its filings by statistics or

adopt rate making recommendations, furnished to it by an advisory organization which has not complied with this section or with an order of the commission involving such statistics or recommendations issued under subsection (c) of this section. If the commission finds such insurer or rating organization to be in violation of this subsection it may issue an order requiring the discontinuance of such violation.

61-1111. JOINT UNDERWRITING OR JOINT REINSURANCE.

(a) Every group, association or other organization of insurers, which engages in joint underwriting or joint reinsurance, shall be subject to regulation with respect thereto as herein provided, subject, however, with respect to joint underwriting, to all other provisions of this article, and, with respect to joint reinsurance, to sections 61-1112, 61-1113, and 61-1114, and 61-1116, 61-1117, and 61-1118 of this article.

(b) If, after a hearing, the commission finds that any activity or practice of any such group, association or other organization is unfair or unreasonable or otherwise inconsistent with the provisions of this article, it may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this article, and requiring the discontinuance of such activity or practice.

61-1112. EXAMINATIONS. The commission shall, at least once in five years, make or cause to be made an examination of each rating organization licensed in this state as provided in section 61-1106, and it may, as often as it may deem it expedient, make or cause to be made an examination of each advisory organization referred to in section 61-1110 and of each group, association or other organization referred to in section 61-1111. The reasonable costs of any such examination shall be paid by the rating organization, advisory organization, or group, association or other organizations examined upon presentation to it of a detailed account of such costs. The officers, manager, agents and employees of such rating organization, advisory organization, or group, association or other organization may be examined at any time under oath and shall exhibit all books, records, accounts, documents, or agreements governing its method of operation. In lieu of any such examination the commission may accept the report of an examination made by the insurance supervisory official of another state, pursuant to the laws of such state.

61-1113. RATE ADMINISTRATION.

(a) Recording and reporting of loss and expense experience.

The commission shall promulgate reasonable rules and statistical plans, reasonably adapted to each of the rating systems on file with it, which may be modified from time to time and which shall be used thereafter by each insurer in the recording and reporting of its loss and country-wide expense experience, in order that the experience of all insurers may be made available at least annually in such form and detail as may be necessary to aid it in determining whether rating systems comply with the standards set forth in section 61-1102. Such rules and plans may also provide for the recording and reporting of expense experience items which are specially applicable to this state and are not susceptible of determination by a prorating of country-wide expense experience. In promulgating such rules and plans, the commission shall give due consideration to the rating systems on file with it and, in order that such rules and plans may be as uniform as is practicable among the several states, to the rules and to the form of the plans used for such rating systems in other states. No insurer shall be required to record or report its loss experience on a classification basis that is inconsistent with the rating system filed by it. The commission may designate one or more rating organizations or other agencies to assist it in gathering such experience and making compilations thereof, and such compilations shall be made available, subject to reasonable rules promulgated by the commission, to insurers and rating organizations, provided, that no insurer shall be required to file its experience with an organization of which it is not a member or subscriber.

(b) Interchange of rating plan data.

Reasonable rules and plans may be promulgated by the commission for the interchange of data necessary for the application of rating plans.

(c) Consultations with other states.

In order to further uniform administration of rate regulatory laws, the commission and every insurer and rating organization may exchange information and experience data with insurance supervisory officials, insurers and rating organizations in other states and may consult with them with respect to rate making and the application of rating systems.

(d) Rules and regulations.

The commission may make reasonable rules and regulations necessary to effect the purposes of this article.

61-1114. FALSE OR MISLEADING INFORMATION. No person or organization shall wilfully withhold information from, or knowingly give false or misleading information to, the commission, any statistical agency designated by the commission, any rating organization, or any insurer, which will affect the rates or premiums chargeable under this article. A violation of this section shall subject the one guilty of such violation to the penalties provided in section 61-1116 of this article.

61-1115. COMMISSIONS AND FEES. Nothing in this article shall abridge or restrict the freedom of contract of insurers, agents or brokers with reference to the amount of commissions or fees to be paid to such agents or brokers by insurers, and such payments are expressly authorized.

61-1116. PENALTIES. The commission may suspend the license of any rating organization or insurer which fails to comply with an order of the commission within the time limited by such order, or any extension thereof which the commission may grant. The commission shall not suspend the license of any rating organization or insurer for failure to comply with an order until the time prescribed for an appeal therefrom has expired or if an appeal has been taken, until such order has been affirmed. The commission may determine when a suspension of license shall become effective and it shall remain in effect for the period fixed by it, unless it modifies or rescinds such suspension, or until the order upon which such suspension is based is modified, rescinded or reversed.

No penalty shall be imposed and no license shall be suspended or revoked except upon a written order of the commission, stating its findings, made after a hearing held upon not less than ten days' written notice to such person or organization specifying the alleged violation.

61-1117. HEARING PROCEDURE AND JUDICIAL REVIEW.

(a) Any insurer or rating organization aggrieved by any order or decision of the commission made without a hearing, may, within thirty days after notice of the order to the insurer or organization, make written request to the commission for a hearing thereon. The commission shall hear such party or parties within twenty days after receipt

of such request and shall give not less than ten days' written notice of the time and place of the hearing. Within fifteen days after such hearing the commission shall affirm, reverse or modify its previous action, specifying its reasons therefor. The order shall not be deemed final until the final action of the commission after such hearing.

(b) Nothing contained in this article shall require the observance at any hearing of formal rules of pleading or evidence.

(c) Any final order of the commission shall be subject to review by action commenced in the superior court within thirty days from the date of such final order or decision. In such action the record of any hearing or proceeding that may have been had before the commission shall be admissible in evidence and the court shall have full power to investigate all facts de novo. The court may in its discretion stay the order or decision of the commission pending final determination of the action and may fix the conditions on which such stay shall be granted.

61-1118. SEVERABILITY. If any provision of this article be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the article are declared to be severable.

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, 1947.

Filed in the Office of the Secretary of State—March 27, 1947.

CHAPTER 127

SENATE BILL NO. 74

AN ACT

RELATING TO THE REGULATION OF RATES FOR CERTAIN CASUALTY INSURANCE, INCLUDING FIDELITY, SURETY AND GUARANTY BONDS

AND ALL FORMS OF MOTOR VEHICLE INSURANCE, AND TO RATING ORGANIZATIONS, AMENDING CHAPTER 61, ARIZONA CODE OF 1939, BY ADDING A NEW ARTICLE 12 THERETO, AND DECLARING AN EMERGENCY.

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

Section 1. Chapter 61, Arizona Code of 1939, is amended by adding article 12:

Article 12. RATES, RATING ORGANIZATIONS.

61-1200. PURPOSE OF ARTICLE. The purpose of this article is to promote the public welfare by regulating insurance rates to the end that they shall not be excessive, inadequate or unfairly discriminatory, and to authorize and regulate cooperative action among insurers in rate making and in other matters within the scope of this article. Nothing in this article is intended (1) to prohibit or discourage reasonable competition, or (2) to prohibit, or encourage except to the extent necessary to accomplish the aforementioned purpose, uniformity in insurance rates, rating systems, rating plans or practices. Wherever the word "commission" is used in this article it shall mean the Arizona corporation commission. This article shall be liberally interpreted to carry into effect the provisions of this section.

61-1201. SCOPE OF ARTICLE. This article applies to casualty insurance, including fidelity, surety and guaranty bonds and all forms of motor vehicle insurance on risks or operations in this state, except:

(a) reinsurance, other than joint reinsurance to the extent stated in section 61-1209;

(b) accident and health insurance;

(c) insurance against loss of or damage to aircraft or against liability, other than workmen's compensation and employers' liability arising out of the ownership, maintenance or use of aircraft, nor to insurance of hulls of aircraft, including their accessories and equipment;

If any kind of insurance, subdivision or combination thereof, or type of coverage, subject to this article is also subject to the provisions of another rate regulatory Act of this state, an insurer to which both Acts are otherwise

applicable shall file with the commission a designation as to which rate regulatory Act shall be applicable to it with respect to such kind of insurance, subdivision or combination thereof, or type of coverage.

61-1202. MAKING OF RATES. All rates shall be made in accordance with the following provisions:

(a) Rates shall not be excessive, inadequate or unfairly discriminatory.

No rate shall be held to be excessive if the commission finds that free competition exists in the area and in the classification covered by any such rate.

No rate shall be held to be inadequate unless the commission finds that the loss experience of the insurer in the classification covered by such rate shall have been adverse for a continuous period of not less than two years immediately preceding the date of such finding.

(b) Due consideration shall be given to past and prospective loss experience within and outside this state, to catastrophe hazards, if any, to a reasonable margin for underwriting profit and contingencies, to dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers, to past and prospective expenses both country-wide and those specially applicable to this state, and to all other relevant factors within and outside this state.

(c) The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to any kind of insurance, or with respect to any subdivision or combination thereof for which subdivision or combination separate expense provisions are applicable.

(d) Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any differences among risks that can be demonstrated to have a probable effect upon losses or expenses.

(e) Rates made in accordance with this section may be used subject to the provisions of this article.

(f) Nothing in this article shall be construed to prohibit payment of dividends by insurers issuing policies on the participating plan or by mutual or cooperative insurers, provided that in the payment of such dividends there shall be no unfair discrimination between policyholders.

Except to the extent necessary to meet the provisions of subsection (a) of this section, uniformity among insurers in any matters within the scope of this section is neither required nor prohibited.

61-1203. RATE FILINGS. (a) Every insurer shall file with the commission the rating systems which it proposes to use. In this article "rating systems" includes (1) every manual of classifications, rules and rates, (2) every rating plan, and (3) every modification of any of the foregoing.

Every such filing shall state the proposed effective date thereof, and shall indicate the character and extent of the coverage contemplated. When a filing is not accompanied by the information upon which the insurer supports such filing, and the commission does not have sufficient information to determine whether such filing meets the requirements of the article, it shall require such insurer to furnish the information upon which it supports such filing. The information furnished in support of a filing may include (1) the experience or judgment of the insurer or rating organization making the filing, (2) its interpretation of any statistical data it relies upon, (3) the experience of other insurers or rating organizations, or (4) any other relevant factors. A filing and any supporting information shall be open to public inspection after the filing becomes effective.

(b) An insurer may satisfy its obligation to make such filings by becoming a member of, or a subscriber to, a licensed rating organization which makes such filings, and by authorizing the commission to accept such filings on its behalf; provided, that nothing contained in this article shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization.

(c) Subject to the exception specified in subsection (d) of this section, each filing shall be on file for a waiting period of fifteen days before it becomes effective. Upon written application by such insurer or rating organization, the commission may authorize a filing to become effective before the expiration of the waiting period.

(d) Any special filing with respect to a surety or guaranty bond required by law or by court or executive order or by order, rule or regulation of a public body, not covered by a previous filing, shall become effective when filed.

(e) Under such rules and regulations as it shall adopt the commission may, by written order, suspend or modify the requirement of filing as to any kind of insurance, subdivision or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used. Such orders, rules and regulations shall be made known to insurers and rating organizations affected thereby. The commission may make such investigation as it may deem advisable to ascertain whether any rates affected by such order meet the standards set forth in subsection (a) of section 61-1202.

(f) Upon the written application of the insured, stating his reasons therefor, filed with and approved by the commission, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

(g) On and after January 1, 1948, no insurer shall make or issue a contract or policy except in accordance with the filings which are in effect for said insurer as provided in this article or in accordance with subsections (e) or (f) of this section.

61-1204. DISAPPROVAL OF FILING OR RATING SYSTEMS. (a) If at any time the commission finds that a filing or any rating system not filed as provided by subsection (e) of section 61-1203 does not meet the standards set forth in subsection (a) of section 61-1202 of this article, it shall, after a hearing held upon not less than ten days' written notice, specifying the matters to be considered at such hearing, to every insurer and rating organization which made such filing or uses such rating system, issue an order specifying in what respects it finds that such filing or rating system fails to meet the requirements of this article, and stating when, within a reasonable period thereafter, such filing or unfiled rating system shall be deemed no longer effective. Copies of said order shall be sent to every such insurer and rating organization. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order.

(b) Any person or organization aggrieved with respect to any filing or unfiled rating system which is in effect may make written application to the commission for a hearing

thereon, provided, however, that the insurer or rating organization that made the filing or uses the rating system shall not be authorized to proceed under this subsection. Such application shall specify the grounds to be relied upon by the applicant. If the commission shall find that the application is made in good faith, that the applicant would be so aggrieved if his grounds are established, and that such grounds otherwise justify holding such a hearing, it shall within thirty days after receipt of such application, hold a hearing upon not less than ten days' written notice to the applicant and to every insurer and rating organization which made such filing or uses such unfiled rating system.

If, after such hearing, the commission finds that the filing or rating or unfiled rating system does not meet the requirements of this article, it shall issue an order specifying in what respects it finds that it fails to meet the requirements of this article, and stating when, within a reasonable period thereafter, it shall be deemed no longer effective. Copies of said order shall be sent to the applicant and to every such insurer and rating organization. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order.

No manual of classifications, rules, rating plan or any modification of any of the foregoing which establishes standards for measuring variations in hazards or expense provisions, or both, and which is being used pursuant to the requirements of section 61-1202 of this article, shall be disapproved if the rates thereby produced meet the requirements of this article.

61-1205. RATING ORGANIZATIONS. (a) A corporation, an unincorporated association, a partnership or an individual, whether located within or outside this state, may make application to the commission for license as a rating organization for such kinds of insurance, or subdivision or class of risk or a part or combination thereof as are specified in its application and shall file therewith (1) a copy of its constitution, its articles of agreement or association or its certificate of incorporation, and of its by-laws, rules and regulations governing the conduct of its business, (2) a list of its members and subscribers, (3) the name and address of a resident of this state upon whom notices or orders of the commission or process affecting such rating organization may be served, and (4) a statement of its qualifications as a rating organization. If the commission finds that the applicant is competent, trustworthy and otherwise qualified to act as a rating organization and that its constitution, articles of agreement or association or

certificate of incorporation, and its by-laws, rules or regulations governing the conduct of its business conform to the requirements of law, it shall issue a license specifying the kinds of insurance, or subdivision or class of risk or part or combination thereof for which the applicant is authorized to act as a rating organization. Every such application shall be granted or denied in whole or in part by the commission within sixty days of the date of its filing with it. Licenses issued pursuant to this section shall remain in effect for three years unless sooner suspended or revoked by the commission. The fee for said license shall be twenty-five dollars. Said license fee shall be in lieu of all other fees, licenses or taxes to which said rating organization might otherwise be subject. Licenses issued pursuant to this section may be suspended or revoked by the commission, after hearing upon notice, in the event the rating organization ceases to meet the requirements of this subsection. Every rating organization shall notify the commission promptly of every change in (1) its constitution, its articles of agreement, or association, or its certificate of incorporation, and its by-laws, rules and regulations governing the conduct of its business, (2) its list of members and subscribers, and (3) the name and address of the resident of this state designated by it upon whom notices or orders of the commission or process affecting such rating organization may be served.

(b) Subject to rules and regulations which have been approved by the commission as reasonable, each rating organization shall permit any insurer, not a member, to be a subscriber to its rating services for any kind of insurance, subdivision, or class of risk or a part or combination thereof for which it is authorized to act as a rating organization. Notice of proposed changes in such rules and regulations shall be given to subscribers. Each rating organization shall furnish its rating services without discrimination to its members and subscribers. The reasonableness of any rule or regulation in its application to subscribers, or the refusal of any rating organization to admit an insurer as a subscriber, shall, at the request of any subscriber or any such insurer, be reviewed by the commission at a hearing held upon at least ten days' written notice to such rating organization and to such subscriber or insurer. If the commission finds that such rule or regulation is unreasonable in its application to subscribers, it shall order that such rule or regulation shall not be applicable to subscribers. If the rating organization fails to grant or reject an insurer's application for subscribership within thirty days after it was made, the insurer may request a review by the commission as if the application had been rejected. If the commission finds that the insurer has been refused

admittance to the rating organization as a subscriber without justification, it shall order the rating organization to admit the insurer as a subscriber. If it finds that the action of the rating organization was justified, it shall make an order affirming its action.

(c) Cooperation among rating organizations or among rating organizations and insurers in rate making or in other matters within the scope of this article is hereby authorized, provided the filings and any unfiled rating systems resulting from such cooperation are subject to all the provisions of this article which are applicable to filings generally. The commission may review such cooperative activities and practices and if, after a hearing, it finds that any such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this article, it may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this article, and requiring the discontinuance of such activity or practice.

(d) Any rating organization may provide for the examination of policies, daily reports, binders, renewal certificates, endorsements or other evidences of insurance, or the cancellation thereof, and may make reasonable rules governing their submission. Such rules shall contain a provision that in the event any insurer does not within sixty days furnish satisfactory evidence to the rating organization of the correction of any error or omission previously called to its attention by the rating organization, it shall be the duty of the rating organization to notify the commission thereof. All information so submitted for examination shall be confidential.

(e) Any rating organization may subscribe for or purchase actuarial, technical or other services, and such services shall be available to all members and subscribers without discrimination.

61-1206. DEVIATIONS. (a) Every member of or subscriber to a rating organization shall adhere to the filings made on its behalf by such organization except that any such insurer may file a uniform percentage decrease or increase to be applied to the premiums produced by the rating system so filed for a kind of insurance, or for a class of insurance which is a proper rating unit for the application of such uniform percentage decrease or increase, or for a subdivision of a kind of insurance (1) comprised of a group of manual classifications which is treated as a separate unit for rate making purposes, or (2) for which

separate expense provisions are included in the filings of the rating organization. A copy of the filing shall be sent simultaneously to such rating organization.

(b) Each deviation filed shall be on file for a waiting period of fifteen days before it becomes effective and shall be effective for a period of one year from the effective date unless terminated sooner on the order or with the approval of the commission.

61-1207. INFORMATION TO BE FURNISHED INSUREDS; HEARINGS AND APPEALS OF INSUREDS. Every rating organization and every insurer which makes its own rates shall, within a reasonable time after receiving written request therefor and upon payment of such reasonable charge as it may make, furnish to any insured affected by a rate made by it, or to the authorized representative of such insured, all pertinent information as to such rate.

Every rating organization and every insurer which makes its own rates shall provide within this state reasonable means whereby any person aggrieved by the application of its rating system may be heard, in person or by his authorized representative, on his written request to review the manner in which such rating system has been applied in connection with the insurance afforded him. If the rating organization or insurer fails to grant or reject such request within thirty days after it is made, the applicant may proceed in the same manner as if his application had been rejected. Any party affected by the action of such rating organization or such insurer on such request may, within thirty days after written notice of such action, appeal to the commission, which, after a hearing held upon not less than ten days' written notice to the appellant and to such rating organization or insurer, may affirm or reverse such action.

61-1208. ADVISORY ORGANIZATIONS. (a) Every group, association or other organization of insurers, whether located within or outside the state, which assists insurers which make their own filings or rating organizations in rate making, by the collection and furnishing of loss or expense statistics, or by the submission of recommendations, but which does not make filings under this article, shall be known as an advisory organization.

(b) Every advisory organization shall file with the commission (1) a copy of its constitution, its articles of agreement or association or its certificate of incorporation and of its by-laws, rules and regulations governing its activities, (2) a list of its members, (3) the name and

address of a resident of this state upon whom notices or orders of the commission or process issued at its direction may be served, and (4) an agreement that the commission may examine such advisory organization in accordance with the provisions of section 61-1210 of this article.

(c) If, after a hearing, the commission finds that the furnishing of such information or assistance involves any act or practice which is unfair or unreasonable or otherwise inconsistent with the provisions of this article, it may issue a written order specifying in what respects such act or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this article, and requiring the discontinuance of such act or practice.

(d) No insurer which makes its own filings nor any rating organization shall support its filings by statistics or adopt rate making recommendations, furnished to it by an advisory organization which has not complied with this section or with an order of the commission involving such statistics or recommendations issued under subsection (c) of this section. If the commission finds such insurer or rating organization to be in violation of this subsection it may issue an order requiring the discontinuance of such violation.

61-1209. JOINT UNDERWRITING OR JOINT REINSURANCE. (a) Every group, association or other organization of insurers which engages in joint underwriting or joint reinsurance, shall be subject to regulation with respect thereto as herein provided, subject, however, with respect to joint underwriting, to all other provisions of this article and, with respect to joint reinsurance, to sections 61-1210, 61-1214 and 61-1215 of this article.

(b) If, after a hearing, the commission finds that any activity or practice of any such group, association or other organization is unfair or unreasonable or otherwise inconsistent with the provisions of this article, it may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this article, and requiring the discontinuance of such activity or practice.

61-1210. EXAMINATIONS. The commission shall, at least once in five years, make or cause to be made an examination of each rating organization licensed in this state as provided in section 61-1205 and it may, as often as it may deem it expedient, make or cause to be made an examination of each advisory organization referred to in section 61-1208 and of each group, association or other

organization referred to in section 61-1209. The reasonable costs of any such examination shall be paid by the rating organization, advisory organization, or group, association or other organization examined upon presentation to it of a detailed account of such costs. The officers, manager, agents and employees of such rating organization, advisory organization, or group, association or other organization may be examined at any time under oath and shall exhibit all books, records, accounts, documents, or agreements governing its method of operation. The commission shall furnish two copies of the examination report to the organization, group or association examined and shall notify such organization, group or association that it may, within twenty days thereafter, request a hearing on said report or on any facts or recommendations therein. Before filing any such report for public inspection the commission shall grant a hearing to the organization, group or association examined. The report of any such examination, when filed for public inspection, shall be admissible in evidence in any action or proceeding brought by the commission against the organization, group, or association examined, or its officers or agents, and shall be prima facie evidence of the facts stated therein. The commission may withhold the report of any such examination from public inspection for such time as it may deem proper. In lieu of any such examination the commission may accept the report of an examination made by the insurance supervisory official of another state, pursuant to the laws of such state.

61-1211. RATE ADMINISTRATION. (a) Recording and reporting of loss and expense experience.

The commission shall promulgate reasonable rules and statistical plans, reasonably adapted to each of the rating systems on file with it, which may be modified from time to time and which shall be used thereafter by each insurer in the recording and reporting of its loss and country-wide expense experience, in order that the experience of all insurers may be made available at least annually in such form and detail as may be necessary to aid in its determining whether rating systems comply with the standards set forth in section 61-1202. Such rules and plans may also provide for the recording and reporting of expense experience items which are specially applicable to this state and are not susceptible of determination by a prorating of country-wide expense experience. In promulgating such rules and plans, the commission shall give due consideration to the rating systems on file with it and, in order that such rules and plans may be as uniform as is practicable among the several states, to the rules and to the form of the plans used for such rating systems in other states. No insurer shall be required to record or report its loss experience on

a classification basis that it is inconsistent with the rating system filed by it. The commission may designate one or more rating organizations or other agencies to assist it in gathering such experience and making compilations thereof, and such compilations shall be made available, subject to reasonable rules promulgated by the commission, to insurers and rating organizations, provided that no insurer shall be required to file its experience with an organization of which it is not a member or subscriber.

(b) Interchange of rating plan data.

Reasonable rules and plans may be promulgated by the commission for the interchange of data necessary for the application of rating plans.

(c) Consultation with other states.

In order to further uniform administration of rate regulatory laws, the commission and every insurer and rating organization may exchange information and experience data with insurance supervisory officials, insurers and rating organizations in other states and may consult with them with respect to rate making and the application of rating systems.

(d) Rules and regulations.

The commission may make reasonable rules and regulations necessary to effect the purposes of this article.

61-1212. FALSE OR MISLEADING INFORMATION.

No person or organization shall wilfully withhold information from, or knowingly give false or misleading information to, the commission, any statistical agency designated by the commission, any rating organization, or any insurer, which will affect the rates or premiums chargeable under this article. A violation of this section shall subject the one guilty of such violation to the penalties provided in section 61-1214 of this article.

61-1213. ASSIGNED RISKS. Agreement may be made among insurers with respect to the equitable apportionment among them of insurance which may be afforded applicants who are in good faith entitled to but who are unable to procure such insurance through ordinary methods and such insurers may agree among themselves on the use of reasonable rate modifications for such insurance, such agreements and rate modifications to be subject to the approval of the commission.

61-1214. PENALTIES. Any person or organization violating any provision of this article shall be subject to and liable to pay a penalty of fifty dollars for each such violation, but if such violation is found to be wilful such penalty may be not more than five hundred dollars for each such wilful violation. Such penalty may be collected and recovered in an action brought in the name of the state in any court having jurisdiction thereof. Such penalties may be in addition to any other penalty provided by law.

The commission may suspend the license of any rating organization or insurer which fails to comply with an order of the commission within the time limited by such order, or any extension thereof which the commission may grant. The commission shall not suspend the license of any rating organization or insurer for failure to comply with an order until the time prescribed for an appeal therefrom has expired or if an appeal has been taken, until such order has been affirmed. The commission may determine when a suspension of license shall become effective and it shall remain in effect for the period fixed by it, unless it modifies or rescinds such suspension, or until the order upon which such suspension is based is modified, rescinded or reversed.

No license shall be suspended or revoked except upon a written order of the commission, stating its findings, made after a hearing held upon not less than ten days' written notice to such person or organization specifying the alleged violation.

61-1215. HEARING PROCEDURE AND JUDICIAL REVIEW. (a) Any insurer or rating organization aggrieved by an order or decision of the commission made without a hearing, may, within thirty days after notice of the order to the insurer or organization, make written request to the commission for a hearing thereon. The commission shall hear such party or parties within twenty days after receipt of such request and shall give not less than ten days' written notice of the time and place of the hearing. Within fifteen days after such hearing the commission shall affirm, reverse or modify its previous action, specifying its reasons therefor. Pending such hearing and decision thereon the commission may suspend or postpone the effective date of its previous action.

(b) Nothing contained in this article shall require the observance at any hearing of formal rules of pleading or evidence.

(c) Any final order of the commission shall be subject

to review by action commenced in the superior court within thirty days from the date of such final order of decision. In such action the record of any hearing or proceeding that may have been had before the commission shall be admissible in evidence and the court shall have full power to investigate all facts de novo. The court may in its discretion stay the order or decision of the commission pending final determination of the action and may fix the conditions on which such stay shall be granted.

61-1216. COMMISSIONS AND FEES. Nothing in this article shall abridge or restrict the freedom of contract of insurers agents or brokers with reference to the amount of commissions or fees to be paid to such agents or brokers by insurers, and such payments are expressly authorized.

61-1217. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence or clause of this article is held invalid or unconstitutional, such decision shall not affect the remaining portions of 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 27, 1947.

Filed in the Office of the Secretary of State—March 27, 1947.

CHAPTER 128

HOUSE BILL NO. 186

AN ACT

MAKING AN APPROPRIATION TO THE COMMISSION OF AGRICULTURE AND HORTICULTURE FOR DUSTING COTTON AREAS.

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

Section 1. APPROPRIATION. The sum of five thousand dollars is appropriated to the commission of agriculture and horticulture, for the purpose of dusting cotton areas infested with pink bollworms.

Sec. 2. EXEMPTION. This appropriation shall be exempt from the provisions of section 7, article 4, chapter 86, Session Laws of 1943, regular session (section 10-930, Arizona Code of 1939), relating to lapsing appropriations, and shall not revert until the purpose thereof is accomplished.

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, 1947.

Filed in the Office of the Secretary of State—March 28, 1947.

CHAPTER 129

HOUSE BILL NO. 165

AN ACT

RELATING TO EXPLOSIVES; PROVIDING FOR THE STORAGE AND TRANSPORTATION THEREOF; AMENDING ARTICLE 2, CHAPTER 65, ARIZONA CODE OF 1939, BY ADDING SECTION 65-213a.

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

Section 1. Article 2, chapter 65, Arizona Code of 1939, is amended by adding section 65-213a, to read:

65-213a. POWDER AND EXPLOSIVES; RULES AND REGULATIONS PERTAINING TO. (a) For the protection of life and property, the state mine inspector shall prescribe and promulgate rules and regulations pertaining to the storing, keeping and transporting of blasting powder and other explosives, including the conditions under which, the character of magazines or other structures in which, the distance from other buildings and the places where powder or other explosives may be stored and kept, and the conditions under which the same may be transported.

(b) The state mine inspector shall be accorded free access to any magazine, structure or premises in or on

which blasting powder or other explosive is stored or kept, for the purpose of determining whether the conditions conform to the law and the rules and regulations prescribed, and that life and property are not endangered by such storage.

(c) Violation of this Act, or of any rule or regulation promulgated by the state mine inspector, or the failure or refusal of any person to give free access to the state mine inspector for the examination of any magazine or other structure where blasting powder or other explosive is stored, is a misdemeanor.

Approved by the Governor—March 31, 1947.

Filed in the Office of the Secretary of State—March 31, 1947.

CHAPTER 130

HOUSE BILL NO. 206

AN ACT

RELATING TO HOSPITALS AND MATERNITY HOMES; PROVIDING FOR THE LICENSING, REGULATION AND INSPECTION THEREOF, AND ESTABLISHING THE HOSPITAL ADVISORY COUNCIL.

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

Section 1. HOSPITAL LICENSE. (a) No institution shall be established, conducted or maintained after January 1, 1948, for the diagnosis, care or treatment of two or more non-related persons suffering from illness, injury or deformity, or rendering of obstetrical or other medical or nursing care, other than in an emergency, without obtaining a hospital license.

(b) The state department of health shall issue a hospital license to an institution which complies with the provisions of this Act and the rules and regulations adopted thereunder.

Sec. 2. APPLICATION. (a) Application for a hospital license shall be on a form prescribed by the state

department of health 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, and, 4. such other information as the state department of health may deem necessary. The application shall be signed, in the case of an individual or partnership, by the owner of the institution; in the case of a corporation, by two of the officers thereof, and, in the case of a governmental unit, by the head of the governmental department having jurisdiction thereof. The application shall be filed under oath with the state department of health and a fee of ten dollars paid. In the event license is denied, the fee shall be refunded to the applicant.

(b) License shall issue only for the premises and to the persons named in the application and shall not be transferable or assignable. A license shall expire one year from the date of issuance, and a fee of ten dollars shall be charged for the renewal thereof. Each institution shall post its license in a conspicuous place.

(c) For the purpose of clarification, the word hospital as set forth herein, shall not be construed to include the office or clinic of a physician or practitioner as a hospital nor shall patients recovering from minor surgical procedure be classed as hospital patients.

Sec. 3. DENIAL, SUSPENSION AND REVOCATION OF LICENSE. (a) The state department of health may deny, suspend or revoke the license of any institution which:

1. Violates any provision of this Act or the rules and regulations adopted thereunder.

2. Permits, aids or abets the commission of an unlawful act.

3. Indulges in conduct or practice detrimental to the health or safety of the patients or employees of the institution.

(b) When the state department of health denies, suspends or revokes a hospital license, it shall send notice thereof, by registered mail, to the institution concerned, setting forth the reasons for the action taken. Within thirty days after the date of notice, the applicant or licensee may give written notice of desire for hearing, and a hearings, at which the applicant or licensee shall have

the right to present evidence, shall be held before the state board of health. The board shall render its decision on the basis of the evidence presented and shall send a copy thereof by registered mail to the applicant or licensee. The decision shall be final, subject to the right of appeal.

(c) Hearing before the board shall be conducted according to the rules and regulations adopted by the state department of health with the advice of the hospital advisory council. A record of the proceedings shall be kept but need not be transcribed unless the decision is appealed or a transcript is requested by an interested party, who shall bear the cost of transcription.

(d) Witnesses may be subpoenaed by either party to the hearing and shall receive the fees and mileage allowed a witness in civil cases.

Sec. 4. APPEAL. (a) Within thirty days from the date of a decision by the board, an applicant or licensee may appeal the decision to the superior court of the county in which the institution concerned is situated. The board shall certify and file with the clerk of the court a transcript of the hearing.

(b) Findings of fact made by the board shall be deemed conclusive unless contrary to the weight of evidence. The court may remand the case to the board for further evidence or for rehearing or may affirm, modify or reverse the decision of the board. Appeal from the decision may be taken by either party.

Sec. 5. POWERS OF THE STATE DEPARTMENT OF HEALTH. (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 hospital license; 2. approve plans and specifications for alterations or additions to such institutions; 3. adopt licensing standards for hospitals and related institutions; 4. adopt rules and regulations governing the licensing of such institutions; 5. employ such clerical assistance as it deems necessary to carry out the provisions of this Act, and, 6. adopt such other rules and regulations as it deems necessary or convenient to carry out the provisions of this Act.

(b) The state department of health may, in the name of the state, bring an action to enjoin any person, partnership, corporation or association, any state or local governmental unit or any agency thereof from establishing or maintaining any institution within the meaning of this Act

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. 6. HOSPITAL ADVISORY COUNCIL. (a) The hospital advisory council shall be appointed by the state department of health and shall consist of: 1. the state superintendent of health, ex-officio, who shall serve as chairman; 2. a person experienced in the field of hospital administration, chosen from a list of three names submitted by the Arizona hospital association; 3. a person licensed to practice medicine and surgery in the state, chosen from a list of three names submitted by the Arizona medical association; 4. a graduate nurse, registered in the state, chosen from a list of three names submitted by the Arizona nurses association; 5. a person licensed to practice osteopathy in the state, chosen from a list of three names submitted by the Arizona osteopathic association, and, 6. a member from the public at large.

(b) The appointive members of the first council appointed after this Act takes effect shall serve for terms ending one, two and three years, respectively, from the first day of January, 1948. Thereafter the term of each member shall be three years. Appointment to fill a vacancy caused other than by expiration of term shall be for the unexpired portion of the term. Members of the council shall be residents of the state.

(c) The council shall meet not less than once each year, upon the call of the state superintendent of health or any two of its members. Members shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in going to and from meetings of the council and the performance of the duties of their office.

Sec. 7. POWERS AND DUTIES OF HOSPITAL ADVISORY COUNCIL. The hospital advisory council shall:

1. Consult with and advise the department of health in matters of policy relating to the administration of this Act, and the rules, regulations and standards adopted thereunder.

2. Review and recommend the adoption of rules, regulations and standards authorized under the provisions of this Act.

Sec. 8. INFORMATION CONFIDENTIAL. Information received by the state department of health and records kept under the provisions of this Act shall be confidential and shall be disclosed only in a proceeding involving the granting or revocation of license.

Sec. 9. REPORT. The state department of health shall prepare a report of its activities and shall submit the same to the legislature upon request.

Sec. 10. EXISTING HOSPITALS AND MATERNITY HOMES. Hospitals and maternity homes in operation at the time this Act takes effect shall be allowed a reasonable time, not to exceed one year, to comply with the provisions of this Act and the rules and regulations adopted thereunder.

Sec. 11. NON-MEDICAL CARE. Nothing in this Act or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any home or institution conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denomination.

Sec. 12. PENALTY. Violation of any provision of this Act or the rules and regulations adopted thereunder is a misdemeanor and shall be punished, upon conviction, by a fine of not more than one hundred dollars for the first offense and five hundred dollars for each subsequent offense, and each day of violation shall constitute a separate offense.

Approved by the Governor—March 31, 1947.

Filed in the Office of the Secretary of State—March 31, 1947.

CHAPTER 131

HOUSE BILL NO. 212

AN ACT

RELATING TO GUARDIAN AND WARD; PROVIDING FOR THE EXONERATION OF BOND, AND AMENDING ARTICLE 1, CHAPTER 42, ARIZONA

CODE OF 1939, BY ADDING SECTION 42-104a.

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

Section 1. Article 1, chapter 42, Arizona Code of 1939, is amended by adding section 42-104a, to read:

42-104a. EXONERATION OF BOND. When the estate of a minor consists solely of a sum of money not exceeding one thousand dollars, the court shall enter an order directing the guardian of the minor to purchase, with the money of the estate, bonds of the United States, or other suitable security or investment, payable to the minor. The bonds, or evidence of such other security or investments shall be deposited with the clerk of the superior court in which the cause is pending. Upon submission to the court of evidence of such purchase and deposit, or evidence of other suitable security or investment, the court shall exonerate the bond of the guardian.

Approved by the Governor—March 31, 1947.

Filed in the Office of the Secretary of State—March 31, 1947.

CHAPTER 132

HOUSE BILL NO. 262

AN ACT

RELATING TO INITIATIVE AND REFERENDUM PROVIDING FOR THE PREPARATION, PRINTING AND DISTRIBUTION OF PUBLICITY PAMPHLETS, AMENDING SECTION 60-107, ARTICLE 1, OF CHAPTER 60, ARIZONA CODE OF 1939, AS AMENDED.

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

Section 1. Sec. 60-107, Arizona Code of 1939, as amended, is amended to read:

60-107. PUBLICITY PAMPHLET — PRINTING — DISTRIBUTION. (a) Whenever the secretary of state is ordered, by the legislature or by petition, under the

initiative and referendum provisions of the constitution, to submit to the people any measure or proposed amendment to the constitution, he shall cause to be printed, at the expense of the state, except as hereinafter provided, a publicity pamphlet, which shall contain: (1) a true copy of the title and text of such measure or proposed amendment; (2) the form in which the said measure or proposed amendment will appear on the ballot and the number by which it will be designated; (3) the arguments for and against the said measure or amendment.

(b) Not later than the tenth day before the primary election the secretary of state shall cause to be delivered to the board of supervisors of each county a quantity of such publicity pamphlets equal to the number of registered voters in each county, according to information which shall be supplied to the secretary of state by the several county recorders immediately upon the closing of registration prior to said primary election; and with the election supplies directed by law to be sent to the voting precincts in each county there shall be sent a quantity of publicity pamphlets equal to the number of registered voters in said voting precincts respectively.

(c) It shall be the duty of the election board, at said primary election, to offer one (1) copy of said publicity pamphlet to each elector applying to vote, and to return to the board of supervisors, with the returns of said primary election, all copies thereof not so presented to voters. The board of supervisors shall immediately deliver the said copies to the county recorder, who shall offer one thereof to each person who appears to register prior to the general election. The county recorder shall also provide the several registration officers in his county with a proper supply of publicity pamphlets, and instruct them in their use.

(d) The person filing an initiative petition, and no other, may at the same time file with the secretary of state an argument advocating the measure or constitutional amendment proposed in said petition. Not later than forty-five (45) days preceding the regular primary election any person may file with the secretary of state an argument advocating or opposing any measure with respect to which the referendum has been invoked. Each such argument shall be signed by the person sponsoring the same, or if the same is sponsored by an organization, it shall be signed by the officers thereof.

(e) Said arguments shall be included in said publicity pamphlet immediately following the measure or amendment

to which they refer, arguments in the affirmative to be placed first in order. The person filing any such argument shall deposit with the secretary of state, at the time of such filing, such amount of money as may be necessary to pay the cost of the paper required and the proportionate cost of printing the said argument. Any balance remaining of said deposit, after paying said cost, shall be returned to the depositor.

(f) In case of the submission of any measure or constitutional amendment at a special election, where time will not permit of full compliance with the provisions of this Act, the law providing for such special election shall make provision for the printing and distribution of the publicity pamphlet.

Approved by the Governor—March 31, 1947.

Filed in the Office of the Secretary of State—March 31, 1947.

CHAPTER 133

HOUSE BILL NO. 280

AN ACT

RELATING TO THE DISPOSAL OF REAL PROPERTY AND IMPROVEMENTS THEREON, AND AMENDING ARTICLE 3, CHAPTER 4, ARIZONA CODE ANNOTATED, 1939, BY ADDING SECTION 4-319.

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

Section 1. Article 3, Chapter 4, Arizona Code Annotated, 1939, is amended by adding Section 4-319, to read:

4-319. DISPOSAL OF REAL PROPERTY AND IMPROVEMENTS. The Condemnation Board, as provided in Section 4-318, Arizona Code Annotated, 1939, consisting of the Governor, Secretary of State and the State Auditor, is hereby authorized and it shall be its duty, whenever it shall appear that any real property or improvements thereon belonging to the State of Arizona or any of its departments, agencies or institutions, shall no longer be utilized or necessary to the State, its departments, agencies or institutions previously holding title thereto, to examine,

appraise and condemn separately such real estate or improvements thereon as may belong to the State, its departments, agencies or institutions, and direct the sale of the same in the same manner as is provided by law for the sale of real estate by the State Land Department (Article 4, Chapter 11, Arizona Code Annotated, 1939).

Approved by the Governor—March 31, 1947.

Filed in the Office of the Secretary of State—March 31, 1947.

CHAPTER 134

SENATE BILL NO. 94

AN ACT

RELATING TO BEAUTY CULTURE; PRESCRIBING OFFENSES AND PENALTIES, AND AMENDING SECTIONS 67-312 AND 67-321, ARIZONA CODE OF 1939.

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

Section 1. Sec. 67-312, Arizona Code of 1939, is amended to read:

67-312. BEAUTY CULTURE SHOP REQUIREMENTS. No beauty culture shop shall be licensed and approved unless it:

1. Is located in separate or segregated quarters, or if located in any part less than the whole of a single building, the quarters occupied are separated or segregated from the remainder of the building, but a barber shop and a beauty shop may be located or conducted in the same quarters.

2. Has running hot and cold water provided therein.

3. Shall conform to and comply with the rules and regulations promulgated by the board.

Sec. 2. Sec. 67-321, Arizona Code of 1939, is amended to read:

67-321. OFFENSES AND PENALTIES. Any of the

following acts shall constitute a misdemeanor, punishable upon conviction by a fine of not less than twenty-five nor more than two hundred dollars, imprisonment not to exceed thirty days, or both:

1. The violation of any of the provisions of section 67-302 (section 1, chapter 75, Laws of 1941), and paragraphs 3, 4, 5, and 8, section 67-319 (section 3, chapter 75, Laws of 1941).

2. For any employer to permit a person in his employ or under his supervision or control to practice as an apprentice without a certificate of registration therefor.

3. Obtaining or attempting to obtain a certificate of registration by the use of money other than the required fee, or for any other thing of value, or by fraudulent misrepresentation.

4. Wilful failure to display a certificate of registration as required by section 67-316 (section 16, chapter 52, Laws of 1935).

5. Practicing or attempting to practice by fraudulent misrepresentation or practicing during the pendency of an appeal.

6. The use for beauty culture of any room or quarters also used for business purposes, except for the sale of hair tonics, lotions, creams, toilet articles, or other commodities pertinent to beauty culture shops, or as a laundry delivery agency.

7. For a beauty culturist knowingly to continue the practice of beauty culture, or for any student knowingly to continue as a student in any school or college of beauty culture while having an infectious, contagious or communicable disease.

8. To own, manage, operate or control any beauty shop or beauty culture school in which hot and cold running water is not continuously provided.

9. To own, manage, operate, or control a beauty culture school, or any part thereof, whether connected with such school or in a separate building, in which the practice of beauty culture is engaged in or carried on, unless all entrances to the place in which the practice of beauty culture is carried on shall display a sign indicating that the work therein is done by students exclusively.

10. To own, manage, control or operate a beauty culture shop unless there is displayed thereon a sign, clearly visible at the main entrance thereto, indicating that it is a beauty culture shop.

11. For a registered beauty culturist to render beauty culture services in a beauty culture school except such as are incidental to instruction.

12. To own, manage, operate, or control a beauty culture school, or a part or portion thereof, while displaying a list of prices or service charges where the same can be seen from the outside of such school or establishment, unless such school shall display placards in clear and legible type within the school, place or establishment, and street or window signs in letters not less than eight inches in height, which clearly indicate to the public that the school, place or establishment is a beauty culture school.

Approved by the Governor—March 31, 1947.

Filed in the Office of the Secretary of State—March 31, 1947.

CHAPTER 135

HOUSE BILL NO. 153

AN ACT

RELATING TO JUDICIAL OFFICERS; PRESCRIBING THE NUMBER OF JUDGES, AND AMENDING SECTION 19-201, ARIZONA CODE OF 1939.

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

Section 1. Sec. 19-201, Arizona Code of 1939, is amended to read:

19-201. NUMBER AND JURISDICTION OF JUDGES. Effective the first Monday in January, 1949, the supreme court shall consist of five judges. The court shall discharge the duties imposed and exercise the jurisdiction conferred by the constitution and by law.

Sec. 2. ADDITIONAL JUDGES. At the regular general election in 1948, three judges of the supreme court

shall be elected. The candidates receiving the highest and the next highest number of votes shall serve for six years, and the candidate receiving the third highest number of votes shall serve for four years, beginning the first Monday in January, 1949. Thereafter the term of each judge of the supreme court shall be six years. The judge receiving the third highest number of votes shall be deemed to hold his office by election to fill a vacancy.

Approved by the Governor—March 31, 1947.

Filed in the Office of the Secretary of State—March 31, 1947.

CHAPTER 136

SENATE BILL NO. 101

AN ACT

RELATING TO AGRICULTURAL MINERALS AND PROVIDING FOR THE REGULATION OF THE MANUFACTURE AND SALE THEREOF.

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

Section 1. SHORT TITLE. This Act may be cited as the agricultural minerals Act of 1947.

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

"manufacturer" means a person engaged in the business of preparing, mixing, or manufacturing agricultural minerals;

"sell" or "sale" includes exchange;

"agricultural minerals" are mineral or chemical substances, or mixture of mineral or chemical substances and organic substances which are applied to the soil primarily for purposes other than as a direct source of plant food except unmanipulated animal or vegetable manures, and unmanipulated residue or sludge from sewage disposal plant;

"brand" means the name, number, trade mark, or other

designation under which the agricultural mineral is offered for sale, sold, or distributed in this state;

"grade" means the minimum percentages, stated in whole numbers only of ingredients for which claims are made;

"official sample" means any sample of agricultural mineral registered under this Act which is taken by an official inspector, duly appointed by the state chemist for the purpose of taking samples and is obtained (1) in the factory or plant where manufactured or in the custody of a common or other carrier, if manufactured in this state, or (2) in the open market or in the custody of a common or other carrier, if manufactured outside of the state;

"ton" means a ton of 2,000 pounds avoirdupois;

"per cent" or "percentage" means the percentage by weight avoirdupois.

Sec. 3. ENFORCING OFFICIAL. This Act shall be administered by the state chemist. The head of the department of agricultural chemistry and soils of the agricultural experiment station of the University of Arizona is constituted state chemist for the enforcement of this Act.

Sec. 4. REGISTRATION. (a) It shall be unlawful for any person acting for himself, or as agent, to sell or offer for sale within the state any agricultural mineral that has not been registered as required by this section.

(b) Any person who may desire to sell or offer for sale, either by himself or through another person, agricultural minerals in this state, shall first file with the state chemist, on registration forms supplied by him, a signed statement, giving the name and address of the applicant and the following information with respect to each brand or grade: (1) weight of each package in pounds; (2) brand name or trade-mark, if any; (3) guaranteed analysis showing minimum percentages in whole numbers of ingredients claimed.

(c) The person offering for sale or selling any agricultural mineral brand or grade shall not be required to register the same if it has already been registered under this Act by another person entitled to do so and such registration is then outstanding.

(d) For the privilege of registration, the person

applying therefor shall pay to the state chemist in advance of registration fifty dollars for each brand or grade, as the case may be. Said registration shall expire on the thirty-first day of December of the year for which it is made.

In the case of mixed fertilizers containing more than a total of five per cent of one or more agricultural minerals there shall be shown the minimum percentage of each in whole numbers. A separate agricultural mineral registration is not required in such cases.

Sec. 5. MARKING. Each person who offers for sale or sells agricultural minerals in this state shall mark on each container or associate with each shipment or some document relative thereto the information required by section 4. The chemical analysis or guarantee as to agricultural minerals shall be represented as follows:

(a) Limestone, limerock, dolomite and every other agricultural mineral, the principal constituent of which is calcium carbonate, the percentage of calcium carbonate ($CaCO_3$) therein.

(d) Burnt lime, quick lime and every agricultural mineral the principal constituent of which is calcium oxide, the percentage of calcium oxide (CaO) therein.

(c) Hydrated lime, slacked lime and every agricultural mineral the principal constituent of which is calcium hydroxide, the percentage of calcium hydroxide ($Ca(OH)_2$) therein.

(d) By-products in the manufacture of sugar or acetylene, and every other mineral obtained as a by-product, the principal constituent of which is a compound of calcium, the percentage of calcium in terms of calcium carbonate, calcium hydroxide or calcium oxide therein.

(e) Gypsum, land plaster, and every agricultural minerals the principal constituent of which is calcium sulphate, the percentage of calcium sulphate ($CaSO_4$, $2H_2O$) therein.

(f) Sulphur, brimstone and every agricultural mineral the principal ingredient of which is sulphur, the percentage of sulphur (S) therein.

(g) In the case of any agricultural mineral, natural or manufactured, not specifically mentioned herein, the percentage of all constituents claimed to be therein in terms of equivalents prescribed by the state chemist.

(h) In the case of any mixture of two or more agricultural minerals, the percentage of each principal constituent as above prescribed.

Sec. 6. INSPECTION. It shall be the duty of the state chemist or his agents, to make such inspection of agricultural minerals in this state, to have such samples taken, and to have such chemical analyses made as in his judgment may be necessary to ascertain whether or not persons offering, selling, or distributing agricultural minerals are complying with the provisions of this Act.

Sec. 7. SAMPLING AND CHEMICAL ANALYSIS. The official methods of sampling and analysis adopted by the association of official agricultural chemists shall be followed in making the chemical analyses provided for in this Act.

Sec. 8. DEFICIENCY. Whenever the analysis of a sample of agricultural mineral shows a deficiency in any constituent of not more than five per cent of the guaranteed total percentage of such constituent, the statement of the producer, manufacturer, importer, agent, or dealer, as required in this Act, is not false in the meaning of this Act. Whenever the deficiency exceeds five per cent the purchaser shall be entitled to a refund based on the percentage deficiency.

Sec. 9. REFUSAL OR CANCELLATION OF REGISTRATION. The state chemist, after hearing, may refuse to register any agricultural minerals or cancel the registration of any agricultural minerals deemed detrimental or injurious to plants when applied as directed, or which are known to be of little or no value for the purpose for which they are intended, or as to which false or misleading claims are made or implied.

Sec. 10. PUBLICATIONS. The state chemist is authorized to publish, as he may deem proper, information concerning the production and use of agricultural minerals, and shall publish an annual report which shall contain a statement of moneys received and expended and appropriately classified statistics of agricultural mineral sales in the state.

Sec. 11. REGULATIONS. For the enforcement of this Act the state chemist is authorized to prepare and issue such regulations not inconsistent with the law as may be necessary, which regulations shall have the force of law.

Sec. 12. PENALTIES. Any person, who, by himself, or through another, in connection with the sale of any substance or mixture of substances included within the scope of this Act:

(a) Makes any material or substantial misrepresentation;

(b) Makes any false promises of a character likely to influence, induce or deceive;

(c) Causes to be published or distributed false or misleading literature, or causes to be displayed false or misleading advertisements;
is guilty of a misdemeanor.

Sec. 13. APPROPRIATION. All moneys collected under the provisions of this Act shall be deposited in the general fund of the University of Arizona in a fund to be known as the agricultural minerals fund, which fund shall be used solely for the purpose of administering the provisions of this Act, upon the order of the board of regents of the University of Arizona in the same manner as other funds of said University. Such fund shall be exempt from the provisions of section 7, article 4, chapter 86, Session Laws of 1943, regular session, relating to lapsing appropriations.

Sec. 14. EFFECTIVE DATE. This Act shall take effect July 1, 1947.

Approved by the Governor—March 31, 1947.

Filed in the Office of the Secretary of State—March 31, 1947.

CHAPTER 137

SENATE BILL NO. 129

AN ACT

RELATING TO VOUNTEER FIRE COMPANIES WITHIN THE LIMITS OF INCORPORATED TOWNS AND CITIES, ADDING TO ARTICLE 20, CHAPTER 16, ARIZONA CODE OF 1939, BY AMENDING SECTION 16-2010; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 16-2010, Arizona Code of 1939, is amended to read:

16-2010. DISBANDING; USE OF FUNDS AUTHORIZED ON ORGANIZATION. A fire company may be abolished by a majority vote of the property taxpayers who are qualified electors of its territory attending a meeting held for that purpose, after ten days previous notice posted in three public places within the limits of said territory but without invalidating any valid claim against such company. The chief shall execute a certificate, attested by the secretary, setting forth the results of the meeting of said company and within five days thereafter file it with the clerk of the board of supervisors. The board of supervisors at the next regular meeting shall make a written order reciting the facts of the certificate and list the unpaid valid claims against said company, which shall thereupon be paid by the county treasurer upon warrants drawn as aforesaid from the money available in said volunteer fire fund. Said order shall be signed and attested and the original thereof filed in the office of the county recorder, and recorded in the miscellaneous records. Upon the recording thereof said fire company shall be abolished, and all money remaining in such volunteer fire fund, after the payment of all valid claims against said company, shall be transferred to the general fund of the county. Provided, however, that if all of said volunteer fire district has been included within the corporate limits of a city or town then upon disbanding, as herein provided, the equipment and assets of such company shall be transferred to such city or town.

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

Approved by the Governor—March 31, 1947.

Filed in the Office of the Secretary of State—March 31, 1947.

CHAPTER 138

HOUSE BILL NO. 90

AN ACT

RELATING TO INSURANCE; PROVIDING FOR A CONVERSION OF A BENEFIT INSURANCE CORPORATION TO A BENEFIT INSURANCE STOCK CORPORATION; PRESCRIBING CONDITIONS AND LIMITATIONS APPLICABLE TO THE OPERATION OF BENEFIT INSURANCE STOCK CORPORATIONS, AND AUTHORIZING THE CONSOLIDATION AND LIQUIDATION OF BENEFIT INSURANCE STOCK CORPORATIONS.

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

Section 1. SHORT TITLE. This Act may be cited as the benefit insurance stock corporation Act of 1947.

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

"commission" means the corporation commission;

"benefit insurance corporation" or "benefit corporation" means a corporation organized or operating under the provisions of chapter 95, Session Laws of 1943, regular session;

"members" means a member of a benefit insurance corporation;

"benefit certificate" means a policy of insurance issued by a benefit insurance corporation;

"benefit insurance stock corporation", "benefit stock corporation" or "stock corporation" means a corporation having a capital stock, formed to carry on the business of life, health and accident and hospitalization insurance or any one or more of such types of insurance, subject to the conditions and limitations prescribed by this Act;

"stockholder" means a stockholder of a benefit insurance stock corporation;

"resolution of approval" means a resolution of the members of a benefit insurance corporation approving con-

version to a benefit insurance stock corporation.

Sec. 3. AUTHORITY TO CONVERT. (a) A benefit insurance corporation may after having been licensed as a benefit insurance corporation for at least three full years, and having on deposit with the state treasurer, ten thousand dollars, for the protection of its policyholders, and with the approval of the corporation commission, convert into a benefit insurance stock corporation.

(b) Prior to the submission to the members of the benefit corporation, there shall be submitted to and approved by the commission: 1. a proposal to convert to a benefit insurance stock corporation; 2. a detailed plan of conversion, which shall include the basis upon which stock may be purchased by the members; and 3. proposed amended articles of incorporation.

(c) Any insurer converting as provided in this Act shall maintain upon every contract of life insurance theretofore issued by it while operating as a benefit insurance corporation the life insurance reserves required by subsection (c) of Sec. 11 of this Act. For the purpose of computing such reserves on said contracts, said contracts shall be considered to have been on a preliminary term basis prior to the date the insurer qualifies under this Act. Except for the maintenance of such reserves, compliance with this Act shall in no wise modify, change or annul any of the existing contracts or obligations of the corporation and any and all such contracts and liabilities shall continue in force and effect the same as if such corporation had not qualified under the provisions of this Act, but all contracts and policies made subsequent to the compliance with the provisions of this Act shall be construed and interpreted under the provisions of this Act. Compliance with the provisions of this Act shall in no wise prejudice, impede or impair any pending action proceeding or rights previously acquired.

Sec. 4. APPROVAL OF MEMBERS. (a) The proposal of a benefit corporation to convert to a benefit stock corporation, together with the plan of conversion and the amended articles of incorporation shall be submitted to the members of the benefit corporation at a meeting to be held within ninety days following the commission's approval. Not less than sixty days notice of the time and place of meeting shall be mailed to each member at his last known post office address as shown by the records of the benefit corporation.

(b) In the event that no less than fifty-one per cent

of the members of the benefit corporation in good standing, voting in person or by valid proxy, favor adoption of a resolution approving the proposal to convert to a benefit insurance stock corporation, such conversion may be effected.

(c) The resolution of approval shall embody the proposal, the plan of conversion and the amended articles of incorporation and shall be entered in full in the minutes of the meeting.

Sec. 5. AMENDED ARTICLES OF INCORPORATION. The amended articles of incorporation shall include: 1. the name by which the benefit insurance stock corporation shall thereafter be known; 2. the nature and scope of the insurance business to be conducted; 3. location of the corporation's principal offices, which shall be within the state; 4. names of the directors and principal officers; 5. terms for which they shall serve; 6. period of duration of the corporation; 7. number and par value of shares of capital stock; 8. amount of capital stock authorized which shall not be less than twenty-five thousand dollars, of which not less than twenty-five thousand dollars shall be paid in cash; 9. provision that capital stock issued in excess of the initial twenty-five thousand dollars shall be paid in at such time or times, upon such terms and conditions as may be determined by the board of directors and that such stock shall not be issued in exchange for services of property but only for money actually paid in to the corporation, or as stock dividends; 10. provision that all shares of capital stock shall be non-assessable.

Sec. 6. NAME. A benefit insurance stock corporation may retain the name of the benefit corporation so converted, or it may adopt a different name, in which event the name shall not closely resemble that of any other insurance company, association, or corporation incorporated in or doing business in the state.

Sec. 7. COMPLETION OF CONVERSION. Upon compliance with the foregoing provisions and issuance by the commission of a certificate of authority to conduct a stock insurance business under the terms of the amended articles of incorporation, the conversion of a benefit insurance corporation into a benefit insurance stock corporation shall be deemed to be complete.

Sec. 8. POWERS, PRIVILEGES AND OBLIGATIONS. (a) Subject to the conditions and limitations prescribed by this Act, a benefit stock corporation shall

have all rights, privileges, powers, and authority possessed by other stock corporations carrying on life, accident and health insurance business in this state, and specifically the powers vested in benefit insurance corporations by the provisions of section 10, chapter 95, Session Laws of Arizona, regular session, 1943.

(b) All of the initial twenty-five thousand dollars of the capital stock of the benefit insurance stock corporation shall first be offered to the members in good standing at time of conversion approval of the benefit insurance corporation to a benefit insurance stock corporation in accordance with the proposal referred to in sec. 3 (b) of this Act. The members of the benefit insurance corporation shall have sixty days from the date of stock offer in which to purchase stock in the benefit insurance stock corporation. All of the proceeds of the issue of this initial twenty-five thousand dollars of capital stock must be deposited with the state treasurer. The proceeds of sales of stock in excess of such initial twenty-five thousand dollars shall be deposited with the state treasurer, and in such proportions as the corporation commission may, by proper order, prescribe and direct. The provisions of articles 10 and 11 of chapter 53 of the Arizona Code of 1939, shall not apply to corporations operating hereunder.

Sec. 9. FIDELITY BOND. The treasurer or other officer or officers of a stock corporation responsible for the corporation assets shall furnish a fidelity bond executed by a surety company authorized to transact business in this state, in an amount equal to the mortuary or reserve fund of the corporation as of December thirty-first of the preceding year, exclusive of the deposit with the state treasurer herein referred to, but in no case shall the bond be less than five thousand dollars, nor more than fifty thousand dollars.

Sec. 10. DEPOSIT FOR PROTECTION OF POLICYHOLDER. (a) A benefit insurance stock corporation shall at all times have on deposit with the state treasurer, to be by him held in trust for the protection of the stock corporation's policyholders, not less than thirty-five thousand dollars, ten thousand dollars of which shall be a part of the mortuary fund, as provided by sec. 3 of this Act, and not less than twenty-five thousand dollars shall be the proceeds of sales of stock of the corporation.

(b) The deposit prescribed by subsection (a) shall be subject to withdrawal in whole or in part only on the written order of and as directed by the commission, but may with the commission's written approval, be invested in

the securities referred to in subsection 1 of sec. 1 of chapter 70 of the Arizona Laws of 1943, all of which shall be assigned to the state treasurer and held by him as provided for original deposits. The securities may, with the commission's approval, be exchanged for similar securities or cash of equal amount. Interest on securities so deposited shall be payable to the stock corporation depositing the same.

(c) An unsettled final judgment arising upon a policy of insurance, against a stock corporation, shall be a lien upon the deposit prescribed by subsection (a) subject to execution after thirty days from entry of final judgment. If the deposit is reduced thereby it shall be replenished within ninety days.

Sec. 11. MORTUARY FUND. (a) Every benefit stock corporation shall create and maintain a mortuary fund by paying into it: 1. not less than sixty per cent of each premium collected on policies issued or assumed by said corporation during the second and each succeeding policy year; 2. interest earned on the mortuary and reserve fund. All other income, after setting aside the amounts prescribed for the benefit of the mortuary fund, may be used for general operating expenses and payment of dividends to stockholders.

(b) The mortuary fund shall be used exclusively for the fulfillment of the policy contracts, the maintenance of the reserves and the payment of dividends to policyholders as provided by this Act; but any part of said mortuary fund may be deposited with the state treasurer. Any part of the mortuary fund, whether or not deposited with the state treasurer, may be invested in securities referred to in section 10 (b) of this Act.

(c) Premium rates to be charged for the insurance granted in the policies issued hereunder shall be based upon the Commissioners' 1941 Standard Ordinary Mortality Table, or the 1941 Standard Industrial Mortality Table, with interest not exceeeding three and one-half per cent per annum under either table; provided, however, that the net premiums and valuations shall be made according to the preliminary term method; and provided further, that the company may extend the table down to age one and have the right to prescribe the rates and benefits for ages below ten years.

(d) Upon conversion all assets and the liabilities of the benefit insurance corporation shall be assumed by the

benefit insurance stock corporation and the balances in the mortuary and the general operating expense funds of the benefit insurance corporation shall be placed in the mortuary and the general operating expense accounts respectively of the benefit insurance stock corporation.

(e) Should the mortuary fund created according to the provisions of this Act exceed the amount required to pay all benefit claims arising under policies issued under this Act and to maintain the reserves required for such policies, according to the table set forth in paragraph (c) of this section, the corporation may make a refund to the policyholder not to exceed fifty per cent of the amount contributed by the policyholder to the fund, but in no case shall such refund exceed the amount in the mortuary fund in excess of the reserves required for such policies. Should the mortuary fund created under this section be insufficient to pay all bona fide claims and maintain the reserves required by this Act, the commission shall order the corporation to increase the premiums under such policies to an amount sufficient to pay such claims and maintain such reserves. In so doing, the commission may adjust premium rates on different groups or types of policies, whether issued prior or subsequently to the effective date of this Act. In order to arrive at equitable premium rates for various groups or types of policies issued or assumed by one company, the commission may make an analysis of each such group or type of policy and, upon its determination of the necessity therefor, direct either a reduction or increase in premium rates so as to provide fair, just and reasonable rates as between policyholders in the several groups or upon the several types of policies so issued.

Sec. 12. STOCKHOLDERS. (a) Each share of stock shall be entitled to one vote at any stockholders meeting; but, for the election of directors, cumulative voting is required as prescribed by section 10 article 14 of the Constitution of Arizona.

(b) Upon the liquidation or dissolution of a benefit insurance stock corporation, or the assumption of its entire policy or certificate liability by another company, which must be with the written approval of the commission, the funds and properties of such benefit insurance stock corporation remaining after the payment in full of all of its liabilities, including any money or property on deposit with any state, shall be distributed to its stockholders pro rata according to the number of shares by such stockholders respectively held.

(c) No stockholder of a benefit insurance stock cor-

poration shall have any vested right in any deposit, reserve of fund prescribed by law at any time prior to the ordering of a distribution as provided in the foregoing subsection (b) of this section.

Sec. 13. OFFICERS. (a) A benefit stock corporation shall be governed by not less than three nor more than nine directors. A majority of the directors shall be residents of the state. They shall be elected by the stockholders present in person or by proxy, for a period not exceeding three years, as the by-laws may prescribe. As nearly as practicable, an equal number of directors shall be chosen at each election. Vacancies shall be filled as the by-laws shall provide. The directors shall, from their own members, elect the officers.

(b) Following each annual election of officers the names of the officers elected shall be certified to the commission under the seal of the corporation.

Sec. 14. APPROVAL OF FORMS. Every life, health, hospital, and accident certificate form submitted to the commission shall have attached to it the written opinion of a member of the American Institute of Actuaries as to whether: 1. the policy conforms to the provisions of this Act and is conducive to the protection of the insured; 2. the rates prescribed are sufficient to pay claims and operating expenses of the stock corporation.

Sec. 15. BENEFIT CERTIFICATE REQUIREMENTS. Each benefit certificate shall provide that: 1. every life policy shall provide that upon written application, the submission of acceptable evidence of insurability, the payment of all arrearages, made within one year from date of lapse or notice of lapse, whichever is longer, a lapsed policy or benefit certificate may be reinstated, and that in such event all provisions shall remain in full effect as if no lapse had occurred, and there shall be no reduction to any benefit; 2. the insured is entitled to a grace period of not less than fifteen days, following the due date of any premium during which time the certificate shall not be forfeited; 3. the certificate, including any written amendment thereto, and, at the option of the corporation, a copy of the application therefor when attached to the policy at the time of issuance, constitute the entire contract between the parties, and, if a life policy, is incontestable after two years from the date of last reinstatement, except for nonpayment of premiums or assessments; 4. if the age of the insured has been misstated, the amount payable under the certificate shall be such as the premium would have purchased at the correct age; 5. when, by the death of the

insured under a life insurance certificate, or loss under any accident or health certificate, a certificate shall become a valid claim, settlement shall be made within sixty days from receipt of acceptable proof of loss; 6. in the event the premiums stated in the certificate are found to be inadequate to pay the claims and general operating expenses, the corporation may, with the written approval of the commission, increase the premiums.

STANDARD PROVISIONS. Every accident and health policy shall contain such applicable Illinois Standard provisions as prescribed by sections 357, 358 and 368 of the Illinois Insurance Code of 1943, to which reference is hereby made, as may be required by proper order of the Arizona Corporation Commission.

Sec. 16. MAXIMUM INSURANCE AND LIABILITY. (a) Each life, accident or health policy shall specify the maximum amount, not more than five thousand dollars, to be paid to the designated beneficiary on the death of the insured or to the insured for sickness or accident benefits.

(b) Not more than three thousand dollars insurance shall be in benefit on the life of any individual, and the total liability assumed on any individual for life, accident and health insurance, shall not exceed five thousand dollars.

Sec. 17. PROHIBITED PROVISIONS. No stock corporations shall: 1. provide for cash surrender values, cash loan values, paid-up insurance, or extended insurance in its policies; 2. issue any "dual pay" policy, that is, a policy which provides that upon the death of an insured, a like amount shall also be paid to a living policyholder as a result of or in connection with the deceased insured; 3. issue any policy containing a prorate clause, that is, a provision by which the corporation may within a given period of time compute the total unpaid policy claims and prorate the amount of money in the mortuary and reserve fund at the time, or that is collected for such period, to said claims, and pay the prorated sum to the beneficiaries or policyholders as full payment of their claims; 4. issue any graded policy, that is, a policy providing for a period of time in which only a portion of the maximum benefit will be paid, with periodical increases until the maximum amount under the policy is attained, and then, in case the policy lapses, if reinstated, any loss occurring after reinstatement thereof shall be computed from the date of reinstatement, thereby forfeiting the accumulated benefits until such time as the periodical increases restore the policy to its maximum amount.

Sec. 18. AGE LIMIT. No policy shall be issued to any person or persons more than seventy years of age.

Sec. 19. FORM OF APPLICATION. (a) The application for insurance and the application for reinstatement of a lapsed policy in a benefit insurance stock corporation shall be in the form of clear and direct interrogatories, permitting answers only in the form of direct statements of known facts.

(b) Statements contained in any application shall, in the absence of fraud, be deemed representations.

Sec. 20. CONSOLIDATION OF CORPORATIONS. (a) A benefit insurance stock corporation may consolidate with another such corporation upon such terms and conditions as may be approved in writing by the commission. The procedure shall be as prescribed for the conversion of a benefit insurance corporation, except that the resolution of approval shall receive the affirmative votes of stockholders representing not less than fifty-one per cent of the stock of the consolidating corporation.

(b) Upon such consolidation, or the assumption of all of the liabilities of one benefit stock insurance corporation by another, the commission shall determine the amount required to be kept upon deposit with the state treasurer by the consolidated corporation or the assuming corporation, not to exceed in any event such amount as would have been required of a single benefit stock insurance corporation, and it shall direct return of the overplus to the fund or source from which such deposit was made.

Sec. 21. LIQUIDATION AND DISOLUTION. (a) Upon the issuance by any superior court, of an order for the liquidation of the business of a benefit insurance stock corporation, liquidation shall be by the commission, acting under the orders of such court.

(b) The commission may employ clerks, counsel or other assistants and compensate them, or incur any expense in such liquidation, only upon the approval and order of the court. The cost of liquidation shall be paid out of the assets of the corporation, including the deposit with the state treasurer. At any time after the order of liquidation issues, the commission may apply to the court for dissolution of the corporation, and the court may issue an order for the same.

Sec. 22. ANNUAL REPORTS. Annually on or before

March fifteenth, or at such other times as the commission may require, and on forms prescribed by the commission, each benefit insurance stock corporation shall file with the commission a statement showing the condition of the corporation.

Sec. 23. EXEMPTION FROM ATTACHMENT. No benefit shall be liable to attachment, garnishment, or other process, or be seized, taken, appropriated or applied by any legal or equitable process or operation of law to pay any debt or liability of a policyholder or beneficiary, either before or after payment.

Sec. 24. CERTIFICATE OF AUTHORITY. No benefit insurance stock corporation shall transact business without a valid certificate of authority therefor, issued by the corporation commission, certifying that the corporation has complied with the law and is authorized to transact the business of stock benefit insurance. The certificate of authority shall be renewed not later than April first of each year.

Sec. 25. REVOCATION OF CERTIFICATE OF AUTHORITY. The commission may revoke the certificate of authority of a benefit insurance stock corporation in event: 1. an undisputed claim arising out of the death of a member or other loss is not paid within sixty days after the filing of a valid claim, pursuant to the provisions of the policy, or satisfactory proof of death or loss, and the available assets of the corporation are not sufficient to pay the claim; 2. the deposit prescribed by section 10 is not replenished within ninety days after being reduced; 3. failure to comply with any provisions of this Act, or any reasonable rule or regulation of the commission, within thirty days after receipt of written notice from the commission directing attention to the violation.

Sec. 26. EXAMINATION. Whenever the commission shall determine it to be prudent for the protection of members or policyholders of any corporation doing business under this Act, and at least once each year, it shall appoint a competent person or persons to visit the home office of the corporation applying for a license to transact business, or which may be transacting business in this state, whether domestic or foreign, to ascertain its true financial condition, its ability to meet and fulfill its policy obligations, whether it is complying with the provisions of this Act, and all other facts which the commission may require relating to its business methods, management, or dealing with its policyholders. The commission shall cause a complete audit of the books and accounts of the corporation to be made, and

for the purpose of such examination it shall have free access to all books, records, accounts, vouchers and files of the corporation relating to its business. The commission shall require each such corporation to keep its books, records, accounts and vouchers in such a manner that the commission may readily verify its annual statement and ascertain whether the corporation is solvent and is complying with this Act. The commission shall grant a hearing to the corporation examined before filing a report of the investigation, and may withhold the same from public inspection if it deems it to be in the interest of the corporation and its members.

(b) The compensation of examiners shall not exceed the sum of twenty-five dollars per day and the necessary traveling expenses of the person or persons engaged in an examination authorized by the commission, and shall be paid by the corporation directly to such person or persons, upon written order of the commission.

(c) The person or persons making such examination shall also examine each and every claim made on or paid by the corporation under its certificates, and shall verify the amount of each claim paid or to be paid, since the date of the last examination.

Sec. 27. AGENT'S LICENSE. Annually on or before April each agent representing a benefit insurance stock corporation shall procure an agent's license from the commission.

Sec. 28. FEES. Fees for the filing of instruments and documents pursuant to the provisions of this Act or for furnishing copies thereof shall be the same as the fees prescribed by law for filing or furnishing copies of like instruments and documents with the commission.

Sec. 29. LAWS APPLICABLE. A benefit insurance stock corporation shall not be subject to the provisions of the general insurance laws, and no law hereafter enacted shall apply to benefit insurance stock corporations unless expressly provided therein.

Sec. 30. RULES AND REGULATIONS. The commission may make such reasonable rules and regulations in writing, not in conflict with the provisions of this Act, as may be necessary for the effective administration of this Act and the protection of the insuring public.

Sec. 31. PENALTIES. It is a misdemeanor, punish-

able by a fine of not more than five hundred dollars, imprisonment in the county jail not more than six months, or both: 1. for an agent, examining physician, or other person to make any false or fraudulent statement or misrepresentation in or with reference to any application for insurance, or for purpose of obtaining any money from, or benefit in, any benefit insurance stock corporation; 2. for any agent to wilfully misrepresent the provisions of a certificate to the purchaser or prospective purchaser; 3. for an officer of a benefit insurance stock corporation to refuse to permit the commission to examine and audit the business, books or records of a stock corporation, or, 4. for any person to wilfully violate any of the provisions of this Act.

Approved by the Governor—March 31, 1947.

Filed in the Office of the Secretary of State—March 31, 1947.

CHAPTER 139

SUB. HOUSE BILL NO. 135

AN ACT

RELATING TO THE ARIZONA POWER AUTHORITY ACT OF 1944; THE JURISDICTION, POWERS AND DUTIES OF THE AUTHORITY COMMISSION; THE ISSUANCE OF POWER PURCHASE CERTIFICATES; THE DELINEATION OF SERVICE TERRITORIES; PROCEDURAL MATTERS; POWER APPORTIONMENT, SALES AND RATES; FISCAL MATTERS; AMENDING SECTIONS 1, 3, 4, 6, 12 AND 15, CHAPTER 32, SECOND SPECIAL SESSION, SIXTEENTH LEGISLATURE, 1944; REPEALING SECTION 16, CHAPTER 32, SECOND SPECIAL SESSION, SIXTEENTH LEGISLATURE, 1944, AND ALL INCONSISTENT LAWS; PROVIDING FOR THE SEVERABILITY OF ANY INVALID PROVISIONS; AND DECLARING AN EMERGENCY.

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

Section 1. Section 1, Chapter 32, Second Special Ses-

sion, Sixteenth Legislature, 1944, is amended to read:

Section 1. TITLE AND DEFINITIONS. This Act may be known and cited as "The Power Authority Act of 1944" and unless the context otherwise requires, "Authority" shall mean the "Power Authority" created hereby. "District" or "Power or Water Agency" shall mean power or water organizations comprehended in Articles 2 to 10 inclusive, Chap. 75, Arizona Code Annotated 1939, and amendments and supplements thereto. "Person" shall mean and include natural persons engaged in the distribution of electric power; also mutual and cooperative concerns or organizations by whatever name called, corporations, firms, business trusts and partnerships. The term "project" or "work" or "works" shall mean each and every facility necessary or convenient for the production of, generating of, firming or transmitting of power, and all rights-of-way, lands or interests in land, the use or occupancy of which are necessary or appropriate in the maintenance and operation of all such facilities. Transmission lines or systems shall mean each and every facility necessary or convenient for receiving electric energy from production or transmission systems and transmitting it to wholesale customers. "Power" shall mean electric power or electric energy, or both. The word "wholesale" shall mean sales to qualified distributors of power. The word "Retail" shall mean sales to others than persons or operating units. "Operating units" shall mean districts, state agencies, Federal Indian agencies, towns and cities. "Commodity" or "Commodities" shall mean electric power or energy. "State" shall mean the State of Arizona. "Zone" shall mean area within a fixed radius or distance from Boulder Dam or other point of receipt or production. "Qualified distributors" shall mean persons and operating units and "qualified purchasers" shall mean persons and operating units privileged under this Act to purchase power developed on the main stream of the Colorado River.

Sec. 2. Section 3, Chapter 32, Second Special Session, Sixteenth Legislature, 1944, is amended to read:

Sec. 3. ELECTRIC POWER JURISDICTION. It shall be the duty of the Authority and it shall have the right and privilege to bargain for, take and receive in its own name on behalf of the State, electric energy developed from the waters of the main stream of the Colorado River by the State or the United States Government or any agencies thereof which by provisions of State or United States Statute, Agreement or Regulation may be made available, allotted or allocated to the State of Arizona in its sovereign capacity. For the purpose of making such

power available to the marketing areas of the State, the Authority is empowered to acquire or construct and operate electric transmission systems, standby, or auxiliary plants and facilities and to generate, produce, sell at wholesale, transmit and deliver such electric energy to qualified purchasers; and if conducive to efficiency and convenience, to enter into agreements for interconnection or pooling with projects, plants, systems or facilities of other distributors of electric power. The Authority shall not by definitive contract or agreement obligate or bind itself to take or purchase power from any source until it shall have previously or simultaneously procured purchasers therefor.

All rights of persons and operating units under existing contracts, or any renewals thereof or supplements thereto, with the United States Government or any agency thereof to power now generated or hereafter developed or generated, at Parker Dam or at any other point below Boulder Dam on the main stream of the Colorado River are hereby preserved, and such rights shall not be impaired or modified by any of the provisions of, or powers granted by, this Act.

The Authority may hold hearings, inquire into any matter relating to the business of the Authority, administer oaths and affirmations, compel by subpoena the attendance of witnesses, the production of relevant books, records, papers and accounts and order the taking of depositions in accordance with the rules and laws regulating the taking of depositions to be used in superior court proceedings and the Superior Court of Maricopa County upon request of the Authority may enforce such subpoenas and deposition proceedings. The Authority may adopt necessary rules or regulations of practice and procedure governing hearings and establish a schedule of fees and costs to be paid by the parties involved.

Any interested person or operating unit whose rights or interests may be directly affected by any proceedings, orders or actions of the Authority under sections 3, 4 and 6 of this Act shall be entitled to a hearing with respect to such rights or interest. Such hearings to be held at the office of the Authority or at such other place or places within the state as the Authority may fix. Unless otherwise provided by this Act, notice of all hearings respecting matters arising under such sections shall be given by publication at least once in one or more newspapers of general circulation in the state, and hearings shall be held after five days and within not more than thirty days after the date of the last publication of such notice. Such hearings shall be public, and the parties concerned or any other qualified party having a special legal interest in the

matters involved shall be afforded an opportunity to be heard.

The grounds of any petition, complaint, protest or objection filed with the Authority shall be based on one or more provisions of said sections 3, 4, or 6.

Parties involved may introduce evidence and be heard in person or by attorney. Evidence introduced at a hearing may be reduced to writing and certified on order of the Authority. Within sixty days after the date fixed by the Authority for any hearing the Authority shall make such findings of fact and enter such order or orders concerning the subject-matter of the hearing as it may deem necessary, just and equitable.

The jurisdiction of the Authority over the matters entrusted to it shall be exclusive, and its findings of fact, if supported by a preponderance of the evidence and not arbitrary, capricious or unreasonable, shall be conclusive.

Any record party to any hearing under said sections whose interest may be directly affected by any final order or action of the Authority in such hearing may within twenty days after such final order or action file with the Authority a motion for rehearing setting forth the grounds upon which a rehearing is sought; and within thirty days after the filing of any such motion for rehearing the Authority shall hear and consider such motion and render its decision thereon.

Any record party to any hearing held under said sections may within twenty days after a rehearing is denied or granted, and not afterwards, appeal to the Superior Court of Maricopa County from any final order or action of the Authority or from its decision on the motion for rehearing by filing a written notice specifying the order or decision appealed from and stating the grounds upon which such appeal is taken. Such notice shall also specify any documents or records on file with the Authority which the appellant deems necessary for the purpose of the appeal. Such notice of appeal shall be filed with the clerk of said superior court and a copy thereof filed with the Authority. Within ten days after the filing of such notice of appeal the appellant shall file with the clerk of said superior court a cost bond in such amount and containing such terms and conditions as may be ordered by the superior court. Upon the filing of such bond the appeal shall be deemed perfected, and within ten days thereafter the Authority shall lodge with the clerk of said superior court all documents and

records specified in the notice of appeal and such other documents and records as the Authority may deem necessary. The appeal shall be heard by the superior court at its earliest practicable convenience, and no appeal shall stay the order or action of the Authority unless so directed by the court. In the consideration of any appeal the court shall give due regard to the findings, orders and proceedings of the Authority under the provisions of this Act, where founded upon a preponderance of the evidence.

Within twenty days after the entry of any judgment by the superior court either party to an appeal may appeal to the supreme court of the state in the manner provided for appeals from other judgments of a superior court, and such appeal shall be placed on the calendar of the supreme court and brought to a hearing at the earliest practicable date. If no appeal be taken, the clerk of the superior court shall certify such fact to the respective parties and return any documents and records to the Authority.

Sec. 3. Section 4, Chapter 32, Second Special Session, Sixteenth Legislature, 1944, is amended to read:

Sec. 4. FUNCTIONAL SCOPE. The Authority, in the acquisition, construction or operation of electrical transmission systems and other related facilities, shall as far as the best interests of the State permit and as far as consistent with the purposes and policies of this Act, cooperate with established and existing organizations, and with the interior department of the United States or any other federal agency or department for use, interconnection or utilization of any suitable transmission lines or other facilities for distribution and operating purposes; and the Authority shall when practical bargain and negotiate with the United States Government, its departments or agencies for the inauguration, construction or operation of new projects or enlargement of works or facilities and provide for repayment of such work or project costs accruing to the federal agency or department concerned, by the application of revenue produced from the operation of such works or projects. Operating units or persons engaged in the distribution of electric power may construct, conduct, operate, handle, acquire and dispose of projects, works, systems or facilities not belonging to or under the Authority jurisdiction; and may also bargain and contract direct with the United States Government or any department thereof for electric power of the main stream of the Colorado River not under the jurisdiction of the Authority after first obtaining a power purchase certificate as provided in section 6 of this Act. The Authority shall have no right or power to create any mortgage lien upon its operating

property or facilities or impose any debt, nor to suffer or create any financial obligation whatsoever upon the State of Arizona, or any of its subdivisions. Neither shall this Act be held to modify, alter or change the State Water Code or the functions, powers and duties of any agency or officer thereto appertaining. Nothing in this Act contained shall be construed to authorize or empower the Authority to engage in the retail distribution of electric energy. Provided, that the Authority may sell and deliver electric energy to consumers located adjacent to its transmission lines who may be without other means of adequate electric supply. No project, transmission system, work or facility shall be sponsored, inaugurated, constructed or otherwise acquired, unless and until after due consideration and investigation, it is determined by the Authority to be feasible, economically sound and that the project or facility will be self-financing and liquidating within a period of not more than forty (40) years; nor until a definite contract or agreement shall be executed, as indicated in section 3 of the Power Authority Act.

Sec. 4. Section 6, Chapter 32, Second Special Session, Sixteenth Legislature, 1944, is amended to read:

Sec. 6. ELECTRIC POWER SALES AND RATES. (a) The Authority shall take such steps as may be necessary, convenient or advisable to dispose of electric power within its jurisdiction. The Authority shall not operate primarily as a source of public revenue; and electric power as nearly as practical, shall be disposed of in such equable manner as to render the greatest public service and at levels calculated to encourage the widest practical use of electrical energy. Subject to the provisions of this Act, electric rates of the Authority shall be so established and shall include such price components as may be necessary to establish and maintain the Authority together with any works constructed or acquired by it as a self-financing and liquidating project within a period of not more than forty (40) years from the initial date of operation or acquisition and to provide and maintain reasonable working capital and depreciation and other necessary and proper reserves. Such rates shall include proportionate general price components, costs of purchases or production, transmission, depreciation, maintenance, amortization and such other appertaining price factors as the Authority may deem necessary or advisable, provided no rates established by the Authority shall increase rates to purchasers as fixed in existing contracts with such purchasers during the term of their respective contracts. The Authority may fix and prescribe the terms and conditions of its electric sales contracts and services; adopt such rules and regulations as it

may find necessary or convenient respecting electric services and the disposition of electric power by it; may provide that the purchaser will pass along to its customers the reduction in its cost of service to its customers which results from its purchase of the electrical energy covered by its contract with the Authority; but that nothing herein contained shall give the Authority the power to fix, prescribe or control the rates to be charged by any public service corporation; and, pursuant to the provisions of this Act, may establish appropriate rate schedules for its different classes of service or for its different zones of service. Rates shall not be discriminatory as between purchasers or classes of purchasers and rates may be uniform within zones or throughout the state. Agreements for electric service shall not extend for a period of more than twenty (20) years; and contract schedules may be modified by the Authority whenever such action is necessary to achieve the purposes and policies of this Act, but shall not operate to change the provisions of an existing power contract during the term thereof unless such contract so provides or unless with the consent of the holder of such contract.

(b) Whenever available power supplies shall be insufficient to meet pending power applications, preferences shall be given to: (1) districts; (2) any incorporated city or town or any cooperative serving its own members only, to the extent of the difference between its existing contracts for purchase of power generated by the waters of the main stream of the Colorado River from whomever purchased and seventeen million five hundred thousand kilowatt hours per annum; (3) applicants other than districts for supplies to be used primarily for irrigation or drainage purposes or both, and (4) any qualified applicants including any of the above; provided that no reduction in supplies under existing power contracts shall be made except with the consent of the purchaser because of any power scarcity arising after the execution of such contracts and the same shall remain in force and effect during the term thereof.

(c) The Authority shall designate certain sections of main transmission lines and facilities in the State of Arizona for delivery of Colorado River power, including lines to be constructed or acquired by the Authority and any transmission lines and facilities which may become available through the U. S. Government or an agency thereof, or other public or private sources, to the extent that the Authority may be able to arrange for the use of such lines and facilities, as to which sections a uniform rate for power at transmission voltage shall also be made applicable, such sections initially to include all portions of said lines

between the points of generation on the Colorado River and distribution centers where substantial power loads exist as established by the Authority.

Said uniform transmission voltage rate shall include proper components of cost for power delivered over the aforesaid sections of line at high voltage transmission levels, and power shall be sold at said uniform transmission voltage rate for transmission voltage delivery at any point on said sections of line. Power may be sold at the low voltage side of substations located on said sections of line at rates covering the uniform transmission voltage rate plus proper added cost components for low voltage delivery, and at locations served by extensions from said sections of line at rates covering the uniform transmission voltage rate plus proper added cost components for delivery over such extensions and related facilities; provided the Authority shall be under no obligation to construct or furnish any substations or other facilities for delivery on the low voltage side or any extensions from the main transmission lines. The application of such uniform transmission voltage rate may from time to time be extended to other sections of the aforesaid main transmission lines and to sections of high voltage transmission lines subsequently constructed whenever the application of the rate to such other sections of line and subsequently constructed lines will not result in a material increase in the rate; provided that no increase from this cause shall apply to or affect the rates in any existing contracts.

Wholesale power rates set forth in any power contract for sale of power by the Authority shall be limited as to modifications upward to the extent of variations in the cost of power to the Authority in its power purchase contracts, or variations in the actual costs, including operating costs, to the Authority of the facilities which shall be specified in the power contract to be taken into account in determining costs.

In case electric power is purchased by the Authority directly from facilities owned and operated by the United States, an agency thereof, or other public or private sources, at a cost to the Authority not consistent with the aforesaid uniform transmission voltage rate, the rates for such power to purchasers from the Authority shall be based upon the cost of power to the Authority together with any and all additional cost components pertinent thereto.

Contracts or agreements for the sale by the Authority of electric power and energy at wholesale shall recognize all applicable provisions of the Act and may be executed

for a period not to exceed twenty (20) years. No revenue bond issued by the Authority, or agreement of the Authority with respect thereto, shall in any respect impair, modify or change the provisions of any contract of the Authority for the sale of electrical energy entered into pursuant to the provisions of this Act.

If secondary energy becomes available to the Authority from Colorado River developments, or other public or private sources, it may be purchased and resold by the Authority to the extent of transmission facilities available, at rates which will be adequate to cover the costs of delivering such energy, and under terms and conditions suited to the uses which may be made of such energy.

(d) Other than the retail purchasers from the Authority permitted by section 4 of this Act, no person or operating unit in the state shall become a purchaser of electrical energy generated by the waters of the main stream of the Colorado River, unless it shall first have obtained a power purchase certificate issued by the Authority as hereinafter provided.

Any person or operating unit desiring to become a purchaser of electrical energy described in the preceding paragraph shall file with the Authority an application verified under oath, stating its principal place of business, a reasonably accurate description of the territory in which such energy will be sold or used, the purposes for which such energy will be used, the names and addresses of all persons and operating units engaged in the distribution of electrical energy, and all districts not engaged in such distribution, in the territory described in the application and in territory contiguous thereto, and such other relevant information as the Authority may by regulation require. The application shall be accompanied by copies thereof at least equal in number to the persons and operating units required to be named therein. Upon the filing of any such application the Authority shall immediately fix a time when and a place where a hearing will be held thereon, and the date of such hearing shall not be earlier than ten days nor later than thirty days after the date of the filing, exclusive of the date of filing. Written notice of the time and place fixed for the hearing shall be given forthwith by the Authority, by United States mail, to the persons and operating units named in the application, and such notice shall be accompanied by a copy of the application. If more than one application is filed for the same territory, or part of the same territory, the Authority may consolidate all such applications for hearing at the same time and place and shall give notice accordingly.

If an application be granted in whole or in part, a power purchase certificate shall be issued by the Authority in accordance with its order. Power purchase certificates shall be numbered consecutively according to date of issuance, shall set forth the name of the applicant to which issued and the territory for which issued. The certificate so issued may be assigned by the holder after first securing the approval of the Authority, but a transfer by operation of law or by virtue of any judicial, trustee's or other involuntary sale shall not require the Authority's approval.

The application of any applicant shall be granted to it for so much of the territory included in its application as is then being served with electrical energy by it; and no power purchase certificate shall be issued to an applicant for territory which is then being served with electrical energy by a person or operating unit, subject to the applicable provisions hereinafter set forth respecting districts and incorporated cities and towns. If applications for power purchase certificates are filed by two or more applicants covering, wholly or in part, the same geographical area, and no electrical service is then being rendered in such area by any person or operating unit, the Authority shall award a certificate to the applicant or applicants which, in the judgment of the Authority will best serve such area after giving due consideration to the preparedness of competing applicants to serve the territory in question, the investments involved, the adequacy of the service proposed to be rendered to consumers therein, and the time required to furnish such service and any other relevant and pertinent matters bearing upon the controversy. No applicant for the whole or any part of an area in which no electrical service is then being rendered shall, after the filing of the first application for such unserved territory, begin service therein pending final decision by the Authority on all conflicting applications covering such territory.

Notwithstanding anything in this section to the contrary, the Authority shall grant as a matter of right (1) the application of any district for a power purchase certificate for electrical energy solely for use for irrigation or drainage purposes, or both, within the boundaries of such district, or where all lands included within a district are not contiguous, on intervening lands substantially enclosed by lands included within the district, if so requested of the Authority by duly executed petition of the owners or legally authorized custodians or administrators of such lands, (2) the application of any district for a power purchase certificate for electrical energy to be distributed to inhabitants of the district where such district has acquired, or consummated all steps necessary to acquire the

electric facilities of the distributor or distributors then serving the inhabitants of such district, (3) the application of any incorporated city or town for a power purchase certificate covering territory within its corporate boundaries not otherwise served with electrical energy, and (4) the application of any incorporated city or town for a power purchase certificate for electrical energy to be distributed generally within its corporate boundaries where such city or town has acquired or has consummated all steps necessary to acquire the electric facilities of the distributor or distributors then serving the inhabitants of such city or town. If the Authority shall fail to make any order on any such application of a district or incorporated city or town for a period of sixty days after the date fixed for hearing on the application, a power purchase certificate shall be deemed to have been issued to the applicant by the Authority; and the applicant may thereafter proceed to exercise its rights thereunder to the extent and for the purposes in this paragraph permitted and as set forth in its application.

The holder of a certificate shall have authority to enter into a contract or contracts for the purchase of electrical energy generated by the waters of the main stream of the Colorado River, and the rights of the holder of any such certificate may not be abrogated, modified or amended without the consent of the holder, except as hereinafter provided. The Authority may cancel a certificate if the holder shall not, within six months from the date when electrical energy is first available to the holder, actually and in good faith begin rendering the service or using the electrical energy for the purpose for which the certificate was issued, unless the Authority, upon written application, shall have, for good cause shown, prior to the expiration of said period extended the time for beginning such service or use.

The holder of a power purchase certificate may apply to the Authority for amendment of its certificate to include additional territory. All the provisions of this subsection relating to original applications for power purchase certificates shall apply to any application for such amendment.

Any person or operating unit holding a power purchase certificate and otherwise qualified under the provisions of this section to purchase the electrical energy described herein may sell the same at wholesale to any other person or operating unit holding a power purchase certificate, provided, however, that the use of such electrical energy by the purchaser shall be confined to the uses and the territory for which the purchaser holds a certificate.

No applicant for a power purchase certificate shall be granted the same until it shall first have entered into a contract with the Authority for the payment to the Authority, in the manner and at the time required by the Authority, of the current administration charge, if any, applicable to the power to be purchased under contracts with the Authority.

Sec. 5. Section 12, Chapter 32, Second Special Session, Sixteenth Legislature, 1944, is amended to read:

Sec. 12. FISCAL CONTROL, ACCOUNTING RECORDS AND BUDGETARY MATTERS. (a) The Authority shall on or before the first day of July, 1945, and on or before the first day of July in each succeeding fiscal year, adopt an Administrative Budget for the next succeeding fiscal year. Said budget shall not exceed the sum of Seventy-five Thousand Dollars ($75,000.00) per fiscal year, and shall consist of a full and complete statement of administrative expenditures from said fund during the past fiscal year and an estimate of the different amounts which may be deemed necessary to meet administrative requirements of the authority for the ensuing year, fixing the amounts proposed for all recurring items of expense and an amount for contingencies or emergencies not anticipated. No administrative expenditures shall be made therefrom in excess of the total amount of such budget. Any economies resulting in remaining balances for any fiscal year shall be available for subsequent administration or operating purposes.

(b) The Authority shall likewise for each similar period prepare an Operation Budget covering operations and including capital items and shall consist of a full and complete statement of all incoming receipts and expenditures for the past fiscal year and an estimate of anticipated income and expenditures for the next ensuing period. Said operation budget shall also give a complete asset and liability statement and statement of profit and loss, together with itemized statement of cash on hand, commitments, reserves, and obligations anticipated for such ensuing fiscal year, together with such other information as to give a full and complete disclosure of its current financial condition. The original of all budgets shall be filed with the state auditor and copies thereof with the governor and the state treasurer.

(c) Any funds made available to the Authority by legislative appropriation shall be classified as 'appropriated funds' and all other moneys derived from operations or otherwise acquired or accruing to the Authority, shall be

classified as 'operation funds'. Appropriate classifications and designations shall be set up in The Authority accounting records as set forth in section 9 of the Power Authority Act so as to provide for accurate and systematic control and allotment of all moneys received, including a debt reserve fund embracing all moneys required for the payment of revenue bonds—both principal and interest thereon, and any and all other obligations for which a reserve is required; and no withdrawals from said debt reserve fund shall be made, except for the express purposes for which such moneys may have been deposited therein.

(d) The provisions of the Budget and Financial Administration Act of 1943 and amendments and supplements thereto including exemptions as to any state department or agency not in conflict herewith, shall, as far as applicable, apply to the handling and disbursement of appropriated funds of the Authority.

Provided further, the fiscal year of the Authority shall not be divided into fiscal quarters; appropriated moneys shall be placed in separate funds as budgeted and not in the general fund; warrant limitations, lapsing of appropriations, quarterly allotments, continuing or recurring appropriation provisions shall also be inapplicable; and nothing in said Budget and Financial Administration Act shall be construed to require the reversion to the general fund or otherwise of any moneys, balances, or biennium appropriations made for the Authority. Any unexpended appropriations made for the use and benefit of the Authority under section 13 of said Power Authority Act of 1944, including the appropriation for the period from the effective date of said Act to and including June 30, 1944, shall be placed and remain to the credit of said Authority and shall be available for expenditure as under this section provided.

(e) Moneys due said Authority under agreement for the sale of electric power or other service, proceeds of revenue bond issues or any other obligations, may be made payable at the office of the Authority. All moneys derived from Authority operations of any nature received by any officer, agent or employee of the Power Authority shall be promptly remitted to the Authority treasurer and no moneys shall be held, used or deposited in any personal or special bank account — temporarily or otherwise. All Authority Operation moneys received, shall be accounted for and kept separate from any funds made available to the Authority by any legislative appropriation and shall be paid out only in accordance with the regularly adopted Authority Operation Budget on warrants in discharge of

claims and obligations approved by the Authority Commission, signed by the Authority Chairman and countersigned by the Authority Director or other duly authorized Authority officer.

(f) Appertaining claim vouchers shall be regularly entered in the operations accounting system of said Authority and preserved and exhibited for auditing purposes. The operation accounting system set up by the Authority shall conform as nearly as practical to the uniform accounting system prescribed for public service corporations. The state auditor shall annually audit the books, accounts and vouchers of the Authority and the state treasurer shall perform the duties imposed on him by this Act and all moneys in the debt reserve fund not immediately required for use and all funds constituting surplus may be invested by the said treasurer on request of the Authority Commission, in the same manner as he is authorized to invest other public moneys.

Sec. 6. Section 15, Chapter 32, Second Special Session, Sixteenth Legislature, 1944, is amended to read:

Sec. 15. ISSUANCE OF BONDS. Bonds issued under this Act shall be authorized by Authority resolution and may be issued in any one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding five per cent (5%) per annum, be in such denomination or denominations and in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, payable in such medium of payment, at such place or places, and subject to such terms of redemption (with or without premium) as such resolution, any trust indenture, or the bonds so issued may provide. Bonds may be sold at public or private sale at not less than par with accrued interest. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this Act shall be fully negotiable. Bonds shall provide that said bond is purchased and taken after a complete disclosure of and with a full knowledge of all the surrounding relevant facts and circumstances and not upon the representation, faith or credit of the State of Arizona or any of its subdivisions; that the holder in order to obtain payment can never compel the State or any subdivision thereof to exercise its appropriation or taxing power; that said bond does not constitute a debt of the State and is payable only from the revenues of the Authority. The gross or net revenue of any project or any part thereof, may be pledged to secure the payment of any series of bonds; the Authority may further provide for

reimbursement to the holder of all expenses of litigation and attorney fees incurred in the collection of the bonds in the event of default, and may also provide for and fix the powers and duties of a trustee if necessary to enforce collection. Bond resolutions, agreements and bonds may be in such form and contain such other conditions and terms as the Authority may think appropriate or necessary to make the bonds fully salable and marketable. The Authority may further provide that any holder of bonds, or a trustee designated by the Authority at the time of issuing the bonds, may upon proper showing secure by mandamus, or other proper proceedings, an order of court requiring the Authority, subject to the provisions of contracts with purchasers of electrical energy from the authority then in effect, to fix and collect rates and charges which will produce revenues and income permitting the setting up of adequate yearly reserves with which to meet future payments in accordance with the terms of the bond. All bonds issued by the Authority and agreements of the Authority with respect thereto shall be subject to the provisions of this Act, and no such bond or agreement shall contain any provisions in conflict with this Act. No amendment of this Act shall ever diminish or impair the remedy and rights of the bondholder. The bonds shall be signed by the chairman or vice-chairman and the secretary of the Authority in office at the date of signing, and shall be valid obligations of the Authority even though before delivery or sale the persons whose signatures appear on the bonds have ceased to be members of the Authority. The validity of the bonds shall not be dependent on or affected by the legality of any proceeding relating to the acquisition, construction, improvement, or extension of a project for which the bonds are issued. The bonds shall recite that they are regularly issued pursuant to this Act and such recital shall be prima facie evidence of their legality and validity. Before delivery or sale the Authority may submit the bonds to the attorney general of the state, and he shall examine them and inquire into the legality of all proceedings bearing upon the validity of the bonds; if satisfied that they are legally issued, he shall certify in substance on the back of each bond that it is issued in accordance with the constitution and laws of the State of Arizona. Bonds so issued may be sold if and when the money is needed for the purposes for which they were issued. Pending the preparation or execution of definitive bonds, interim receipts or certificates or temporary bonds may be delivered to the purchaser or purchasers of said bonds.

This Act without reference to other statutes of the state, shall constitute full authority for the authorization and issuance of bonds hereunder. No other Act or Law

with regard to the authorization or issuance of obligations or that in any way impedes or restricts the carrying out of the acts herein authorized to be done shall be construed as applying to any proceedings taken hereunder or acts done pursuant hereto.

Sec. 7. Section 16, Chapter 32, Second Special Session, Sixteenth Legislature, 1944, is hereby repealed.

Sec. 8. SEVERABILITY. If any provision of this Act shall be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the Act are declared to be severable.

Sec. 9. REPEAL. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 10. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act shall become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 31, 1947.

Filed in the Office of the Secretary of State—March 31, 1947.

CHAPTER 140

SENATE BILL NO. 52

AN ACT

RELATING TO MUNICIPAL CORPORATIONS ENGAGING IN BUSINESS AS COMMON CARRIERS, AND AMENDING CHAPTER 16 OF THE REVISED CODE OF ARIZONA, 1939, BY ADDING A NEW SECTION 16-604a.

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

Section 1. Chapter 16, Arizona Code 1939, is amended by adding a new section 16-604a, to read:

16-604a. (1) Where a territory, whether within or

without the corporate limits of any municipal corporation and the citizens thereof are being adequately served by a common carrier of passengers under authority of law, such municipal corporation shall not engage in the business as a common carrier of passengers over the route or routes or within the territory so being served by such common carrier.

(2) It is declared to be the public policy of this State that where a municipal corporation engaged in the business of a common carrier of passengers is adequately serving a territory over a route or routes between fixed termini, the Arizona Corporation Commission shall not be authorized or empowered to grant a franchise or certificate of convenience and necessity to a common carrier of passengers over such route or routes being served by such municipal corporation.

Approved by the Governor—March 31, 1947.

Filed in the Office of the Secretary of State—April 1, 1947.

CHAPTER 141

SENATE BILL NO. 69

AN ACT

RELATING TO PENAL AND CORRECTIVE INSTITUTIONS; CREATING A BOARD OF CORRECTION AND EDUCATIONAL REHABILITATION; AND DECLARING AN EMERGENCY.

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

Section 1. EDUCATIONAL REHABILITATION SYSTEM. The state educational rehabilitation system shall consist of: 1. the institute of educational rehabilitation, and, 2. such other institutions, facilities, or corrective programs as may be prescribed by law.

Sec. 2. GOVERNMENT OF SYSTEM. (a) Government of the state educational rehabilitation system shall vest in the state board of educational rehabilitation.

(b) The board shall: 1. supervise the administration and operation of the state educational rehabilitation in-

stitutions; 2. appoint the superintendent or chief administrative officer of each such institution and fix his salary, unless the same is prescribed by law; 3. establish and inaugurate the operation of any penal, corrective, or educational institution for which provision may be made by law; 4. prescribe rules and regulations for the government of the board and the administration of institutions under its control; 5. employ and fix the compensation of assistants, teachers and other employees required for the administration of the institutions or of this Act, and, 6. do all things necessary to carry out the provisions of this Act.

Sec. 3. MEMBERS OF BOARD. (a) The state board of correction and rehabilitation shall consist of three members, who shall be: the governor, the warden of the state prison, and the superintendent of the state institute of educational rehabilitation.

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 31, 1947.

Filed in the Office of the Secretary of State—April 1, 1947.

CHAPTER 142

HOUSE BILL NO. 308

AN ACT

MAKING APPROPRIATIONS FOR THE DIFFERENT DEPARTMENTS OF STATE, FOR STATE INSTITUTIONS, FOR PUBLIC SCHOOLS, AND FOR INTEREST ON THE PUBLIC DEBT.

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

Section 1. Subject to applicable state laws, the sums or sources of revenue herein set forth are appropriated for the 36th and 37th fiscal years for the purposes and objects hereinafter specified:

	For the 36th Fiscal Year	For the 37th Fiscal Year
Subdivision 1. ATTORNEY GENERAL		
Salary of Attorney General	6,000.00	6,000.00
Other Personal Services	32,560.00	32,560.00
State Travel	1,500.00	1,500.00
Subscriptions & Organization Dues	200.00	200.00
Other Current Expenditures	3,000.00	3,000.00
Capital Outlay:		
Office Furniture, Equipment and Library Books	500.00	500.00
Building Improvements	300.00	300.00
*Right to Work Amendment: For Personal Services and other Current Expenditures	10,000.00*	
Total Appropriation	54,060.00	43,760.00
	97,820.00	

*This appropriation is not subject to the provisions in Sec. 10-930, A. C. 1939, relating to lapsing appropriations.

Subdivision 2. AUDITOR		
Salary of State Auditor	6,000.00	6,000.00
Other Personal Services	104,000.00	104,000.00
State Travel	3,500.00	3,500.00
Out of State Travel	300.00	300.00
Subscription & Organization Dues	90.00	90.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
Other Current Expenditures	15,000.00	15,000.00
Capital Outlay:		
Office Furniture & Equipment	5,000.00	3,000.00
Total Appropriation	133,890.00	131,890.00
	265,780.00	

Subdivision 3. CAPITOL BUILDING AND GROUNDS

Personal Services:		
Custodian	3,000.00	3,000.00
Engineer & Maintenance 2 @ 2,220.00	4,440.00	4,440.00
Elevator Operators 2 @ 1,500.00	3,000.00	3,000.00
Watchmen 4 @ 1,500.00	6,000.00	6,000.00
Maid	1,200.00	1,200.00
Gardner	1,920.00	1,920.00
Head Janitor	1,920.00	1,920.00
Janitors 9 @ 1,500.00	13,500.00	13,500.00
Yardmen 4 @ 1,500.00	6,000.00	6,000.00
Maintenance Man	2,400.00	2,400.00
Periodic Wages (Per Diem)	250.00	250.00
Other Current Expenditures	15,000.00	15,000.00
Capital Outlay	1,500.00	150.00
Total Appropriation	60,130.00	58,780.00
	118,910.00	

	For the 36th Fiscal Year	For the 37th Fiscal Year
Subdivision 4. DEPARTMENT OF LIBRARY AND ARCHIVES		
Salary of Director	5,000.00	5,000.00
Other Personal Services, Current Expenditures & Capital Outlay	30,000.00	30,000.00
* Microfilming: For Personal Services, Other Current Expenditures and Capital Outlay	10,000.00*	
Total Appropriation	45,000.00	35,000.00
	80,000.00	

*This appropriation is not subject to the provisions in Sec. 10-930, A. C. 1939, relating to lapsing appropriations.

In conformity with Sec. 2-508 (3) Arizona Code of 1939, collections received during the fiscal year when paid into the State Treasury are hereby appropriated for the purchase of books.

Subdivision 5. GOVERNOR		
Salary of Governor	10,000.00	10,000.00
Salary of Executive Secretary	4,800.00	4,800.00
Other Personal Services	16,800.00	16,800.00
Travel & Other Current Expenditures	7,500.00	7,500.00
Council of State Governments	1,000.00	1,000.00
Entertainment	500.00	500.00
Subscriptions & Organization Dues	250.00	250.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
Insurance:		
Capital Buildings	2,200.00	2,200.00
Industrial School	3,200.00	2,000.00
Pioneers' Home	600.00	600.00
Prison	2,200.00	2,200.00
State Hospital	4,000.00	4,000.00
Boiler Insurance	2,400.00	300.00
Cars and Trucks	500.00	500.00
Bonds—Institutional Employees	500.00	500.00
Capital Outlay:		
Office Furniture & Equipment	1,000.00	1,000.00
Total Appropriation	57,450.00	54,150.00
	111,600.00	

Subdivision 6. SECRETARY OF STATE

Salary of Secretary of State	5,500.00	5,500.00
Other Personal Services	19,200.00	19,200.00
State Travel	800.00	800.00
Out of State Travel	750.00	750.00
Subscription & Organization Dues	125.00	125.00
Other Current Expenditures	3,170.00	3,170.00
Capital Outlay:		
Automobile	2,500.00	
Office Equipment	300.00	300.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
Preparing, Printing & Distributing Session Laws	6,000.00	
Printing & Advertising—Supplement—Arizona Code	3,000.00	
Preparing, Printing & Distributing Initiative & Referendum Publicity Pamphlets		7,000.00
Total Appropriation	41,345.00	36,845.00
	78,190.00	

Subdivision 7. STATE EXAMINER

Personal Services:		
Salary of Examiner	4,200.00	4,200.00
Deputy Examiners 2 @ 3,600.00	7,200.00	7,200.00
Accountants 6 @ 3,000.00	18,000.00	18,000.00
Secretary	2,400.00	2,400.00
Periodic Help	4,400.00	4,400.00
State Travel	10,000.00	10,000.00
Other Current Expenditures	1,250.00	1,250.00
Capital Outlay:		
Office Furniture & Equipment	1,000.00	500.00
Total Appropriation	48,450.00	47,950.00
	96,400.00	

Subdivision 8. SUPERIOR COURTS

Salary of Judges	51,250.00	51,250.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
Periodic Court Commissioners	500.00	500.00
Total Appropriation	51,750.00	51,750.00
	103,500.00	

Subdivision 9. SUPREME COURT

Salary of Judges	25,500.00	25,500.00
Salary of Clerk	3,900.00	3,900.00
Other Personal Services	8,100.00	8,100.00
State Travel	300.00	300.00
Subscriptions & Organization Dues	50.00	50.00
Other Current Expenditures	3,500.00	3,500.00
Capital Outlay: Office Furniture & Equipment	500.00	500.00
Total Appropriation	41,850.00	41,850.00
	83,700.00	

Subdivision 10. TAX COMMISSION

Salary of Commissioners	18,000.00	18,000.00
Other Personal Services	230,000.00	230,000.00
State Travel	20,000.00	20,000.00
Out of State Travel	500.00	500.00
Subscriptions & Organization Dues	200.00	200.00
Other Current Expenditures	50,000.00	50,000.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
* Photographing Federal Income Tax Returns: For Personal Services and Other Current Expenditures	10,000.00*	
Capital Outlay: Automobile	1,250.00	
Office Furntiure & Equipment	500.00	500.00
Total Appropriation	330,450.00	319,200.00
	649,650.00	

*This appropriation is not subject to the provisions in Sec. 10-930, A. C. 1939, relating to lapsing appropriations.

Subdivision 11. STATE TREASURER

Salary of State Treasurer	5,500.00	5,500.00
Other Personal Services	13,620.00	13,620.00
Subscriptions & Organization Dues	12.00	12.00
Other Current Expenditures	3,000.00	3,000.00
Capital Outlay: Office Furniture & Equipment	135.00	135.00
Total Appropriation	22,267.00	22,267.00
	44,534.00	

ESTATE TAX DIVISION

Salary of Estate Tax Collector	4,000.00	4,000.00
Salary of Deputy Estate Tax Collector	2,700.00	2,700.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
Other Personal Services	900.00	900.00
State Travel	100.00	100.00
Subscriptions & Organization Dues	12.95	12.95
Other Current Expenditures	1,265.50	1,265.50
Capital Outlay: Office Furniture & Equipment	100.00	100.00
Total Appropriation	9,078.45	9,078.45
	18,156.90	
Grand Total—State Treasurer	31,345.45	31,345.45
	62,690.90	

Subdivision 12. BOARD OF BARBER EXAMINERS

From Collections:

90% of all collections received during the fiscal year when paid into the Treasury is hereby appropriated for Current Expenditures. 10% shall be credited to the General Fund.

Subdivision 13. BOARD OF BEAUTY CULTURIST EXAMINERS

From Collections:

90% of all collections received during the fiscal year when paid into the Treasury is hereby appropriated for Current Expenditures and Capital Outlay. 10% shall be credited to the General Fund.

Subdivision 14. STATE BOARD OF CHIROPRACTIC EXAMINERS

From Collections:

90% of all collections received during the fiscal year when paid into the Treasury is hereby appropriated for

Current Expenditures. 10% shall be credited to the General Fund.

Subdivision 15. ARIZONA STATE DENTAL BOARD

From Collections:

90% of all collections received during the fiscal year when paid into the Treasury is hereby appropriated for Current Expenditures and Capital Outlay. 10% shall be credited to the General Fund.

Subdivision 16. STATE BOARD OF FUNERAL DIRECTORS & EMBALMERS

From Collections:

90% of all collections received during the fiscal year when paid into the Treasury is hereby appropriated for Current Expenditures. 10% shall be credited to the General Fund.

	For the 36th Fiscal Year	For the 37th Fiscal Year
Subdivision 17. STATE DEPARTMENT OF HEALTH		
Personal Services	80,000.00	80,000.00
State Travel	2,500.00	2,500.00
Subscriptions & Organization Dues	50.00	50.00
Other Current Expenditures	10,000.00	10,000.00
Capital Outlay: Office Furniture & Equipment	750.00	750.00
Total Appropriation	93,300.00	93,300.00
	186,600.00	

Subdivision 18. BOARD OF MEDICAL EXAMINERS

From Collections:

90% of all collections received during the fiscal year when paid into the Treasury is hereby appropriated for Current Expenditures. 10% shall be credited to the General Fund.

Subdivision 19. NATUROPATHIC BOARD OF EXAMINERS

From Collections:

90% of all collections received during the fiscal year when paid into the Treasury is hereby appropriated for Current Expenditures. 10% shall be credited to the General Fund.

Subdivision 20. BOARD OF NURSE EXAMINERS

From Collections:

90% of all collections received during the fiscal year when paid into the Treasury is hereby appropriated for Current Expenditures and Capital Outlay. 10% shall be credited to the General Fund.

Subdivision 21. STATE BOARD OF OPTOMETRY

From Collections:

90% of all collections received during the fiscal year when paid into the Treasury is hereby appropriated for Current Expenditures. 10% shall be credited to the General Fund.

Subdivision 22. ARIZONA STATE BOARD OF PHARMACY

From Collections:

90% of all collections received during the fiscal year when paid into the Treasury is hereby appropriated for Current Expenditures and Capital Outlay. 10% shall be credited to the General Fund.

Subdivision 23. STATE BOARD OF CHIROPODY EXAMINERS

From Collections:

90% of all collections received during the fiscal year when paid into the Treasury is hereby appropriated for Current Expenditures. 10% shall be credited to the General Fund.

	For the 36th Fiscal Year	For the 37th Fiscal Year
Subdivision 24. DAIRY COMMISSION		
Salary of Commissioner	3,000.00	3,000.00
Salary of Deputy Commissioner	2,400.00	2,400.00
Other Personal Services	4,500.00	4,500.00
State Travel	1,200.00	1,200.00
Subscriptions & Organization Dues	35.00	35.00
Other Current Expenditures	500.00	500.00
Total Appropriation	11,635.00	11,635.00
	23,270.00	

Subdivision 25. STATE BOARD OF OSTEOPATHIC EXAMINERS

From Collections:

90% of all collections received during the fiscal year when paid into the Treasury is hereby appropriated for Current Expenditures. 10% shall be credited to the General Fund.

	For the 36th Fiscal Year	For the 37th Fiscal Year
Subdivision 26. BOARD OF DIRECTORS OF STATE INSTITUTIONS FOR JUVENILES		
BOARD EXPENSE		
Personal Services	300.00	300.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
State Travel	400.00	400.00
Other Current Expenditures	100.00	100.00
Total Appropriation	800.00	800.00
	1,600.00	

CARE OF JUVENILE OFFENDERS

Professional Services	100.00	100.00
Care of Institutional Wards—Outside Services	96,730.00	96,730.00
Total Appropriation	96,830.00	96,830.00
	193,660.00	
Grand Total—Board of Directors of State Institutions for Juveniles	97,630.00	97,630.00
	195,260.00	

Subdivision 27. BOARD OF PARDONS AND PAROLES

Wages of Chairman & Supervisor of Parolees	2,970.00	2,970.00
Other Personal Services	1,800.00	1,800.00
State Travel	600.00	600.00
Other Current Expenditures	500.00	500.00
Capital Outlay: Office Furniture & Equipment	125.00	
Total Appropriation	5,995.00	5,870.00
	11,865.00	

	For the 36th Fiscal Year	For the 37th Fiscal Year
Subdivision 28. STATE BOARD OF SOCIAL SECURITY AND WELFARE		
ADMINISTRATION STATE OFFICE		
Personal Services:		
1 Director	4,800.00	4,800.00
1 Secretary to Commissioner	2,400.00	2,400.00
Per Diem Board Members	1,000.00	1,000.00
3 Stenographers @ 1,800.00	5,400.00	5,400.00
3 Stenographers @ 2,100.00	6,300.00	6,300.00
2 Steno. - Secy. @ 2,400.00	4,800.00	4,800.00
1 PBX Operator	1,800.00	1,800.00
1 Stock Room Supervisor	2,400.00	2,400.00
1 Messenger	600.00	600.00
3 Clerks @ 1,800.00	5,400.00	5,400.00
1 Director of Public Assistance	3,600.00	3,600.00
1 Personnel & Public Relations Director	3,000.00	3,000.00
1 Director of Accounts and Statistics	3,000.00	3,000.00
1 Assistant Director	2,700.00	2,700.00
3 Account Clerks @ 2,400.00	7,200.00	7,200.00
1 Key Punch Operator	2,100.00	2,100.00
1 Key Punch Operator	2,400.00	2,400.00
3 Field Representatives @ 3,000.00	9,000.00	9,000.00
Total Personal Services	67,900.00	67,900.00
State Travel	4,000.00	4,000.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
Out of State Travel	400.00	400.00
Subscriptions & Organization Dues	200.00	200.00
Other Current Expenditures	24,000.00	24,000.00
Capital Outlay	3,500.00	2,500.00
Total State Office	100,000.00	99,000.00
APACHE COUNTY:		
Personal Services		
1 Executive Secretary	3,000.00	3,000.00
1 Stenographer	1,800.00	1,800.00
1 Social Service Worker (Periodic)	600.00	600.00
Total Personal Services	5,400.00	5,400.00
State Travel	700.00	700.00
Subscriptions	20.00	20.00
Other Current Expenditures	400.00	400.00
Capital Outlay	100.00	50.00
Total Apache County	6,620.00	6,570.00
COCHISE COUNTY:		
Personal Services		
1 Executive Secretary	3,600.00	3,600.00
1 Stenographer	1,920.00	1,920.00
2 Stenographers @ 1,860.00	3,720.00	3,720.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
1 Clerk	2,100.00	2,100.00
4 Social Workers @ 2,400.00	9,600.00	9,600.00
1 Building Custodian	1,200.00	1,200.00
Social Service Worker (Periodic)	600.00	600.00
Total Personal Services	22,740.00	22,740.00
State Travel	1,500.00	1,500.00
Subscriptions	30.00	30.00
Other Current Expenditures	1,400.00	1,400.00
Capital Outlay	200.00	100.00
Total Cochise County	25,870.00	25,770.00

COCONINO COUNTY

Personal Services		
1 Executive Secretary	3,300.00	3,300.00
1 Stenographer	1,920.00	1,920.00
2 Social Workers @ 2,400.00	4,800.00	4,800.00
Social Service Worker (Periodic)	300.00	300.00
Total Personal Services	10,320.00	10,320.00
State Travel	700.00	700.00
Subscriptions	20.00	20.00
Other Current Expenditures	575.00	575.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
Capital Outlay	200.00	100.00
Total Coconino County	11,815.00	11,715.00

GILA COUNTY

Personal Services		
1 Executive Secretary	3,240.00	3,240.00
1 Stenographer	1,920.00	1,920.00
1 Stenographer	1,860.00	1,860.00
2 Social Workers @ 2,400.00	4,800.00	4,800.00
Social Service Worker (Periodic)	300.00	300.00
Total Personal Services	12,120.00	12,120.00
State Travel	500.00	500.00
Subscriptions	20.00	20.00
Other Current Expenditures	575.00	575.00
Capital Outlay	200.00	100.00
Total Gila County	13,415.00	13,315.00

GRAHAM COUNTY

Personal Services		
1 Executive Secretary	2,880.00	2,880.00
1 Stenographer	1,980.00	1,980.00
1 Social Worker	2,400.00	2,400.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
Social Service Worker (Periodic)	400.00	400.00
Total Personal Services	7,660.00	7,660.00
State Travel	425.00	425.00
Subscriptions	20.00	20.00
Other Current Expenditures	525.00	525.00
Capital Outlay	100.00	50.00
Total Graham County	8,730.00	8,680.00
GREENLEE COUNTY		
Personal Services		
1 Executive Secretary	2,880.00	2,880.00
1 Stenographer	1,920.00	1,920.00
1 Social Worker	2,400.00	2,400.00
Social Service Worker (Periodic)	200.00	200.00
Total Personal Services	7,400.00	7,400.00
State Travel	525.00	525.00
Subscriptions	20.00	20.00
Other Current Expenditures	325.00	325.00
Capital Outlay	100.00	50.00
Total Greenlee County	8,370.00	8,320.00
MARICOPA COUNTY		
Personal Services		
1 Executive Secretary	4,260.00	4,260.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
4 Stenographers @ 1,860.00	7,440.00	7,440.00
3 Stenographers @ 1,920.00	5,760.00	5,760.00
1 Stenographer	2,100.00	2,100.00
5 Clerks @ 1,920.00	9,600.00	9,600.00
28 Social Workers @ 2,400.00	67,200.00	67,200.00
2 Service Workers @ 1,920.00	3,840.00	3,840.00
2 Case Work Supervisors @ 2,700.00	5,400.00	5,400.00
1 PBX Operator-Receptionist	1,920.00	1,920.00
Total Personal Services	107,520.00	107,520.00
State Travel	4,300.00	4,300.00
Subscriptions	50.00	50.00
Other Current Expenditures	6,000.00	6,000.00
Capital Outlay	1,000.00	750.00
Total Maricopa County	118,870.00	118,620.00

MOHAVE COUNTY

Personal Services		
1 Executive Secretary	2,880.00	2,880.00
1 Stenographer	1,920.00	1,920.00
Social Service Worker (Periodic)	500.00	500.00
Total Personal Services	5,300.00	5,300.00
State Travel	575.00	575.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
Subscriptions	20.00	20.00
Other Current Expenditures	300.00	300.00
Capital Outlay	100.00	50.00
Total Mohave County	6,295.00	6,245.00
NAVAJO COUNTY		
Personal Services		
1 Executive Secretary	3,000.00	3,000.00
1 Stenographer	1,920.00	1,920.00
1 Social Worker	2,400.00	2,400.00
Social Service Worker (Periodic)	500.00	500.00
Total Personal Services	7,820.00	7,820.00
State Travel	800.00	800.00
Subscriptions	20.00	20.00
Other Current Expenditures	425.00	425.00
Capital Outlay	100.00	50.00
Total Navajo County	9,165.00	9,115.00
PIMA COUNTY		
Personal Services		
1 Executive Secretary	3,600.00	3,600.00
1 Stenographer	2,100.00	2,100.00
1 Stenographer	1,920.00	1,920.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
3 Clerks @ 1,920.00	5,760.00	5,760.00
1 PBX Operator-Receptionist	1,920.00	1,920.00
8 Social Workers @ 2,400.00	19,200.00	19,200.00
1 Social Worker Supervisor	2,700.00	2,700.00
Total Personal Services	37,200.00	37,200.00
State Travel	1,200.00	1,200.00
Subscriptions	30.00	30.00
Other Current Expenditures	2,600.00	2,600.00
Capital Outlay	500.00	300.00
Total Pima County	41,530.00	41,330.00

PINAL COUNTY

Personal Services		
1 Executive Secretary	3,000.00	3,000.00
1 Stenographer	1,920.00	1,920.00
1 Stenographer	2,100.00	2,100.00
2 Social Workers @ 2,400.00	4,800.00	4,800.00
Total Personal Services	11,820.00	11,820.00
State Travel	700.00	700.00
Subscriptions	20.00	20.00
Other Current Expenditures	825.00	825.00
Capital Outlay	150.00	100.00
Total Pinal County	13,515.00	13,465.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
SANTA CRUZ COUNTY		
Personal Services		
1 Executive Secretary	3,000.00	3,000.00
1 Stenographer	1,920.00	1,920.00
1 Social Worker	2,400.00	2,400.00
Social Service Worker (Periodic)	500.00	500.00
Total Personal Services	7,820.00	7,820.00
State Travel	300.00	300.00
Subscriptions	20.00	20.00
Other Current Expenditures	400.00	400.00
Capital Outlay	100.00	50.00
Total Santa Cruz County	8,640.00	8,590.00
YAVAPAI COUNTY		
Personal Services		
1 Executive Secretary	3,300.00	3,300.00
1 Stenographer	1,920.00	1,920.00
1 Stenographer	2,100.00	2,100.00
1 Clerk	1,920.00	1,920.00
3 Social Workers @ 2,400.00	7,200.00	7,200.00
Social Service Worker (Periodic)	500.00	500.00
Total Personal Services	16,940.00	16,940.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
State Travel	1,400.00	1,400.00
Subscriptions	30.00	30.00
Other Current Expenditures	1,100.00	1,100.00
Capital Outlay	200.00	100.00
Total Yavapai County	19,670.00	19,570.00
YUMA COUNTY		
Personal Services		
1 Executive Secretary	3,000.00	3,000.00
1 Stenographer	1,920.00	1,920.00
1 Stenographer	2,100.00	2,100.00
2 Social Workers @ 2,400.00	4,800.00	4,800.00
Total Personal Services	11,820.00	11,820.00
State Travel	575.00	575.00
Subscriptions	20.00	20.00
Other Current Expenditures	425.00	425.00
Capital Outlay	200.00	100.00
Total Yuma County	13,040.00	12,940.00
MERIT SYSTEM	7,500.00	7,500.00
Total Administration	413,045.00	410.745.00
CHILD WELFARE SERVICE		
Personal Services		
1 Director	3,900.00	3,900.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
9 Welfare Workers @ 2,400.00	21,600.00	21,600.00
1 Stenographer	2,100.00	2,100.00
3 Stenographers @ 1,920.00	5,760.00	5,760.00
2 Clerks @ 2,100.00	4,200.00	4,200.00
1 Social Work Supervisor	3,000.00	3,000.00
Total Personal Services	40,560.00	40,560.00
State Travel	11,000.00	11,000.00
Total Child Welfare Service	51,560.00	51,560.00
OLD AGE ASSISTANCE	3,096,806.00	3,250,146.00
AID TO DEPENDENT CHILDREN	580,882.00	638,971.00
AID TO THE BLIND	262,900.00	289,190.00
DIRECT RELIEF	825,000.00	850,000.00
FOSTER HOME CARE	125,000.00	137,500.00
CRIPPLED CHILDRENS SERVICE	130,000.00	130,000.00
WELFARE SANATORIUM	165,000.00	175,000.00
Grand Total — State Board of Social Security & Welfare	5,650,193.00	5,933,112.00
	11,583,305.00	

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 State Board of Social

Security and Welfare pursuant to the provisions of Section 73-1322, Arizona Code, 1939, as amended by initiative measure of 1942.

Administration is the total appropriation and is deemed to include the sums paid the state by the federal government for administration under Public Laws 719—79th Congress, Title 5.

	For the 36th Fiscal Year	For the 37th Fiscal Year
Subdivision 29. INDUSTRIAL SCHOOL		
Salary of Superintendent	4,000.00	4,000.00
Chaplains:		
1 Catholic & 1 Protestant @ 1,500.00	3,000.00	3,000.00
Other Personal Services	61,000.00	61,000.00
State Travel	2,000.00	2,000.00
Out of State Travel	250.00	250.00
Subscriptions & Organization Dues	50.00	50.00
Other Current Expenditures	62,800.00	62,800.00
Capital Outlay:		
Office Furniture	500.00	
Household, Kitchen & Sanitary Equipment	2,000.00	2,000.00
Educational & Recreational Equipment	500.00	500.00
Agricultural & Horticultural Equipment	2,000.00	1,000.00
Automobiles, Trucks, Trailers & Other Conveying Equipment	6,000.00	5,000.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
Construction, Repairing, Wrecking & Maintenance Equipment	800.00	250.00
Electrical Power & Water Pumping Equipment	4,000.00	5,000.00
* Buildings & Improvements	25,000.00*	25,000.00*
Live Stock	400.00	
Total Appropriation	174,300.00	171,850.00
	346,150.00	

*This appropriation is exempt from the provisions of Public Buildings Law — Chapter 9, Arizona Code of 1939.

Earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 30. PIONEERS' HOME

Salary of Superintendent	3,600.00	3,600.00
Other Personal Services	30,200.00	30,200.00
State Travel	250.00	250.00
Subscriptions & Organization Dues	350.00	350.00
Other Current Expenditures	52,250.00	52,250.00
Capital Outlay:		
Boiler & Installation	4,000.00	
Total Appropriation	90,650.00	86,650.00
	177,300.00	

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.

	For the 36th Fiscal Year	For the 37th Fiscal Year
Subdivision 31. PRISON		
Salary of Superintendent	4,500.00	4,500.00
Other Personal Services	145,000.00	145,000.00
State Travel	250.00	250.00
Out of State Travel	250.00	250.00
Subscriptions & Organization Dues	15.00	15.00
Other Current Expenditures	91,000.00	91,000.00
Capital Outlay: Automobiles, Trucks, Trailers & Other Conveying Equipment	10,000.00	1,500.00
Drilling and Equipping Well	9,000.00	
Buildings and Improvements	7,500.00	
Other Capital Outlay	8,800.00	2,100.00
Total Appropriation	276,315.00	244,615.00
	520,930.00	

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.

	For the 36th Fiscal Year	For the 37th Fiscal Year
Subdivision 32. STATE DEPARTMENT OF HEALTH—RELIEF COMPENSATION		
Fixed Charges	1,946.44	1,946.44
	3,892.88	

	For the 36th Fiscal Year	For the 37th Fiscal Year
Subdivision 33. STATE HOSPITAL FOR THE INSANE		
Salary of Superintendent	7,200.00	7,200.00
Other Personal Services	500,000.00	525,000.00
State Travel	1,000.00	1,000.00
Out of State Travel	200.00	200.00
Subscriptions, Organization Dues & Books	500.00	500.00
Other Current Expenditures	260,000.00	270,000.00
Capital Outlay:		
Drilling & Equipping Well	8,000.00	
Other Capital Outlay	20,000.00	20,000.00
Total Appropriation	796,900.00	823,900.00
	1,620,800.00	
STATE HOSPITAL FOR THE INSANE—FLORENCE BRANCH		
Personal Services	115,000.00	115,000.00
Other Current Expenditures (Includes Repairs)	165,000.00	60,000.00
Capital Outlay (Includes Land and Buildings	10,000.00	3,000.00
Total Appropriation	290,000.00	178,000.00
	468,000.00	
Grand Total — State Hospital for the Insane	1,086,900.00	1,001,900.00
	2,088,800.00	

In conformity with Sec. 8-209 Arizona Code, 1939, as amended, collections received during the fiscal year for maintenance of patients when paid into the State Treasury are hereby appropriated for Current Expenditures; Earnings on state lands and interest on the investment of the Permanent Land Funds are appropriated in compliance with the Enabling Act and the Constitution.

	For the 36th Fiscal Year	For the 37th Fiscal Year
Subdivision 34. VETERANS' SERVICE OFFICER		
Salary of Veterans Service Officer	3,000.00	3,000.00
Other Personal Services:		
2 Officers @ 2,400.00	4,800.00	4,800.00
3 Stenographers @ 1,800.00	5,400.00	5,400.00
State Travel	500.00	500.00
Other Current Expenditures	150.00	150.00
Total Appropriation	13,850.00	13,850.00
	27,700.00	
VETERANS RELIEF COMMISSION		
Fixed Charges	7,500.00	7,500.00
	15,000.00	
Grand Total — Veterans' Service Officer	21,350.00	21,350.00
	42,700.00	

Subdivision 35. ARIZONA STATE COLLEGE AT FLAGSTAFF

Lump Sum Appropriation:

For salaries and wages; for

	For the 36th Fiscal Year	For the 37th Fiscal Year
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	279,275.00	273,251.00
	552,526.00	

Any unencumbered balance remaining in the Collections Account on June 30, 1947, and June 30, 1948, and all collections received by the college during the said fiscal years when paid into the State Treasury are hereby appropriated for personal services, current expenditures, capital outlay and fixed charges; earnings on state lands and interest on the investment of the parmanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

	For the 36th Fiscal Year	For the 37th Fiscal Year
Subdivision 36. ARIZONA STATE COLLEGE AT TEMPE		
Lump Sum Appropriation:		
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	474,234.00	474,676.00
	948,910.00	

Any unencumbered balance remaining in the Collections Account on June 30, 1947, and June 30, 1948, and all collections received by the college during the said fiscal years when paid into the State Treasury are hereby appropriated for personal services, current expenditures, capital

outlay and fixed charges; earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

	For the 36th Fiscal Year	For the 37th Fiscal Year
Subdivision 37. ARIZONA STATE SCHOOL FOR THE DEAF AND BLIND		
Salary of Superintendent	4,000.00	4,000.00
Other Personal Services	94,640.00	94,640.00
State Travel	250.00	250.00
Out of State Travel	250.00	250.00
Subscriptions & Organization Dues	250.00	250.00
Other Current Expenditures	52,560.00	52,860.00
Teachers' Retirement	1,968.00	1,968.00
Redemption of Debt	4,000.00	
Capital Outlay:		
Automobile	1,200.00	
Other Capital Outlay	11,920.00	4,600.00
Total Appropriation	171,038.00	158,818.00
	329,856.00	

In conformity with the Educational Institution Act of 1934 collections received during the fiscal year when paid into the State Treasury are hereby appropriated for Fixed Charges; Earnings on lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 38. SUPERINTENDENT OF PUBLIC

INSTRUCTION AND COMMON SCHOOLS

For the Board of Education; for the support of the primary, elementary, grammar, four-year high school grades of the public schools and vocational education, that the sum of money which shall be equal to $95.00 per capita for common school education and $95.00 per capita for high school education per annum, computed according to average dailv attendance in common and high schools during the previous year as shown by the records of the Superintendent of Public Instruction, which shall constitute the aggregate sum to be raised by state taxation for the support of common and high school education. This amount shall include the following items:

	For the 36th Fiscal Year	For the 37th Fiscal Year
TEXTBOOKS		
Personal Services		
Director	3,600.00	3,600.00
Stenographer	2,100.00	2,100.00
Warehouseman (Part Time)	600.00	600.00
State Travel	500.00	500.00
Other Current Expenditures	2,500.00	2,500.00
Textbooks & Courses of Study	120,000.00	120,000.00
Total Appropriation	129,300.00	129,300.00
	258,600.00	
VOCATIONAL EDUCATION		
Lump Sum Appropriation	58,771.00	58,771.00
	117,542.00	

(The above appropriation is made to enable the state to cooperate with the federal government in carrying out the provisions of an Act of Congress approved Feb. 23, 1917, and Acts amendatory or supplementary thereto, providing

for the promotion and development of Cooperative Vocational Education.)

	For the 36th Fiscal Year	For the 37th Fiscal Year
VOCATIONAL REHABILITATION		
Lump Sum Appropriation	20,000.00	25,000.00
	45,000.00	

(The above appropriation is made to enable the state to cooperate with the federal government in carrying out the provisions of an Act of Congress approved June 2, 1920, and subsequent amendments, providing for Vocational Rehabilitation.)

FOR THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION AND COMMON SCHOOLS		
Salary of Supt. of Pub. Instruction	5,000.00	5,000.00
Other Personal Services	24,000.00	24,000.00
State Travel	2,250.00	2,250.00
Out of State Travel	400.00	400.00
Subscriptions & Organization Dues	25.00	25.00
Other Current Expenditures	12,000.00	12,000.00
Teachers' Retirement	2,028.00	2,028.00
Capital Outlay: Office Furniture & Equipment	300.00	300.00
	46,003.00	46,003.00
	92,006.00	

NATIONAL SCHOOL LUNCH PROGRAM		
Personal Services	10,000.00	10,000.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
State Travel	2,000.00	2,000.00
Out of State Travel	250.00	250.00
Other Current Expenditures	2,625.00	2,625.00
Capital Outlay	250.00	250.00
Total Appropriation	15,125.00	15,125.00
	30,250.00	

(The above appropriation is made to enable the state to cooperate with the federal government in carrying out the provisions of Public Law 396, 79th Congress, 2nd Session, providing for the National School Lunch Program.)

ARIZONA TEACHERS' RETIREMENT SYSTEM

Fixed Charges—(For carrying out the provisions of 54-1730, Arizona Code of 1939, as amended.)	156,278.80	169,331.64
	325,610.44	
Grand Total — Superintendent of Public Instruction & Common Schools	425,477.80	443,530.64
	869,008.44	

Subdivision 39. JUNIOR COLLEGES

Phoenix Junior College	30,000.00	30,000.00
Thatcher Junior College	30,000.00	30,000.00
Total Appropriation	120,000.00	

Subdivision 40. UNIVERSITY OF ARIZONA

Lump Sum Appropriation:
For salaries and wages; for operation, including dues, assessments or membership

	For the 36th Fiscal Year	For the 37th Fiscal Year
fees in societies, associations and organizations; for travel to attend meetings, conferences and for other university purposes; for capital investment; for repairs and replacements:	1,216,716.00	1,324,350.00
Total Appropriation	2,541,066.00	

All collections received by the university during the said fiscal years when paid into the state treasury are hereby appropriated for personal services, current expenditures, capital outlay and fixed charges; earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 41. APPRENTICESHIP COUNCIL

Lump Sum Appropriation	2,000.00	2,000.00
	4,000.00	

Subdivision 42. ARIZONA FRUIT AND VEGETABLE STANDARDIZATION ACT

Salary of Supervisor of Inspection	4,000.00	4,000.00
Other Personal Services	1,800.00	1,800.00
Total Appropriation	5,800.00	5,800.00
	11,600.00	

Subdivision 43. BANKING DEPARTMENT

Salary of Superintendent	5,000.00	5,000.00
Salary of Examiner	3,000.00	3,000.00
Other Personal Services	2,100.00	2,100.00
State Travel	1,250.00	1,250.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
Other Current Expenditures	600.00	600.00
Administration of Section 51-802, Arizona Code of 1939, (Small Loan Business)	200.00	200.00
Total Appropriation	12,150.00	12,150.00
	24,300.00	

Subdivision 44. BUREAU OF CRIMINAL IDENTIFICATION

Salary of Superintendent	3,600.00	3,600.00
Salary of Assistant Superintendent	2,400.00	2,400.00
Total Appropriation	6,000.00	6,000.00
	12,000.00	

Subdivision 45. COMMISSION OF AGRICULTURE AND HORTICULTURE

Salary of Commissioners	900.00	900.00
Other Personal Services	103,470.00	103,470.00
State Travel	4,500.00	4,500.00
Out of State Travel	250.00	250.00
Subscriptions & Organization Dues	62.00	62.00
Other Current Expenditures	6,550.00	6,550.00
Capital Outlay	1,250.00	250.00
Total Appropriation	116,982.00	115,982.00
	232,964.00	

	For the 36th Fiscal Year	For the 37th Fiscal Year
RED SCALE ERADICATION		
Personal Services	8,200.00	8,200.00
State Travel	700.00	700.00
Other Current Expenditures	700.00	700.00
Total Appropriation	9,600.00	9,600.00
	19,200.00	
Grand Total — Commission of Agriculture & Horticulture	126,582.00	125,582.00
	252,164.00	
Subdivision 46. CORPORATION COMMISSION		
Salaries of Commissioners	18,000.00	18,000.00
Other Personal Services	35,000.00	35,000.00
State Travel	3,000.00	3,000.00
Out of State Travel	750.00	750.00
Subscriptions & Organization Dues	350.00	350.00
Other Current Expenditures	9,000.00	9,000.00
Utility Survey Division — Lump Sum	30,000.00	30,000.00
Capital Outlay: Office Furniture & Equipment	2,500.00	500.00
INSURANCE DIVISION		
Personal Services	23,000.00	23,000.00
State Travel	250.00	250.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
Out of State Travel	750.00	750.00
Subscriptions & Organization Dues	150.00	150.00
Other Current Expenditures	2,500.00	2,500.00
Total Appropriation	125,250.00	123,250.00
	248,500.00	

Subdivision 47. DEPARTMENT OF LIQUOR LICENSES & CONTROL

Salary of Superintendent	4,800.00	4,800.00
Other Personal Services	48,000.00	48,000.00
State Travel	15,000.00	15,000.00
Subscriptions & Organization Dues	200.00	200.00
Other Current Expenditures	5,000.00	5,000.00
Capital Outlay: Automobile	1,500.00	1,500.00
Office Furniture & Equipment	1,000.00	1,000.00
Total Appropriation	75,500.00	75,500.00
	151,000.00	

Subdivision 48. INDUSTRIAL COMMISSION

Salary of Commissioners	16,443.60	18,000.00
Enforcement of Labor & Minimum Wage Laws: Personal Services	9,120.00	9,120.00
State Travel	1,700.00	1,700.00
Subscriptions & Organization		

	For the 36th Fiscal Year	For the 37th Fiscal Year
Dues	90.00	90.00
Other Current Expenditures	1,708.00	1,708.00
Total Appropriation	29,061.60	30,618.00
	59,679.60	

Subdivision 49. INSPECTOR OF WEIGHTS AND MEASURES

Salary of Inspector	3,000.00	3,000.00
Other Personal Services	5,550.00	5,550.00
State Travel	3,500.00	3,500.00
Other Current Expenditures	750.00	750.00
Capital Outlay: Office Furniture & Equipment	85.00	85.00
Truck	2,000.00	
Heating, Refrigerating & Air Cooling Equipment	65.00	65.00
Total Appropriation	14,950.00	12,950.00
	27,900.00	

Subdivision 50. LIVE STOCK SANITARY BOARD

Salary of State Veterinarian	4,200.00	4,200.00
State Travel	365.00	365.00
Out of State Travel	250.00	250.00
Subscriptions & Organization Dues	25.00	25.00
Other Current Expenditures	500.00	500.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
Capital Outlay:		
Heating, Refrigerating & Air Cooling Equipment	300.00	
Total Appropriation	5,640.00	5,340.00
	10,980.00	

FOR THE LIVE STOCK SANITARY BOARD

Personal Services	183,770.00	183,770.00
State Travel	730.00	730.00
Subscriptions & Organization Dues	25.00	25.00
Other Current Expenditures	5,175.00	5,175.00
Capital Outlay	625.00	
Total Appropriation	190,325.00	189,700.00
	380,025.00	

ANIMAL HUSBANDRY

Lump Sum Appropriation	10,000.00	10,000.00
	20,000.00	

(The above appropriation is made to enable the state to cooperate with the United States Bureau of Animal Industry for the eradication of tuberculosis among cattle.)

PREDATORY ANIMAL CONTROL

Lump Sum Appropriation	15,000.00	15,000.00
	30,000.00	

(The above appropriation is made to enable the state to cooperate with the Federal Wildlife Department for the eradication of predatory animals.)

	For the 36th Fiscal Year	For the 37th Fiscal Year
PREDATORY ANIMAL CONTROL—		
PAYMENT OF BOUNTY		
Lump Sum Appropriation	10,000.00	10,000.00
	20,000.00	
RODENT CONTROL		
Lump Sum Appropriation	8,000.00	8,000.00
	16,000.00	

(The above appropriation is made to enable the state to cooperate with the Federal Wildlife Department for the control of rodents.)

VOLUNTARY BANG'S DISEASE		
Lump Sum Appropriation	15,000.00	15,000.00
	30,000.00	

(The above appropriation is made to enable the state to cooperate with the United States Bureau of Animal Industry for the eradication of voluntary bang's disease among animals.)

Grand Total — Live Stock Sanitary Board	253,965.00	253,040.00
	507,005.00	

Subdivision 51. STATE MINE INSPECTOR

Salary of Mine Inspector	5,500.00	5,500.00
Salary of 3 Deputy Mine Inspectors	9,000.00	9,000.00
Salary of Dust Engineer	3,600.00	3,600.00
Other Personal Services	2,040.00	2,040.00
State Travel	5,000.00	5,000.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
Other Current Expenditures	900.00	900.00
Total Appropriation	26,040.00	26,040.00
	52,080.00	

Subdivision 52. NATIONAL GUARD

Salary of Adjutant General	3,600.00	3,600.00
Adjutant General's Clothing Allowance	60.00	60.00
Other Current Expenditures, Fixed Charges & Capital Outlay	121,340.00*	121,340.00
Total Appropriation	125,000.00	125,000.00
	250,000.00	

(*The appropriation for the 36th Fiscal Year is not subject to the provisions of Sec. 10-930, A. C. 1939, relating to lapsing appropriations.)

Subdivision 53. REGISTRAR OF CONTRACTORS

From Collections:

90% of all collections received during the fiscal year when paid into the State Treasury is hereby appropriated for Current Expenditures and Capital Outlay. 10% shall be credited to the General Fund.

Subdivision 54. SHEEP SANITARY COMMISSION

Salary of Secretary	900.00	900.00
Other Personal Services	6,800.00	6,800.00
State Travel	2,550.00	2,550.00
Other Current Expenditures	550.00	550.00
Total Appropriation	10,800.00	10,800.00
	21,600.00	

Subdivision 55. STATE EGG INSPECTOR

From Collections:

All collections received during the fiscal year when paid into the State Treasury is hereby appropriated for Current Expenditures.

Subdivision 56. BOARD OF TECHNICAL REGISTRATION

From Collections:

90% of all collections received during the fiscal year when paid into the State Treasury is hereby appropriated for Current Expenditures. 10% shall be credited to the General Fund.

Subdivision 57. BOARD OF VETERINARY EXAMINERS

From Collections:

90% of all collections received during the fiscal year when paid into the State Treasury is hereby appropriated for Current Expenditures. 10% shall be credited to the General Fund.

Subdivision 58. BOARD OF ACCOUNTANCY

From Collections:

90% of all collections received during the fiscal year when paid into the State Treasury is hereby appropriated for Current Expenditures and Capital Outlay. 10% shall be credited to the General Fund.

Subdivision 59. STATE HIGHWAY DEPARTMENT

From any unencumbered balances remaining in the State Highway Fund as of June 30, 1947, and June 30, 1948, respectively, there is hereby appropriated:

	For the 36th Fiscal Year	For the 37th Fiscal Year
ADMINISTRATION		
Personal Services	178,605.00	187,353.25
Other Current Expenditures	235,400.00	236,400.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
Capital Outlay	20,000.00	20,000.00
Total Appropriation	434,005.00	443,753.25
ENGINEERING		
Personal Services	405,110.00	405,110.00
Other Current Expenditures	36,000.00	36,000.00
Capital Outlay	3,000.00	3,000.00
Total Appropriation	444,110.00	444,110.00
SHOPS AND EQUIPMENT		
Personal Services	432,228.34	453,839.75
Other Current Expenditures	458,350.00	458,350.00
Capital Outlay	350,000.00	300,000.00
Total Appropriation	1,240,578.34	1,212,189.75
TRAFFIC DIVISION		
Personal Services	37,890.00	39,202.00
Other Current Expenditures	7,640.00	7,640.00
Total Appropriation	45,530.00	46,842.00
PLANNING SURVEY		
Personal Services	57,740.00	57,740.00
Other Current Expenditures	21,347.00	21,347.00
Capital Outlay	8,976.00	8,976.00
Total Appropriation	88,063.00	88,063.00
MOTOR VEHICLE DIVISION		
Personal Services	381,575.00	400,654.00

	For the 36th Fiscal Year	For the 37th Fiscal Year
Other Current Expenditures	120,000.00	120,000.00
Capital Outlay	3,000.00	3,000.00
Total Appropriation	504,575.00	523,654.00
HIGHWAY PATROL		
Personal Services	223,891.00	235,086.00
Other Current Expenditures	65,000.00	65,000.00
Capital Outlay	10,000.00	6,000.00
Total Appropriation	298,891.00	306,086.00
MAINTENANCE & BETTERMENTS		
Personal Services	1,335,000.00	1,335,000.00
Other Current Expenditures	415,000.00	415,000.00
Total Appropriation	1,750,000.00	1,750,000.00
INDUSTRIAL INSURANCE	88,000.00	88,000.00
HIGHWAY MAGAZINE	100,000.00	100,000.00
Grand Total — State Highway Funds, Exclusive of Construction	4,993,752.34	5,002,698.00
	9,996,450.34	

In addition to the authorization of $100,000.00 annually for Highway Magazine, there is appropriated out of the current revenues of the Magazine "Arizona Highways", for the purposes stated in Section 59-701, all receipts for magazine subscriptions and sales.

Any balances and collections in the State Highway Fund in excess of the specific amounts set forth above for the purposes designated are hereby appropriated exclusively for construction of state highways, including, (1) state primary system, (2) state secondary system, (3) county

secondary (or primary) system, (4) urban area routes; the acquisition of rights-of-way; the cost of field administration, field engineering; and engineering on construction projects.

Subdivision 60. ARIZONA GAME AND FISH COMMISSION

GAME AND FISH PROTECTION

From Collections:

All collections received during the fiscal year when paid into the State Treasury are hereby appropriated for Current Expenditures and Capital Outlay.

	For the 36th Fiscal Year	For the 37th Fiscal Year
WILDLIFE RESTORATION		
Lump Sum Appropriation	22,000.00	22,000.00
	44,000.00	

(The above appropriation is made to enable the state to cooperate with the federal government in carrying out the provisions of the Federal Wildlife Restoration Act approved 9/2/37, commonly known as the Pitman-Robertson-Federal Aid.)

Subdivision 61. DEPARTMENT OF MINERAL RESOURCES

Salary of Director	4,200.00	4,200.00
Other Personal Services	21,000.00	21,000.00
State Travel	4,500.00	4,500.00
Out of State Travel	300.00	300.00
Subscriptions & Organization Dues	25.00	25.00
Other Current Expenditures	3,000.00	3,000.00
Capital Outlay	100.00	100.00
Total Appropriation	33,125.00	33,125.00
	66,250.00	

Subdivision 62. STATE DAM AND SUPERVISION

From Collections:

All collections received during the fiscal year when paid into the State Treasury are hereby appropriated for Current Expenditures and Capital Outlay.

	For the 36th Fiscal Year	For the 37th Fiscal Year
Subdivision 63. GOVERNOR—COLORADO RIVER		
Lump Sum Appropriation	12,500.00	12,500.00
	25,000.00	
Subdivision 64. STATE LAND DEPARTMENT		
FOR THE STATE LAND DEPARTMENT		
Salary of State Land Commissioner	5,000.00	5,000.00
Other Personal Services	63,850.00	63,850.00
State Travel	3,500.00	3,500.00
Out of State Travel	1,500.00	1,500.00
Subscriptions & Organization Dues	35.00	35.00
Other Current Expenditures	12,000.00	12,000.00
Capital Outlay: Automobile	1,500.00	1,500.00
Office Furniture & Equipment	500.00	500.00
Total Appropriation	87,885.00	87,885.00
	175,770.00	
STEAM GAUGING		
Lump Sum Appropriation	15,000.00	15,000.00
	30,000.00	

(This appropriation is made to enable the state to cooperate with the Federal Government.)

	For the 36th Fiscal Year	For the 37th Fiscal Year
UNDERGROUND WATER DEVELOPMENT		
Lump Sum Appropriation	15,000.00	15,000.00
	30,000.00	

(This appropriation is made to enable the state to cooperate with the Federal Government.)

Grand Total — State Land Department	117,885.00	117,885.00
	235,770.00	

Subdivision 65. BOND INTEREST AND REDEMPTION REQUIREMENTS

Interest on Bonded Debt	2,362.50	2,062.50
Redemption of Debt	10,000.00	10,000.00
	24,425.00	

Subdivision 66. ARIZONA COPPER TARIFF BOARD

Lump Sum Appropriation	2,000.00	2,000.00
	4,000.00	

Subdivision 67. GOVERNOR—PIONEERS' HISTORICAL SOCIETY

Lump Sum Appropriation	4,000.00	4,000.00
	8,000.00	

Subdivision 68. GOVERNOR—PRESCOTT HISTORICAL SOCIETY

Lump Sum Appropriation	4,000.00	4,000.00
	8,000.00	

	For the 36th Fiscal Year	For the 37th Fiscal Year
Subdivision 69. INDUSTRIAL INSURANCE PREMIUMS		
Workmen's Compensation Insurance (Exclusive of Highway Department)	50,000.00	50,000.00
Occupational Disease (Exclusive of Highway Department)	1,250.00	1,250.00
	102,500.00	

Subdivision 70. STATE FAIR COMMISSION

From Collections:

Any unencumbered balance remaining to the credit of the State Fair Commission on June 30, 1947, and June 30, 1948, and all collections received by the commission during the fiscal years when paid into the State Treasury are hereby appropriated for Current Expenditures, Capital Outlay, Land and Fifteen Hundred Dollars is designated to pay charges, including storage and freight, on the Natural History Collection donated to the state by the John Eagle Estate. The Fair Commission is hereby authorized to carry out the provisions of Section 17-1202, A. C. 1939, relating to County Fairs.

Subdivision 71. INSTITUTE OF EDUCATIONAL REHABILITATION		
Personal Services	48,270.00	48,270.00
Other Current Expenditures	11,100.00	11,100.00
Capital Outlay:		
Purchase of Florence Prisoner of War Camp	75,000.00	
Purchase of building materials and for construction, repairing, wrecking & maintenance equipment	60,000.00	60,000.00
Total Appropriation	194,370.00	119,370.00
	313,740.00	

Section 2. If any section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not effect the validity of the remaining portions of this Act.

Approved by the Governor except Items 3, 4 and 7 of Subdivision 6, Secretary of State and Item 7 of Subdivision 46, Corporation Commission, which were disapproved—March 31, 1947.

Filed in the Office of the Secretary of State—April 1, 1947.

EXECUTIVE OFFICE

STATE HOUSE

PHOENIX, ARIZONA

March
Thirty first
1 9 4 7
Hon. Dan E. Garvey
Secretary of State

My dear Mr. Secretary:

House Bill No. 308 "An Act making appropriations for the different departments of state, for state institutions, for public schools, and for interest on the public debt" is far from satisfactory as it does not adequately provide for carrying out a number of very necessary public activities.

I am particularly concerned because it further reduces the already inadequate provisions for care of our older people, those on direct relief and dependent children, however, the legislature has made provision for a committee to thoroughly analyze the Social Security setup and the funds provided for its activities. It is my earnest hope that this committee will complete its task before the end of the present fiscal year in order that the legislature may be given opportunity to correct the mistakes of the regular session.

In the hope that the legislature can and will correct the mistakes now existing in this measure, I have today approved House Bill No. 308 with the exception of

Items 3, 4 and 7 of Subdivision 6 —
Secretary of State

and

Item 7 of Subdivision 46 —
Arizona Corporation Commission

which I have this day disapproved.

Item 3 of Subdivision 6, Secretary of State, makes an appropriation of $800.00 for travel within the state for the next two fiscal years. Item 4 of the same subdivision makes an appropriation of $750.00 for out-of-state travel for the next two fiscal years.

Item 7 of the same subdivision provides an appropriation of $2,500.00 for the purchase of an automobile for the Secretary of State.

In House debate on these items it was contended that they are necessary because the failing health of the Governor makes it necessary for the Secretary of State to take over some of the executive responsibilities. If that time should come the appropriations made to the Governor's office will be available. As the above-mentioned appropriations are unnecessary they are this day disapproved.

Item 7 of Subdivision 46, Corporation Commission, makes an appropriation of $30,000.00 for each of the next two fiscal years for the purpose of setting up a Utility Survey Division in that department of state government.

Overriding the Governor's disapproval, the legislature gave authority to the Corporation Commission to levy assessments against the various utilities whereby funds are provided for this purpose.

Also there is still available $50,000.00 provided by a past legislature to enable the Corporation Commission to use the trained staff of the Federal Power Commission for investigating and analyzing the rates of the light and power companies. With the above mentioned funds available it would not appear that the Commission will need this additional appropriation and, therefore, I have this day disapproved Item 7 of Subdivision 46.

Sincerely,

(Signed) SIDNEY P. OSBORN,
Governor

SPO:E

MEMORIALS

HOUSE MEMORIAL NO. 1

A MEMORIAL

RELATING TO THE FORMER PRISONER-OF-WAR CAMP AT FLORENCE.

TO THE WAR DEPARTMENT AND THE WAR ASSETS ADMINISTRATION OF THE UNITED STATES OF AMERICA:

Your memorialist respectfully represents:

The site at Florence, Arizona, formerly occupied by the War Department as a prisoner-of-war camp is no longer being used for that purpose.

The State of Arizona has established no separate institution for the confinement of youthful offenders, and because of lack of facilities youthful offenders are mingled with hardened criminals.

The former prisoner-of-war camp is located in the vicinity of the Arizona State Prison, and an institution for the confinement of youthful offenders using the facilities and buildings of the former camp could be efficiently administered by the warden of the Arizona State Prison.

Wherefore your memorialist, the House of Representatives of the State of Arizona, requests:

1. That the facilities and buildings of the former prisoner-of-war camp at Florence, Arizona, be granted to the State of Arizona for use as a public institution for the confinement of youthful offenders, to be operated under the state penal system.

Passed the House January 27, 1947, by the following vote: 54 Ayes, 0 Nays, 0 Absent, 4 Excused.

Filed in the Office of the Secretary of State—January 27, 1947.

HOUSE MEMORIAL NO. 2

A MEMORIAL

RELATING TO CONCESSION STANDS OPERATED BY THE BLIND IN FEDERAL BUILDINGS.

TO THE POSTMASTER-GENERAL OF THE UNITED STATES OF AMERICA:

Your memorialist respectfully represents:

The Federal law providing for the employment and rehabilitation of blind persons and the extension of aid to such persons to become

self-supporting, prescribes that blind persons may operate concession stands in Federal buildings.

It appears that concession stands are being operated in very few of the Federal buildings in Arizona, whereas there are in the state numerous blind persons who are capable of doing so and would gladly take advantage of an opportunity to become self-sustaining by operating such a concession.

Wherefore your memorialist, the House of Representatives of the State of Arizona, requests:

1. That the Postmaster-General cause a survey to be made of Federal buildings in Arizona with a view to encouraging the setting up of concession stands therein, to be operated by blind persons, and by such means to enable a greater number of these unfortunates to become self-supporting, thus carrying out the purpose and intent of the Federal law.

Passed the House January 22, 1947, by the following vote: 56 Ayes, 0 Nays, 0 Absent, 2 Excused.

Filed in the Office of the Secretary of State—January 22, 1947.

HOUSE MEMORIAL NO. 3

A MEMORIAL

RELATING TO FEDERAL CONTRIBUTION FOR OLD AGE ASSISTANCE TO THE CONGRESS OF THE UNITED STATES.

Your memorialist respectfully represents:

The Congress of the United States, on the tenth day of August, 1946, enacted c. 951, Title V, section 501, 60 Stat. ....., Subsection (a) of which provided that Federal contribution to the states for old age assistance for the period commencing October 1, 1946 and ending December 31, 1947 shall be two-thirds of the state's expenditures up to fifteen dollars ($15.00) monthly per individual plus one-half of the state's expenditure over fifteen dollars ($15.00) and one-half of the state's expenditure for administration.

The need for increased old age assistance will continue long past December 31, 1947 and Federal contribution is necessary to properly assist the aged persons of the State of Arizona and the other states.

Wherefore, your memorialist, the House of Representatives of the State of Arizona, requests:

1. The Congress of the United States re-enact the provisions of c. 951, Title V, section 501, 60 Stat. ....., making the same a permanent part of the laws of the United States.

Passed the House February 25, 1947 by the following vote: 51 Ayes, 2 Nays, 0 Absent, 5 Excused.

Filed in the Office of the Secretary of State—February 25, 1947.

HOUSE MEMORIAL NO. 6

A MEMORIAL

REQUESTING THE REPRESENTATIVES OF THE STATE OF ARIZONA, IN THE CONGRESS OF THE UNITED STATES, TO SUPPORT CERTAIN LEGISLATION BENEFICIAL TO VETERANS AND OTHERS.

TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

There are now pending in the Congress of the United States two certain bills affecting the rights of veterans, prisoners of war, and other persons in territory occupied by the Japanese forces, which are referred to as H. R. 881 and H. R. 1199; and

This legislation extends to veterans, prisoners of war, and other persons in territory occupied by the Japanese during the war, certain benefits by war of exemption under and in connection with the Internal Revenue Code of the United States; and

The legislation represented by H. R. 881 and H. R. 1199 will be of material benefit to the veterans and other persons therein throughout the United States as well as in the State of Arizona;

Wherefore, your memorialist, the House of Representatives of the State of Arizona requests that the representatives of the State of Arizona in the Congress of the United States lend their support toward the passage of those certain bills now pending in Congress designated as H. R. 881 and H. R. 1199.

Adopted by the House—March 20, 1947.

Filed in the Office of the Secretary of State—March 21, 1947.

HOUSE JOINT MEMORIAL NO. 2

A JOINT MEMORIAL

REQUESTING THE GOOD OFFICES OF THE SECRETARY OF THE INTERIOR IN SECURING LAND FOR AN AUXILIARY HOSPITAL FOR THE INSANE.

TO THE HONORABLE, THE SECRETARY OF THE INTERIOR OF THE UNITED STATES:

Your memorialist respectfully represents:

The State of Arizona is in serious need of greatly enlarged facilities for the hospitalization, care and treatment of the insane.

The Legislature of Arizona is officially informed that the State can purchase from the War Assets Administration certain buildings of the Rivers Relocation Center, on the Gila River Indian Reservation, which are adapted, both as to construction and location, for the purposes of an auxiliary State hospital for the insane.

Acting upon this information, and in view of the urgent need for these facilities, the Legislature of Arizona has this day made a sufficient appropriation for and authorized the purchase of the desired buildings at the Rivers Relocation Center.

To make feasible this solution of the major problem confronting the State with respect to the care of its mentally diseased, it is necessary that approximately two thousand acres of land of the Gila River Indian Reservation adjacent to the Rivers Relocation Center become available for the purposes of the proposed auxiliary to the Arizona State Hospital for the insane.

Wherefore your memorialist, the Legislature of the State of Arizona, requests:

1. That you advise the Legislature of Arizona what steps should or may be taken by the State of Arizona to procure by lease or otherwise, the use of two thousand acres of land, adjacent to the Rivers Relocation Center, for the purpose stated.

2. That you extend to the State of Arizona your good offices in effecting a consummation so earnestly desired.

Passed the House February 20, 1947 by the following vote: 51 Ayes, 0 Nays, 0 Absent, 7 Excused.

Passed the Senate February 21, 1947 by the following vote: 18 Ayes, 0 Nays, 1 Not voting.

Approved by the Governor—February 24, 1947.

Filed in the Office of the Secretary of State—February 24, 1947.

SENATE JOINT MEMORIAL NO. 1

A JOINT MEMORIAL

REQUESTING THE MAINTENANCE OF ADEQUATE TARIFF RATES ON COPPER.

TO THE CONGRESS AND THE DEPARTMENT OF STATE OF THE UNITED STATES:

Your memorialist respectfully represents:

The mining of copper is one of Arizona's chief industries, an industry so great that in point of copper production Arizona leads all of the states of the United States, and in fact is responsible for approximately forty per cent of all copper mined in the nation.

The copper mining industry gives employment to many thousands of miners, artisans, mechanics and craftsmen, whose welfare and prosperity is in very large measure dependent upon this major activity—indeed, the economic welfare of the state is vitally affected by the status of the mining industry.

There are, in addition to the properties now being worked, great areas and bodies of copper ore in the state which are susceptible of development, to the enrichment of the state and the nation.

It is therefore of major importance that the price of copper be maintained on a basis which will insure normal production, fair profits, steady employment and a good standard of living for workers in the industry, and continuation of the benefits which accrue to the state's economy by reason of the industry.

This can only be insured through the medium of an adequate import tax on raw copper to equalize the difference between the cost of producing the metal in this country and in the copper producing countries of South America, Africa and elsewhere.

Wherefore your memorialist, the Legislature of the State of Arizona, urgently requests:

1. That the protection at present afforded to copper mining in the United States be maintained.

Adopted by the House January 27, 1947, by the following vote: 53 Ayes, 0 Nays, 0 Absent, 5 Excused.

Adopted by the Senate January 27, 1947, by the following vote: 19 Ayes, 0 Nays, 0 Not voting.

Approved by the Governor—January 28, 1947.

Filed in the Office of the Secretary of State—January 28, 1947.

SENATE JOINT MEMORIAL NO. 2

A JOINT MEMORIAL

REQUESTING ACTION TO PREVENT THE SPREAD OF THE FOOT-AND-MOUTH DISEASE.

TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

An outbreak in the states of the Republic of Mexico bordering on the United States not only imperils the cattle industry of that country but constitutes an imminent threat to the widespread cattle industry of the Western States of this country.

The prevention of the spread of this plague is not only of vital concern to those directly engaged in the growing of cattle but as well to all the people, as it threatens to affect both the health and the economic welfare of the states.

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

1. That the President and the Congress take such steps as may be necessary, to:

(a) Appropriate adequate funds to the United States Bureau of Animal Industry to prevent, control, and eradicate foot-and-mouth disease in this country.

(b) Offer assistance to the Republic of Mexico in locating, diagnosing, and eradicating foot-and-mouth disease in Mexico to the fullest extent permitted by that country.

(c) Create a joint United States-Mexico commission, empowered to deal with the problem and to control, eradicate, and prevent the spread of foot-and-mouth disease in each of such countries.

(d) Close the United States-Mexico border to all importations or traffic of whatever kind or nature that may carry the infection of the foot-and-mouth disease into this country.

(e) Help maintain all quarantine lines established within Mexico north of the infected areas.

Adopted by the House January 27, 1947 by the following vote: 55 Ayes, 0 Nays, 0 Absent, 3 Excused.

Adopted by the Senate January 27, 1947 by the following vote: 19 Ayes, 0 Nays, 0 Not voting.

Approved by the Governor—January 28, 1947.

Filed in the Office of the Secretary of State—January 28, 1947.

SENATE MEMORIAL NO. 1

A MEMORIAL

REQUESTING AN INVESTIGATION OF THE ADMINISTRATION OF THE OFFICE OF PRICE ADMINISTRATION IN ARIZONA.

TO THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

The administration of the Office of Price Administration in Arizona has occasioned widespread dissatisfaction throughout the state, worked irreparable injury and injustice to many citizens, and, particu-

larly with respect to the administration of rent controls, has not only been flagrantly discriminatory, impaired investments, and dealt harshly, unfairly and unlawfully with owners of rental property, but has adversely and seriously affected the problem of supplying homes to the thousands of returned veterans and their families and other people needing them.

Wherefore your memorialist, the Senate of the State of Arizona, urgently requests:

1. That the Congress of the United States cause an investigation to be made, at an early date, of the operations of the Arizona Office of Price Administration to the end that the abuses complained of be corrected, and if it be found that they have been caused or contributed to by criminal acts, that the guilty persons be punished.

Adopted by the Senate January 21, 1947 by unanimous vote.

Filed in the Office of the Secretary of State—January 22, 1947.

SENATE CONCURRENT MEMORIAL NO. 1

A CONCURRENT MEMORIAL

REQUESTING CONGRESS TO CREATE THE PETRIFIED FOREST NATIONAL PARK.

TO THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

Within the boundaries of Navajo and Apache counties in northeastern Arizona lies an area containing mineralized remains of mesozoic forests, commonly known as the Petrified Forest, and officially designated the Petrified Forest national monument.

The Petrified Forest consists of six areas called First forest, Second forest, Third forest, Rainbow forest, Blue forest, and Black forest, which together constitute a deposit of petrified wood unequalled in extent, as well as for size of trees and beauty and variety of coloring of logs. Many of the logs measure over two hundred feet in length and seven to ten feet in diameter.

In addition to this petrified wood the Petrified Forest contains an extensive deposit of fossil bones of reptiles which lived during the triassic period of the mesozoic age, and deposits of fossilized cycads and ferns and other plant life preserved in such perfect condition that the seed pods and almost microscopic fruiting bodies are plainly visible. This field, discovered in comparatively recent years, affords unlimited opportunities for scientific research.

Thousands of prehistoric petroglyphs are engraved on the sandstone cliffs within the monument, one huge rock alone bearing more than a thousand such symbols. Sites representing the prehistoric periods from basket maker and pit house type to and including Pueblo

no. 3 dot the entire area of the Petrified Forest. The Pueblo no. 3 period is represented by the Agate house, a seven-room dwelling constructed of blocks of agatized wood and estimated to be about eight hundred years old.

Blue forest, with its banded hills and wood deposits, and the most scenic and colorful section of the famous painted desert, discovered by Coronado in 1540, and the Black forest, which contains a greater amount of petrified wood and larger tree trunks than any other section, were added to the national monument in 1932.

As a national monument, the Petrified Forest has attracted hundreds of thousands of visitors. It would draw visitors in even greater numbers as a national park, since its paramount scenic, scientific, historic, and prehistoric values are of interest to visitors in every walk of life.

As evidenced by the records of a hearing before a sub-committee of the Senate Committee on Public Lands and Surveys, held August 2, 1938, the boards of supervisors of Navajo and Apache counties and the Arizona state land department petitioned the Congress to set aside and designate as the Petrified Forest national park all lands within the boundaries of the Petrified Forest national monument.

Inasmuch as there is no request to enlarge the present area, the proposed change from national monument to national park can be effected with little or no cost, and it would be of inestimable benefit to the state of Arizona and its residents, and to the people of the United States.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

That the Congress enact legislation to set aside and designate as the Petrified Forest national park all lands within the boundaries of the Petrified Forest national monument.

Adopted by the House March 20, 1947 by the following vote: 47 Ayes, 1 Nays, 0 Absent, 10 Excused.

Adopted by the Senate March 7, 1947 by the following vote: 19 Ayes, 0 Nays, 0 Not voting.

Filed in the Office of the Secretary of State—March 20, 1947.

RESOLUTIONS

HOUSE RESOLUTION NO. 7

A RESOLUTION

TO CREATE A SPECIAL COMMITTEE ON THE PROMOTION OF AMERICAN ACTIVITIES.

BE IT RESOLVED by the House of Representatives that there is hereby created a special house committee on the promotion of American activities to be composed of five members, to be appointed by the Speaker of the House. It shall be the duty of the committee to make studies and investigations with a view to recommending legislation to strengthen the American constitutional form of government, American ideals and American institutions against the encroachment of subversive and un-American propaganda in Arizona. For the purposes of this resolution the committee, or any duly authorized sub-committee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses and adjourned periods of the legislature, to seek advice of experts familiar with subjects embraced in such studies and investigations, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers and documents to administer such oaths, to take such testimony as may be necessary to authenticate such findings. To report to the legislature either in regular or special sessions their findings, so as to assist in drafting of such legislation to remove any encroachment detrimental to the American constitutional form of government.

Adopted by the House, March 13, 1947; 42 ayes, 11 nays, 5 excused.

Filed in the Office of the Secretary of State, March 24, 1947.

HOUSE CONCURRENT RESOLUTION NO. 10

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE LEGISLATURE.

BE IT RESOLVED by the House of Representatives of the State of Arizona, the Senate concurring:

1. The following amendment of subsection (2), section 1, part 2, article IV, Constitution of Arizona, is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

> (2) Until otherwise provided by law, members of the Legislature shall each receive eight dollars per day, for a period not to exceed sixty days in any regular session and not to exceed twenty days in any special session. They shall also receive mileage one way by the shortest practicable route at the rate of twenty cents per mile, not to exceed one time for each session.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by article XXI, Constitution of Arizona.

Passed the House March 5, 1947 by the following vote: 48 Ayes, 0 Nays, 0 Absent, 10 Excused.

Passed the Senate March 17, 1947 by the following vote: 15 Ayes, 4 Nays, 0 Not voting.

Filed in the Office of the Secretary of State—March 18, 1947.

HOUSE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION

RELATING TO LASTING WORLD PEACE

WHEREAS, lasting peace is desired by every nation and by all peoples. There is no friendly democracy that would not support any international program capable of effecting and maintaining that great objective.

Something is preventing international peace-planning instrumentalities from formulating such a program. It is the desire of all sensible people throughout the world to discover the obstruction, and to remove it.

It is the belief of many that the principal difficulty is the inability of adults to understand ideologies foreign to those of their own persuasion, even those of friendly nations professing democracy and desiring international amity. It is believed also that the most feasible means of correcting this defect is international education for peace, devoted to fostering universal understanding, friendliness and good will among all nations which believe in the four freedoms and hold the conception of democracy accepted in the United States.

This end can be effected only by large scale international educational interchanges in elementary and secondary grades, between the qualified democracies of the United Nations.

The first practical step toward the accomplishment of this aim must come from an aroused public opinion in the United States, crystallized by proper direction. It is the imperative duty of the Federal government to take the initiative in arousing and directing such public opinion. Therefore

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

1. The Governor is requested to invite the President and the Congress of the United States to undertake the following several enactments and negotiations, comprising a program to effect permanent

world peace by means of international interchanges of students in elementary and secondary schools through reciprocal rotating scholarships, in which no nation shall be invited to participate except members of the United Nations subscribing to the four freedoms and the concept of democracy as defined in the program.

First. Formulation of a plan of interchange, small scale to begin with and confined to boys; eventually at large scale and to include girls.

Second. Submission of the proposed plan, together with a draft of a proposed resolution, to the legislatures of each state and territorial possession of the United States.

Third. Within a specified time the legislatures to return the proposed plan, accompanied by proposed amendments of the same, and the proposed resolution, adopted in its original or an amended form, to the end that the different suggestions may to the extent feasible be embodied in the proposed plan.

Fourth. The plan finally developed and adopted by the Chief Executive to be, as far as practicable, a composite of the views and suggestions of the legislatures.

Fifth. Adoption by the Congress of the plan so developed, in the form of a joint resolution, to be presented by the Department of State to the United Nations secretariat for the consideration of member government, with a view to having the governments interested interchange, by means of rotating scholarships between the participating nations, students of formative years grades and a proportionate number of teachers.

Sixth. Resulting treaties between the United States and participating nations not to involve the State of Arizona in any expense without the consent of its citizens.

Passed the House February 19, 1947 by the following vote: 51 Ayes, 1 Nays, 0 Absent, 6 Excused.

Passed the Senate March 7, 1947 by the following vote: 13 Ayes, 6 Nays, 0 Not voting.

Approved by the Governor—March 10, 1947.

Filed in the Office of the Secretary of State—March 10, 1947.

HOUSE JOINT RESOLUTION NO. 4

A JOINT RESOLUTION

COMMENDING ARIZONA'S REPRESENTATIVES IN CONGRESS FOR THEIR EFFORTS IN BEHALF OF COLORADO RIVER DEVELOPMENT.

WHEREAS, the early augmentation of Arizona's water supply

from the Colorado River is vital not only to the state's future growth and prosperity, but as well to the holding of the splendid advances which have already been made toward the development of a great and unique agricultural empire.

The Colorado River is Arizona's life line. Upon the realization of its vast potentialities depend in large measure the fruition of the high hopes which animate the state's citizens and spur them to ever greater exertions.

In the past, differences as to methods and plans for the utilization of the Colorado's resources have divided the state's efforts, minimized its influence and retarded progress, but there has been no time when Arizona's representatives in both houses of Congress have not put forward their best efforts to secure recognition of the state's rights, to represent its needs and to plead its cause.

In spite of the odds against which these faithful representatives have labored—divisions at home and powerful opposition from other states—their exertions have eventuated in the adoption by the appropriate agency of the Federal Government of a definite specific recommendation for bringing Colorado River water to Arizona land—not a recommendation of an ultimate or maximum plan, but one which bears the high promise of early action, at a time when speed is the essence of the situation with which Arizona is confronted. Therefore

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

1. Through this body the people of Arizona congratulate their representatives in both houses of the national legislature upon the concrete promise of success of their current efforts to solve the emergency with which Arizona is confronted, and to inaugurate in a practical way the development of the Colorado River.

2. To their continued efforts in this direction the united support of this body and of the people of Arizona is pledged.

Passed the House March 3, 1947 by the following vote: 52 Ayes, 4 Nays, 0 Absent, 2 Excused.

Passed the Senate March 10, 1947 by the following vote: 18 Ayes, 0 Nays, 1 Not voting.

Approved by the Governor—March 11, 1947.

Filed in the Office of the Secretary of State—March 11, 1947.

HOUSE JOINT RESOLUTION NO. 5

A JOINT RESOLUTION

ON THE APPOINTMENT OF HON. LEWIS W. DOUGLAS AS AMBASSADOR TO GREAT BRITAIN.

WHEREAS, Hon. Lewis W. Douglas was on February 26 nom-

inated by the President of the United States to be this nation's ambassador to Great Britain, and on March 5 the United States Senate confirmed his nomination by the unanimous vote of all members present.

Ambassador Douglas is a son of Arizona, who has reflected great credit upon his native state in the many important offices to which he has been called. There is every reason to believe, and it is confidently believed, that in the high role in which he has now been cast he will acquit himself with equal distinction. Therefore

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

1. The hearty congratulations of his fellow citizens of Arizona, speaking through their government, are extended to the Hon. Lewis W. Douglas. In even greater degree congratulations are extended to the President upon the wisdom of his choice and to the Senate of the United States upon its approval of that choice. In honoring Mr. Douglas they have honored the nation.

Passed the House—March 11, 1947.

Passed the Senate—March 13, 1947.

Approved by the Governor—March 13, 1947.

Filed in the Office of the Secretary of State—March 13, 1947.

SENATE CONCURRENT RESOLUTION NO. 3

A CONCURRENT RESOLUTION

ON THE DEATH OF W. O. (BILL) RUGGLES

W. O. (Bill) Ruggles, passed away at a Kingman hospital, on September 21, 1946, aged seventy-eight years.

"Bill" Ruggles, as he was widely and popularly known in every part of Arizona, had been, not merely a resident, but a part of Arizona for forty-five years, connected first with mining, and then with the official life of Mohave county. For thirty-two consecutive years he was identified with the work of assessing the property of the county, a record excelled by none, either in duration or efficiency, and was county assessor from 1919 until his death. Over a period of eight years he was president of the Arizona Tax Assessors' Association, and one of its principal counselors. He was active in the civic and fraternal activities of his community, holding high offices in both the Elks and Odd Fellows organizations, and in innumerable ways demonstrated his worth to his community and to the state. Therefore

BE IT RESOLVED BY THE SENATE OF THE STATE OF ARIZONA, THE HOUSE OF REPRESENTATIVES CONCURRING:

1. The death of W. O. (Bill) Ruggles is a serious loss to the

county in which he lived and labored, and to all of Arizona. The condolences of this body are extended to the bereaved wife, daughter and other relatives.

Adopted by the House January 23, 1947 by the following vote: 58 Ayes, 0 Nays, 0 Absent, 0 Excused.

Adopted by the Senate January 23, 1947 by the following vote: 19 Ayes, 0 Nays, 0 Not voting.

Filed in the office of the Secretary of State—January 27, 1947.

SENATE CONCURRENT RESOLUTION NO. 6

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF THE STATE OF ARIZONA, THE HOUSE OF REPRESENTATIVES CONCURRING:

1. The following amendment to section 1, part 2, article IV, Constitution of Arizona, by adding subsection (3) thereto, is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

> (3) Upon the presentation to the Governor of a petition bearing the signatures of not less than two-thirds of the members of each House, requesting that he call a special session of the Legislature and designating the date of convening, the Governor shall forthwith call a special session to assemble on the date specified. At a special session so called the subjects which may be considered by the Legislature shall not be limited.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective jouranls thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by article XXI, Constitution of Arizona.

Adopted by the House March 20, 1947 by the following vote: 45 Ayes, 2 Nays, 0 Absent, 11 Excused.

Adopted by the Senate March 15, 1947 by the following vote: 15 Ayes, 3 Nays, 1 Not voting.

Filed in the Office of the Secretary of State—March 21, 1947.

INITIATIVE AND REFERENDUM MEASURES

Receiving a majority of the votes cast at the general election held November 5, 1946, became a law on proclamation issued by the Governor, November 25, 1946.

STATE OF ARIZONA

EXECUTIVE DEPARTMENT

* A PROCLAMATION BY THE GOVERNOR OF ARIZONA *

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

WHEREAS, Section 11, Article VII Constitution of the State of Arizona provides that there shall be a general election of Representatives in Congress and of State, county and precinct officers on the First Tuesday after the First Monday in November of the first even numbered year in which Arizona is admitted to Statehood and biennially thereafter; and

WHEREAS, Part 1, Articles IV and XXI of the Constitution of the State of Arizona, and Article 1, Chapter 60, Arizona Code Annotated 1939, provide that proposed amendments to the Constitution of the State of Arizona shall be submitted to the electors of the State of Arizona at a special or general election, either by initiative petitions or by the Legislature of the State of Arizona, and said Part 1, Article IV of the Constitution of the State of Arizona and said Article 1, Chapter 60, Arizona Code Annotated 1939, further provide that initiative measures and legislative measures against which the referendum is applied shall be submitted to the electors of the State of Arizona; and

WHEREAS, at the general election held on the first Tuesday after the first Monday in November, 1946, there were, in accordance with the provisions of said Part 1, Articles IV and XXI of the Constitution of the State of Arizona, and said Article 1, Chapter 60, Arizona Code Annotated 1939, submitted to the electors of the State of Arizona two proposed amendments to the Constitution of the State of Arizona, which said proposed amendments were proposed by Initiative Petitions, and, at said general election in accordance with the provisions of said Part 1, Article IV, Constitution of the State of Arizona and Article 1, Chapter 60, Arizona Code Annotated 1939, there were also submitted to the electors of the State of Arizona, three referendum measures, which referendums were ordered by the Legislature of the State of Arizona, and, at said general election in accordance with the provisions of said Part 1, Article IV, Constitution of the State of Arizona, and Article 1, Chapter 60, Arizona Code Annotated 1939; and

WHEREAS, Sub-section 13, Section 1, Part 1, Article IV. Constitution of Arizona and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, provide that when the Canvassing Board of the State of Arizona shall have counted the votes cast at a general or special election, and shall have vertified the returns thereof, it shall be the duty of the Governor of the State of Arizona to issue his proclamation giving the whole number of votes cast for and against each measure or proposed amendment, and declaring such measures or amendments as are approved by a majority of those electors voting thereon to be in full force and effect as the law of the State of Arizona, from the date of said proclamation; and

WHEREAS, it appears from the returns of said general election held on the said first Tuesday after the first Monday in November, 1946, as canvassed and certified by said Canvassing Board, in accordance with said Part 1, Article IV of the Constitution of the State of Arizona and Section 55-908, Chapter 55, and Section 60-109, Chapter 60, Arizona Code Annotated 1939, that a proposed amendment to the Constitution of the State of Arizona entitled, and in the form and manner following:

SENATE CONCURRENT RESOLUTION NO. 6

SEVENTEENTH LEGISLATURE, REGULAR SESSION

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE EXECUTIVE DEPARTMENT

BE IT RESOLVED BY THE SENATE OF THE STATE OF ARIZONA, THE HOUSE OF REPRESENTATIVES CONCURRING:

1. The following amendment to section 1, article V, Constitution of Arizona, is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

Section 1. The Executive Department of the State shall consist of Governor, Secretary of State, State Auditor, State Treasurer, Attorney - General, and Superintendent of Public Instruction, each of whom shall hold his office for four years beginning on the first Monday of January next after his election.

The persons respectively having the highest number of votes cast for the office shall be elected, but if two or more persons shall have an equal and the highest number of votes for any one of said offices, the two Houses of the Legislature at its next regular session shall elect forthwith, by joint ballot, one of such persons for said office.

The officers of the Executive Department during their terms of office shall reside at the seat of government, where they shall keep their offices and the public records, books and papers. They shall perform such duties as are prescribed by this Constitution and as may be provided by law.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by article XXI, Constitution of Arizona.

Adopted by the Senate, February 5, 1945

Adopted by the House of Representatives, February 20, 1945

Filed in the office of the Secretary of State, February 21, 1945

was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 42,304 votes cast in favor of said amendment, and 55,930 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said election were opposed thereto.

NOW, THEREFORE, I, Sidney P. Osborn, Governor of the State of Arizona, under and by virtue of the authority in me vested by subsection 13 of Section 1, Part 1 of Article IV of the Constitution of the

State of Arizona, and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, do hereby declare that said referendum measure referred by the Legislature hereinbefore referred to have been duly and regularly rejected by the electors of the State of Arizona at said general election so held on said first Tuesday after the first Monday in November, 1946.

WHEREAS, it appears from the returns of said general election held on the said first Tuesday after the first Monday in November, 1946, as canvassed and certified by said Canvassing Board, in accordance with said Article IV, Part 1, of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109 Chapter 60, Arizona Code Annotated 1939, that a referendum measure entitled, and in the form and manner following:

SENATE CONCURRENT RESOLUTION NO. 7

SEVENTEENTH LEGISLATURE, REGULAR SESSION

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO COUNTY OFFICERS

BE IT RESOLVED BY THE SENATE OF THE STATE OF ARIZONA, THE HOUSE OF REPRESENTATIVES CONCURRING:

1. The following amendment to section 3, article XII, Constitution of Arizona, is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

> Section 3. There shall be, in each county of the State: a Sheriff, a County Attorney, a Recorder, a Treasurer, an Assessor, a Superintendent of Schools, and three Supervisors, each of whom shall hold his office for a term of four years, beginning on the first Monday in January next after his election. The Supervisors shall be nominated and elected from districts.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by article XXI, Constitution of Arizona.

Adopted by the Senate, February 7, 1945

Adopted by the House, February 20, 1945

Filed in the office of the Secretary of State, February 21, 1945

was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 36,666 votes cast in favor of said amendment, and 51,539 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said general election upon said amendment were opposed thereto.

NOW, THEREFORE, I, Sidney P. Osborn, Governor of the State of Arizona, under and by virtue of the authority in me vested by subsection 13 of Section 1, Part 1 of Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, do hereby declare that said proposed amendment to the Constitution of the State of Arizona and the said referendum measure referred by the Legislature hereinbefore referred to have been duly and regularly rejected by the electors of the State of Arizona at said general election so held on said first Tuesday after the first Monday in November, 1946.

WHEREAS, it appears from the returns of said general election held on the said first Tuesday after the first Monday in November, 1946, as canvassed and certified by said Canvassing Board, in accordance with said Part 1, Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109 Chapter 60, Arizona Code Annotated 1939, that a referendum measure entitled, and in the form and manner following:

HOUSE CONCURRENT RESOLUTION NO. 1

SEVENTEENTH LEGISLATURE, REGULAR SESSION

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO PUBLIC DEBT, REVENUE, AND TAXATION, AND PROVIDING FOR EXEMPTIONS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ARIZONA, THE SENATE CONCURRING:

1. The following amendment to section 2, article 9, Constitution of Arizona, is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

> Section 2. **Tax Exemptions.** There shall be exempt from taxation all federal, state, county and municipal property. Property of educational, charitable and religious associations or institutions not used or held for profit may be exempt from taxation by law. Public debts, as evidenced by the bonds of Arizona, its counties, municipalities, or other subdivisions, shall also be exempt from taxation. There shall be further exempt from taxation the property of widows, honorably discharged soldiers, sailors, United States marines, mem-

bers of revenue marine service, nurse corps, or of the components of auxiliaries of any thereof, residents of this state, not exceeding the amount of two thousand dollars, where the total assessment of such widow and such other persons named herein does not exceed $5,000.00; provided, that no such exemption shall be made for such persons other than widows unless they shall have served at least sixty days in the military or naval service of the United States during time of war, and shall have been residents of this state prior to September 1, 1945. All property in the state not exempt under the laws of the United States or under this constitution, or exempt by law under the provisions of this section shall be subject to taxation to be ascertained as provided by law. This section shall be self-executing.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by article XXI, Constitution of Arizona.

Passed the House, September 29, 1945

Passed the Senate, September 29, 1945

Filed in the office of the Secretary of State, October 10, 1945

was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 48,357 votes cast in favor of said amendment, and 41,040 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said general election upon said amendment were in favor thereof;

NOW, THEREFORE, I, Sidney P. Osborn, Governor of the State of Arizona, under and by virtue of the authority in me vested by subsection 13 of Section 1, Part 1 of Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, do hereby declare that said proposed amendment to the Constitution of the State of Arizona and the said referendum measure referred by the Legislature hereinbefore referred to have been duly and regularly adopted by the electors of the State of Arizona at said general election so held on said first Tuesday after the first Monday in November, 1946, and it is hereby declared to be law, and in accordance with provisions of Arizona Constitution is declared effective as of this date.

WHEREAS, it appears from the returns of said general election held on the said first Tuesday after the first Monday in November, 1946, as canvassed and certified by said Canvassing Board, in accordance with said Part 1, Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109 Chapter 60, Arizona Code Annotated 1939, that an initiative petition entitled, and in the form and manner following:

INITIATIVE PETITION

AMENDMENT TO THE CONSTITUTION BY INITIATIVE PETITION

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF ARIZONA

AN ACT

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF ARIZONA AMENDING THE CONSTITUTION BY THE ADDITION THERETO OF A NEW ARTICLE PROVIDING FOR AND PROTECTING THE RIGHT OF NON-MEMBERS OF LABOR ORGANIZATIONS TO THE OPPORTUNITY TO WORK.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

That the Constitution of the State of Arizona be amended by adding thereto another Article to read as follows:

No person shall be denied the opportunity to obtain or retain employment because of non-membership in a labor organization, nor shall the state or any subdivision thereof, or any corporation, individual or association of any kind enter into any agreement, written or oral, which excludes any person from employment or continuation of employment because of non-membership in a labor organization.

was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 61,875 votes cast in favor of said amendment, and 49,557 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said general election upon said amendment were in favor thereof;

NOW, THEREFORE, I, Sidney P. Osborn, Governor of the State of Arizona, under and by virtue of the authority in me vested by sub-section 13 of Section 1, Part 1 of Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, do hereby declare that said proposed amendment to the Constitution of the State of Arizona and the said initiative petition to have been duly and regularly adopted by the electors of the State of Arizona at said general election so held on said first Tuesday after the first Monday in November, 1946, and it is hereby declared to be law, and in accordance with provisions of Arizona Constitution is declared effective as of this date.

WHEREAS, it appears from the returns of said general election held on the said first Tuesday after the first Monday in November, 1946, as canvassed and certified by said Canvassing Board, in accordance with said Part 1, Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109 Chapter 60, Arizona Code Annotated 1939, that an initiative petition entitled, and in the form and manner following:

INITIATIVE PETITION

PROPOSED BY INITIATIVE PETITION

AN ACT

RELATING TO MOTOR VEHICLE FUEL TAX; FIXING THE TAX AND THE DISTRIBUTION AND USE THEREOF; AMENDING SECTION 66-301 OF THE ARIZONA CODE 1939, as amended, (Laws 1927 (4th S.S.), ch. 2, subd. 3, Sections 58, 60, 61, 67, p. 33; cons & rev., R. C. 1928, Sec. 1673 (1st S. S.) ch. 16, Sec. 1, p. 50; 1933, ch. 27, Sec. 2, p. 53; 1943, ch. 43, Sec. 1, p. 90).

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. Section 66-301, Arizona Code 1939, as amended, is amended to read:

66-301. Amount of tax—When payable—Distribution.—Every distributor shall pay to the State, in addition to all other taxes provided by law, a license tax of five cents (5c) for each gallon of motor vehicle fuel possessed, refined, manufactured, produced, blended or compounded in this State by such distributor, or imported by such distributor, whether in the original package or container in which it was imported or otherwise. The payment of the Tax herein imposed shall not be required on any motor vehicle fuel possessed at the time this law becomes effective, and upon which a tax has been paid to the state under the provisions of chapter 31, Revised Code of 1928, and amendments thereto. In the computation of such tax, one (1) per cent of the tax otherwise due shall be deducted before payment for shrinkage. Such 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 seven-tenths of all such money to the state treasurer, who shall deposit the same in the State Highway fund. The remaining three-tenths thereof shall be paid by the vehicle superintendent to the several county treasurers of the state in the proportion that the sale of motor vehicle fuel in such county shall bear to the total sales of motor vehicle fuel throughout the state, two-thirds of which shall be retained by the counties for the purposes hereinafter set forth, and the balance forthwith paid by each of the county treasurers to the several incorporated cities and towns within the boundaries of such county in proportion to their population as shown by the most recent United States Census. In the event there be no incorporated city or town in a county, the amount allocated thereto shall revert to such county for the purposes provided herein. Such tax accruing to the incorporated cities and towns shall be used by them as may be determined by the governing bodies thereof solely for the improvement, construction, reconstruction or maintenance of municipal streets and highways and administrative expenses in connection therewith, including the retirement of bonds issued after the effective date of this act for the payment of which such revenues have been pledged, and for no other purposes. Such 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 V of Chapter 73, Arizona Code 1939, as amended. Such tax accruing to the counties shall be used by the counties as may be 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. The vehicle superintendent shall deduct all exemptions and refunds from said tax before making the division between the state and counties.
was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 47,069 votes cast in favor of said amendment, and 45,975 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said general election upon said amendment were in favor thereof;

NOW, THEREFORE, I, Sidney P. Osborn, Governor of the State of Arizona, under and by virtue of the authority in me vested by sub-section 13 of Section 1, Part 1 of Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, do hereby declare that the said initiative petition hereinbefore referred to has been duly and regularly adopted by the electors of the State of Arizona at said general election so held on said first Tuesday after the first Monday in November, 1946, and is therefore declared to be law, and in accordance with provisions of Arizona Constitution is declared effective as of this date.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed hereto.

DONE AT PHOENIX, the Capitol, this twenty-fifth day of November, 1946

SIDNEY P. OSBORN (Signed)
Governor

ATTEST:
DAN E. GARVEY (Signed)
Secretary of State

REFERENDUM MEASURE

VOTED ON BY THE PEOPLE
AT THE GENERAL ELECTION
HELD ON NOVEMBER 5, 1946

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON NOVEMBER 5, 1946

Referred to the people by the Legislature and filed in the office of the Secretary of State, October 10, 1945, and printed in pursuance of Paragraph 60-107, Chapter 60, Article 1, Arizona Code Annotated 1939.

DAN E. GARVEY, Secretary of State.

(On Official Ballot Nos. 104-105)

HOUSE CONCURRENT RESOLUTION NO. 1

SEVENTEENTH LEGISLATURE, FIRST SPECIAL SESSION

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO PUBLIC DEBT, REVENUE, AND TAXATION, AND PROVIDING FOR EXEMPTIONS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ARIZONA THE SENATE CONCURRING:

1. The following amendment to section 2, article 9, Constitution of Arizona, is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

Section 2. TAX EXEMPTIONS. There shall be exempt from taxation all federal, state, county and municipal property. Property of educational, charitable and religious associations or institutions not used or held for profit may be exempt from taxation by law. Public debts, as evidenced by the bonds of Arizona, its counties, municipalities, or other subdivisions, shall also be exempt from taxation. There shall be further exempt from taxation the property of widows, honorably discharged soldiers, sailors, United States marines, members of revenue marine service, nurse corps, or of the components of auxiliaries of any thereof, residents of this state, not exceeding the amount of two thousand dollars, where the total assessment of such widow and such other persons named herein does not exceed $5,000.00; provided, that no such exemption shall be made for such persons other than widows unless they shall have served at least sixty days in the military or naval service of the United States during time of war, and shall have been residents of this state prior to September 1, 1945. All property in the state not exempt under the laws of the United States or under this constitution, or exempt by law under the provisions of this section shall be subject to taxation to be ascertained as provided by law. This section shall be self-executing.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by article XXI, Constitution of Arizona.

Passed the House—September 29, 1945.

Passed the Senate—September 29, 1945.

Filed in the Office of the Secretary of State—October 10, 1945.

DAN E. GARVEY, Secretary of State

The following is the form and number in which the question will be printed on the Official Ballot:

PROPOSED AMENDMENT TO THE CONSTITUTION

PROPOSED BY THE LEGISLATURE

RELATING TO

"TAX EXEMPTION"

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO PUBLIC DEBT, REVENUE, AND TAXATION, AND PROVIDING FOR EXEMPTIONS.

If you favor the above law, vote YES; if opposed, vote NO.

104 Yes ☐ 48,357

105 No ☐ 41,040

INITIATIVE MEASURE

VOTED ON BY THE PEOPLE
AT THE GENERAL ELECTION
HELD ON NOVEMBER 5, 1946

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON NOVEMBER 5, 1946

Proposed by Initiative Petition of the People and filed in the office of the Secretary of State, July 2, 1946, and printed in pursuance of Paragraph 60-107, Chapter 60, Article 1, Arizona Code Annotated 1939.

DAN E. GARVEY, Secretary of State.

(On Official Ballot Nos. 106-107)

INITIATIVE PETITION

AMENDMENT TO THE CONSTITUTION BY INITIATIVE PETITION

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF ARIZONA

AN ACT

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF ARIZONA AMENDING THE CONSTITUTION BY THE ADDITION THERETO OF A NEW ARTICLE PROVIDING FOR AND PROTECTING THE RIGHT OF NON-MEMBERS OF LABOR ORGANIZATIONS TO THE OPPORTUNITY TO WORK.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

That the Constitution of the State of Arizona be amended by adding thereto another Article to read as follows:

No person shall be denied the opportunity to obtain or retain employment because of non-membership in a labor organization, nor shall the state or any subdivision thereof, or any corporation, individual or association of any kind enter into any agreement, written or oral, which excludes any person from employment or continuation of employment because of non-membership in a labor organization.

The following is the form and number in which the question will be printed on the Official Ballot:

PROPOSED AMENDMENT TO THE CONSTITUTION

PROPOSED BY INITIATIVE PETITION

RELATING TO

"PROVIDING FOR AND PROTECTING THE RIGHT OF

NON-MEMBERS OF LABOR ORGANIZATIONS

TO THE OPPORTUNITY TO WORK"

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF ARIZONA AMENDING THE CONSTITUTION BY THE ADDITION THERETO OF A NEW ARTICLE PROVIDING FOR AND PROTECTING THE RIGHT TO NON-MEMBERS OF LABOR ORGANIZATIONS TO THE OPPORTUNITY TO WORK.

If you favor the above law, vote YES; if opposed, vote NO.

106 Yes ☐ 61,875

107 No ☐ 49,557

INITIATIVE MEASURE

VOTED ON BY THE PEOPLE
AT THE GENERAL ELECTION
HELD ON NOVEMBER 5, 1946

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON NOVEMBER 5, 1946

Proposed by Initiative Petition of the People and filed in the office of the Secretary of State, June 26, 1946, and printed in pursuance of Paragraph 60-107, Chapter 60, Article 1, Arizona Code Annotated 1939.

DAN E. GARVEY, Secretary of State.

(On Official Ballot Nos. 300-301)

INITIATIVE PETITION

PROPOSED BY INITIATIVE PETITION

AN ACT

RELATING TO MOTOR VEHICLE FUEL TAX; FIXING THE TAX AND THE DISTRIBUTION AND USE THEREOF; AMENDING SECTION 66-301 OF THE ARIZONA CODE 1939, as amended, (Laws 1927 (4th S. S.), ch. 2, subd. 3, Sections 58, 60, 61, 67, p. 33; cons & rev., R. C. 1928, Sec. 1673; Laws 1931 (1st S.S.), ch. 16, Sec. 1, p. 50; 1933, ch. 27 Sec. 2, p 53; 1943, ch. 43, Sec. 1, p. 90).

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. Section 66-301, Arizona Code 1939, as amended, is amended to read:

66-301. Amount of tax—When payable—Distribution.—Every distributor shall pay to the State, in addition to all other taxes provided by law, a license tax of five cents (5c) for each gallon of motor vehicle fuel possessed, refined, manufactured, produced, blended or compounded in this State by such distributor, or imported by such distributor, whether in the original package or container in which it was imported or otherwise. The payment of the Tax herein imposed shall not be required on any motor vehicle fuel possessed at the time this law becomes effective, and upon which a tax has been paid to the state under the provisions of chapter 31, Revised Code of 1928, and amendments thereto. In the computation of such tax, one (1) per cent of the tax otherwise due shall be deducted before

payment for shrinkage. Such 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 seven-tenths of all such money to the state treasurer, who shall deposit the same in the State Highway fund. The remaining three-tenths thereof shall be paid by the vehicle superintendent to the several county treasurers of the state in the proportion that the sale of motor vehicle fuel in such county shall bear to the total sales of motor vehicle fuel throughout the state, two-thirds of which shall be retained by the counties for the purposes hereinafter set forth, and the balance forthwith paid by each of the county treasurers to the several incorporated cities and towns within the boundaries of such county in proportion to their population as shown by the most recent United States Census. In the event there be no incorporated city or town in a county, the amount allocated thereto shall revert to such county for the purposes provided herein. Such tax accruing to the incorporated cities and towns shall be used by them as may be determined by the governing bodies thereof solely for the improvement, construction, reconstruction or maintenance of municipal streets and highways and administrative expenses in connection therewith, including the retirement of bonds issued after the effective date of this act for the payment of which such revenues have been pledged, and for no other purposes. Such 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 V of Chapter 73, Arizona Code 1939, as amended. Such tax accruing to the counties shall be used by the counties as may be 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. The vehicle superintendent shall deduct all exemptions and refunds from said tax before making the division between the state and counties.

The following is the form and number in which the question will be printed on the Official Ballot:

PROPOSED BY INITIATIVE PETITION

"DISTRIBUTION AND USE OF MOTOR VEHICLE FUEL TAX"

RELATING TO MOTOR VEHICLE FUEL TAX; FIXING THE TAX AND THE DISTRIBUTION AND USE THEREOF; AMENDING SECTION 66-301 OF THE ARIZONA CODE 1939, AS AMENDED, (Laws 1927 (4th S.S.), ch. 2, subd. 3, Sections 58, 60, 61, 67, p. 33; cons. & rev., R. C. 1928, Sec. 1673; Laws 1931 (1st S.S.) ch. 16, Sec. 1, p. 50; 1933, ch. 27, Sec. 2, p. 53; 1943, ch. 43, Sec. 1, p. 90).

If you favor the above law, vote YES; if opposed, vote NO.

300 Yes ☐ 47,069

301 No ☐ 45,975

STATE OF ARIZONA

EXECUTIVE DEPARTMENT

* A PROCLAMATION BY THE GOVERNOR OF ARIZONA *

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

WHEREAS, Section 11, Article VII Constitution of the State of Arizona provides that there shall be a general election of Representatives in Congress and of state, county and precinct officers on the First Tuesday after the First Monday in November of the first even numbered year in which Arizona is admitted to Statehood and biennially thereafter; and

WHEREAS, Articles IV and XXI of the Constitution of the State of Arizona, and Article 1, Chapter 60, Arizona Code Annotated 1939, provide that proposed amendments to the Constitution of the State of Arizona shall be submitted to the electors of the State of Arizona at a special or general election, either by initiative petitions or by the Legislature of the State of Arizona, and said Article IV of the Constitution of the State of Arizona and said Article 1, Chapter 60, Arizona Code Annotated 1939, further provide that initiative measures and legislative measures against which the referendum is applied shall be submitted to the electors of the State of Arizona; and

WHEREAS, at the general election held on the first Tuesday after the first Monday in November, 1946, there was, in accordance with the provisions of said Articles IV and XXI of the Constitution of the State of Arizona, and said Article 1, Chapter 60, Arizona Code Annotated 1939, submitted to the electors of the State of Arizona one proposed amendment to the Constitution of the State of Arizona, which said proposed amendment was proposed by Referendum by the Seventeenth Legislature of Arizona, Third Special Session; and

WHEREAS, Sub-section 13, Section 1, Part 1, Article IV, Constitution of Arizona and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, provide that when the Canvassing Board of the State of Arizona shall have counted the votes cast at a general or special election, and shall have verified the returns thereof, it shall be the duty of the Governor of the State of Arizona to issue his proclamation giving the whole number of votes cast for and against each measure or proposed amendment, and declaring such measures or amendments as are approved by a majority of those electors voting thereon to be in full force and effect as the law of the State of Arizona, from the date of said proclamation; and

WHEREAS, it appears from the returns of said special election held on the said first Tuesday after the first Monday in November, 1946, as canvassed and certified by said Canvassing Board, in accordance with said Article IV of the Constitution of the State of Arizona and Section 55-908, Chapter 55, and Section 60-109, Chapter 60, Arizona Code Annotated 1939, that a proposed amendment to the Constitution of the State of Arizona entitled and in the form and manner following:

AN ACT

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA, RELATING TO THE LEGISLATURE; CALLING A SPECIAL ELECTION FOR THE SUBMISSION OF THE SAME; PROVIDING FOR PUBLICITY; MAKING AN APPROPRIATION; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

SEC. 1. Amendment. The following amendment to subsection 2, section 1, article IV, Constitution of Arizona, is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

(2) Members of the Legislature shall receive a compensation of fifteen dollars per day each, for a period not to exceed sixty days in any regular session and twenty days in any special session. Members shall also receive mileage one way by the shortest practicable route at the rate of twenty cents per mile.

SEC. 2. Submission by secretary of state. 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 a special election called for that purpose as provided by section 3.

SEC. 3. Special election. Under the authority of section 1, article XXI, Constitution of Arizona, a special election is called to be held November 5, 1946, concurrently with the general election, and to be conducted by the officers conducting said general election, for the purpose of submitting the proposed amendment.

SEC. 4. Publicity. The secretary of state shall cause to be printed in pamphlet form a true copy of the title and text of the proposed amendment, with the number and form in which the title thereof will be printed on the official ballot, together with such arguments, as authorized by subsection (d), section 60-107, Arizona Code of 1939, as may be submitted to him, within ten days from the date of approval of this Act, but not later than October 5, 1946. Not less than twenty days before the election provided for in section 3 he shall transmit by mail, postage prepaid, one copy of such pamphlet to every registered voter in the state, according to the records in his office.

SEC. 5. Appropriation. The sum of twelve thousand dollars is appropriated to the secretary of state to defray the expenses incurred in carrying out the provisions of section 4.

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.

Passed the House of Representatives, September 27, 1946

Passed the Senate, September 28, 1946

Approved by the Governor, September 30, 1946

Filed in the office of the Secretary of State, September 30, 1946.

was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 49,877 votes cast in favor of said amendment, and 54,502 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said election were opposed thereto.

NOW, THEREFORE, I, Sidney P. Osborn, Governor of the State of Arizona, under and by virtue of the authority in me vested by sub-section 13 of Section 1, Part 1, of Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, do hereby declare that said proposed amendment to the Constitution of the State of Arizona and the said referendum measure referred by the Legislature hereinbefore referred to have been duly and regularly rejected by the electors of the State of Arizona at said general election so held on said first Tuesday after the first Monday in November, 1946.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed hereto.

DONE AT PHOENIX, the Capitol, this Twenty-fifth day of November, 1946.

SIDNEY P. OSBORN (Signed)
Governor

ATTEST:

DAN E. GARVEY (Signed)
Secretary of State

BILLS VETOED BY THE GOVERNOR

EXECUTIVE OFFICE
STATE HOUSE
PHOENIX, ARIZONA

March
Thirty-first
1 9 4 7

Honorable Dan E. Garvey
Secretary of State

My dear Mr. Secretary:

House Bill No. 300 "An Act relating to the Highway Patrol Division and the duties of the Patrol and amending Section 66-704, Arizona Code Annotated, 1939" limits the activities of the Highway Patrol to state highways.

Upon first reading this proposed legislation, I was inclined to favor it, however, after going into it more thoroughly and considering the effect it might have, I am fearful that if it was approved, it would hamper the Patrol's activities, particularly in the matter of safety. There can be no more important public activity than promoting safety on the highways.

Apprehensive that the provisions of this Bill would tend to lessen rather than give more protection to those who use the highways I have today disapproved House Bill No. 300.

Sincerely,

/s/ SIDNEY P. OSBORN,
Governor

SPO:E

HOUSE BILL NO. 300

AN ACT

RELATING TO THE HIGHWAY PATROL DIVISION AND THE DUTIES OF THE PATROL AND AMENDING SECTION 66-704, ARIZONA CODE ANNOTATED, 1939.

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

Section 1. Section 66-704, Arizona Code Annotated, 1939, be, and the same is amended to read as follows:

66-704. DUTIES OF PATROL. It shall be the duty of the Arizona Highway Patrol to patrol those highways of the state, designated as state highways and streets of incorporated cities or towns which form necessary or convenient links for the connection of sections of state high-

ways, both day and night, and enforce the laws relating to the use of said highways; to investigate all accidents which occur upon said highways, and to procure the name of the drivers and the descriptions and license numbers of the motor vehicle involved, and to transmit forthwith to the vehicle superintendent a copy of the report of such investigation.

Disapproved by the Governor—March 31, 1947.

Filed in the Office of the Secretary of State—April 1, 1947.

EXECUTIVE OFFICE
STATE HOUSE
PHOENIX, ARIZONA

March
Thirty-first
1 9 4 7

Honorable Dan E. Garvey
Secretary of State

My dear Mr. Secretary:

Senate Bill No. 3 "An Act relating to labor, and providing a method for the conciliation of labor disputes" provides for setting up by law a division of labor conciliation. It is based upon the Minnesota Labor Conciliation Act. However, it omits a number of provisions embodied in the Minnesota Act. Why, I do not know.
Much good could come from such an act, however, it does not carry the emergency and is, therefore, subject to referendum. That those opposing the measure will invoke the referendum if Senate Bill No. 3 is approved, there can be no doubt.

Compulsory conciliation is new. New legislation should always be easily amendable in order that it be perfected, otherwise more harm than good could be the result. In experimenting with restrictive legislation the Legislature must have authority to correct mistakes by amendment. If a referendum is invoked and the measure approved by the people this would not be possible. This to my mind is sufficient reason for the bill's disapproval and I have this day disapproved Senate Bill No. 3.

Sincerely,

/s/ SIDNEY P. OSBORN,
Governor

SPO:E

SENATE BILL NO. 3

AN ACT

RELATING TO LABOR, AND PROVIDING A METHOD FOR THE CONCILIATION OF LABOR DISPUTES.

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

Section 1. DEFINITIONS. As used in this Act, unless the context otherwise requires:

"division" means the division of labor conciliation.

"labor organization" means an organization of employees for the purpose of collective bargaining with employers concerning grievances or conditions of employment.

"authorized representative" means the representative approved by a majority of the members of a collective bargaining unit voting by secret ballot at an election called by the authorized agent of the unit after reasonable notice to all members of the unit of the time and place of election.

"labor dispute" means a controversy concerning employment or the right of association for the purpose of arranging terms of employment.

"competent evidence" means evidence admissible in a court of equity and other evidence, exclusive of hearsay, as is relevant and material to the issues.

"interstate commerce" means trade, traffic, commerce, transportation, or communication among the several states or between any foreign country and any state.

Sec. 2. NOTICE OF INTENT TO STRIKE OR LOCKOUT. When a labor organization or its duly authorized representative, or an employer or his duly authorized representative desires to negotiate a collective bargaining agreement, to make a change in an existing agreement or in conditions of employment, or to complain of an unfair labor practice, written notice thereof shall be served on the opposite party by the party desiring an agreement, proposing a change, or making a complaint. Upon receipt of such notice, it is the duty of the labor organization and the employer to endeavor to reach an agreement regarding the demand, change, or complaint.

Sec. 3. NOTICE TO LABOR CONCILIATOR. (a) In the event no agreement is reached within ten days of the service of the notice provided for in section 2, notice of any contemplated strike or lockout shall be served on the opposing party or its authorized representative and on the labor conciliator at least ten days before the strike or lockout is to become effective. If the strike or lockout does not begin within ninety days of service of the notice, and the parties have not filed with the labor conciliator a written agreement to extend the period, a new notice must be served.

(b) Notice to the labor conciliator shall be signed by the officers of the employees' organization, its authorized representative, or the committee selected to conduct the strike, or, as the case may be, by the employer or his duly authorized agent, and shall be served by delivery to the labor conciliator in person or by registered mail addressed to his office. The notice shall state the facts of the dispute and the demands of the party serving it.

Sec. 4. CONFERENCE. Upon receipt of notice, the labor conciliator shall fix a time and place for a conference with the parties to the dispute for the purpose of negotiating an agreement. The conference shall continue until agreement is reached or until adjourned by the labor conciliator, but shall not exceed the ten day period provided for in section 3 (a) unless by mutual consent of the parties.

Sec. 5. COMMISSION. (a) When a labor dispute occurs in an industry, business or institution affected with the public interest and temporary suspension thereof will endanger the public health or safety, the labor conciliator, upon receipt of notice of such dispute, shall forward a copy of the notice to the governor who may, within five days, appoint a commission of three members to conduct a hearing and report on the issues of the dispute. Appointment of a commission shall preclude parties to the dispute from taking action toward instituting a strike or lockout for a period of thirty days from the day the governor is notified of the dispute.

(b) Members of the commission shall, by vocation, employment or affiliation, represent employers, employees and the public. The commission shall have power to subpoena witnesses and compel the production of evidence.

(c) The commission shall report to the governor on the issues involved in the dispute and the merit of the contentions of the parties to it not less than five days before

the end of the thirty day period prescribed in subsection (a).

Sec. 6. ARBITRATION. In the event a labor dispute is not settled by conciliation, it may, by written consent of the parties, be submitted to arbitration on specified terms. The arbitration tribunal shall file a copy of its report, certified by the chairman, with the labor conciliator.

Sec. 7. UNFAIR LABOR PRACTICES. (a) It is an unfair labor practice for a labor organization or an employee to: 1. violate the terms of an existing collective bargaining agreement; 2. institute a strike in violation of a valid collective bargaining agreement when the employer is complying in good faith with the terms thereof; 3. institute a strike without the authorization of the collective bargaining unit in the employ of the person against whom the strike is directed; 4. compel or attempt to compel a person to join or refrain from joining a labor organization or strike against his will by means of intimidation or use of force against him or a member of his family; 5. unlawfully seize or occupy property during a labor dispute; 6. picket or cause to be picketed a place of employment which does not employ members of the organization conducting the strike, or, 7. institute a strike in violation of sections 2 and 3.

(b) It is an unfair labor practice for an employer or his duly authorized representative to: 1. institute a lockout of employees in violation of a valid collective bargaining agreement when the employees are complying in good faith with the terms thereof; 2. encourage or discourage membership in a labor organization through discrimination in employment or tenure, unless the collective bargaining agreement between the employer and employee so provides; 3. distribute a blacklist of members of a labor organization to prevent them from obtaining or retaining employment; 4. discharge or discriminate against an employee who gives information or testimony under the provisions of this Act, or, 6. institute a lockout of employees in violation of sections 2 and 3.

Sec. 8. INJUNCTIVE RELIEF. (a) When an unfair labor practice, as defined in section 7, has been committed or is threatened, a suit to enjoin such a practice may be maintained in the superior court of the county wherein the practice has occurred or is threatened, and in such case the provisions of section 26-109, as to any conflict with this section, shall not apply.

(b) The court shall not issue a temporary or perman-

ent injunction except after hearing the testimony of witnesses in open court with opportunity for cross-examination, and except after findings of fact that the acts defined in section 7 as unfair labor practices have been committed and will be continued or have been threatened and will be committed unless restrained. No temporary restraining order shall be issued except upon the testimony of witnesses produced by the applicant in open court of which a record shall be kept, and if issued shall be returnable within seven days.

(c) The court shall give the trial or hearing of any suit or proceeding arising under this section precedence over all other civil suits. Failure of the court to decide a motion for a temporary injunction within sixty days from the date of conclusion of the hearing thereon shall dissolve any restraining order issued therein without further order. Failure to decide any suit brought under this section within forty-five days from the date of conclusion of the trial shall automatically dissolve any restraining or temporary injunction issued therein.

(d) No employer, employee or labor organization guilty of the violation of any provision of this Act with respect to any labor dispute shall be entitled to the benefits thereof with respect to such dispute, nor to maintain an action for injunctive relief growing out of the same, until he shall have in good faith, made use of all lawful means available for the peaceable settlement of the dispute.

Sec. 9. REPRESENTATIVES. For the purpose of collective bargaining, representatives shall be designated by employee organizations and employers and the names of such representatives filed with the labor conciliator.

Sec. 10. DIVISION OF LABOR CONCILIATION. The division of labor conciliation shall have jursidiction of all labor disputes, and shall be under the charge and direction of the labor conciliator. It shall constitute a division of the industrial commission of Arizona, but shall not be subject to supervision or control by the commission.

Sec. 11. LABOR CONCILIATOR. (a) Within thirty days after this Act takes effect the governor, with the advice and consent of the senate, shall appoint a labor conciliator, for a term ending on the first Monday in January, 1951. Thereafter the term of office of the labor conciliator shall be four years. Appointment to fill a vacancy caused otherwise than by expiration of term shall be for the unexpired term. The labor conciliator shall receive a salary of four thousand five hundred dollars per year, and he shall

receive mileage and travel expenses as prescribed for state officers.

(b) Special conciliators may be appointed by the governor for the duration of a particular labor dispute to aid in the settlement thereof, and when so appointed shall have the same power as the labor conciliator.

Sec. 12. DUTIES OF CONCILIATOR. (a) The labor conciliator shall adopt rules and regulations for the government of his organization and the conduct of conferences prescribed by this Act.

(b) The labor conciliator shall appoint such assistants and clerks as may be necessary to carry out the provisions of this Act, and assign their duties.

Sec. 13. POLITICAL ACTIVITY. Neither the labor conciliator nor any employee under the provisions of this Act shall engage in political activity, and shall be subject to removal for any violation of this section, after a hearing before the governor in the case of the labor conciliator, or before the labor conciliator in the case of an employee.

Sec. 14. COMPENSATION OF SPECIAL CONCILIATORS. Members of the commission provided for in section 5 and special conciliators shall each receive fifteen dollars per day, and they shall receive mileage and travel expenses as prescribed for state officers.

Sec. 15. ACT INAPPLICABLE TO INTERSTATE COMMERCE. The provisions of this Act shall not apply to any industry affecting interstate commerce.

Disapproved by the Governor—March 31, 1947.

Filed in the Office of the Secretary of State—April 1, 1947.

EXECUTIVE OFFICE

STATE HOUSE

PHOENIX, ARIZONA

March
Thirty-first
1 9 4 7

Honorable Dan E. Garvey
Secretary of State

My dear Mr. Secretary:

Senate Bill No. 66, "An Act Relating to boycotts, defining and pro-

hibiting secondary boycotts, providing penalties and actions for violation, and declaring an emergency" is primarily to define and prohibit secondary boycotts although it does contain some other restrictive provisions.

That the secondary boycott has been abused, there can be no denial. However, one-sided, restrictive legislation never accomplishes a worthy purpose. Also it appears that the comparatively few abuses practiced under the secondary boycott are rapidly being eliminated. This act is contrary to the entire theory of modern standards of employer and employee relationships.

This is one of a series of restrictive measures proposed not only in Arizona, but in many other states and their restrictive provisions would appear not conducive to labor peace.

When labor is powerful, legislation is ofttimes enacted designed to give labor unfair privileges. When industry has the upper hand, legislation is enacted to take away rights from labor and give industry unfair privileges. This is a see-saw and is unsatisfactory as it always causes unrest, discrimination and unfairness.

What happens to labor affects our entire nation. What happens to industry does likewise. Labor and management are natural friends — not natural enemies. What is good for labor is good for management; what is good for management is good for labor. Without labor industry is helpless. The same is true of labor without management. Management and labor working together have made our country great. Management and labor divided, quarrelling and fighting will destroy our country. Therefore, it would seem that in free bargaining, labor and management can and will adjust their differences. They can do so better without restrictive legislation than with it.

In other words, there can only be labor peace and high production when labor and management sit down around a table and arrive at satisfactory adjustment of their differences by free bargaining and not by legal compulsion.

Seldom, if ever, is legislation perfect when first enacted. After it is in effect its imperfections show up and then the legislative powers can correct it. This measure and the two companion measures do not carry the emergency clause, which means that they would not become effective until ninety days after the close of the session at which they were enacted. This gives opportunity to invoke the referendum. I am reliably informed that should this, or the companion bills, affecting labor, any or all of them, be approved that a referendum will be filed. It would seem that untried restrictive measures should not be permitted to get into the situation where they cannot be amended or changed by legislative act.
For these reasons I have today disapproved Senate Bill No. 66.

Sincerely,

/s/ SIDNEY P. OSBORN,
Governor

SPO:E

SENATE BILL NO. 66

AN ACT

RELATING TO BOYCOTTS, DEFINING AND PROHIBITING SECONDARY BOYCOTTS, PROVIDING PENALTIES AND ACTIONS FOR VIOLATION, AND DECLARING AN EMERGENCY.

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

Section 1. DEFINITION OF SECONDARY BOYCOTT. As used in this Act, a secondary boycott means:

(1) a combination or conspiracy by two or more persons by a strike, threat to strike, picketing, threat to picket, violence, or by concerted refusal to process, install, service, handle, transport or otherwise deal with specified articles or materials, to force or require any person to cease or partially cease processing, installing, servicing, selling, handling or transporting the products of or otherwise dealing with any other person for the purpose of forcing or requiring such other person to recognize, bargain with or comply with the demands of a labor organization;

(2) any act, combination or agreement which directly or indirectly causes, induces, or compels another to strike, threaten to strike, picket, threaten to picket, commit violence, or refuse to process, install, service, handle, transport or otherwise deal with specified articles or materials, to force or require any person to cease or partially cease processing, installing, servicing, selling, handling or transporting the products of or otherwise dealing with any other person for the purpose of forcing or requiring such other person to recognize, bargain with or comply with the demands of a labor organization.

Sec. 2. SECONDARY BOYCOTTS ARE ILLEGAL. A secondary boycott is hereby declared to be illegal.

Sec. 3. DAMAGES TO PERSONS INJURED. Any person who shall be injured in his person, property or business by any other person engaging in a secondary boycott may sue therefor and shall recover the damages sustained by him, and in any such action any labor organization, subdivision or local thereof shall be held to be bound by the acts of its duly authorized agents acting within the scope of their authority and may sue or be sued in its common name.

Sec. 4. INJUNCTIVE RELIEF. Any person injured or threatened with injury by any act declared illegal by this Act shall, notwithstanding any other provision of law to the contrary, be entitled to injunctive relief therefrom.

Sec. 5. SEVERABILITY OF PROVISIONS. If any word, clause, phrase, sentence, provision or other part of this Act or the application thereof to any person or circumstance shall be held invalid, the remainder of this Act and the application of such invalid word, clause, phrase, sentence or other provision of this Act to other persons or circumstances shall not be affected thereby.

Sec. 6. DEFINITION OF LABOR ORGANIZATION. The term "labor organization" means any organization of any kind, or any agency or employee representation committee of plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.

Sec. 7. DEFINITION OF PERSON. The word "person" includes a corporation, association, company, firm or labor organization, as well as a natural person.

Sec. 8. PENALTIES. Every person who shall engage in a secondary boycott shall be guilty of a misdemeanor.

Sec. 9. EMERGENCY. To preserve the public peace, health and safety, it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Disapproved by the Governor—March 31, 1947.

Filed in the Office of the Secretary of State—April 1, 1947.

EXECUTIVE OFFICE

STATE HOUSE

PHOENIX, ARIZONA

March
Thirty-first
1 9 4 7

Honorable Dan E. Garvey
Secretary of State

My dear Mr. Secretary:

Senate Bill No. 67 "An Act relating to the enforcement of collective

bargaining contracts; providing that a labor organization may sue or be sued as an entity; making labor organizations liable for the acts of their authorized agents; and declaring an emergency" although it carries other restrictive provisions, is primarily designed to make labor organizations legally liable for failure to carry out their contracts.

It would appear that all persons, associations and corporations should be, by law, required to live up to any contract by them made and this measure would be a proper one were it not for the fact that the closed shop is now, both by our constitution and state law, prohibited. The outlawing of the closed shop puts an entirely different aspect upon this situation.

It is one thing to hold a labor organization to its obligations under a contract where the law enables it, as in the case of the closed shop, to discipline and control the activities of its membership, but it is another thing when, under the law, the union is not in a position to do that. For instance, it could be that a majority of the employees in some activity were members of a union when a contract is signed and then, because no one under the constitution and state law can be denied employment because of membership or nonmembership in a union, that before the expiration of the contract, a majority of the employees might be non-union. How could the union under these circumstances compel the employees who are not members of the organization to live up to the contract?

Also, it could easily be possible for one, two, three or four non-union employees to violate the contract and the union have no manner of compelling them to live up to the union agreement; nevertheless the union, under this act, could be held responsible. That is neither fair nor just.

It would appear, under the circumstances, that this act would make for unrest, confusion and bitterness and tend to promote labor unrest rather than better relations between labor and management.

For these reasons I have today disapproved said Senate Bill No. 67.

Sincerely,

/s/ SIDNEY P. OSBORN,
Governor

SPO:E

SENATE BILL NO. 67

AN ACT

RELATING TO THE ENFORCEMENT OF COLLECTIVE BARGAINING CONTRACTS; PROVIDING THAT A LABOR ORGANIZATION MAY SUE OR BE SUED AS AN ENTITY; MAKING LABOR ORGANIZATIONS LIABLE FOR THE ACTS OF THEIR AUTHORIZED AGENTS; AND DECLARING AN EMERGENCY.

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

Section 1. ENFORCEMENT OF LABOR CONTRACTS. Contracts entered into as the result of collective bargaining between an employer and a labor organization, subdivision or local thereof shall be enforcible at law or in equity, and any breech of any such contract shall be subject to the same remedies, including injunctive relief, as are available on other contracts in this state, notwithstanding any other provision of law to the contrary.

Sec. 2. SUITS BY AND AGAINST LABOR ORGANIZATIONS. Any labor organization, subdivision or local thereof shall be bound by the acts of its duly authorized agents acting within the scope of their authority and may sue or be sued in its common name.

Sec. 3. DEFINITION OF LABOR ORGANIZATION. The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.

Sec. 4. DEFINITION OF PERSON. The word "person" includes a corporation, association, company, firm or labor organization, as well as a natural person.

Sec. 5. SEVERABILITY OF PROVISIONS. If any word, clause, phrase, sentence, provision or other part of this Act or the application thereof to any person or circumstance shall be held invalid, the remainder of this Act and the application of such invalid word, clause, phrase, sentence or other provision of the Act to other persons or circumstances shall not be affected thereby.

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

Disapproved by the Governor—March 31, 1947.

Filed in the Office of the Secretary of State—April 1, 1947.

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ACTS

Memorials and Resolutions

of the

FIRST SPECIAL SESSION

of the

Seventeenth Legislature

of the

STATE OF ARIZONA

1945

First Special Session Convened September 10, 1945

First Special Session Adjourned Sine Die
September 29, 1945

Publication Authorized

(Chapter 142, Subdivision 6, Laws of 1947)

Regular Session, Eighteenth Legislature

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

AUTHENTICATION

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

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

That the First Special Session of the Seventeenth Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, September 10, 1945, and adjourned sine die on the 29th day of September, 1945.

IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 19th day of June, 1947.

DAN E. GARVEY, (Signature)

Secretary of State.

PROCLAMATION

Calling a Special Session of the Seventeenth Legislature

WHEREAS, the Constitution of Arizona (Article IV, Part 2, Section 3) provides: "The Governor may call a special session (of the Legislature), whenever in his judgment it is advisable. In calling such special session the Governor shall specify the subjects to be considered . . . "; and

WHEREAS, the sudden termination of war's hostilities renders imperative the prompt consideration of certain questions affecting the interests and welfare of the State, its returning service men and women, and its citizens generally; and

WHEREAS, the implementation of postwar plans heretofore formulated; the authorization of plans not yet effected, and the extension of legislation to meet foreseeable contingencies arising out of the war and otherwise are of the utmost importance and urgency;

NOW, THEREFORE, I, Sidney P. Osborn, Governor, by virtue of the authority in me vested by the Constitution, and in pursuance of my duty, do hereby call the Legislature to meet in special session at the Capitol on Monday, September 10, 1945, at 10 o'clock A. M., and specify the following subjects to be considered at such session:

1. Matters affecting veterans
2. Postwar reserve fund and planning
3. Assistance for aged citizens
4. Public health
5. Care of mentally defective children
6. Unemployment compensation
7. Highways, roads and streets
8. Colorado river
9. Ground waters
10. Survey of power rates
11. Aviation
12. Public carriers

13. Professional and business pursuits

14. Purchase of surplus property

15. Interstate cooperation

16. Constitutional amendments and initiative measures

17. Consideration of executive appointments

18. Appropriations

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, this first day of September in the year of Our Lord One Thousand Nine Hundred and Forty-five.

SIDNEY P. OSBORN (Signed)
Governor

ATTEST:

Dan E. Garvey (Signed)
Secretary of State

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ORDER OF ACTS

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34. H. B.	6.	Relating to mentally defective children; creating the Arizona children's colony board, and vesting in the board all powers and duties with respect to the care and training of such children. Approved October 11, 1945. Effective December 29, 1945.	553

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ACTS

ACTS

CHAPTER 1

(House Bill No. 21)

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF THE CURRENT AND CONTINGENT EXPENSES OF THE SEVENTEENTH LEGISLATURE, FIRST SPECIAL SESSION, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of thirty-three thousand nine hundred sixty three dollars ten cents ($33,963.10) is appropriated to the seventeenth legislature, first special session.

Section 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to provide for the payment of the current and contingent expenses of carrying on the first special session of the seventeenth legislature, and shall be expended for the following objects in not more than the following amounts:

1. For the payment of salaries: 1a. of members of the senate, three thousand forty dollars ($3,040.00); 1b. of members of the house of representatives, nine thousand two hundred eighty dollars ($9,280.00).

2. For the payment of mileage: 2a. of members of the senate, six hundred twelve dollars forty cents ($612.40); 2b. of members of the house of representatives, one thousand two hundred thirty dollars seventy cents ($1,230.70).

3. For the payment of salaries and wages: 3a. of officers and employees of the senate, one thousand four hundred dollars ($1,400.00); 3b. of officers and employees of the house of representatives, three thousand nine hundred dollars ($3,900.00).

4. For the payment of contingent expenses: 4a. of

the senate, five thousand five hundred dollars ($5,500.00); 4b. of the house of representatives, nine thousand dollars ($9,000.00).

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

Approved by the Governor—September 13, 1945.

Filed in the Office of the Secretary of State—September 13, 1945.

CHAPTER 2

(House Bill No. 22)

AN ACT

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

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

Section 1. APPROPRIATION. The sum of four thousand three hundred forty dollars ($4,340.00) is appropriated to the department of library and archives, for the state legislative bureau.

Section 2. PURPOSE. The appropriation made under the terms of section 1 shall be expended for the following purposes in not more than the following amounts:

1. For the payment of salaries and wages, four thousand forty dollars ($4,040.00).

2. For the purchase of reference material and supplies, three hundred dollars ($300.00).

Section 3. EMERGENCY. To preserve the public

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

Approved by the Governor—September 13, 1945.

Filed in the Office of the Secretary of State—September 13, 1945.

CHAPTER 3

(House Bill No. 23)

AN ACT

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

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

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

Section 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to defray the expense of extra janitors and supplies for the seventeenth legislature, first special session.

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

Approved by the Governor—September 13, 1945.

Filed in the Office of Secretary of State—September 13, 1945.

CHAPTER 4

(House Bill No. 4)

AN ACT

RELATING TO THE COLORADO RIVER; AUTHORIZING THE GOVERNOR TO EMPLOY SPECIAL ATTORNEYS, ENGINEERS AND REPRESENTATIVES TO ATTEND INTERSTATE CONFERENCES AND TO REPRESENT THE STATE IN LEGAL MATTERS RELATING TO THE COLORADO RIVER AND TO FIX THEIR COMPENSATION, AND MAKING AN APPROPRIATION; AND DECLARING AN EMERGENCY.

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

Section 1. POWERS OF THE GOVERNOR. The governor is authorized from time to time to employ such special attorneys and engineers to represent the state in legal matters pertaining to the waters of the Colorado river and to appoint such qualified persons to represent Arizona in interstate conferences concerning irrigation and water matters, as he shall deem advisable, and to fix their compensation.

Section 2. APPROPRIATION. The sum of twenty-five thousand dollars ($25,000) is appropriated to the governor, for the thirty-fourth and thirty-fifth fiscal years, one-half thereof to be available in each of such years, to carry out the purposes of this act. Payments shall be made out of such appropriation only upon claims approved by the governor, and upon such approval of any claim for compensation or traveling expenses, the auditor shall draw his warrant to pay the same.

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

Approved by the Governor—September 29, 1945.

Filed in the Office of the Secretary of State—September 29, 1945.

CHAPTER 5

(House Bill No. 7)

AN ACT

RELATING TO COUNTIES AND COUNTY OFFICERS; AUTHORIZING BOARDS OF SUPERVISORS TO MAINTAIN PUBLIC ROADS AND STREETS OTHER THAN LEGALLY DESIGNATED STATE AND COUNTY HIGHWAYS; PROVIDING FOR THE EXPENDITURE OF PUBLIC MONIES; AND DECLARING AN EMERGENCY.

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

Section. 1. PUBLIC ROADS AND STREETS TO BE MAINTAINED BY BOARDS OF SUPERVISORS. The boards of supervisors may expend public money for the maintenance of public roads and streets other than legally designated state and county highways located without the limits of any incorporated city or town. Before expending public money thereon, such roads or streets shall be laid out, opened and constructed without cost to the county. "Maintenance" on other than legally designated state and county highways shall not be construed to include purchasing or laying rock products, cement or petroleum product materials.

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

Approved by the Governor—September 29, 1945.

Filed in the Office of the Secretary of State—September 29, 1945.

CHAPTER 6

(House Bill No. 25)

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF

OF THE CONVENT OF THE GOOD SHEPHERD AND THE FLORENCE CRITTENTON HOME, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. Thirty thousand two hundred thirty and 17/100 dollars ($30,230.17) is hereby appropriated from the General Fund to the Board of Directors of State Institutions for Juveniles for the relief of the Convent of the Good Shepherd and the Florence Crittenton Home.

Sec. 2. PURPOSE. Twenty-nine thousand five hundred eighty-two and 14/100 dollars ($29,582.14) of this appropriation shall be applied only to and in satisfaction of Certificates of Indebtedness (certificate No. 4 in the amount of one thousand nine hundred forty and 53/100 dollars ($1,940.53), certificate No. 6 in the amount of six thousand seven hundred fifty-seven and 57/100 dollars ($6,757.57), certificate No. 7 in the amount of six thousand six hundred twenty-three and 92/100 dollars ($6,623.92), certificate No. 8 in the amount of seven thousand one hundred seventy-five and 02/100 dollars ($7,175.02), and certificate No. 11 in the amount of seven thousand eighty-five and 10/100 dollars ($7,085.10)) of the Convent of the Good Shepherd based upon care of girl juvenile offenders during the months of February to June, inclusive, 1945, and for which the appropriation for that purpose for the fiscal year ending June 30, 1945, was insufficient.

Six hundred forty-eight and 03/100 dollars ($648.03) of this appropriation shall be applied only to and in satisfaction of Certificates of Indebtedness (certificate No. 5 in the amount of four hundred twenty-three and 15/100 dollars ($423.15), and certificate No. 12 in the amount of two hundred twenty-four and 88/100 dollars ($224.88)) of the Florence Crittenton Home based upon care of girl juvenile offenders for the months of March, April and May of 1945, and for which the appropriation for that purpose for the fiscal year ending June 30, 1945, was insufficient.

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

Approved by the Governor—September 29, 1945.

Filed in the Office of the Secretary of State—September 29, 1945.

CHAPTER 7

(House Bill No. 19)

AN ACT

RELATING TO DEEDS AND CONVEYANCES, AND PROVIDING FOR THE RECORDING OF MASTER MORTGAGES AND THE INCLUSION OF THE PROVISIONS THEREOF IN OTHER MORTGAGES BY REFERENCE, AND CONSTRUCTIVE NOTICE OF SUCH MORTGAGES BY THE RECORDING THEREOF, AND AMENDING SECTIONS 71-415 AND 71-426, ARIZONA CODE OF 1939, AS AMENDED.

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

Section 1. Section 71-415, Arizona Code of 1939, is amended to read:

71-415. ACKNOWLEDGMENT NECESSARY FOR RECORDING. Such instrument shall not be deemed lawfully recorded unless it has been previously acknowledged in the manner hereinafter prescribed, except in the case of master mortgages as provided in section 71-426, Arizona Code of 1939.

Section 2. Section 71-426, Arizona Code of 1939, is amended to read:

71-426. RECORDING CONSTITUTES CONSTRUCTIVE NOTICE. The record of any grant, deed or instrument of writing authorized or required to be recorded, which has been duly acknowledged and recorded in the proper county, shall be taken and held as notice to all persons of the existence of such grant, deed or instrument; provided, however, that a mortgage of real property may be recorded and constructive notice of the same and the contents thereof given in the following manner:

(MASTER MORTGAGES) Any person may record in the office of the county recorder of any county master mortgages of real property. Such master mortgages

need not be acknowledged, or proved or certified to be recorded or entitled to record. Such mortgates shall have noted upon the face thereof that they are master. The county recorder shall index and record such master mortgages in the same manner as other mortgages are recorded and shall note on all indices and records of the same that they are master. Thereafter any of the provisions of any such recorded master mortgage may be included for any and all purposes in any mortgage by reference therein to any such provisions, without setting the same forth in full; provided such master mortgage is of record in the county in which the mortgage adopting or including by reference any of the provisions thereof is recorded. Such reference shall contain a statement, as to each county in which the mortgage containing such a reference is recorded, of the date such master mortgage was recorded, the county recorder's office wherein it is recorded, and the book or volume and page or pages of the records in the recorder's office wherein and at which any such master mortgage was recorded, and a statement by paragraph numbers, or any other method that will definitely identify the same, of the specific provisions of any such master mortgage that are being so adopted and included therein. The recording of any such mortgage which has included therein any such provisions by reference as aforesaid shall operate as constructive notice of the whole thereof, including the terms, as a part of the written contents of any such mortgage, of any such provisions so included by reference as though the same were written in full therein. The parties bound, or to be bound, by provisions so adopted and included by reference shall be bound thereby in the same manner and with like effect for all purposes as though such provisions had been and were set forth in full in writing in any such mortgage.

Approved by the Governor—September 29, 1945.

Filed in the Office of the Secretary of State—September 29, 1945.

CHAPTER 8

(House Bill No. 27)

AN ACT

RELATING TO DENTISTRY; AMENDING SECTION

67-910, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 67-910, Arizona Code of 1939 is amended to read:

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

The board shall, whenever the services of an applicant are needed as an emergency in any community, grant to such applicant when qualified pursuant to section 67-918, a temporary permit to practice dentistry in said community, such temporary permit to be valid only until the next meeting of the board at which an examination is held. The fee for such temporary permit shall be twenty-five dollars.

The board may sue and be sued, and shall have the power to compel the attendance of witnesses, administer oaths, and take testimony concerning all matters coming within its jurisdiction. If any person refuses to obey a subpoena issued by the board, such refusal shall be certified to the superior court of Maricopa county and preceedings instituted for contempt of court.

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

Approved by the Governor—September 29, 1945.

Filed in the Office of the Secretary of State—September 29, 1945.

CHAPTER 9

(House Bill No. 32)

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF THE INDUSTRIAL COMMISSION, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. Five Thousand two hundred sixty-nine and 69/100 dollars ($5,269.69) is hereby apppropriated from the General Fund of the State of Arizona for the relief of the Industrial Commission.

Sec. 2. PURPOSE. Three hundred fifty-three and 55/100 dollars ($353.55) is appropriated from the General Fund for the relief of the Industrial Commission of Arizona to pay certificates of indebtedness (No. 2 in the amount of thirty-one and 10/100 dollars ($31.10), No. 3 in the amount of one hundred seventy and 12/100 dollars ($170.12), and No. 9 in the amount of one hundred fifty-two and 33/100 dollars ($152.33)) for occupational disease insurance earned premiums.

Four thousand nine hundred sixteen and 14/100 dollars ($4,916.14) is appropriated from the General Fund for the relief of the Industrial Commission of Arizona to pay certificates of indebtedness (No. 1 in the amount of two thousand eight hundred twenty and 12/100 dollars ($2,820.12), and No. 10 in the amount of two thousand ninety-six and 02/100 dollars ($2,096.02)) for workmen's compensation insurance earned premiums.

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

Approved by the Governor—September 29, 1945.

Filed in the Office of the Secretary of State—September 29, 1945.

CHAPTER 10

(House Bill No. 35)

AN ACT

RELATING TO THE STATE HIGHWAY DEPARTMENT, AMENDING SECTIONS 59-301, 59-302, 59-304, 59-305, 59-306, 59-307, 59-311, AND 59-312, ARIZONA CODE OF 1939, AND REPEALING SECTIONS 59-308 AND 59-309, ARIZONA CODE OF 1939.

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

Section 1. Effective July 1, 1946, Section 59-301, Arizona Code of 1939 is amended to read:

59-301. STATE HIGHWAY FUND. There is hereby created a fund to be known as the State Highway Fund.

Sec. 2. Effective July 1, 1946, Section 59-302, Arizona Code of 1939 is amended to read:

59-302. STATE HIGHWAY FUND; OF WHAT IT SHALL CONSIST. The State Highway Fund shall consist of (1) all money received from licenses and taxes authorized in Articles 2, 3, 4, 5, 6 and 7 of Chapter 66, Laws 1939 (Highway Code), (2) all money appropriated thereto by the legislature, (3) all money received from donations for the construction, improvement or maintenance of state highways or bridges; such donations shall be credited to a special account and expended only for the purpose indicated by the donor; (4) all money received from counties, including proceeds from bond issues, under co-operative agreements. Said money shall be by the treasurer deposited to the credit of said fund in a special account upon delivery to him of a concise written agreement between the department and the county stating the purposes for which such money is surrendered by such county, and the said money shall be expended only

as stated in said agreement; (5) all money received from the United States by virtue of any act of Congress, to provide aid in the construction of rural and post roads; provided, that all such money received on projects for which the funds necessary to be provided by the state are wholly derived from such sources as mentioned in sub-paragraphs 3 and 4 of this section, shall be allotted by the department and so deposited by the treasurer into the special account within said fund created for each such project; and provided, further, that upon the completion of any such project and the satisfaction and discharge in full of all obligations of whatsoever kind created on account thereof, the unexpended balance in such special account for such project shall, upon request of the department, be, by the treasurer, transferred into said Highway fund, and may, together with any further federal aid thereafter received on account of such project, be expended under the general provisions of this chapter; (6) all money to come into the custody of any officer or agent of the state derived from whatsoever source, to be used for the construction, improvement or maintenance of state highways or bridges.

Sec. 3. Effective July 1, 1946, Section 59-304, Arizona Code of 1939 is amended to read:

59-304. FISCAL YEAR. The Fiscal Year of the department shall begin on the 1st day of July of each year and end the following 30th day of June, and the department shall operate strictly under a budget provided and authorized by the legislature.

Sec. 4. Effective July 1, 1946, Section 59-305, Arizona Code of 1939 is amended to read:

59-305. BUDGET ESTIMATE, LIMITATIONS THEREON. The State Highway Department is hereby declared to be subject to the State Financial Code as set forth in Chapter 10, Arizona Code of 1939, and all other acts of the legislature of the state of Arizona applicable to the expenditure of public monies. The state highway department shall conform in all respects to the state budget system and no expenditures shall be made by said department unless and until the same have first been authorized by the legislature of the state of Arizona and the money appropriated therefor.

Sec. 5. Effective June 1, 1946, Section 59-306, Arizona Code of 1939 is amended to read:

59-306. PREPARATION OF BUDGET ESTIMATES. On or before the first Monday in June of 1946 and each year thereafter the state highway commission must file with the governor its estimate of expenditures for construction and the purchases of rights of way for the ensuing fiscal year. Such estimates shall be by separate projects, setting up in detail such contemplated expenditures for construction and rights of way and shall specify in which counties such expenditures are to be made.

On or before the second Monday in June of each year the construction and right of way budget estimates shall be published in at least one issue of a newspaper of general circulation in each county, together with notice that a public meeting will held at the office of the commission on the third Monday in June, at which the construction and right of way budget will be considered and objections and protests heard. Following such meeting the commission may make changes in the construction and right of way budget, and on or before June 30th shall adopt the construction and right of way budget as published or as amended and certify the same to the Auditor and Treasurer. The budget shall thereupon become and remain the construction and right of way budget and limit of expenditures for such purposes for the ensuing fiscal year, provided however that no amounts of money shall be expended for such purposes in excess of the amount appropriated and authorized therefor by the legislature nor for any other purpose than as set forth in the act authorizing such expenditures. After the adoption of the construction and right of way budget the commission shall cause to be printed such numbers of copies thereof as may be required for the information of citizens.

Sec. 6. Effective July 1, 1946, Section 59-307, Arizona Code of 1939 is amended to read:

59-307. EXPENDITURES IN EXCESS OF APPROPRIATION AND CONSTRUCTION AND RIGHT OF WAY BUDGETS PROHIBITED; EXCEEDING; PENALTY. No expenditure for any purpose shall be made by the commission or under its authority during any fiscal year for any purpose in excess of the amount appropriated by the legislature for such purposes or in excess of the amount provided in the construction and right of way budget for each of the items thereof. Any member, employee or agent of the department who shall approve, knowingly, for expenditure, or knowingly cause to be expended any amount in violation of this section, shall be guilty of a misdemeanor, and shall be liable therefor upon his official bond to be recovered in civil

action in the name of the state, by the attorney general, or, upon his failure, or refusal, to act, by any citizen of the state for the benefit of the state.

Sec. 7. Effective July 1, 1946, Section 59-311, Arizona Code of 1939 is amended to read:

59-311. REVOLVING ACCOUNT. The Auditor shall issue his warrant in a sum not to exceed one hundred fifty thousand dollars ($150,000.00) upon claims properly certified by the department for the purpose of creating a revolving account to facilitate the payment of small expenditures, payrolls and expense accounts, but none others, in connection with the operation of the department, and the treasurer shall pay the same out of the state highway fund. When the Auditor has issued such warrant, he shall not issue a further like warrant until there is filed with him an itemized verified statement, accompanied by proper receipts and vouchers, showing in detail the expenditure and distribution of the sum previously advanced for said revolving account and the account to which each item of such statement shall be charged. Upon receipt of such statement the auditor shall charge each item thereof to the proper account, and issue a further warrant, upon claims, to replenish such revolving account, the total thereof shall not at any time exceed one hundred fifty thousand dollars ($150,000.00).

Sec. 8. Effective July 1, 1946, Section 59-312, Arizona Code of 1939 is amended to read:

59-312. MANNER OF APPROVING, AUDITING AND PAYING CLAIMS. Money in the state highway fund shall be paid out only upon claims itemized and verified by the commission or other bonded agent authorized by the commission, said claims shall be presented to and filed with the auditor showing the authority therefor. If the auditor shall approve any such claims, he shall charge the same to the proper account and draw his warrant therefor on the treasurer, who shall pay the same out of the state highway fund and charge to the proper account as shown on said warrant.

Sec. 9. REPEAL. Effective July 1, 1946, Sections 59-308 and 59-309, Arizona Code of 1939 are hereby repealed.

Passed the House— September 21, 1945.

Passed the Senate—September 24, 1945.

Filed in the Office of the Secretary of State—September 30, 1945.

This bill having remained with the Governor five days, Sundays excluded, and the legislature being in session, it has become a law without his signature.

EXECUTIVE OFFICE
STATE HOUSE
PHOENIX, ARIZONA

September
Thirtieth
1 9 4 5

Honorable Dan E. Garvey
Secretary of State
State House
Phoenix, Arizona

My dear Mr. Garvey:

I hand you herewith House Bill No. 35 "An Act relating to the State Highway Department, amending Sections 59-301, 59-302, 59-304, 59-305, 59-306, 59-307, 59-311, and 59-312, Arizona Code of 1939, and repealing Sections 59-308 and 59-309, Arizona Code of 1939", passed by the First Special Session of the Seventeenth Legislature, together with copy of letter I addressed to Honorable Fred J. Fritz, Speaker of the House of Representatives, which letter is self-explanatory.

Sincerely,

Signed SIDNEY P. OSBORN
Governor

SPO:E

EXECUTIVE OFFICE
STATE HOUSE
PHOENIX, ARIZONA

September
Twenty ninth
1 9 4 5

Honorable Fred J. Fritz
Speaker, House of Representatives
Seventeenth Legislature, First Special Session

My dear Mr. Speaker:

This communication is directed to you and the Members of both

Houses of the Legislature on the subject of House Bill No. 35 "An Act relating to the State Highway Department, amending Sections 59-301, 59-302, 59-304, 59-305, 59-306, 59-307, 59-311, and 59-312, Arizona Code of 1939, and repealing Sections 59-308 and 59-309, Arizona Code of 1939".

The purpose of this bill, on the surface, is for the legislature to recapture the power to make appropriations for the conduct of the State Highway Department but from the circumstances surrounding its preparation and passage, the title seems to be a misnomer; that the proper title would be "An Act to transfer the budget making powers from the Highway Commission to the Arizona Tax Research Association".

We can all agree that budgeting for all governmental departments is not only wise, but necessary. However, discussions of this bill may have led some to the conclusion that the Highway Department is not at present operated upon a budget. This is entirely untrue. The department is operated under a budget made under the provisions of legislative mandate. The Highway Commission first makes a tentative budget, it is printed in a newspaper of general circulation in every county in the state, thereby giving all citizens opportunity to examine and discuss it, then a hearing is held where all who may desire may present their views, then the budget is finally adopted by action of the Commission.

Previous to the enactment of the measure creating the Highway Commission, the legislature did make the budget for the operation of the department. After some years of endeavor and experience, the legislature arrived at the conclusion that it could not, in the short space of sixty days and its general unfamiliarity with the needs and necessities thereof, properly budget for the department and created the Highway Commission as the budget-making agency. Chief Justice Stanford, in his opinion, Hudson V. Brooks, 158 Pac. 2d 661-664, pointed out that by means of the continuing appropriation, Sec. 59-302, which had been in force since 1927, the department had a fixed and determined annual income which made it possible to plan for the future. It was not dependent upon biennial appropriations from the legislature. Under this system it had been able to secure federal assistance and had designed and built up a great network of roads. He also pointed out that the court would not presume that the legislature intended by the general provision to repeal this special appropriation, which experience had demonstrated to be entirely worthwhile, workable and business like.

As all of the various Highway Commissions have discharged budget-making duties in a satisfactory manner, the question naturally arises—why does the legislature desire to recapture this grant of authority heretofore given to the Commission?

As above stated, it would seem that the appropriate title of this measure should be a bill to transfer the budget-making powers of the Highway Commission to the Arizona Tax Research Association as it appears that the Director of the Tax Research Association is the one most interested. This bill was written by an attorney for the Tax Research Association and the staff of that private agency has lobbied day and night to secure its passage.

By the action of the Appropriations Committee of both the House and Senate in permitting representatives of the Tax Research Association to sit in at all meetings of the Committees and advise

with the members, this private organization has, in effect, been made a fourth department of state government. This custom is a black mark which will forever remain a blot on the record of this and every legislature which has permitted this unfair and undemocratic procedure.

This practice is particularly reprehensible in view of the fact that Arizona is fortunate in having an exceptionally well qualified and experienced State Auditor who is more familiar with the financial setup of the state than any other living person, so why is it necessary for the Appropriations Committee, or any Committee, to depend upon a private agency when more information, and particularly more reliable information, can be secured from the Auditor, an elected state official, than from the representatives of the Tax Research Association?

No doubt the respective Chairmen of the Committees will claim that it is their right to confer this power on the representatives of the Tax Research Association but in this they are mistaken. They have the power, it is true, but there is a vast difference between power and right, as has so often been demonstrated in the immediate past.

It is presumed that if the representatives of labor, the old age groups, or other groups sought the privilege of sitting in at all meetings of committees which handle legislation of interest to them, it would not be permitted, so what sense of fairness is displayed when the representatives of one group are allowed privileges which are not granted to all?

It may be as time goes on that this unwise and unfair practice, which has lately been indulged in, will be terminated by the pressure of an aroused public opinion. When that time comes there can be no valid objection to the legislature budgeting for the Highway Department and for all state departments for, as above-stated, we all realize that budgeting the expenditure of the people's money is both wise and necessary.

Under the conditions, as above stated, I cannot give my approval to this measure. However, I have decided to permit it to become law with the hope that future legislatures will budget for the department after careful consideration of its needs and without the advice of this private agency, the Tax Research Association, which to date has accomplished nothing except to be a drag upon the progress and development of Arizona.

Sincerely,

(Signed) SIDNEY P. OSBORN
Governor

SPO:E

CHAPTER 11

(House Bill No. 20)

AN ACT

RELATING TO PUBLIC UTILITIES; PROVIDING FOR THE ESTABLISHMENT OF A RATE-MAKING BASE FOR PUBLIC SERVICE CORPORATIONS FURNISHING GAS AND ELECTRICITY; PROVIDING FOR THE COOPERATION OF THE FEDERAL POWER COMMISSION, AND MAKING AN APPROPRIATION.

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

Section 1. INVESTIGATION OF PROPERTY VALATIONS. (a) As soon as practicable after this act takes effect, the corporation commission shall ascertain the fair value of the property of public service corporations in the state furnishing gas or electricity, for profit, for the purpose of establishing a base for rate-making purposes.

(b) In accordance with the terms of the federal power act providing for cooperation with state regulatory agencies, the commission shall without delay initiate negotiations with the federal power commission for such cooperation, and for the assignment of such rate and other experts and professional assistants as may be needed to assist the commission in making the investigation and conducting hearings authorized by this act. The commission is directed to take such action, enter into such agreements, issue such orders, and adopt such rules, regulations and procedures, in conformity with the federal power act and the rules and regulations of the federal power commission thereunder, necessary to effect such cooperation, and by agreement or order to define the scope of the investigation, the manner in which it shall be conducted, the staff to be employed, the expenditures to be allowed and the manner and time of payment for the expenses thereof.

Sec. 2. RATE BASE PROPERTY INVENTORIES. For the purposes of the property valuation investigation authorized by this act every public service corporation furnishing gas or electricity for profit shall, upon notification by the commission, file with the commission, in such form as it shall prescribe, an inventory of its property claimed as forming any part of its rate base, and a

statement of the time of installation, construction or acquisition thereof, the original cost of the same, and the amount of depreciation theretofore claimed, and shall from time to time give such other information as the commission may require. When the fair value of the property entering into the rate base is established it shall constitute the allowable values for rate-making purposes. Thereafter such public service corporations shall file, at such intervals as the commission may prescribe, supplemental inventories of all additions, betterments, extensions, and new construction claimed as forming a part of their rate base, and the cost thereof. All inventories shall be open to public inspection.

Sec. 3. ESTABLISHMENT AND ENFORCEMENT OF PROPERTY VALUATION. Upon completion of the property valuation investigation authorized by this act, the commission shall embody its final determination and judgment in appropriate decrees, orders or decisions duly entered in its record of proceedings, which shall thereupon become binding and effective and shall be enforced as to all persons concerned.

Sec. 4. APPROPRIATION. (a) The sum of fifty thousand dollars is appropriated to the corporation commission, for the payment of the expenses of the federal power commission, including but not limited to the salaries of personnel and travel expenses, in cooperation with the corporation commission in making the property investigation authorized by this act.

(b) This appropriation shall be exempt from the provisions of section 7, article 4, chapter 86, Session Laws of 1943, regular session, relating to lapsation of appropriations. Any balance remaining of such appropriation after payment of the expenses of the federal power commission in connection with the cooperation authorized by this act shall be placed in a continuing reserve fund, for use only by the corporation commission for cooperative action, in conformity with the provisions of the federal power act, in any matter, hearing or procedure before the corporation commission or the federal power commission in which both of said commissions are interested.

Approved by the Governor—October 3, 1945.

Filed in the Office of the Secretary of State—October 3, 1945.

CHAPTER 12

(Senate Bill No. 3)

AN ACT

RELATING TO GROUND WATER; PROVIDING FOR A RECORD OF WELLS; PRESCRIBING CERTAIN POWERS AND DUTIES OF THE STATE LAND COMMISSIONER IN RELATION TO GROUND WATER; AND PROVIDING AN APPROPRIATION TO BE MATCHED BY THE UNITED STATES GEOLOGICAL SURVEY UNDER A COOPERATIVE AGREEMENT; AND DECLARING AN EMERGENCY.

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

Section 1. SHORT TITLE. This Act may be cited as the Ground Water Act of 1945.

Sec. 2. DEFINITIONS. In this Act, unless the context otherwise requires, "ground water" means water under the surface of the earth, regardless of the geologic structure in which it is moving. "Well", as used herein shall comprise only those wells used for irrigation or drainage and having a capacity of more than one hundred gallons per minute. "Commissioner" means the state land commissioner. "Person" means an individual, firm, public or private corporation, or governmental agency. "Notice of intention to drill" as used herein shall mean the notice required to be sent to the state land commissioner by all persons intending to drill new wells. "Irrigation district" means any district organized by law for the irrigation of the lands comprising such district, whether designated as an irrigation district, water conservation district, water users' association, mutual irrigation project, or otherwise.

Sec. 3. DUTIES AND POWERS OF THE STATE LAND COMMISSIONER. (a) The state land commissioner shall administer this Act.

(b) Within a reasonable time after the effective date of this Act, the commissioner shall with the advice and approval of the governor, enter into a cooperative agreement with the United States Geological Survey to carry out the purposes of this Act, upon condition that the United States Geological Survey shall contribute an amount equal to that expended by the state for the pur-

pose of gathering such information as may aid the legislature in considering the subject of a Ground Water Code.

Expenses incurred in the performance of this investigation may be paid by either party in conformity with the laws and regulations respectively governing each party, provided that so far as may be mutually agreeable all expenses shall be paid in the first instance by the United States Geological Survey, with appropriate reimbursement thereafter by the state of Arizona. Each party to the cooperation shall furnish to the other party such statements or reports of expenditures as may be needed to satisfy fiscal requirements.

(c) Employees of the United States Geological Survey shall have the same authority as state employees for entrance upon lands in the state for the purpose of obtaining information required in this Act.

Sec. 4. POWERS AND DUTIES OF THE UNITED STATES GEOLOGICAL SURVEY AND THE STATE LAND COMMISSIONER. It shall be the duty of the United States Geological Survey and the state land commissioner to make such progress reports from time to time during the course of their employment as may be requested by the governor of the state or by the state legislature.

It shall be the further duty of the United States Geological Survey and the state land commissioner to correlate and study all available information which they have been able to secure, and to gather such additional information as may be necessary with respect to ground water supplies and sources; compile a report and a comprehensive statement of the information thus secured.

Sec. 5. EXISTING WELLS TO REPORT. Immediately following the effective date of this Act, the commissioner shall require all persons owning or operating water wells for irrigation or drainage to report within six months of the effective date of this Act to the state land commissioner the well or wells which such person may own or operate, upon the forms provided by the commissioner which shall give the location of the well within the legal subdivision where the same is located, the depth of the well, whether the same be cased or not; the name of the owner or person in control thereof; a legal description of the land upon which the water is used; the amount of water produced from said well during the year 1944 and up to January 1 of each year thereafter, if

available, or the number of hours the pump on such well operated in the period, together with such other data as the commissioner may require. The commissioner shall provide a permanent record in which shall be entered the information gathered from the persons owning or controlling such wells as are reported.

Sec. 6. NOTICE OF INTENTION TO DRILL. After the effective date of this Act, no person shall drill or cause to be drilled, any well for the development and use of ground water without first filing notice of intention to drill with the state land commissioner, in the form prescribed and to be promptly furnished by the commissioner. The notice shall state the name and address of the person sending the notice, legal description of the land upon which the well is proposed to be drilled, together with the owner thereof, and a statement giving the legal description of the location of the well; the depth and diameter of the proposed well, if the same is intended to be cased; the description of the land upon which the water is proposed to be used, together with the owner thereof; and the time within which it is proposed to begin construction, and the application of the water to the proposed use.

Notice of intention to drill shall be filed in the office of the state land commissioner in duplicate. Upon the filing of such notice the commissioner shall cause a record of the same to be made in his office, and shall stamp or otherwise note the date of receipt of the notice and a filing number thereon. Within fifteen days the commissioner shall mail the duplicate copy of the notice by prepaid mail to the person giving the notice at the address named therein. Upon receipt of a copy of the notice showing the record of receipt by the commissioner and the filing of the same in his office, this Act shall be deemed to have been fully complied with in respect to the drilling of the well described in the notice; providing that the well be completed within one year. In case of failure to complete a well within one year, new application may be filed.

Sec. 7. WELL DRILLERS. When the drilling of any well is completed a copy of the log thereof shall be filed by the driller with the commissioner, together with a showing of the casing installed in the well and the capping applied, if the same is artesian. The commissioner shall prescribe forms on which reports of drillers are to be made, which forms shall be obtainable from the office of the commissioner upon request.

Sec. 8. PENALTIES. Any person who shall fail or refuse to make any of the reports, give the notices required or fail to cooperate with the state land commissioner, or his representative, under the provisions of this Act shall be guilty of a misdemeanor, and shall be fined a sum not exceeding one hundred dollars.

Sec. 9. FISCAL MATTERS. All funds disbursed from the appropriation hereby made, shall be upon claims duly presented and audited and vouchers paid in the same manner as all other claims against the state of Arizona are now audited and paid.

Sec. 10. APPROPRIATION. The sum of forty thousand dollars is hereby appropriated from the general fund of the state for cooperation with the United States Geological Survey.

The sum of six thousand dollars is hereby appropriated from the general fund of the state for the use of the state land commissioner for the purpose of carrying out the provisions of this Act.

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

Approved by the Governor—October 3, 1945.

Filed in the Office of the Secretary of State—October 3, 1945.

CHAPTER 13

SENATE BILL NO. 8

AN ACT

RELATING TO NONPROFIT HOSPITAL AND MEDICAL SERVICE CORPORATIONS, AND PROVIDING FOR THE ORGANIZATION, REGULATION, OPERATION, AND TAXATION OF SUCH COR-

PORATIONS; AND DECLARING AN EMERGENCY.

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

Section 1. SHORT TITLE. This act may be cited as the Arizona nonprofit hospital and medical service corporation law.

Sec. 2. HOSPITAL AND MEDICAL SERVICE PLAN. Any corporation now or hereafter organized under the laws of this state for the purpose of establishing, maintaining and operating a nonprofit hospital service or medical service plan, or combination of such plans, whereby hospital or medical service may be provided by hospitals or physicians with which such corporation has a contract for such purpose, to such of the public as become subscribers to said corporation under contract which entitles each subscriber to certain hospital or medical services, shall be governed by this act and shall be exempt from all insurance laws and benefit insurance corporation laws of this state except as herein expressly provided.

Sec. 3. ORGANIZATION. Any such corporation shall be organized under the laws of this state relating to nonprofit private corporations insofar as such laws are not inconsistent with any of the provisions of this act.

Sec. 4. APPLICATION FOR LICENSE. A corporation subject to the provisions of this act may issue contracts to its subscribers only when the corporation commission has, by formal license, authorized it to do so. Application for such license shall be made on forms supplied or approved by the corporation commission, containing such information as it shall deem necessary. Each application for such license shall be accompanied by a fee of twenty-five dollars and copies of the following documents: 1. articles of incorporation; 2. bylaws; 3. proposed contracts between the applicant and participating hospitals and physicians showing the terms under which service is to be furnished to subscribers; 4. proposed contracts to be issued to subscribers; 5. a table of rates to be charged to subscribers; 6. financial statement of the corporation, including the amounts of contributions paid or agreed to be paid to the corporation for working capital and the name or names of each contributor and the terms of each contribution, and, 7. a statement of the area in which the corporation proposes to operate.

Sec. 5. LICENSE TO ISSUE CONTRACTS. The corporation commission shall issue a license, as prescribed by section 4, when it shall be made to appear to the satisfaction of the commission:

1. That the applicant is established as a bona fide nonprofit hospital service corporation or medical service corporation, or combination of the two.

2. That the contracts between the applicant and the participating hospitals or physicians obligate each hospital or physician party to render service to which each subscriber may be entitled under the terms and conditions of the contract issued to the subscribers.

3. That amounts provided as working capital of the corporation are repayable, without interest, out of operating expenses.

4. That the amount of money actually available for working capital is sufficient to carry on the plan for a period of six months from the date of the issuance of the license.

5. That the applicant has secured contracts of participation from sufficient hospitals or physicians to provide ample protection to its subscribers.

Sec. 6. DEPOSIT FOR PROTECTION OF MEMBERS. (a) Each corporation subject to the provisions of this act shall at all times have on deposit with the state treasurer, to be by him held in trust for the benefit and protection of the corporation's subscribers, not less than five thousand dollars ($5,000), plus two (2) per cent of the gross subscriptions collected during the preceding year ended December 31st, which shall be deposited not later than February 1st next following, until the deposit reaches a total of ten thousand dollars ($10,000).

(b) The deposit prescribed by this section shall be subject to withdrawal in whole or in part only on the order of and as directed by the corporation commission, but may, with the corporation commission's approval, be invested in bonds of the United States or of the state of Arizona, or any political subdivision thereof, or state warrants, which shall be assigned to the state treasurer and held by him as provided for original deposits. The securities may, with the corporation commission's approval, be exchanged for similar securities or cash of

equal amount. Interest on securities so deposited shall be payable to the corporation depositing the same.

(c) An unsettled final judgment, arising upon a certificate of participation against a corporation subject to the provisions of this act, shall be a lien on the deposit prescribed by this section, subject to execution after thirty (30) days from entry of final judgment. If the deposit is reduced thereby it shall be replenished within ninety (90) days.

(d) Upon the liquidation or dissolution of a corporation subject to the provisions of this act and the satisfaction of all its liabilities, any balance remaining in the deposit in the hands of the state treasurer and any other assets of the corporation shall be distributed to the holders of certificates of participation in good standing at the time proceedings for the liquidation or dissolution of the corporation have been commenced, prorated according to the gross amount of subscriptions which have been paid on such certificates up to the time such proceedings were commenced.

Sec. 7. PARTICIPATING HOSPITALS AND PHYSICIANS. A corporation licensed as provided in this act may enter into contracts only with hospitals approved for participation by the board of directors in accordance with standards of the American hospital association, and with physicians and surgeons of medicine duly licensed to practice in Arizona, and may enter into contracts of participation with any hospital maintained and operated by the state or any political subdivision thereof.

Sec. 8. SUBSCRIPTION CONTRACTS. No contract between a corporation licensed under this act and its subscribers, shall be issued unless the form thereof is approved in writing by the commission. Each such contract shall plainly state the services to which the subscriber is entitled and those to which the subscriber is not entitled under the plan, and shall constitute direct obligations of the hospitals and physicians with which the corporation has contracted for hospital or medical services.

Sec. 9. DIRECTORS. The directors of a corporation licensed under this act shall at all times include representatives of: 1. administrators or trustees of hospitals which have contracted with the corporation to render hospital service to subscribers; 2. physicians and surgeons of medicine licensed to practice in the state who

have contracted with the corporation to render medical service to subscribers, and, 3. the general public, exclusive of hospital representatives and physicians.

Sec. 10. EXPENSES AND INVESTMENTS. The operation and administrative expenses of any corporation licensed under the provisions of this act, including all costs in connection with the solicitation of subscribers to such corporation and capital expenditures, shall not exceed thirty percent of paid subscriptions during the first year of operation; twenty-five percent of paid subscriptions during the second year of operation, and twenty percent of paid subscriptions in any year thereafter, and all funds not set aside for operating expenses are to be placed in a reserve that may be expended only for payment to participating hospitals and physicians for services to subscribers or as a refund to the subscribers. The funds of any such corporation shall be invested only in securities permitted by the laws of Arizona for the investment of assets of life insurance companies.

Sec. 11. ANNUAL REPORT AND EXAMINATION. Not later than March 1 of each year every corporation licensed under this act shall file with the corporation commission a statement, verified by at least two of the principal officers of the corporation, showing its condition on December 31 next preceding. The commission may appoint any deputy examiner or other person to examine into the affairs of the corporation. Such person shall have the power of visitation and examination, shall have free access to all the books, papers, and documents relating to the business of the corporation, and may summon the officers, agents or employees thereof or any other persons, and require them to testify under oath concerning the affairs, transactions and conditions of the corporation. An examination shall be conducted at least every three years. The cost of any such examination and audit shall be paid by the corporation but it shall not be required to pay for more than one such audit or examination in any one year nor to exceed twenty-five dollars for each one thousand certificates or fraction thereof in force at the time of such examination. All such costs shall be paid upon the completion of the audit or examination.

Sec. 12. NONLIABILITY OF CORPORATION. No liability shall attach to any corporation licensed under this act by reason of the failure on the part of any of its participating hospitals or physicians to render service, except as herein provided, to any of its subscribers, nor for the negligence, malpractice, or other acts of its participating hospitals or physicians.

Sec. 13. RELATIONSHIP OF PHYSICIAN AND PATIENT. Nothing in this act shall be deemed to alter the relationship of physician and patient. No corporation shall in any way influence the subscriber in his free choice of hospital or physician, other than to limit its benefits to participating hospitals and physicians. Nothing in this act shall be deemed to abridge the right of any physician or hospital to decline patients in accordance with the standards and practices of such physician or hospital, and no corporation shall be deemed to be engaged in the corporate practice of medicine.

Sec. 14. LIMITATION ON SALARIES. No corporation licensed under the provisions of this act shall pay any salary, compensation, or emolument to any officer, agent or employee thereof, amounting in any year to more than five thousand dollars, unless such payment be first authorized by the board of directors, nor to make any agreement with any officer, agent or employee whereby it agrees that for any services rendered or to be rendered he shall receive a salary, compensation, or emolument for a period of more than three years from the date of such agreement. No bonus, commission, or dividend shall be paid to any director, officer, agent or employee of the corporation.

Sec. 15. JUDICIAL REVIEW OF DECISIONS. No decision or finding of the corporation commission made under the provisions of this act shall be a bar to constituted legal procedure in a court of competent jurisdiction.

Sec. 16. DISSOLUTION, LIQUIDATION, MERGER. Any dissolution, liquidation or merger of a corporation, subject to the provisions of this act, shall be conducted under the supervision of the corporation commission, which shall have all power with respect thereto under the provisions of law with respect to the dissolution and liquidation of insurance companies.

Sec. 17. TAX EXEMPTION. Every corporation subject to the provisions of this act is declared to be a nonprofit and benevolent institution, and exempt from all taxes, levies, assessments, and imposts of any nature whatsoever, except the general property taxes of this state and the political subdivisions thereof.

Sec. 18. LIMITED APPLICATION. This act shall not apply to any corporation operating or maintaining a hospital service plan or medical service plan, participa-

tion in which is limited to its employees, and the employees of other persons or corporations with whom such corporation may have contracted to provide such services. As used in this section, the term "employees" shall include members of their families.

Sec. 19. LIMITED LIABILITY. The private property of the subscribers, agents, officers, directors, members and employees of any corporation licensed under this act shall be wholly exempt from any of the debts, obligations and liabilities of the corporation.

Sec. 20. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—October 3, 1945.

Filed in the Office of the Secretary of State—October 3, 1945.

CHAPTER 14

SENATE BILL NO. 10

AN ACT

RELATING TO THE COLORADO RIVER; TRANSFERRING THE POWERS AND DUTIES OF THE COLORADO RIVER COMMISSION; REPEALING ARTICLE 15, CHAPTER 75, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. TRANSFER OF POWERS AND DUTIES. (a) The powers and duties heretofore vested in and imposed upon the Colorado river commission, namely: 1. to represent the state in civil and legal matters pertaining to the appropriation of waters of the Colorado river and its tributaries; 2. to defend in the courts, with the approval of the governor, the rights of the state with respect to such waters; 3. to enforce existing rights and claims of the state in the waters of the Colorado river; 4. to make application for damsites upon the Colorado

river and its tributaries and perfect the state's rights thereto, with any department of the United States; 5. to make appropriations, on behalf of the state, of the waters of the Colorado river; 6. to negotiate for and cooperate with the government of the United States in making surveys of the Colorado river and its tributaries in Arizona; 7. to gather data regarding projects for the use in this state of the waters of the Colorado river, and, 8. any other powers and duties of the Colorado river commission pertaining to the appropriation and use of water, are transferred to, vested in and imposed upon the state land department and in and upon the state land commissioner in his capacity as state water commissioner.

(b) The powers and duties heretofore vested in and inposed upon the Colorado river commission, namely: 1. to gather data regarding projects for the development and use in the state of power from the waters of the Colorado river; 2. to discover potential users of power and to encourage feasible enterprises looking to the utilization of Colorado river power, and, 3. any other rights, powers and duties of the Colorado river commission pertaining to the development and sale of power, including the application pending before the federal power commission for a permit to construct Bridge canyon dam, are transferred to, vested in and imposed upon the Arizona power authority.

Sec. 2. TRANSFER OF RECORDS. The files, records, papers and documents of the Colorado river commission shall be transferred to and become a part of the records of the state water commissioner, in the state land department.

Sec. 3. COOPERATION OF AGENCIES. It shall be the duty of the state land department, through its executive officer, the state land commissioner, in his capacity as state water commissioner, and of the Arizona power authority, to cooperate in the performance of their respective duties and functions and to coordinate their efforts and aims in the carrying out of the purposes set forth in this act.

Sec. 4. REPEAL. Article 15, chapter 75, Arizona Code of 1939, is repealed. This section does not negative an implied repeal of any statute which conflicts with this act.

Sec. 5. EMERGENCY. To protect the public peace, health, and safety it is necessary that this act become

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

Approved by the Governor—October 3, 1945.

Filed in the Office of the Secretary of State—October 3, 1945.

CHAPTER 15

SENATE BILL NO. 16

AN ACT

RELATING TO AIRPORT ZONING, AND EMPOWERING MUNICIPALITIES AND OTHER POLITICAL SUBDIVISIONS TO ESTABLISH AIRPORT ZONING REGULATIONS AND TO IMPLEMENT THE SAME; AND DECLARING AN EMERGENCY.

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

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

"airport" means any area of land or water designed and set aside for the landing and taking-off of aircraft and utilized or to be utilized in the interest of the public for such purposes;

"airport hazard" means any structure or tree or use of land which obstructs the air space required for the flight of aircraft in landing or taking-off at an airport or is otherwise hazardous to such landing or taking-off of aircraft;

"airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this Act;

"political subdivision" means any municipality, city, town or county;

"person" means any individual, firm, co-partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof;

"structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines;

"tree" means any object of natural growth.

Sec. 2. AIRPORT HAZARDS CONTRARY TO PUBLIC INTEREST. Inasmuch as an airport hazard endangers the lives and property or users of the airport and of occupants of land in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein, it is declared: 1. that the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question; 2. that it is therefore necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented, and, 3. that this should be accomplished, to the extent legally possible, by exercise of the police power, without compensation. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein.

Sec. 3. POWER TO ADOPT AIRPORT ZONING REGULATIONS. (a) In order to prevent the creation or establishment of airport hazards, every political subdivision having an airport hazard area within its territorial limits may adopt, administer, and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations for such airport hazard area, which regulations may divide the area into zones, and, within such zones, specify the land uses permitted and regulate and restrict the height to which structures and trees may be erected or allowed to grow.

(b) Where an airport is owned or controlled by a political subdivision and any airport hazard area appertaining to the airport is located outside the territorial limits of the political subdivision, the political subdivision owning or controlling the airport and the political subdivision within which the airport hazard area is located may, by ordinance or resolution, create a joint airport

zoning board, which board shall have the same power to adopt, administer and enforce airport zoning regulations applicable to the airport hazard area in question as that vested by subsection (a) in the political subdivision within which the area is located. The joint board shall have as members two representatives appointed by each political subdivision participating in its creation and in addition a chairman elected by a majority of the members so appointed.

Sec. 4. RELATION TO COMPREHENSIVE ZONING REGULATIONS. (a) In the event that a political subdivision has adopted, or hereafter adopts, a comprehensive zoning ordinance regulating among other things, the height of buildings, any airport zoning regulations applicable to the same area or portion thereof, may be incorporated in and made a part of such comprehensive zoning regulations, and be administered and enforced in connection therewith.

(b) In case of conflict between any airport zoning regulations adopted under this Act and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, and whether such other regulations were adopted by the political subdivision which adopted the airport zoning regulations or by some other political subdivision, the more stringent limitation or requirement shall govern and prevail.

Sec. 5. ADOPTION OF ZONING REGULATIONS. (a) In adopting, amending, and repealing airport zoning regulations under this Act, the political subdivision or joint airport zoning board shall follow the procedure prescribed by law for the adoption, amendment, and repeal of comprehensive zoning regulations.

(b) Prior to the initial zoning of any airport hazard area under this Act, the political subdivision or joint airport zoning board which is to adopt the regulations shall appoint a commission, to be known as the airport zoning commission, to recommend the boundaries of the various zones to be established and the regulations to be adopted therefor. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the legislative body of the political subdivision or the joint airport zoning board shall not hold its public hearings or take other action until it has received the final report of such commission. Where a city planning commission or comprehensive zoning com-

mission already exists, it may be appointed as the airport zoning commission.

Sec. 6. AIRPORT ZONING REQUIREMENTS. (a) All airport zoning regulations adopted under this Act shall be reasonable and none shall impose any requirement or restriction which is not reasonably necessary to effectuate the purposes of this Act. In determining what regulations it may adopt, each political subdivision and joint airport zoning board shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood, and the uses to which the property to be zoned is put and adaptable.

(b) No airport zoning regulations adopted under this Act shall require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any non-conforming use, except as provided in subsection (c), section 7.

Sec. 7. PERMITS AND VARIANCES. (a) Any airport zoning regulations adopted under this Act may require that a permit be obtained before any new structure or use may be constructed or established and before any existing use or structure may be substantially changed or substantially altered or repaired. In any event, however, all such regulations shall provide that before any non-conforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the administrative agency authorized to administer and enforce the regulations, authorizing such replacement, change or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming structure or tree or non-conforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made. Except as provided herein, all applications for permits shall be granted.

(b) Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use his property in violation of airport zoning regulations adopted under this Act, may apply to the board of adjustment for a variance

from the zoning regulations in question. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this Act. Any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this Act.

(c) In granting any permit or variance under this section, the administrative agency or board of adjustment may, if it deems such action advisable to effectuate the purposes of this Act and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the political subdivision, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

Sec. 8. APPEALS. (a) Any person aggrieved, or taxpayer affected, by any decision of an administrative agency made in its administration of airport zoning regulations adopted under this Act, or any governing body of a political subdivision, or any joint airport zoning board, which is of the opinion that a decision of such an administrative agency is an improper application of airport zoning regulations of concern to such governing body or board, may appeal to the board of adjustment authorized to hear and decide appeals from the decisions of such administrative agency.

(b) All appeals taken under this section must be taken within a reasonable time, as provided by the rules of the board, by filing with the agency from which the appeal is taken and with the board, a notice of appeal specifying the grounds thereof. The agency from which the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(c) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the agency from which the appeal is taken certifies to the board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such cases proceedings shall not be stayed otherwise than

by order of the board on notice to the agency from which the appeal is taken and on due cause shown.

(d) The board shall fix a reasonable time for the hearing of appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

(e) The board may, in conformity with the provisions of this Act, reverse or affirm wholly or partly, or modify, the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the administrative agency from which the appeal is taken.

Sec. 9. ADMINSTRATION OF AIRPORT ZONING REGULATIONS. All airport zoning regulations adopted under this Act shall provide for the administration and enforcement of such regulations by an administrative agency which may be an agency created by such regulations or any official, board, or other existing agency of the political subdivision adopting the regulations, or of one of the political subdivisions which participated in the creation of the joint airport zoning board adopting the regulations, if satisfactory to that political subdivision, but in no case shall such administrative agency be or include any member of the board of adjustment. The duties of any administrative agency designated pursuant to this Act shall include that of hearing and deciding all permits under subsection (a), section 7, but such agency shall not have or exercise any of the powers herein delegated to the board of adjustment.

Sec. 10. BOARD OF ADJUSTMENT. (a) All airport zoning regulations adopted under this Act shall provide for a board of adjustment to have and exercise the following powers:

1. To hear and decide appeals from any order, requirement, decision, or determination made by the administrative agency in the enforcement of the airport zoning regulations, as provided in section 8.

2. To hear and decide any special exceptions to the terms of the airport zoning regulations upon which such board may be required to pass under such regulations.

3. To hear and decide specific variances under subsection (b), section 7.

(b) Where a zoning board of appeals or adjustment already exists, it may be appointed as the board of adjustment. Otherwise, the board of adjustment shall consist of five members, each to be appointed for a term of three years by the authority adopting the regulations and to be removable by the appointing authority for cause, upon written charges and after public hearing.

(c) The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the administrative agency, or to decide in favor of the applicant on any matter upon which it is required to pass under the airport zoning regulations, or to effect any variations in such regulations.

(d) The board shall adopt rules in accordance with the provisions of the ordinance or resolution by which it was created. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the board shall be public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the board and shall be a public record.

Sec. 11. JUDICIAL REVIEW. (a) Any person aggrieved, or taxpayer affected, by any decision of a board of adjustment, or any governing body of a political subdivision or any joint airport zoning board which is of the opinion that a decision of a board of adjustment is illegal, may present to the superior court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of illegality. Such petition shall be presented to the court within thirty days after the decision is filed in the office of the board.

(b) Upon presentation of such petition the court may allow a writ of certiorari directed to the board of adjustment to review such decision of the board. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on applica-

tion, on notice to the board and on due cause shown, grant a restraining order.

(c) The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(d) The court shall have exclusive jurisdiction to affirm, modify, or set aside the decision brought up for review, in whole or in part, and if need be, to order further proceedings by the board of adjustment. The findings of fact of the board, if supported by substantial evidence, shall be accepted by the court as conclusive, and no objection to a decision of the board shall be considered by the court unless such objection shall have been urged before the board, or, if it was not so urged, unless there were reasonable grounds for failure to do so.

(e) Costs shall not be allowed against the board of adjustment unless it appears to the court that it acted with gross negligence, in bad faith, or with malice, in making the decision appealed from.

(f) In any case in which airport zoning regulations adopted under this Act, although generally reasonable, are held by a court to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the constitution of this state or the constitution of the United States, such holding shall not affect the application of such regulations to other structures and parcels of land.

Sec. 12. ENFORCEMENT AND REMEDIES. Each violation of this Act or of any regulations, orders, or ruling promulgated or made pursuant to this Act, shall constitute a misdemeanor and shall be punishable by a fine of not more than one hundred dollars or imprisonment for not more than thirty days or both such fine and imprisonment, and each day a violation continues to exist shall constitute a separate offense. In addition, the political subdivision or agency adopting zoning regulations under this Act may institute in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation of this Act, or of airport zoning regulations adopted under this Act, or

of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this Act and of the regulations adopted and orders and rulings made pursuant thereto.

Sec. 13. ACQUISITION OF AIR RIGHTS. In any case in which: 1. it is desired to remove, lower, or otherwise terminate a non-conforming structure or use; 2. the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this Act, or, 3. it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the political subdivision within which the property or non-conforming use is located or the political subdivision owning the airport or served by it may acquire, by purchase, grant, or condemnation in the manner provided by the law under which political subdivisions are authorized to acquire real property for public purposes, such air right, navigation easement, or other estate or interest in the property or non-conforming structure or use in question as it may be necessary to effectuate the purposes of this Act. Lands owned or held for use for and in connection with the transportation of United States mail and the transportation of property in interstate commerce and all structures thereon shall not be subject to the provisions of this Act.

Sec. 14. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—October 3, 1945

Filed in the Office of the Secretary of State—October 3, 1945.

CHAPTER 16

SENATE BILL NO. 15

AN ACT

RELATING TO AERONAUTICS; AUTHORIZING THE ACCEPTANCE BY THE STATE, AND BY COUNTIES, CITIES AND TOWNS OF FEDERAL AID FOR

AIRPORTS OR OTHER AIR NAVIGATION FACILITIES; PROVIDING FOR JOINT OPERATIONS, AND AMENDING CHAPTER 48, ARIZONA CODE OF 1939, BY ADDING SECTIONS 48-124 AND 48-125.

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

Section 1. Chapter 48, Arizona Code of 1939, is amended by adding section 48-124, to read:

48-124. FEDERAL AID. (a) The state and any county, city or town is authorized to accept, receive, and receipt for federal monies, 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 the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of federal monies upon such airports and other air navigation facilities.

(b) The governing body of any county, city or town is authorized to designate the aeronautics commission of the state, or if there be no aeronautics commission such other state agency as the governor may designate, as its agent to accept, receive, and receipt for federal monies in its behalf for airport 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 such aeronautics commission or other agency prescribing the terms and conditions of such agency in accordance with federal laws, rules and regulations and applicable laws of this state. Such monies as are paid over by the United States government shall be paid over to said municipality under such terms and conditions as may be imposed by the United States government in making such grant.

(c) All contracts for the acquisition, construction, enlargement, improvement, maintenance, equipment or operation of airports or other air navigation facilities, made by the state or by any county, city, or town itself or through the agency of the aeronautics commission of the state or other designated agency, shall be made pursuant to the laws governing the making of like contracts, but where such acquisition, construction, improvement, enlargement, maintenance, equipment or operation is financed wholly or partly with federal monies such contracts may be let in the manner prescribed by the federal authorities, acting under the laws of the United States, and any rules or regulations

made thereunder, notwithstanding any other state law to the contrary.

Sec. 2. Chapter 48, Arizona Code of 1939, is amended by adding section 48-125, to read:

48-125. JOINT OPERATIONS. All powers, rights and authority granted by this Act to any county, city or town, may be exercised by two or more thereof, or by the state and one or more thereof, acting jointly, either within or without the territorial limits of any such county, city or town. Such powers may likewise be exercised, either within or without this state, by the state, or by the state and any county, city or town thereof, acting jointly with another state or with another state and any county, city or town in such state, if the laws of such other state permit such joint action.

Approved by the Governor—October 3, 1945.

Filed in the Office of the Secretary of State—October 3, 1945.

CHAPTER 17

SENATE BILL NO. 27

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA STATE SCHOOL FOR THE DEAF AND THE BLIND, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of one hundred ninety-five thousand dollars is appropriated to the Arizona state school for the deaf and the blind.

Sec. 2. PURPOSE. (a) The appropriation made by this Act is for the purposes and subject to the conditions following:

1. For the state's portion of the cost of construction, furnishing, and equipment of: 1a. a primary and kindergarten building, eighty-five thousand dollars; 1b. a vocational building, eighty thousand dollars, and, 1c. a hospital and infirmary, thirty thousand dollars.

(b) This appropriation is conditioned upon the receipt of a grant of money in the sum of not less than thirty per cent of the cost of such buildings, and their furnishing and equipment, from the United States government or any agency thereof, and for such purpose the Arizona state school for the deaf and the blind shall have the power to accept grants of money from the United States or any agency thereof authorized to make grants for public construction works.

(c) All items of construction shall be by contract after call for bids.

(d) All expenditures under this Act shall be made on claims approved by at least two members of the board of the Arizona state school for the deaf and the blind, and at the time and in conformity with the requirements of any agreement with the federal government or any agency thereof.

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

Approved by the Governor—October 3, 1945.

Filed in the Office of the Secretary of State—October 3, 1945.

CHAPTER 18

HOUSE BILL NO. 2

AN ACT

RELATING TO COMPENSATION FOR OCCUPATIONAL DISEASE, AND AMENDING SECTIONS 13, 15 AND 36, CHAPTER 26, SESSION LAWS OF 1943, REGULAR SESSION.

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

Section 1. Sec. 13, chapter 26, session laws of 1943, regular session, is amended to read:

13. EMPLOYER LIABILITY FOR COMPENSA-

TION. (a) There is imposed upon every employer a liability for the payment of compensation to every employee who shall not have rejected the provisions of this act as herein provided and who becomes totally disabled by reason of an occupational disease arising out of his employment, subject to the following conditions:

1. No compensation shall be paid when the last day of injurious exposure of the employee to the hazards of said occupational diseases shall have occurred prior to the passage of this act.

2. No compensation shall be paid for a disease other than silicosis or asbestosis unless total disability results within one hundred twenty days from the last day upon which the employee actually worked for the employer against whom compensation is claimed.

3. No compensation shall be paid in case of silicosis or asbestosis unless during the ten years immediately preceding the disablement the injured employee shall have been exposed to harmful quantities of silicon dioxide (SiO_2) dust or asbestos dust for a total period of not less than one thousand two hundred work shifts in employment in this state and unless total disability results within two years from the last day upon which the employee actually worked for the employer against whom compensation is claimed.

4. No claim shall be maintained nor compensation paid unless the claim has been filed with the commission in writing within the time fixed by the appropriate subdivision of section 53 of this act.

(b) There is imposed upon every employer a liability for the payment of compensation to the dependents of every employee who shall not have rejected the provisions of this act as provided herein in cases where death results from an occupational disease arising out of his employment, subject to the following conditions:

1. No compensation shall be paid when the last day of injurious exposure of the employee to the hazards of said occupational disease shall have occurred prior to the passage of this act.

2. No compensation shall be paid for death from silicosis or asbestosis unless during the ten years immediately preceding the disablement the deceased employee shall have been exposed to harmful quantities of silicon dioxide (SiO_2)

dust or asbestos dust for a period of not less than one thousand two hundred shifts in employment in this state.

3. No compensation shall be paid for death from silicosis or asbestosis unless the death results within two years from the last day upon which the employee actually worked for the employer against whom compensation is claimed, except in those cases where death results during a period of continuous total disability from silicosis or asbestosis for which compensation has been paid or awarded, or for which a claim, compensable but for such death, is on file with the commission, and in such cases compensation shall be paid if such death results within five years from the last day upon which the employee actually worked for the employer against whom compensation is claimed.

4. No compensation shall be paid for death from an occupational disease other than silicosis or asbestosis unless death results within one year from the last day upon which the employee actually worked for the employer against whom compensation is claimed, except in those cases where death results during a period of continuous total disability from an occupational disease other than silicosis or asbestosis for which compensation has been paid or awarded, or for which a claim, compensable but for such death, is on file with the commission, and in such cases compensation shall be paid if such death results within three years from the last day upon which the employee actually worked for the employer against whom compensation is claimed.

5. No claim shall be maintained nor compensation paid unless the claim has been filed with the commission in writing within the time fixed by the appropriate subdivision of section 53 of this act.

(c) Proof of the exposure to silicon dioxide (SiO_2) dust or asbestos dust for a total period of not less than one thousand two hundred shifts in employment in this state, with proof of total disability from silicosis or asbestosis, shall be prima facie evidence of exposure to harmful quantities of such dust during all of said period.

(d) For the purpose of computing work shifts under this section, employment for less than one-half of a normal shift shall be disregarded and employment for one-half or more of a normal shift shall be deemed to be employment for the entire shift.

Sec. 2. Sec. 15, chapter 26, session laws of 1943, regular session, is amended to read:

15. AMOUNTS OF BENEFITS. The benefits to which a disabled employee or his dependents shall be entitled under this act are limited to the following:

(a) Where claim is by the employee he shall be entitled to and shall receive compensation during the period of disablement in the amount of two-thirds of his average weekly wage, but not less than eight dollars per week, or more than twenty-five dollars per week, provided that in no event shall the total of such payments exceed five thousand dollars.

(b) In case of death the dependents of the deceased employee shall receive weekly death benefits at the rate of twelve dollars fifty cents per week, plus two dollars fifty cents for each dependent in excess of one up to a maximum of five additional, provided that the aggregate of the weekly death benefits shall not exceed the weekly payment such employee would have been entitled to receive in case of total disability rather than death and provided that the total amount paid in death benefits shall not exceed the difference between the sums if any theretofore paid for total disability under subdivision 15 (a) and five thousand dollars.

(c) In the event an employee becomes totally disabled from an occupational disease he shall be entitled to receive such medical service, hospitalization and medicines as may be reasonably required not exceeding the value of five hundred dollars. Any employee who shall suffer any of the occupational diseases listed in subdivision 28, 29, 30, 31, 32 and 33 of section 36 but who is able to continue in his employment while being treated therefor, shall be entitled to receive such medical services, treatments and medicines as may be reasonably required, not exceeding the value of two hundred fifty dollars.

(d) In case death results from such occupational disease, the employer shall pay not to exceed one hundred fifty dollars burial expenses.

Sec. 3. Sec. 36, chapter 26, session laws of 1943, regular session, is amended to read:

36. OCCUPATIONAL DISEASES ENUMERATED. For the purposes of this act only the diseases enumerated in this section shall be deemed to be occupational diseases:

1. Anthrax, glanders, and tularemia.

2. Poisoning by acetanilide or its compounds.

3. Poisoning by arsenic or its compounds.

4. Poisoning by antimony or its compounds.

5. Chrome ulceration or poisoning.

6. Poisoning by cyanogen or its compounds.

7. Poisoning by chlorine or its compounds.

8. Poisoning by cadmium or its compounds.

9. Poisoning by hydrogen sulphide or carbon bisulphide and their compounds.

10. Poisoning by lead or its compounds.

11. Poisoning by manganese or its compounds.

12. Poisoning by mercury or its compounds.

13. Poisoning by selenium or its compounds.

14. Poisoning by tellurium or its compounds.

15. Poisoning by vanadium or its compounds.

16. Poisoning by phosphorous or its compounds.

17. Poisoning by wood alcohol and its compounds.

18. Poisoning by nitrous fumes.

19. Poisoning by formaldehyde.

20. Poisoning by nickel carbonyl.

21. Poisoning by tetrachlor-methane.

22. Poisoning by methyl chloride.

23. Poisoning by carbon monoxide.

24. Poisoning by benzene or its derivatives.

25. Poisoning by toxic halogenated or nitrated hydrocarbons.

26. Poisoning by benzol or its derivatives, including toluol, xylol, and the nitro, nitroso, and amino derivatives of these substances.

27. Poisoning by sulphuric, hydrochloric or hydrofluoric acid.

28. Epitheliomatous cancer or ulceration of the skin or of the corneal surface of the eye, due to tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any of these substances.

29. Dermatitis caused by direct contact with alkalies, acids or oils, or with brick, cement, lime, concrete mortar or cutting compounds capable of causing dermatitis affection, with or without specific hypersensitivity on the part of the employee.

30. Synovitis, or tenosynovitis, or bursitis, or cellulitis, of the wrist, elbow, knee, or hand, due to continual pressure or friction or to repeated trauma or vibration of tools.

31. Blisters or abrasions due to use of tools or appliances in employment, provided that no compensation shall be payable unless the employee shall promptly, and not later than the end of the shift during which such blister or abrasion first develops, report the same to his employer, or designated agent of such employer, if either be available, and shall submit to such medical treatment therefor as shall be required and furnished by the employer.

32. Ulceration of the skin or destruction of tissue due to the prolonged exposure to roentgen rays or radium emanations.

33. Impairment or loss of vision due to acetylene or electrical arc welding.

34. Pemphigus and erysipeloid due to handling of meat products.

35. SILICOSIS. For the purpose of this act "silicosis" means a chronic disease of the lungs caused by the prolonged inhalation of silicon dioxide dust (SiO_2) characterized by small discrete nodules of fibrous tissue similarly dis-

seminated in both lungs, causing characteristic X-ray pattern, and by variable clinical manifestations.

36. ASTESTOSIS. For the purpose of this act "asbestosis" means fibrosis of the lungs from the inhalation of asbestos dust. X-rays of the lungs in this condition have a characteristic ground glass appearance.

Approved by the Governor—October 3, 1945.

Filed in the Office of the Secretary of State—October 3, 1945.

CHAPTER 19

SENATE BILL NO 2

AN ACT

RELATING TO THE PUBLIC HEALTH; CREATING AN ADVISORY COMMITTEE; PROVIDING FOR A STUDY OF ALL HOSPITAL AND HEALTH CENTER FACILITIES IN THE STATE AND THE MAKING OF PLANS FOR PROVIDING ADEQUATE HOSPITAL, CLINICAL, AND SIMILAR SERVICES IN CONJUNCTION WITH EXISTING FACILITIES; AND DECLARING AN EMERGENCY.

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

Section 1. HOSPITAL SURVEY. The state health department, with the assistance of an advisory committee, shall: (a) Make a survey of the location, size, and character of all existing public and private (proprietary as well as nonprofit) hospitals and health centers in the state;

(b) Evaluate the sufficiency of such hospitals and health centers to supply the necessary physical facilities for furnishing adequate hospital, clinic, and similar services to all the people of the state; and

(c) Compile such data and conclusions, together with a statement of the additional facilities necessary in conjunction with existing structures, to supply such services.

The health department shall utilize, so far as practicable, any appropriate reports, surveys and plans prepared by other state agencies.

Sec. 2. ACCEPTANCE OF FEDERAL GRANTS. The health department is authorized to apply for and to accept on behalf of the state, to deposit with the state treasurer, and to expend for the purposes for which granted or advanced, any grant or advance made by the United States or by any agency or officer thereof to assist in meeting the cost of carrying out the purposes of section 1.

Sec. 3. ADVISORY COMMITTEE. There is hereby created an advisory committee to consist of six members, who shall be appointed by the governor. The Arizona Hospital Association, the Arizona Medical Association, and the Arizona Nurses Association shall each submit a panel of four names to the governor, who will appoint one member from each panel. There shall also be selected and appointed by the governor one representative from agriculture, one from labor, and one from business.

Sec. 4. DEFINITION. The term "hospitals and health centers" includes public health centers, and general, tuberculosis, mental, chronic disease, maternity, and other types of hospitals and related facilities such as laboratories, out-patient departments, nurses' home and training facilities, and central service facilities operated in connection with hospitals.

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—October 3, 1945.

Filed in the Office of the Secretary of State—October 3, 1945.

CHAPTER 20

HOUSE BILL NO. 18

AN ACT

MAKING AN APPROPRIATION FOR THE ARIZONA COMMISSION OF AGRICULTURE AND HORTICULTURE, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of twenty-

six thousand six hundred dollars is appropriated to the Arizona commission of agriculture and horticulture, to be available as follows:

1. During the thirty-fourth fiscal year: For red scale eradication, five thousand dollars; for salaries of two additional quarantine inspectors, four thousand dollars; for salary of a plant pathologist, two thousand seven hundred dollars; for travel, within the state, one thousand dollars; for the purchase of a pick-up truck, one thousand two hundred dollars.

2. During the thirty-fifth fiscal year: For red scale eradication, five thousand dollars; for salaries of two additional quarantine inspectors, four thousand dollars; for salary of a plant pathologist, two thousand seven hundred dollars; for travel, within the state, one thousand dollars.

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

Approved by the Governor—October 3, 1945.

Filed in the Office of the Secretary of State—October 3, 1945.

CHAPTER 21

HOUSE BILL NO. 44

AN ACT

MAKING AN APPROPRIATION TO THE STATE DEPARTMENT OF HEALTH, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. Twenty-six thousand eight hundred sixty and no/100 dollars ($26,860.00) is hereby appropriated from the general fund to the state department of health; ten thousand and no/100 dollars ($10,000.00) thereof to be available during the remainder of the thirty-fourth fiscal year, and sixteen thousand eight hun-

dred sixty and no/100 dollars ($16,860.00) to be available during the thirty-fifth fiscal year.

Sec. 2. PURPOSE. The purpose of this appropriation is to supplement the appropriation of the state department of health contained in subdivision 12, chapter 103 (General Appropriation Act), session laws 1945, regular session, for personal services.

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

Approved by the Governor—October 3, 1945.

Filed in the Office of the Secretary of State—October 3, 1945.

CHAPTER 22

SENATE BILL NO. 20

AN ACT

RELATING TO INSURANCE; REPEALING CHAPTERS 101 AND 102, SESSION LAWS OF 1945, REGULAR SESSION, AND SECTIONS 9 AND 10, CHAPTER 100, SESSION LAWS OF 1945, REGULAR SESSION.

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

Section 1. REPEAL. Chapters 101 and 102 of the Session Laws of 1945, regular session, and sections 9 and 10 of chapter 100, Session Laws of 1945, regular session, relating to insurance, are repealed.

Approved by the Governor—October 3, 1945.

Filed in the Office of the Secretary of State—October 3, 1945.

CHAPTER 23

SENATE BILL NO. 19

AN ACT

RELATING TO STATE AUTOMOBILES, AND PRESCRIBING THE DESIGNATION TO BE PLACED THEREON.

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

Section 1. DESIGNATION OF STATE AUTOMOBILES. All automobiles the property of the state and operated by any officer, department or agency of the state or any employee of any such department or agency, shall bear the designation, in letters three inches in height, painted on each side of the body thereof: "State of Arizona—(name of department or agency)."

Sec. 2. DUTY OF HIGHWAY DEPARTMENT. The state highway engineer shall adopt a uniform pattern for use in the designation of state automobiles, and it shall be the duty of the highway department to affix such designation, as provided by section 1. Within thirty days after this Act takes effect the custodian of any state automobile shall present the same to the state highway department for such purpose.

Sec. 3. EXEMPTIONS. (a) The provisions of this Act shall not apply to one automobile for the use of the governor.

(b) The head of any law enforcement department or agency having the power and duty to conduct investigations secret in character, may apply to the governor for the exemption from the provisions of this Act of any automobile used in such service, stating the nature of the service, the license number of the automobile, and providing such other information as the governor may require, and the governor, in his discretion, may grant such exemption.

Sec. 4. PENALTY. Failure to comply with any provision of this Act is a misdemeanor.

Approved by the Governor—October 4, 1945.

Filed in the Office of the Secretary of State—October 4, 1945.

CHAPTER 24

SENATE BILL NO. 23

AN ACT

RELATING TO HIGHWAY TRAVEL; PRESCRIBING RULES WITH RESPECT TO PASSING VEHICLES, AND AMENDING SECTION 66-108, ARIZONA CODE OF 1939.

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

Section 1. Sec. 66-108, Arizona Code of 1939, is amended to read:

66-108. RULES FOR PASSING VEHICLES. (a) No driver of a vehicle shall pass a vehicle proceeding in the same direction: 1. by driving to the left of the center line of the highway, unless the left side of the highway is clearly visible and free of oncoming traffic for a sufficient distance to permit such passing to be made in safety; 2. upon the crest of a grade or upon a curve in the highway where the driver's view of the highway is obstructed within a distance of one hundred and fifty feet, or, 3. at any grade crossing of a steam or electric railway or at any intersection of highways, unless permitted so to do by a traffic or police officer.

(b) Two vehicles passing in opposite directions have the right of way, and no other vehicle to the rear of either of such vehicles shall pass or attempt to pass unless there is sufficient apace for the rear vehicle to remain upon the right half of the highway in passing the vehicle ahead.

(c) The state highway commission is authorized to determine the places on any highway where passing the vehicle ahead or driving to the left of the highway is especially hazardous and by means of appropriate signs or marks on the highway to indicate the beginning and end of such danger zones. Every driver of a vehicle shall obey the directions of the same.

Approved by the Governor—October 4, 1945.

Filed in the Office of the Secretary of State—October 4, 1945.

CHAPTER 25

SENATE BILL NO. 24

AN ACT

RELATING TO THE USE OF HIGHWAYS BY VEHICLES; PRESCRIBING EQUIPMENT FOR SCHOOL BUSES TRANSPORTING CHILDREN; REGULATING THE PASSING OF SCHOOL BUSES ON HIGHWAYS, AND AMENDING ARTICLE 1, CHAPTER 66, ARIZONA CODE OF 1939, BY ADDING SECTION 66-101a.

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

Section 1. Article 1, chapter 66, Arizona Code of 1939, is amended by adding section 66-101a:

66-101a. SCHOOL BUSES ON HIGHWAYS. (a) Every school bus, when transporting children to or from school, shall bear upon the front and rear thereof a plainly visible sign containing the words "School Bus" in letters not less than eight inches in height, susceptible of being removed or covered when the vehicle is not in use as a school bus, and shall be equipped with a signal with the word "Stop" printed on both sides in black letters not less than five inches high on a highway yellow background. Such signal shall be not less than twenty inches long and shall be manually operated by the operator of the school bus in such manner as to be clearly visible from both front and rear when extended from the left of the body of the bus. It shall be displayed only when passengers are being received or discharged from the bus.

(b) The driver of any vehicle upon a highway, when meeting or overtaking a school bus equipped as prescribed in subsection (a), which has stopped for the purpose of receiving or discharging school children, shall stop immediately before passing the school bus, and may then proceed past the school bus at a speed which is reasonable and prudent, not exceeding ten miles per hour, and with due caution for the safety of the children being received or discharged. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Approved by the Governor—October 4, 1945.

Filed in the Office of the Secretary of State—October 4, 1945.

CHAPTER 26

SENATE BILL NO. 28

AN ACT

RELATING TO VETERANS, AND PROVIDING THAT BOARDS OF TRUSTEES OF SCHOOL DISTRICTS MAY EXCEED THEIR BUDGETS IN THE EMPLOYMENT OF VETERANS UNDER CERTAIN CONDITIONS; AND DECLARING AN EMERGENCY.

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

Section 1. EXCEEDING SCHOOL BUDGET. When any employee of a high school or grammar school district, who was inducted into the armed forces of the United States after August 1, 1939, and is qualified, under the provisions of chapter 29, Session Laws of 1944, second special session, for restoration to his previous employment, is deprived of such employment by reason of insufficiency of funds in the official budget of the school district by which he was employed at the time of induction, the board of trustees of such district shall have authority, with the approval of the county superintendent of schools, to exceed the salary budget of such district in an amount sufficient to pay the salary of the returned employee.

Sec. 2. EXPIRATION OF ACT. This Act shall expire by limitation upon the termination of the school year 1945-6.

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

Approved by the Governor—October 4, 1945.

Filed in the Office of the Secretary of State—October 4, 1945.

CHAPTER 27

HOUSE BILL NO. 31

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF

THE BUREAU OF CRIMINAL IDENTIFICATION, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. One thousand and no/100 dollars ($1,000.00) is hereby appropriated from the General Fund to the Bureau of Criminal Identification.

Section 2. PURPOSE. Six hundred and no/100 dollars ($600.00) of this appropriation shall be applied only to and in satisfaction of certificates of indebtedness (certificate No. 13 in the amount of three hundred and no/100 dollars ($300.00), and certificate No. 15 in the amount of three hundred and no/100 dollars ($300.00)) drawn in favor of James F. McDonald for salary for the months of July and August, 1945.

Four hundred and no/100 dollars ($400.00) of this appropriation shall be applied only to and in satisfaction of certificates of indebtedness (certificate No. 14 in the amount of two hundred and no/100 dollars ($200.00), and certificate No. 16 in the amount of two hundred and no/100 dollars ($200.00), drawn in favor of Daniel B. O. Smith for salary for the months of July and August, 1945.

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

Approved by the Governor—October 4, 1945.

Filed in the Office of the Secretary of State—October 4, 1945.

CHAPTER 28

HOUSE BILL NO. 63

AN ACT

MAKING AN APPROPRIATION FOR THE STATE HIGHWAY DEPARTMENT FOR THE 35TH FISCAL YEAR BEGINNING JULY 1, 1946 AND ENDING JUNE 30TH, 1947 INCLUSIVE; REPEALING SUB-

DIVISION 56 OF CHAPTER 103 SESSION LAWS OF 1945; AND DECLARING AN EMERGENCY.

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

Section 1. From the state highway fund:

From any unencumbered balances remaining in the highway fund as of June 30th, 1946, from all collections of the highway department when paid into the state treasury there is hereby appropriated for the particular purposes named below not to exceed the amounts specifically designated for each purpose:

Administration	$ 400,000.00
Engineering	400,000.00
Shops & Equipment	1,000,000.00
Traffic Division	30,000.00
Planning Survey	30,000.00
Motor Vehicle Division	440,000.00
Motor Patrol Division	270,000.00
Industrial Insurance	80,000.00
Maintenance	1,000,000.00
Betterment	250,000.00
Highway Magazine	100,000.00
Total Appropriation	$4,000,000.00

Any of such balances and collections under this act in excess of the specific amounts set forth above for the purposes designated are hereby appropriated exclusively for construction of state highways (including the 8% state highway system, the non 8% highway system and matching federal funds) the acquisition of rights of ways and the costs of field administration, and field engineering on construction projects but only during the period of actual construction.

Sec. 2. REPEAL. Subdivision 56 of chapter 103, 1945 Session Laws is hereby repealed.

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

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

Approved by the Governor—October 4, 1945.

Filed in the Office of the Secretary of State—October 4, 1945.

CHAPTER 29

SENATE BILL NO. 14

AN ACT

RELATING TO JUVENILE DELINQUENTS AND DEPENDENTS, AND AMENDING SECTION 46-115, ARIZONA CODE OF 1939.

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

Section 1. Sec. 46-115, Arizona Code of 1939, is amended to read:

46-115. WHEN BOARD MAY PLACE CHILD WITH FAMILY. The board of directors of state institutions for juveniles may place any child in a school under its control, under the care of any resident of the state who is the head of a family and of good moral character, on such conditions as the board may impose. If the child thereafter absents itself, without leave, from the person to whose care it has been committed, or violates any of the conditions imposed by the board, it may forthwith, and without further process, be returned to the school and shall forfeit all credits gained on account of previous good conduct.

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

Approved by the Governor—October 10, 1945.

Filed in the Office of the Secretary of State—October 10, 1945.

CHAPTER 30

HOUSE BILL NO. 17

AN ACT

RELATING TO METAL PLATES, SIGNS AND MARKERS; PROVIDING FOR THE PURCHASE OF THE SAME FROM THE STATE PRISON, AMENDING SECTION 3, CHAPTER 97, SESSION LAWS OF 1945, AND EXEMPTING PROVISIONS OF SECTION 47-303, ARIZONA CODE OF 1939.

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

Section 1. Sec. 3, chapter 97, Session Laws of 1945, is amended to read:

3. PLATES TO BE ORDERED FROM PRISON. From and after January 1, 1946, the Arizona Highway Department and any other department or agency of the state required by law to issue, erect or use any metal plate, sign, marker or other article susceptible of manufacture by the plant authorized by this act shall, not less than six months prior to the date on which such use is required, order from the state prison, the number required of any such article, and accompany the order with complete specifications. The state prison shall charge the department or agency ordering any such article as nearly as may be the normal market price, which shall be paid as other accounts against the purchasing agency. This section shall be exempt from the provisions of Section 47-303, Arizona Code of 1939.

Approved by the Governor—October 10, 1945.

Filed in the Office of the Secretary of State—October 10, 1945.

CHAPTER 31

HOUSE BILL NO. 16

AN ACT

CREATING A TRAFFIC SAFETY DIVISION WITHIN THE ARIZONA HIGHWAY DEPARTMENT AND PRESCRIBING THE POWERS AND DUTIES

THEREOF, AND DECLARING AN EMERGENCY.

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

Section 1. DIVISION TO BE FORMED. There is hereby created the traffic safety division of the Arizona highway department hereinafter called the safety division.

Sec. 2. POWERS AND DUTIES. The safety division shall be empowered to establish and maintain techniques and methods in the field of traffic control which will provide maximum efficiency in the use of state highways together with a minimum of traffic accidents. The safety division shall create and administer a continuous traffic accident prevention program by the use of standard procedures in the fields of traffic engineering and public traffic safety education. It shall be a duty of the safety division to coordinate its traffic control and safety program with other legal agencies of the state as well as to cooperate with private agencies having a responsible interest in traffic accident prevention. The safety division shall be charged with the responsibility of studying the causes of traffic accidents. Based upon these studies, the safety division shall conduct a continuous program of traffic accident prevention. It shall be the duty of the safety division to cooperate with public and private schools in the establishment and execution of traffic control and safety programs on all grade levels.

Sec. 3. EXECUTIVE OFFICER. (Traffic Engineer). The Governor shall appoint a traffic engineer who shall be the executive officer of the safety division. The traffic engineer shall be duly registered with the state board of technical registration to practice surveying professionally within the state of Arizona. The traffic engineer shall be qualified to perform the recognized functions of a professional traffic control engineer. The traffic engineer shall be competent to deal with the planning and geometric design of streets, highways, and abutting lands and with traffic operation thereon, as their use is related to the safe, convenient, and economic transportation of persons and goods. The traffic engineer shall be experienced in traffic safety administration.

Sec. 4. DUTIES OF THE TRAFFIC ENGINEER (EXECUTIVE OFFICER). Subject to the approval of the state highway engineer, the traffic engineer shall be responsible for the administration of the safety division. He shall make staff assignments and be responsible for general conduct of the traffic control and safety program, including the technical duties of traffic engineering. The traffic engi-

neer shall supervise the design and installation of adequate signs, signals, markings, road striping, and restrictions at points of danger and congestion on state highways. He shall make studies and generally supervise a balanced speed control program consistent with the motor vehicle regulation of the state of Arizona. This includes the surveying of abrupt curves on the main system, designation of no-passing zones, safety zones, school zones, and other restricted zones. He shall make studies and recommend safe vehicular speeds on sections of the state highway where speed limits are not otherwise provided by law. He shall have authority to survey and recommend speed zones where state-wide limits do not fit road conditions and where there is need for special regulation. He shall initiate and carry out factual investigations with regard to parking regulations on state highways consistent with state motor vehicle regulations. He shall have authority to establish and maintain a policy of uniform and efficient parking regulations on state highways. At the request of state and responsible private agencies, having an interest in accident prevention, he shall make available accident reports, spot maps, accident summaries, and such statistical material as may be necessary to identify and develop such problems as high accident locations, increased death rates, and other unfavorable trends in the movement of vehicles and persons on state highways. Upon the request of the U. S. public roads administration and other federal and state traffic control agencies, he shall furnish speed checks, origin and destination studies, traffic volume studies, and such other technical traffic engineering information necessary to the efficient operation of state highways. He shall maintain permanent liaison with the highway traffic advisory committee to the war department and make available to it such information as may be required for security purposes. Upon request of county and city traffic control officials, he may, in an advisory and consulting capacity, lend assistance and on a cooperative basis exchange accident prevention information pertinent to the common weal. As executive officer of the safety division, he shall be responsible for the over all traffic accident program of the state of Arizona.

Sec. 5. SALARIES—EXPENSES—QUARTERS. The compensation of the executive officer (traffic engineer) of the safety division and staff shall be fixed by the state highway engineer, subject to the approval of the Governor. Administrative and operational expenses of the safety division shall be budgeted and paid from the state highway fund, subject to partial reimbursement under the provision of Sec. 12 of the federal aid highway act of 1944. Suitable quarters shall be provided by the highway department upon the recommendation of the state highway engineer.

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

Approved by the Governor—October 10, 1945.

Filed in the Office of the Secretary of State—October 10, 1945.

CHAPTER 32

SENATE BILL NO. 31

AN ACT

RELATING TO SURPLUS PROPERTY OF THE UNITED STATES; AUTHORIZING THE PURCHASE THEREOF BY AGENCIES OF THE STATE AND ITS POLITICAL SUBDIVISIONS, AND SUSPENDING RESTRICTIVE LAWS; ESTABLISHING A CENTRAL SURPLUS PROPERTY PURCHASING AGENCY, AND MAKING AN APPROPRIATION; AND DECLARING AN EMERGENCY.

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

Section 1. AUTHORITY TO PURCHASE SURPLUS PROPERTY. The state of Arizona, through any department, board, commission, or agency thereof, and any county, city, town, or other political subdivision thereof, is authorized to enter into contracts with the United States of America, or with any agency thereof, for the purchase of equipment, supplies, materials, or other property, without regard to the provisions of law requiring the advertising, giving of notices, inviting or receiving bids, or which may require the delivery of purchases before payment, for which purpose funds, appropriated as provided by law, are available, and to this and the executive head of any such department, board, commission, or agency of the state, the county board of supervisors, and the governing authority of any city or town, may designate by appropriate resolution or order any office holder or employee of its own to enter a bid or bids in its behalf at any sale of equipment, supplies, material or other property, owned by the United States of America or any agency thereof, and may authorize such person to make any down payment, or payment in full, required in connection with such bidding.

Sec. 2. SURPLUS PROPERTY PURCHASING AGENT. (a) As soon as practicable after this act takes effect a board consisting of the governor, the state auditor and the chairman of the state tax commission shall appoint a surplus property purchasing agent, who shall establish at the headquarters of the state highway department in the city of Phoenix a surplus property purchasing agency. Any department, board, commission or agency of the state, or any agency of any county, city, town or other political subdivision of the state, desiring to pool its applications or bids for surplus property of the United States, with those of other such departments, boards, commissions, or agencies of the state and its political subdivisions, and having funds available for the purchase of the property desired, may file a list of its wants with the surplus property purchasing agent, in such form, in accordance with such rules and regulations and accompanied by such down payments as the surplus property purchasing agent may prescribe or as the provisions of the law of the United States relating to the sale of surplus property and the rules and regulations of the United States department of commerce with respect thereto may require.

(b) The surplus property purchasing agent shall procure complete information with respect to surplus property available for sale, and all information necessary to facilitate the purchase of the same, and upon request shall furnish such information to any interested agency of the state or any political subdivision. Whenever he deems it advisable the surplus property purchasing agent or an accredited representative may visit any regional office of the United States department of commerce at which surplus property shall be available for sale to this state, for the purpose of examining such property and determining its suitability and value.

(c) The surplus property purchasing agent shall receive a salary of four hundred dollars per month. He may employ such assistants and purchase such supplies as may be required to carry out the purposes of this act.

Sec. 3. SUSPENSION OF RESTRICTIVE LAWS. The provisions of any law of this state, or of any rule or regulation of any agency of the state made pursuant to law, relating to the mode or manner of making purchases, or of making payment for the same, is suspended during the life of this act as to purchases of surplus property under the provisions of this act, for which purchases funds are lawfully available, and the governing body of any county, city, town or other political subdivision of the state, may in like manner suspend for such period any such law, rule or reg-

ulation of such political subdivision, based upon the requirements of any state law.

Sec. 4. APPROPRIATION. The sum of ten thousand five hundred dollars is appropriated to the surplus property purchasing agency, four thousand five hundred dollars thereof for the remainder of the thirty-fourth fiscal year, and six thousand dollars for the thirty-fifth fiscal year.

Sec. 5. TERMINATION OF ACT. This act shall expire by limitation at the close of the thirty-fifth fiscal year (June 30, 1947) unless renewed prior to such date, but the governor may, by proclamation, terminate it sooner, if he deems the usefulness of the act is at an end.

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

Approved by the Governor—October 10, 1945.

Filed in the Office of Secretary of State—October 10, 1945.

CHAPTER 33

HOUSE BILL NO. 57

AN ACT

RELATING TO THE STATE HIGHWAY DEPARTMENT; AMENDING SECTION 59-106, ARIZONA CODE OF 1939 AND ARIZONA CODE OF 1939 AS AMENDED; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 59-106, Arizona Code of 1939, is amended to read:

59-106. SECRETARY AND STATE HIGHWAY ENGINEER. The commission, at its meeting held January 31st of each odd numbered year, shall appoint a state highway engineer by and with the consent and advice of the governor, who shall hold office at the pleasure of the commission.

The engineer shall be a civil engineer duly registered to practice as such in the state of Arizona and who shall be familiar with the theory of and experienced in the practice of highway construction and maintenance. His salary shall be fixed by the state highway commission for the term of his appointment and shall not exceed the sum of seven thousand five hundred dollars per year.

The commission shall appoint a secretary by and with the consent and advice of the governor, for a period co-terminous with the governor and who shall be removed only for cause during the period of his appointment, subject to review by the governor. His salary shall be seven thousand two hundred 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.

Approved by the Governor—October 10, 1945.

Filed in the Office of the Secretary of State—October 10, 1945.

CHAPTER 34

HOUSE BILL NO. 6

AN ACT

RELATING TO MENTALLY DEFECTIVE CHILDREN; CREATING THE ARIZONA CHILDREN'S COLONY BOARD, AND VESTING IN THE BOARD ALL POWERS AND DUTIES WITH RESPECT TO THE CARE AND TRAINING OF SUCH CHILDREN.

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

Section 1. Section 54-1401, Arizona Code of 1939, as amended, is amended to read:

54-1401. CARE OF MENTALLY DEFICIENT CHILDREN. There shall be maintained an institution for the care and education of mentally defective children in the state, to be known as Arizona Children's Colony. The Arizona children's colony board is hereby charged with the care and training of mentally deficient children who

are susceptible of mental improvement, education and vocational adaptability.

Sec. 2. CHILDREN'S COLONY BOARD. The Arizona children's colony board shall be composed of five members appointed by the governor, subject to confirmation by the senate, one for a term ending January 31, 1947, and one each for terms ending one, two, three and four years thereafter. Succeeding terms shall be for five years. Appointment to fill a vacancy occasioned otherwise than by expiration of term shall be for the unexpired portion thereof. The board shall serve without compensation, but shall be reimbursed for expenses and mileage as other state officers.

Sec. 3. TRANSFER OF FUNDS. All money standing to the credit of the board of directors of state institutions for juveniles for the account of the Arizona children's colony shall be transferred to the Arizona children's colony board.

Approved by the Governor—October 11, 1945.

Filed in the Office of the Secretary of State—October 11, 1945.

EXECUTIVE OFFICE
STATE HOUSE
PHOENIX, ARIZONA

October
Eleventh
1 9 4 5

Honorable Dan E. Garvey
Secretary of State
Capitol Building

My dear Mr. Secretary:

I hand you herewith House Bill No. 6 "An Act relating to mentally defective children; creating the Arizona children's colony board, and vesting in the board all powers and duties with respect to the care and training of such children," passed by the First Special Session of the Seventeenth Legislature, which Act I have this day approved.

My approval is given reluctantly for the reason that by its provisions nothing is accomplished except transfer of the jurisdiction of the Arizona Children's Colony from the Board of State Institutions for Juveniles to a new Board created by the Act. This is

rather a ludicrous situation when it is remembered that Arizona has no Children's Colony for the reason that the Legislature has never made an appropriation whereby one could be built and equipped.

The need for a Children's Colony is great, and growing greater with each passing day. I had high hopes that this Legislature would make an appropriation so that construction of the necessary facilities could proceed immediately on land long since purchased for such purpose. However, this Act carries no appropriation.
I can see no need to transfer the jurisdiction to a new Board. The Board of State Institutions for Juveniles is an excellent one, has performed splendid service and is entirely familiar, through experience and study, with the children's colony situation. The only reason for approving the measure is that it may be the Legislature will give more heed to the recommendations of a new Board, by it created, than has been given to recommendations of the Board of State Institutions for Juveniles. It is in the hope that the Legislature will do this and will make an adequate appropriation for this purpose that I have signed the measure.

Sincerely,

(Signed) SIDNEY P. OSBORN
Governor

SPO:E

MEMORIALS

HOUSE MEMORIAL NO. 1.

A MEMORIAL

REQUESTING THE MAINTENANCE OF ADEQUATE TARIFF RATES ON COPPER, ZINC AND LEAD.

TO THE CONGRESS OF THE UNITED STATES AND THE DEPARTMENT OF STATE:

Your memorialist respectfully represents:

Finding profitable jobs for the nation's millions of returning soldiers and other millions of displaced workers in war industries is today's number one problem.

Arizona's answer to this problem depends in great measure upon keeping its mines—primarily its huge copper properties, and to a lesser extent its producers of zinc and lead—in active operation, and on a basis which will permit the paying of wages commensurate with the American standard of living.

The rates on zinc and on lead, reduced under the provisions of the Trade Agreements Act as much as fifty per cent from the level authorized by the Act of 1930, place the mining of these metals in a highly questionable class, while a further reduction of twenty-five per cent made possible by the extension of the Trade Agreements Act threatens to remove these industries from the field of Arizona activities.

The maintenance of an excise tax of four cents per pound on copper played a large part in the maintenance of Arizona's splendid production of this critical metal throughout the war. It can play an equally large part in keeping thousands of miners and other employees at work during the years of readjustment. A reduction of this rate, which will bring the copper mines of Arizona and other states into economic competition with copper mined in foreign countries at a much lower cost, especially for labor, will seriously impair the activities of Arizona's great copper industry, and, while detracting from the state's prosperity materially reduce its ability to contribute to the cause of reemployment.

Wherefore your memorialist, the House of Representatives of the State of Arizona, prays:

1. That the tariff rates on copper, zinc and lead, in their various forms, be maintained at a level that will permit the continued production of these important metals on a large scale, and the employment of many thousands of workers.

Adopted by the House—September 18, 1945.

Approved by the Governor—September 21, 1945.

Filed in the Office of the Secretary of State—September 22, 1945.

SENATE MEMORIAL NO. 1

A MEMORIAL

ON THE NEED FOR HOSPITAL FACILITIES IN ARIZONA. TO THE UNITED STATES VETERANS' BUREAU:

Your memorialist respectfully represents:

The government of the United States has no higher duty, nor one more clearly recommended by every consideration of humanity and of gratitude, than to provide adequate and ample hospital facilities for the men and women of the armed forces who return to civil life wounded, their bodies broken by disease, or their strength sapped by life—a life almost worse than death—in bestial prison camps.

It is estimated that in the neighborhood of one hundred and fifty thousand of these victims of war's ravages will return to Arizona. One-third will be citizens of Arizona, the remainder former residents of other states who seek the curative properties of the Arizona climate and the advantages afforded by existing opportunities for rehabilitation and readjustment. The citizens of Arizona will have hailed from different parts of the state, where they have relatives, friends, associations and interests; the former residents of the other states will come with preferences dictated by the character of their ailments, and other considerations.

The people of Arizona desire wholeheartedly that these veterans shall have the best and most suitable accomodations afforded by Arizona's varied advantages, whether of climate, elevation, surroundings, or otherwise, and to this end will welcome the selection of such sites for veterans' hospitals as may be determined with a view solely to the welfare and interests of the sick or injured veterans. Wherefore

Your memorialist, the Senate of the State of Arizona suggests:

1. That a committee of the United States Veterans' Bureau, having no personal or community interest and no predilection for or against any prospective or potential site for veterans' hospitals in Arizona, visit this state and make a thorough investigation and study of the conditions, with a view to recommending the places best suited to the location of such hospitals.

Adopted by the Senate—September 18, 1945.

Filed in the Office of the Secretary of State—September 21, 1945.

SENATE MEMORIAL NO. 2

A MEMORIAL

REQUESTING CONGRESS TO INVESTIGATE THE ADMINISTRATION OF THE NATIONAL FORESTS.

TO THE CONGRESS OF THE UNITED STATES:

Your memoralist respectfully represents:

That the United States Forest Service is, in effect and without sufficient Congressional authorization, dictatorially exercising legislative and judicial functions in regard to grazing on the National Forests, instead of limiting itself to the administration of the forests. A general grazing reduction program of from thirty to fifty per cent has been announced by forest officials. If this program is put into effect it will work a great hardship on, and jeopardize the stability of the users of the National Forests.

It has been called to the attention of this body that the Grazing Service, which is charged with the administration of other federal grazing lands and which is functioning under a clearly defined law recently enacted by Congress, is exercising a more practical application of conservation and is giving the users a fairer adjudication of grievances and more security of tenure and general stability.

Wherefore your memorialist, the Senate of the State of Arizona, requests:

1. That a Congressional investigation be made of conditions existing in connection with the administration of the National Forests, to the end that legislation may be formulated which will remove existing evils and give all areas of federal land for grazing purposes uniform, reasonable and just treatment.

Adopted by the Senate—September 25, 1945.

Filed in the Office of the Secretary of State—September 26, 1945.

SENATE JOINT MEMORIAL NO. 2

A JOINT MEMORIAL

RELATING TO FEDERAL AID FOR DEVELOPMENT OF AIRPORTS.

TO THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

The expansion of aviation occupies one of the highest positions in all comprehensive programs for the continued growth and advancement of the United States.

It is the subject of numerous measures introduced and pending in the two houses of Congress.

A feature of every such measure is provision for the extension of federal aid to the states for the development of airports, and a formula under which such aid shall be allocated.

It seems proper to direct the attention of the Congress to the circumstance that the allocation of aid to the states solely or primarily in the proportion that the population and area of a state bears to the population and area of all the states is unjust to states of great size having an exceptional amount of federally owned land covered by national forests, parks, monuments, grazing districts, Indian reservations, and other federally controlled lands.

Arizona is such a state. Eighty-two per cent of its area is federally owned and controlled, and however beneficient and desirable the purposes for which these lands are held by the federal government the fact of such control is a potent reason for sparsity of population.

Recognition should also be given to the fact that the development of airports in Arizona will be largely in the interest of the various federal services.

Wherefore your memorialist, the Legislature of the State of Arizona, requests:

1. That in any legislation which may be enacted for the development of aviation, containing provisions for the allocation of aid in the carrying out of state programs, the proportion that federally owned land within a state bears to the federally owned land in all of the states be recognized as just and equitable and one of the factors to be employed.

2. That the factor of total area be accorded a higher value than that of population.

Adopted by the House—September 29, 1945.

Adopted by the Senate—September 27, 1945.

Approved by the Governor—October 4, 1945.

Filed in the Office of the Secretary of State—October 4, 1945.

RESOLUTIONS

HOUSE CONCURRENT RESOLUTION NO. 1

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO PUBLIC DEBT, REVENUE, AND TAXATION, AND PROVIDING FOR EXEMPTIONS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ARIZONA, THE SENATE CONCURRING:

1. The following amendment to section 2, article 9, Constitution of Arizona, is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

Section 2. TAX EXEMPTIONS. There shall be exempt from taxation all federal, state, county and municipal property. Property of educational, charitable and religious associations or institutions not used or held for profit may be exempt from taxation by law. Public debts, as evidenced by the bonds of Arizona, its counties, municipalities, or other subdivisions, shall also be exempt from taxation. There shall be further exempt from taxation the property of widows, honorably discharged soldiers, sailors, United States marines, members of revenue marine service, nurse corps, or of the components of auxiliaries of any thereof, residents of this state, not exceeding the amount of two thousand dollars, where the total assessment of such widow and such other persons named herein does not exceed $5,000.00; provided, that no such exemption shall be made for such persons other than widows unless they shall have served at least sixty days in the military or naval service of the United States during time of war, and shall have been residents of this state prior to September 1, 1945. All property in the state not exempt under the laws of the United States or under this constitution, or exempt by law under the provisions of this section shall be subject to taxation to be ascertained as provided by law. This section shall be self-executing.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by article XXI, Constitution of Arizona.

Passed the House—September 29, 1945.

Passed the Senate—September 29, 1945.

Filed in the Office of the Secretary of State—October 10, 1945.

HOUSE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION

TO DESIGNATE DECEMBER 15 IN EACH YEAR AS BUSHMASTER'S DAY.

WHEREAS, among the great fighting units and commands of the United States army, navy and marines, which have distinguished themselves throughout the titanic struggle in the Pacific since that fateful day of the perfidy of Pearl Harbor, none has graven its name on the scroll of fame more inerasably than Arizona's own 158th Infantry, otherwise known as the 158th Combat Team, and still more popularly and proudly known as the Bushmasters.

One of the first of the highly trained units to enter the theatre of war, the 158th won its fighting name from the fighting men of other allied troops for its skill, daring, intrepidity, and dogged determination in beating down the enemy. From first to last it played a vital part in winning the war. It took part in no less than five difficult and perilous invasions, the first one being the invasion of Arawe Beach, New Guinea Island, on December 15, 1943. So desperate were the battles through which it passed that its casualties are said to total two hundred per cent of the unit's original strength.

It is fitting that the valiant and heroic deeds of this magnificent fighting unit should be perpetuated, and that its proud fighting name should become a familiar term in the homes and offices and marts of the state which gave the 158th Regiment to the United States Army. Therefore

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

1. That in commemoration of the deeds of daring, the heroic sacrifices, the outstanding achievements, and specifically of its landing on Arawe beach, December 15 of each year is set aside to be known and observed by such ceremonies as may seem appropriate but always by the proud and grateful thoughts of loyal Arizonans, as Bushmasters' Day.

Passed the House—September 21, 1945.

Passed the Senate—September 24, 1945.

Approved by the Governor—September 25, 1945.

Filed in the Office of the Secretary of State—September 25, 1945.

SENATE CONCURRENT RESOLUTION NO. 4

A CONCURRENT RESOLUTION

ON THE DEATH OF HON. KEAN ST. CHARLES

WHEREAS, on September 4, 1945, at the home of his daughter, Mrs. Florence Anderson, in Long Beach, California, the spirit of Hon. Kean St. Charles passed to the Great Beyond, at the age of ninety years.

Kean St. Charles, a Virginian by birth, had lived in Arizona

since 1893. A vigorous, virile personality, he made his presence felt in the community from the first. His education, to employ his own words, had been received in the "tempest of life", but he made full use of the learning he gained in the public schools and by experience, and in the conduct of a local weekly newspaper at Kingman, "Our Mineral Wealth", became widely known for his original, colorful style, containing elements of philosophy combined with poetic expression. He was also an enthusiastic prospector, and when other activities did not prevent could usually be found in the mineralized mountains of Mohave county. He was the discoverer of several valuable mineral properties.

In 1900 Mr. St. Charles was chosen by the people of Mohave county to represent them in the House of Representatives of the Twenty-first Legislature, the first law-making body to sit in the present capitol. Again in 1903 he was elected to the House, and in 1908 to the Council of the Twenty-fifth, or last Territorial Legislature. In 1922, 1924, 1928 and 1930 he was chosen to be Mohave's Senator in the Sixth, Seventh, Ninth and Eleventh legislatures. On all these occasions he distinguished himself for his energy, fearless devotion to his duty as he saw it, and for his colorful speech and indifference to parliamentary restrictions. Among the causes to which he gave his untiring efforts were the interests of the working class and promotion of the development of the Colorado river. Therefore

BE IT RESOLVED BY THE SENATE OF THE STATE OF ARIZONA, THE HOUSE OF REPRESENTATIVES CONCURRING:

1. The death of this colorful pioneer and veteran legislator is noted with deepest regret, and the sympathy of the members of this body is extended to the surviving sons and daughters.

Adopted by the Senate—September 24, 1945.

Adopted by the House—September 25, 1945.

Filed in the Office of the Secretary of State—September 25, 1945.

BILLS VETOED BY THE GOVERNOR

(None)

ACTS

Memorials and Resolutions

of the

SECOND SPECIAL SESSION

of the

Seventeenth Legislature

of the

STATE OF ARIZONA

1946

Second Special Session Convened April 23, 1946

Second Special Session Adjourned Sine Die May 3, 1946

Publication authorized

(Chapter 142, Subdivision 6, Laws of 1947)

Regular Session Eighteenth Legislature

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

AUTHENTICATION

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

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

That the Second Special Session of the Seventeenth Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, April 23, 1946, and adjourned sine die on the 3rd day of May, 1946.

IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 19th day of June, 1947.

DAN E. GARVEY, (Signature)

Secretary of State.

PROCLAMATION

Calling a Special Session of the Seventeenth Legislature

WHEREAS, the Governor of Arizona is vested by the Constitution (Article IV, Part 2, Section 3), with authority to call a special session of the Legislature whenever in his judgment it is advisable to do so, and it is provided that in calling such special session he shall specify the subjects to be considered; and

WHEREAS, the lack of housing facilities at Arizona's institutions of higher education and in the cities where these institutions are located, render impossible the accommodation of large numbers of applicants for registration, many of whom are returned service men and women, thus restricting the usefulness of the institutions, defeating in great measure the purpose of their existence, and impeding the education of the nation's young men and women; and

WHEREAS, certain other matters of importance urgently demand legislative consideration;

NOW, THEREFORE, I, SIDNEY P. OSBORN, by virtue of the authority in me vested, and in pursuance of my duty, call the Legislature to meet in special session at the Capitol on Tuesday, April 23, 1946, at ten o'clock a. m., and specify the following subjects to be considered:

Provisions for housing at educational institutions, and for necessary appropriations.

Increased assistance for deserving older citizens and those deserving direct relief.

Surplus property.

Jurisdiction of police courts.

Consolidation of high school districts.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed this eighteenth day of April, 1946.

SIDNEY P. OSBORN (Signature)
Governor

ATTEST:

Dan E. Garvey (Signature)
Secretary of State

ORDER OF ACTS

ORDER OF ACTS

SECOND SPECIAL SESSION OF THE SEVENTEENTH LEGISLATURE, STATE OF ARIZONA

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1. H. B. 12.	Making an appropriation for the payment of the current and contingent expenses of the Seventeenth Legislature, Second Special Session, and declaring emergency. Approved April 25, 1946. Effective April 25, 1946.	587
2. H. B. 13.	Making an emergency appropriation to the Department of Library and Archives, for the State Legislative Bureau, and declaring an emergency. Approved April 25, 1946. Effective April 25, 1946.	588
3. H. B. 14.	Making an emergency appropriation to the Governor, for the fund for capitol buildings and grounds, and declaring an emergency. Approved April 25, 1946. Effective April 25, 1946.	589
4. H. B. 1.	Amending Section 16-1101, Arizona Code of 1939, relating to the establishment and jurisdiction of police courts, and declaring an emergency. Approved May 2, 1946. Effective May 2, 1946.	589
5. S. B. 1.	Authorizing the board of regents of the university and state colleges of Arizona to provide housing, and for that purpose to construct and equip dormitories, and make additions and extensions to the stadium at the university of Arizona, to borrow money and issue bonds, and to perform necessary or convenient acts in connection with such projects; superseding inconsistent provisions of all other laws; and declaring an emergency. Approved May 3, 1946. Effective May 3, 1946.	590

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6. S. B.	2.	Making an appropriation to the board of regents of the university and state colleges of Arizona for the construction, improvement, and purchase of buildings to provide housing, furnishings and equipment and for the improvement of grounds, at Arizona state college at Tempe; and declaring an emergency. Approved May 3, 1946. Effective May 3, 1946.	597
7. S. B.	3.	Making an appropriation to the board of regents of the university and state colleges of Arizona for the purchase, installation, construction, improvement, and furnishing of housing accommodations for students, and for the construction and installation of facilities and for improvement of grounds at Arizona state college at Flagstaff; and declaring an emergency. Approved May 3, 1946. Effective May 3, 1946.	598
8. S. B.	4.	Making an appropriation to the board of regents of the university and state colleges of Arizona for the construction of a warehouse as part of a housing program at the university of Arizona; and declaring an emergency. Approved May 3, 1946. Effective May 3, 1946.	599
9. S. B.	10.	Making an appropriation to the board of regents of the university and state colleges of Arizona for the construction of dormitories and stadium additions for housing at the university of Arizona, and for the equipment and furnishings therefor; and declaring an emergency. Approved May 3, 1946. Effective May 3, 1946.	600
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11. S. B.	9. Relating to surplus property of the United States; authorizing the purchase thereof by agencies of the state and its political subdivisions, and suspending restrictive laws; establishing a central surplus property purchasing agency; making an appropriation, and repealing Chapter 32, Session Laws of 1945, first special session. (Emergency measure) Approved May 3, 1946. Effective May 3, 1946.	602

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ACTS

CHAPTER 1

HOUSE BILL NO. 12

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF THE CURRENT AND CONTINGENT EXPENSES OF THE SEVENTEENTH LEGISLATURE, SECOND SPECIAL SESSION, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of thirty-three thousand nine hundred sixty three dollars ten cents ($33,963.10) is appropriated to the seventeenth legislature, second special session.

Section 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to provide for the payment of the current and contingent expenses of carrying on the second special session of the seventeenth legislature, and shall be expended for the following objects in not more than the following amounts:

1. For the payment of salaries: 1a. of members of the senate, three thousand forty dollars ($3,040.00); 1b. of members of the house of representatives, nine thousand two hundred eighty dollars ($9,280.00).

2. For the payment of mileage: 2a. of members of the senate, six hundred twelve dollars forty cents ($612.40); 2b. of members of the house of representatives, one thousand two hundred thirty dollars seventy cents ($1,230.70).

3. For the payment of salaries and wages: 3a. of officers and employees of the senate, one thousand four hundred dollars ($1,400.00); 3b. of officers and employees of the house of representatives, three thousand nine hundred dollars ($3,900.00).

4. For the payment of contingent expenses: 4a. of the senate, five thousand five hundred dollars ($5,500.00); 4b. of the house of representatives, nine thousand dollars ($9,000.00).

Section 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—April 25, 1946.

Filed in the Office of the Secretary of State—April 26, 1946.

CHAPTER 2

HOUSE BILL NO. 13

AN ACT

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

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

Section 1. APPROPRIATION. The sum of four thousand three hundred forty dollars ($4,340.00) is appropriated to the department of library and archives, for the state legislative bureau.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 shall be expended for the following purposes in not more than the following amounts:

1. For the payment of salaries and wages, four thousand forty dollars ($4,040.00).

2. For the purchase of reference material and supplies, three hundred dollars ($300.00).

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

Approved by the Governor—April 25, 1946.

Filed in the Office of the Secretary of State—April 26, 1946.

CHAPTER 3

HOUSE BILL NO. 14

AN ACT

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

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

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

Section 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to defray the expense of extra janitors and supplies for the seventeenth legislature, second special session.

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

Approved by the Governor—April 25, 1946.

Filed in the Office of the Secretary of State—April 26, 1946.

CHAPTER 4

HOUSE BILL NO. 1

AN ACT

AMENDING SECTION 16-1101, ARIZONA CODE OF 1939, RELATING TO THE ESTABLISHMENT AND JURISDICTION OF POLICE COURTS, AND DECLARING AN EMERGENCY.

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

Section 1. Section 16-1101, Arizona Code of 1939, is amended to read:

16-1101. ESTABLISHMENT — JURISDICTION. In each city or town incorporated under the general laws of this state, there shall be police court. Said court, and every police court established by or within a city incorporated under the provisions of article 3 of this chapter, or incorporated under the provisions of any special act or charter, shall have jurisdiction of all cases arising under the ordinances of the city or town, and shall have concurrent jurisdiction with justices of the peace in the precincts where said city or town is established, over all violations of the laws of the state committed within the limits of said city or town.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved by the Governor—May 2, 1946.

Filed in the Office of the Secretary of State—May 2, 1946.

CHAPTER 5

SENATE BILL NO. 1

AN ACT

AUTHORIZING THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA TO PROVIDE HOUSING, AND FOR THAT PURPOSE TO CONSTRUCT AND EQUIP DORMITORIES, AND MAKE ADDITIONS AND EXTENSIONS TO THE STADIUM AT THE UNIVERSITY OF ARIZONA, TO BORROW MONEY AND ISSUE BONDS, AND TO PERFORM NECESSARY OR CONVENIENT ACTS IN CONNECTION WITH SUCH PROJECTS; SUPERSEDING INCONSISTENT PROVISIONS OF ALL OTHER LAWS; AND DECLARING AN EMERGENCY.

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

Section 1. DEFINITIONS. The following terms, wherever used or referred to in this Act, shall have the

following meaning unless a different meaning clearly appears from the context:

"institution" shall mean the university of Arizona;

"board" shall mean the board of regents of the university and state colleges of Arizona, or other governing body of the institution;

"bonds" shall mean any bond issued pursuant to this Act;

"project" shall mean and include any dormitory buildings, and any stadium additions and extensions, for housing constructed at the institution pursuant to this Act, and the equipment and furnishings therefor;

"to acquire" shall include to purchase, to erect, to build, to construct, to reconstruct, to repair, to replace, to extend, to better, to furnish, to equip, to develop, to improve, and to embellish a project;

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

(a) to acquire any project or projects, and to own, operate and maintain such project or projects;

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

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

Sec. 3. ISSUANCE OF BONDS. The board shall have power and is hereby authorized from time to time to issue negotiable bonds in various amounts, but not exceeding in the aggregate principal amount the sum of three hundred fifty thousand dollars, for the purpose of acquiring projects in the form of dormitory buildings and stadium additions and extensions, for housing and the equipment and furnishings therefor. The bonds shall be authorized by resolution of the board. The bonds may be issued in one or more series, may bear such date or dates, may be in such denomination or denominations, may mature at such time or times, not exceeding twenty years from the respective dates thereof, may mature in such

amount or amounts, may be callable at such time or times, may bear interest payable semi-annually, at such rate or rates, may be in such form either coupon or registered, may carry such registration privileges, may be executed in such manner, may be payable in such medium of payment, at such place or places, may be subject to such terms of redemption, with or without premium, as such resolution or other resolutions may provide. The bonds may be sold at not less than par. The bonds shall be fully negotiable within the meaning and for all the purposes of chapter 52 of the Arizona Code of 1939.

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

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

(b) To provide that bonds issued hereunder shall be secured by a first, exclusive and closed lien on the income and revenue derived from, and shall be payable from, fees, admissions, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or having the right to be served by, any project;

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

(d) To covenant with or for the benefit of the holder or holders of bonds issued hereunder to acquire any project that so long as any such bonds shall remain outstanding and unpaid, the institution will fix, maintain and collect in such installments as may be agreed upon an amount of the fees, admissions, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or having the right to be served by, any project, which shall be sufficient to pay when due the bonds issued hereunder to acquire such project, and interest thereon, and to create and maintain reasonable reserves therefor, and to

pay the costs of operation and maintenance of such project, including, but not limited to, reserves for extraordinary repairs, insurance and maintenance, which costs of operation and maintenance shall be determined by the board in its absolute discretion;

(e) To make and enforce and agree to make and enforce parietal rules that shall insure the use of any project by all students in attendance at the institution to the maximum extent to which such project is capable of serving such students, or if such project is designed for occupancy as living quarters for the faculty members, by as many faculty members as may be served thereby;

(f) To covenant that so long as any of the bonds issued hereunder shall remain outstanding and unpaid, it will not, except upon such terms and conditions as may be determined, 1. voluntarily create or cause to be created any debt, lien, pledge, assignment, encumbrance or other charge having priority to or being on a parity with the lien of the bonds issued hereunder upon any of the income and revenues derived from fees, admissions, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or having the right to be served by, any project, or 2. convey or otherwise alienate the project to acquire which such bonds shall have been issued, or the real estate upon which such project shall be located, except at a price sufficient to pay all the bonds then outstanding issued hereunder to acquire such project and interest accrued thereon, and then only in accordance with any agreements with the holder or holders of such bonds, or 3. mortgage or otherwise voluntarily create or cause to be created any encumbrance on the project to acquire which such bonds shall have been issued or the real estate upon which it shall be located;

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

(h) To vest in a trustee or trustees the right to receive all or any part of the income and revenue pledged and assigned to, or for the benefit of, the holder or holders of bonds issued hereunder, and to hold, apply and dispose of the same and the right to enforce any covenant made to secure or pay or in relation to the bonds; to execute and deliver a trust agreement or trust agreements

which may set forth the powers and duties and the remedies available to such trustee or trustees and limiting the liabilities thereof, and describing what occurences shall constitute events of default and prescribing the terms and conditions upon which such trustee or trustees or the holder or holders of bonds of any specified amount or percentage of such bonds may exercise such rights and enforce any and all such covenants and resort to such remedies as may be appropriate;

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

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

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

of the board or institution pledged and assigned to or in trust for the benefit of the holder or holders thereof.

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

Sec. 7. PROHIBITIONS AGAINST OBLIGATING STATE OF ARIZONA. Nothing in this Act contained shall be construed to authorize the board to contract a debt on behalf of, or in any way to obligate, the state of Arizona, or to pledge, assign or encumber in any way, or to permit the pledging, assigning or encumbering in any way of, appropriations made by the Legislature, or revenue derived from the investment of the proceeds of the sale, and from the rental of such lands as have been set aside by the Enabling Act approved June 20, 1910, or other legislative enactments of the United States, for the use and benefit of the board or institution.

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

Sec. 9. CERTIFICATION OF BONDS BY ATTORNEY GENERAL. The board may submit to the attorney general of the state of Arizona any bonds to be issued hereunder after all proceedings for the issuance of such bonds have been taken. Upon the submission of such proceedings to the attorney general, it shall be the duty of the attorney general to examine into and pass upon the validity of such bonds and the regularity of all proceedings in connection therewith. If such proceedings

conform to the provisions of this Act, and such bonds when delivered and paid for will constitute binding and legal obligations of the board enforceable according to the terms thereof, the attorney general shall certify in substance upon the back of each of said bonds that it is issued in accordance with the Constitution and Laws of the state of Arizona.

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

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

Sec. 12. DECLARATION OF EMERGENCY AND TIME OF TAKING EFFECT. To preserve the public peace, health and safety it is necessary that this Act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved by the Governor—May 3, 1946.

Filed in the Office of the Secretary of State—May 3, 1946.

CHAPTER 6

SENATE BILL NO. 2

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA FOR THE CONSTRUCTION, IMPROVEMENT, AND PURCHASE OF BUILDINGS TO PROVIDE HOUSING, FURNISHINGS AND EQUIPMENT AND FOR THE IMPROVEMENT OF GROUNDS, AT ARIZONA STATE COLLEGE AT TEMPE; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of two hundred seventy-five thousand dollars is appropriated to the board of regents of the university and state colleges of Arizona.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to provide for the cost of construction, improvement, and purchase of buildings and furnishings for housing, and the improvement of grounds, at Arizona state college at Tempe.

Sec. 3. LAPSING OF APPROPRIATION. This appropriation shall not lapse until the purpose for which it is made shall have been accomplished or abandoned, unless the appropriation has stood for a period of three years following the approval of this Act by the governor without an expenditure therefrom or encumbrance thereon.

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

Approved by the Governor—May 3, 1946.

Filed in the Office of the Secretary of State—May 3, 1946.

CHAPTER 7

SENATE BILL NO. 3

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA FOR THE PURCHASE, INSTALLATION, CONSTRUCTION, IMPROVEMENT, AND FURNISHING OF HOUSING ACCOMMODATIONS FOR STUDENTS, AND FOR THE CONSTRUCTION AND INSTALLATION OF FACILITIES AND FOR IMPROVEMENT OF GROUNDS AT ARIZONA STATE COLLEGE AT FLAGSTAFF; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of one hundred five thousand, three hundred sixty-nine dollars is appropriated to the board of regents of the university and state colleges of Arizona.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to provide for the cost of purchasing, installing, constructing, improving and furnishing housing accommodations for students, for constructing and installing facilities, and for improvement of grounds at Arizona state college at Flagstaff.

Sec. 3. LAPSING OF APPROPRIATION. This appropriation shall not lapse until the purpose for which it is made shall have been accomplished or abandoned, unless the appropriation has stood for a period of three years following the approval of this Act by the governor without an expenditure therefrom or encumbrance thereon.

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

Approved by the Governor—May 3, 1946.

Filed in the Office of the Secretary of State—May 3, 1946.

CHAPTER 8

SENATE BILL NO. 4

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA FOR THE CONSTRUCTION OF A WAREHOUSE AS PART OF A HOUSING PROGRAM AT THE UNIVERSITY OF ARIZONA; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of thirty thousand dollars is appropriated to the board of regents of the university and state colleges of Arizona.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to provide the cost of construction of a warehouse at the university of Arizona so that present storage facilities may be utilized for the housing of students.

Sec. 3. LAPSING OF APPROPRIATION. This appropriation shall not lapse until the purpose for which it is made shall have been accomplished or abandoned, unless the appropriation has stood for a period of three years following the approval of this Act by the governor without an expenditure therefrom or encumbrance thereon.

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

Approved by the Governor—May 3, 1946.

Filed in the Office of the Secretary of State—May 3, 1946.

CHAPTER 9

SENATE BILL NO. 10

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA FOR THE CONSTRUCTION OF DORMITORIES AND STADIUM ADDITIONS FOR HOUSING AT THE UNIVERSITY OF ARIZONA, AND FOR THE EQUIPMENT AND FURNISHINGS THEREFOR; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of three hundred fifty thousand dollars is appropriated to the board of regents of the university and state colleges of Arizona.

Sec. 2. PURPOSE OF THE APPROPRIATION. The purpose of the appropriation made under the terms of Section 1 is to provide for the whole or any part of the cost of dormitory buildings, and any stadium additions and extensions for housing, constructed at the university of Arizona, and the equipment and furnishings therefor.

Sec. 3. LAPSING OF APPROPRIATION. This appropriation shall not lapse until the purpose for which it is made shall have been accomplished or abandoned, unless the appropriation has stood for a period of three years following the approval of this Act by the governor without an expenditure therefrom or encumbrance thereon.

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

Approved by the Governor—May 3, 1946.

Filed in the Office of the Secretary of State—May 3, 1946.

CHAPTER 10

SENATE BILL NO. 6

AN ACT

RELATING TO EDUCATION; PROVIDING FOR THE DISSOLUTION OF A UNION HIGH SCHOOL DISTRICT AND CREATION THEREFROM OF A HIGH SCHOOL DISTRICT, AND AMENDING ARTICLE 9, CHAPTER 54, ARIZONA CODE OF 1939, BY ADDING SECTION 54-901a.

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

Section 1. Article 9, chapter 54, Arizona Code of 1939, is amended by adding section 54-901a, to read:

54-901a. CREATION OF HIGH SCHOOL DISTRICT OUT OF UNION HIGH SCHOOL DISTRICT. (a) When all of the common school districts comprising a union high school district unite, either by annexation or by consolidation, into one common school district, such union high school district shall, as of the first day of the next ensuing fiscal year, be deemed to be dissolved, and the terms of office of all trustees elected to such district shall expire and such union high school district shall thereupon become ipso facto a high school district and be administered as other high school districts are administered.

(b) A high school district created as provided by subsection (a) shall be liable for all indebtedness, bonded or otherwise, outstanding against the dissolved union high school district, and all property, balances, and deficits of the dissolved district shall become the property, balances, and deficits of the high 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—May 3, 1946.

Filed in the Office of the Secretary of State—May 3, 1946.

CHAPTER 11

SENATE BILL NO. 9

AN ACT

RELATING TO SURPLUS PROPERTY OF THE UNITED STATES; AUTHORIZING THE PURCHASE THEREOF BY AGENCIES OF THE STATE AND ITS POLITICAL SUBDIVISIONS, AND SUSPENDING RESTRICTIVE LAWS; ESTABLISHING A CENTRAL SURPLUS PROPERTY PURCHASING AGENCY; MAKING AN APPROPRIATION, AND REPEALING CHAPTER 32, SESSION LAWS OF 1945, FIRST SPECIAL SESSION.

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

Section 1. AUTHORITY TO PURCHASE SURPLUS PROPERTY. The state of Arizona, through any department, board, commission, or agency thereof, and any county, city, town, or other political subdivision thereof, is authorized to enter into contracts with the United States of America, or with any agency thereof, for the purchase of equipment, supplies, materials, or other property, without regard to the provisions of law requiring the advertising, giving of notices, inviting or receiving bids, or which may require the delivery of purchases before payment, for which purpose funds, appropriated as provided by law, are available, and to this end the executive head of any such department, board, commission, or agency of the state, the county board of supervisors, and the governing authority of any city or town, may designate by appropriate resolution or order any office holder or employee of its own to enter a bid or bids in its behalf at any sale of equipment, supplies, material or other property, owned by the United States of America or any agency thereof, and may authorize such person to make any down payment, or payment in full, required in connection with such bidding.

Sec. 2. SURPLUS PROPERTY PURCHASING AGENT. (a) As soon as practicable after this Act takes effect the governor shall appoint a surplus property purchasing agent, who shall establish at the headquarters of the state highway department in the city of Phoenix a surplus property purchasing agency. Any department, board, commission or agency of the state, or any agency of any county, city, town or other political subdivision of the state desiring to pool its applications or bids for sur-

plus property of the United States, with those of other departments, boards, commissions, or agencies of the state and its political subdivisions, and having funds available for the purchase of the property desired, may file a list of its wants with the surplus property purchasing agent, in such form, in accordance with such rules and regulations and accompanied by such down payments as the surplus property purchasing agent may prescribe or as the provisions of the law of the United States relating to the sale of surplus property and the rules and regulations of the federal government with respect thereto may require.

(b) The surplus property purchasing agent shall procure complete information with respect to surplus property available for sale, and all information necessary to facilitate the purchase of the same, and upon request shall furnish such information to any interested agency of the state or any political subdivision or any honorably discharged veteran of the armed forces of the United States of America and other citizens of Arizona. Whenever he deems it advisable the surplus property purchasing agent or an accredited representative may visit any regional office of the federal government at which surplus property shall be available for sale to this state, for the purpose of examining such property and determining its suitability and value.

(c) The surplus property purchasing agent shall receive a salary of four hundred dollars per month. He may employ such assistants and purchase such supplies as may be required to carry out the purposes of this Act.

Sec. 3. SUSPENSION OF RESTRICTIVE LAWS. The provisions of any law of the this state, or of any rule or regulation of any agency of the state made pursuant to law, relating to the mode or manner of making purchases, or of making payment for the same, is suspended during the life of this Act as to purchases of surplus property under the provisions of this Act, for which purchases funds are lawfully available, and the governing body of any county, city, town or other political subdivision of the state, may in like manner suspend for such period any such law, rule or regulation of such political subdivision, based upon the requirements of any state law.

Sec. 4. APPROPRIATION. The sum of ten thousand dollars is appropriated to the surplus property purchasing agent. This section shall not be subject to the

provisions of section 7, article 4, chapter 86, Session Laws of 1943, relating to lapsing appropriations.

Sec. 5. TERMINATION OF ACT. This Act shall expire by limitation at the close of the thirty-fifth fiscal year (June 30, 1947) unless renewed prior to such date, but the governor may, by proclamation, terminate it sooner, if he deems the usefulness of the Act is at an end.

Sec. 6. REPEAL. Chapter 32, Session Laws of 1945, first special session, is repealed.

Sec. 7. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—May 3, 1946.

Filed in the Office of the Secretary of State—May 3, 1946.

MEMORIALS

HOUSE JOINT MEMORIAL NO. 1

A MEMORIAL

RELATING TO THE HOSPITAL AT PAPAGO PARK PRISONER OF WAR CAMP.

TO THE PRESIDENT OF THE UNITED STATES:

Your memorialist, the Seventeenth Legislature of the State of Arizona, in special session assembled, respectfully represents:

WHEREAS, the United States of America has been successful in winning the most terrible, devastating and brutal war in the world's history, and

WHEREAS, hundreds of thousands of the finest young men in the whole world have been killed, wounded and disabled, and

WHEREAS, this Nation is ever willing to show its gratitude for that sacrifice in some material way, and

WHEREAS, thousands of returned and returning veterans, many of them living in Arizona are in need of immediate hospitalization and surgical and medical care, and

WHEREAS, the existing veterans hospital facilities in Arizona are wholly inadequate to furnish hospitalization, medical and surgical assistance to such veterans, and

WHEREAS, the United States of America now has at Papago Park Prisoner of War Camp fully equipped hospital buildings and facilities sufficient to care for many of these veterans, and

WHEREAS, said buildings are located on land owned by the State of Arizona, and

WHEREAS, the members of the medical and surgical profession of Arizona have secured such medical and surgical assistance as is needed to adequately staff and operate said hospital, and

WHEREAS, application has been made by the State of Arizona, the American Legion and other veterans organizations to the proper officers, bureaus and departments of the United States of America for the designation of said Papago Park Prisoner of War Hospital as a veterans hospital and for permission for its immediate use, and

WHEREAS, such officers, departments and bureaus have failed and refused to take the action necessary to allow the use of said hospital as a veterans hospital, now THEREFORE

Your memorialist, the Seventeenth Legislature of the State of Arizona, in special session assembled, prays that you, the President of the United States of America, issue such orders as are necessary to make said hospital facilities available to the veterans so much in need of immediate hospitalization and surgical and

medical care by ordering the veterans administration to take the necessary action for the use of such property as a veterans hospital.

And your memorialist will ever pray.

Passed the House—April 23, 1946.

Passed the Senate—April 25, 1946.

Approved by the Governor—April 27, 1946.

Filed in the Office of the Secretary of State—April 27, 1946.

RESOLUTIONS

HOUSE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION

ON HON. JOHN W. WENTWORTH

WHEREAS, Hon. John W. Wentworth, clerk of the Superior Court of Gila county, has announced his intention of retiring from active official service at the end of the current term.

It is worthy of note that this pioneer Arizonan, a resident of Gila county since 1880, has occupied and adorned the office of Clerk of the Superior Court of Gila county continuously from the date of Arizona's admission to statehood; that during the days of Territorialism he was elected to various positions of official trust and responsibility, including those of justice of the peace, district attorney and probate judge, all of which he filled with outstanding credit to himself and advantage to the public; that at the age of eighty-eight years he enjoys the ever-increasing regard and admiration of his fellow citizens of Gila county, and of innumerable friends and acquaintances throughout the state.

The record of this outstanding citizen and public official has, in respect of duration and continuity, no parallel in the history of Arizona, and few if any equals in the history of any state, while in respect of the character and quality of the service by him rendered there is no hint of taint or blemish upon it. Therefore

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

1. The felicitations of the members of the legislative branch of the government of this state, concurred in by the executive, are heartily extended to Hon. John W. Wentworth upon the eve of his well-earned retirement, and wishes extended for many years of pleasant relaxation.

Passed the House—April 30, 1946.

Passed the Senate—May 1, 1946.

Approved by the Governor—May 2, 1946.

Filed in the Office of the Secretary of State—May 2, 1946.

BILLS VETOED BY THE GOVERNOR

(None)

ACTS

Memorials and Resolutions

of the

THIRD SPECIAL SESSION

of the

Seventeenth Legislature

of the

STATE OF ARIZONA

1946

Third Special Session Convened September 9, 1946
Third Special Session Adjourned Sine Die
September 28, 1946

Publication authorized

(Chapter 142, Subdivision 6, Laws of 1947)

Regular Session Eighteenth Legislature

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

AUTHENTICATION

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

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

That the Third Special Session of the Seventeenth Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, September 9, 1946, and adjourned sine die on the 28th day of September, 1946.

IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 19th day of June, 1947.

DAN E. GARVEY, (Signature)
Secretary of State.

PROCLAMATION

Calling a Special Session of the Seventeenth Legislature

WHEREAS, the Constitution of the State of Arizona vests in the Governor authority to call a special session of the legislature when in his judgment it is advisable, and provides that in so doing he shall specify

WHEREAS, the Congress of the United States, recognizing, as, in view of the prevailing high cost of living, all must recognize, the urgent need for more realistic assistance to the nation's elder citizens, has enacted legislation increasing the Federal contribution for this purpose. To make this increase available to qualified Arizona citizens it is necessary that our law be amended, and that it be made available at the earliest possible date I consider of the utmost importance. Furthermore, the Federal increase of five dollars per month should be met by an equal increase on the part of the State, to the end that the maximum old-age assistance shall be not less than fifty dollars per month; and

WHEREAS, in order that the Federal school hot lunch program, which is paying large dividends in the physical and intellectual development of Arizona school children, may be continued, it is necessary that provision be made for a fund for the payment of administrative expense. This also is an emergency matter, and one of major significance, inasmuch as by the expenditure of some $14,000.00 a Federal grant of approximately $350,000.00 is insured, and that for a highly meritorious purpose; and

WHEREAS, certain other important matters call for early legislative attention—

NOW, THEREFORE, I, Sidney P. Osborn, Governor, by virtue of the authority vested in me, call the Seventeenth Legislature of the State of Arizona to meet in special session at the State Capitol on Monday, the ninth day of September, 1946, at ten o'clock A. M., and specify the following subjects to be considered:

(1) Social Security legislation, specifically including

Old Age Assistance

Aid to the Blind

Aid to Dependent Children

Direct Relief

Welfare Sanatorium

(2) School Lunch program

(3) Salaries of County Officials, and State Treasurer, State Mine Inspector, Members of the Arizona Corporation Commission and the State Tax Commission

(4) Legislation relating to townsites granted by the United States Congress prior to March 10, 1887

(5) Appropriations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed this third day of September in the year of Our Lord One Thousand Nine Hundred and Forty-six.

SIDNEY P. OSBORN (Signature)

Governor

ATTEST:

Dan E. Garvey (Signature)

Secretary of State

ORDER OF ACTS

ORDER OF ACTS

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ACTS

CHAPTER 1

HOUSE BILL NO. 8

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF THE CURRENT AND CONTINGENT EXPENSES OF THE SEVENTEENTH LEGISLATURE, THIRD SPECIAL SESSION, AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. APPROPRIATION. The sum of thirty-three thousand nine hundred sixty-three dollars ten cents ($33,963.10) is appropriated to the Seventeenth Legislature, Third Special Session.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to provide for the payment of the current and contingent expenses of carrying on the third special session of the Seventeenth Legislature, and shall be expended for the following objects in not more than the following amounts:

1. For the payment of salaries: 1a. of members of the Senate, three thousand forty dollars ($3,040.00); 1b. of members of the House of Representatives, nine thousand two hundred eighty dollars ($9,280.00).

2. For the payment of mileage: 2a. of members of the Senate, Six Hundred Twelve Dollars forty cents ($612.40); 2b. of members of the House of Representatives, One Thousand Two Hundred Thirty Dollars seventy cents ($1,230.70).

3. For the payment of salaries and wages: 3a. of officers and employees of the Senate, one thousand four hundred dollars ($1,400.00); 3b. of officers and employees of the House of Representatives, three thousand nine hundred dollars ($3,900.00).

4. For the payment of contingent expenses: 4a. of the Senate, five thousand five hundred dollars ($5,500.00); 4b. of the House of Representatives, nine thousand dollars ($9,000.00).

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

Approved by the Governor—September 11, 1946.

Filed in the Office of the Secretary of State—September 11, 1946.

CHAPTER 2

HOUSE BILL NO. 9

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. APPROPRIATION. The sum of four thousand three hundred forty dollars ($4,340.00) is appropriated to the department of library and archives, for the state legislative bureau.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 shall be expended for the following purposes in not more than the following amounts:

1. For the payment of salaries and wages, four thousand forty dollars ($,4040.00).

2. For the purchase of reference material, supplies, and upkeep service three hundred dollars ($300.00).

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

Approved by the Governor—September 11, 1946.

Filed in the Office of the Secretary of State—September 11, 1946.

CHAPTER 3

HOUSE BILL NO. 10

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

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

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

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

Approved by the Governor—September 11, 1946.

Filed in the Office of the Secretary of State—September 11, 1946.

CHAPTER 4

HOUSE BILL NO. 3

AN ACT

MAKING AN APPROPRIATION FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION, FOR ADMINISTRATION OF THE NATIONAL SCHOOL LUNCH PROGRAM, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of fourteen thousand seventy-five dollars is appropriated to the superintendent of public instruction, out of the state per capita apportionment, to be available during the fiscal year ending June 30, 1947, and to be expended for the following purposes: Salaries and wages, eight thousand two hundred fifty dollars; capital investment, nine hundred fifty dollars; operation, four thousand eight hundred seventy-five dollars. Provided that any school district participating in the school lunch program shall keep an accurate account of the number of lunches furnished during the school year and the clerk of the board of trustees shall, within ten days after the close of the yearly session of the school, transmit to the state superintendent of public instruction a statement showing in detail the number of lunches served by the school under the program. The state superintendent of public instruction shall, within ten days after receiving the reports of all districts participating in the program compute the total number of lunches served by all the participating districts and the total cost of the administration of the program and each participating district shall be charged such proportion of the cost of administration as the number of lunches served by said district bears to the total number of lunches served by all the participating districts. The state superintendent shall, as soon as the amount to be charged to each participating district is determined, notify each district of the charges against such district and within ten days thereafter the board of trustees of such participating district shall pay to the state superintendent, out of the school funds belonging to such district the amount charged against the participating district and the state superintendent shall forthwith deposit such amounts with the state treasurer to be placed to the credit of the school fund from which such expenses were paid.

Sec. 2. PURPOSE. The purpose of this appropriation is to provide for the administration, supervision, travel, capital outlay and other expense connected with the acceptance and disbursement of funds for the national school lunch program, authorized by Public Law 396, Seventy-ninth Congress, second session.

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

Approved by the Governor—September 27, 1946.

Filed in the Office of the Secretary of State—September 27, 1946.

CHAPTER 5

HOUSE BILL NO. 19

AN ACT

RELATING TO ASSISTANCE FOR THE NEEDY BLIND; AMENDING SECTIONS 70-302 AND 70-303, ARIZONA CODE OF 1939, AS AMENDED; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 70-302, Arizona Code of 1939, as amended, is amended to read:

70-302. ELIGIBILITY FOR ASSISTANCE. Assistance shall be granted, as provided by this article, to any person who:

1. Has no vision, or whose vision, with correcting glasses, is so defective as to prevent the performance of ordinary activities for which eyesight is essential.

2. Is sixteen years of age, or older.

3. Lost his eyesight while a resident of the state or shall have resided in the state for not less than five years within the nine years, and continuously for not less than one year, immediately preceding the date of application for assistance.

4. Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.

5. Is not an inmate of or being maintained by any municipal, state or federal institution at the time of receiving assistance. An inmate of any such institution may make application for assistance but the assistance, if granted, shall not begin until after he ceases to be an inmate.

6. Has not, within the five years prior to the filing of his application, made an assignment or transfer of property with the intent of rendering himself eligible for assistance under the provisions of this article.

7. Does not, during the period of receiving assistance, solicit alms.

8. Is not receiving old age assistance; but benefits as authorized by section 70-315 may be extended to any person currently receiving old age assistance.

Sec. 2. Sec. 70-303, Arizona Code of 1939, as amended, is amended to read:

70-303. AMOUNT OF ASSISTANCE. The amount of assistance which any person shall receive shall be determined with due regard to the resources and necessary expenditures of the individual and the conditions existing in each case, and shall be sufficient when added to all other income and support of the recipient, to provide a reasonable subsistence compatible with decency and health. In no event shall the amount of assistance paid under the provisions of this Act to any recipient exceed the sum of sixty dollars for any calendar month.

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

Approved by the Governor—September 27, 1946.

Filed in the Office of the Secretary of State—September 27, 1946.

CHAPTER 6

SENATE BILL NO. 5

AN ACT

RELATING TO CITIES AND TOWNS, AND PROVIDING FOR THE SALE OF LAND ACQUIRED UNDER THE ACT OF CONGRESS APPROVED MARCH 2, 1867; AND DECLARING AN EMERGENCY.

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

Section 1. SALE OF LANDS. Every trustee, of lands acquired prior to March 10, 1887, under the Act of Congress entitled "An Act for the relief of inhabitants of

cities and towns upon the public lands", approved March 2, 1867, or his successor in office, may sell at public auction to the highest bidder for cash, any parcel of said lands undisposed of within the townsite, the title to which remains in the trustee or his successor in office, whenever he shall deem it advisable to sell any such parcel of land. He shall appoint three (3) disinterested persons to appraise such parcel or parcels as he may desire to sell and they shall faithfully and impartially appraise the value of such parcel or parcels and shall certify their appraisal under oath to the trustee. Each of said appaisers shall receive five dollars ($5.00) per day for each day actually spent in making said appraisement. Upon the making of such appraisement, the trustee shall give notice of the sale by publication for not less than once each week for two (2) successive weeks in a newspaper of general circulation within the city or town, or if there be none, then in the newspaper of general circulation published nearest the land to be sold, which notice shall describe the parcel or parcels of land to be sold and the time, place and condition of sale. At the time and place specified in such notice, the trustee shall offer the said parcels of land for sale separately to the highest bidder, but for not less than the appraised value thereof. The trustee shall execute a deed to the highest bidder at such sale upon the payment of the purchase price.

Sec. 2. PREFERENCE RIGHT. (a) Notwithstanding any other provision of law, any person who, together with his predecessors in interest, has for a period of five years immediately preceding the application hereinafter provided for been in actual or constructive possession of and paid the taxes on a parcel of land included within a townsite entered prior to March 10, 1887, may purchase all title or claim thereto which the trustee could, at the time of such application, assert or convey under any other provision of law by making an application therefor to the trustee. The application shall contain a detailed sworn statement as to the possession of the parcel and the payment of taxes thereon and shall be accompanied by a filing fee of one dollar for the application and an additional five dollars as the purchase price for each parcel of land covered by the application which shall be returned in the event of final determination that the applicant is not entitled to a deed. All contiguous lots or portions of lots included in a single application shall be deemed to be one parcel of land.

(b) Upon the filing of the application, the trustee shall set the same for hearing and shall give notice thereof by publication in the same manner as provided in

section 1 hereof, and upon the hearing the trustee shall take evidence on the applicant's right of preference and if he shall find the applicant and his predecessors in interest have held possession of said land for five (5) years immediately prior to the filing of the application and have paid taxes thereon for a period of five (5) years immediately prior to the filing of the application, he shall execute and deliver his deed to the applicant, conveying the parcel or parcels described in the application, upon the applicant's paying to the trustee his proportionate share of the cost of advertising as determined by the trustee. If the application be denied or if conflicting applications be filed with the trustee on or before the date of the hearing, the trustee shall proceed no further and any such applicant may, within ten days after such denial or the date set for the hearing, bring an action in the Superior Court against the trustee and any other applicant to determine his right to a deed, and no parcel of land embraced in any such action shall be sold until such action is determined.

Sec. 3. DISPOSITION OF PROCEEDS. The proceeds of all sales made as provided in this Act shall be applied first to the payment of costs and expenses of sale. Any surplus shall be paid to the governing body of the city or town, if incorporated, to be placed in the general fund, or, if unincorporated, for making such public improvements as may be directed by a meeting of the citizens of the town, to be held after thirty days' notice by the trustee.

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—September 27, 1946.

Filed in the Office of the Secretary of State—September 27, 1946.

CHAPTER 7

SENATE BILL NO. 7

AN ACT

RELATING TO STATE OFFICERS; PRESCRIBING AN-

NUAL SALARIES, AND AMENDING SECTIONS 12-701 AND 12-701a, ARIZONA CODE OF 1939.

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

Section 1. Sec. 12-701, Arizona Code of 1939, is amended to read:

12-701. SALARIES OF OFFICERS OF STATE EXECUTIVE DEPARTMENT. Officers of the executive department of the state shall receive the following annual salaries: Governor, ten thousand dollars; secretary of state, five thousand five hundred dollars; state auditor, six thousand dollars; state treasurer, five thousand five hundred dollars; attorney-general, six thousand dollars; superintendent of public instruction, five thousand dollars.

Sec. 2. Sec. 12-701a, Arizona Code of 1939, is amended to read:

12-701a. SALARIES OF ADMINISTRATIVE OFFICERS. Administrative officers of the state shall receive the following annual salaries: Members of the Arizona corporation commission, each six thousand dollars; members of the state tax commission, each six thousand dollars; state mine inspector five thousand five hundred dollars.

Sec. 3. EFFECTIVE DATE. This Act shall take effect, with respect to each of the officers severally specified therein, as of the date on which the term of such officer commences in the year 1947, and as to the members of any board or commission the terms of office of which do not begin simultaneously, shall take effect with respect to all thereof as of the date on which the term of the last elected member commences.

Approved by the Governor—September 27, 1946.

Filed in the Office of the Secretary of State—September 27, 1946.

CHAPTER 8

HOUSE BILL NO. 20

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO

THE STATE HOSPITAL FOR THE INSANE FOR THE EMPLOYMENT OF PERSONNEL, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of subdivision 28, section 1, chapter 103, Laws of 1945, Regular Session, the sum of eighty-four thousand one hundred seven dollars ninety-seven cents is appropriated to the state hospital for the insane, for the employment of personnel, and to be available during the remainder of the thirty-fifth fiscal year.

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

Approved by the Governor—September 27, 1946.

Filed in the Office of the Secretary of State—September 27, 1946.

CHAPTER 9

HOUSE BILL NO. 25

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE HIGHWAY DEPARTMENT FOR THE THIRTY-FIFTH FISCAL YEAR, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of chapter 28, Session Laws of 1945, first special session, the sum of five hundred eight thousand four hundred seventy-eight dollars is appropriated to the state highway department, out of the state highway fund, and made available during the thirty-fifth fiscal year, for the purposes and objects, and for use by the divsions following: 1. for materials, supplies and services: 1a. administrative division, sev-

enteen thousand two hundred forty-three dollars; 1b. engineering division, three thousand five hundred eighty dollars; 1c. shops and equipment division, forty-four thousand one hundred twenty-seven dollars; 1d. traffic division, three hundred eighty-three dollars; 1e. planning survey, eight hundred twenty-three dollars; 1f. motor vehicle division, sixteen thousand nine hundred nine dollars; 1g. highway patrol division, four thousand two hundred fifty-eight dollars; 1h. maintenance division, sixty-one thousand two hundred fifty dollars; 1i. betterment, forty-six thousand eight hundred eighty dollars; 2. for additional personnel: 2a. motor vehicle division, fifteen thousand five hundred twenty-five dollars; 2b. maintenance division, two hundred ninety-seven thousand five hundred dollars.

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

Approved by the Governor—September 27, 1946.

Filed in the Office of the Secretary of State—September 27, 1946.

CHAPTER 10

HOUSE BILL NO. 29

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE NATIONAL GUARD AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. In addition to the appropriation made under the provision of subdivision 51, section 1, chapter 103, Laws of 1945, the sum of fifty-one thousand ($51,000,00) dollars is appropriated to the National Guard.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 above is:

1. One thousand ($1,000.00) dollars for travel;

2. Fifty thousand ($50,000.00) dollars for other current expenditures and capital investment.

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

Approved by the Governor—September 27, 1946.

Filed in the Office of the Secretary of State—September 27, 1946.

CHAPTER 11

HOUSE BILL NO. 33

AN ACT

MAKING AN APPROPRIATION TO THE GOVERNOR CREATING A REVOLVING FUND, FOR THE ACTIVITIES OF THE COUNCIL FOR ON-THE-JOB TRAINING, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of ten thousand dollars is appropriated to the governor.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1, to create a revolving fund for paying the expenses as directed by the council for on-the-job training of veterans under the provisions of the servicemen's readjustment Act of 1944, as amended. Said fund shall be reimbursed by payments from the U. S. Veterans' Administration of expenditures made under the provisions of this Act, as authorized by the servicemen's readjustment Act of 1944, as amended.

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

Approved by the Governor—September 27, 1946.

Filed in the Office of the Secretary of State—September 27, 1946.

CHAPTER 12

HOUSE BILL NO. 1

AN ACT

RELATING TO OLD AGE ASSISTANCE; AMENDING SECTION 70-202 ARIZONA CODE OF 1939, AS AMENDED, PROVIDING FOR ELIGIBILITY FOR NEEDY AGED; INCREASING THE MAXIMUM AMOUNT OF ASSISTANCE TO BE PAID BY AMENDING SECTION 70-205, ARIZONA CODE OF 1939, AS AMENDED; PROVIDING FOR THE RAISING OF ADDITIONAL PUBLIC REVENUE FOR OLD AGE ASSISTANCE BY AMENDING SECTIONS 73-1402 AND 73-1412, ARIZONA CODE OF 1939, AS AMENDED; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 70-202, Arizona Code of 1939, as amended, is amended to read:

70-202. ELIGIBILITY FOR ASSISTANCE. Assistance shall be granted under this article to any person who meets the following requirements:

1. Is not less than sixty-five years of age.

2. Is a citizen of the United States.

3. Has resided in the state for not less than five years within the nine years, and continuously for not less than one year, immediately preceding the date of application for assistance.

4. Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.

5. Is not an inmate of or being maintained by any municipal, state or federal institution at the time of receiving assistance; except as a guest of the home for aged and infirm Arizona pioneers. An inmate of any such institution, except a penal institution, may make application for assistance but the assistance, if granted, shall not begin until after he ceases to be an inmate. This paragraph shall not be construed to prohibit the granting of assistance to a per-

son temporarily confined in an institution for medical or surgical care.

6. Has not, within five years prior to the filing of application, made an assignment or transfer of property with the intent of rendering himself eligible for assistance under this article.

7. Is not because of physical or mental condition in need of continued institutional care, which care is reasonably available to him.

8. Does not have or own cash or other personal property, exclusive of household furniture, the fair value of which exceeds one thousand dollars.

Sec. 2. Sec. 70-205, Arizona Code of 1939, is amended to read:

70-205. AMOUNT OF ASSISTANCE. The amount of assistance which any person shall receive shall be determined with due regard to the resources and necessary expenditures of the individual and the conditions existing in each case, and shall be sufficient when added to all other income and support of the recipient, to provide such person with a reasonable subsistence compatible with decency and health. In no event shall the total amount of assistance paid under the provisions of this Act to any recipient exceed the sum of fifty dollars for any calendar month. Provided further, that any assistance granted under this section by the state of Arizona shall only be paid when matched by a like amount by the Federal government.

Sec. 3. For the purpose of providing funds to aid in the payment of the increased old aged assistance herein provided, sections 73-1402 and 73-1412, Arizona Code of 1939, as amended, are amended to read as follows:

73-1402. IMPOSITION AND RATE OF TAX ON CERTAIN LUXURIES—PAYMENT. (a) In addition to all other taxes there is levied and imposed, and shall be collected and paid to the state treasurer in the manner provided in this Act, upon: 1. all malt extracts, or derivatives or combinations thereof; 2. all malt extracts, or derivatives liquors, and 3. all cigarettes, cigars, smoking tobacco, plug tobacco, snuff, and other forms of tobacco, for the purpose of raising public money to provide public unemployment and welfare relief, the following tax:

1. On each pound of sixteen ounces or fractions there-

of, of all malt extracts, or derivatives or combinations thereof, except malt used in the manufacture of bread, and dextrines of malt used for the feeding of infants and invalids, fifteen cents. The license tax imposed in this paragraph shall be refunded when the amount thereof has been paid, and when proof is made to the state treasurer that such malt extract, or derivative or combination thereof, has been used for other than the preparation of a beverage.

2. On each sealed container of spirituous liquor containing eight ounces or less, seven and one-half cents and at the rate of seven and one-half cents, for each eight ounces for containers containing more than eight ounces.

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, four and one-half cents and at the rate of four and one-half cents for each sixteen ounces for containers containing more than sixteen ounces.

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, seven and one-half cents, and at the rate of seven and one-half cents for each eight ounces for containers containing more than eight ounces.

5. On each gallon of malt liquor, seven and one-half cents.

6. On each twenty cigarettes or fractional part thereof, two cents.

7. On smoking tobacco, snuff, fine cut chewing tobacco, all cut and granulated tobacco, all shorts and refuse of fine cut chewing tobacco, and all 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, at the rate of 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, made of tobacco or any substitute therefor, if manufactured to retail at not more than five cents each, one cent on each three cigars. If manufactured to retail at more than five cents each, one cent on each cigar.

(b) All malt extracts, or derivatives or combinations thereof, all cigarettes, cigars, smoking tobacco, snuff, plug tobacco, fine cut chewing tobacco, and all other forms of tobacco, excluding tobacco powder or tobacco products used exclusively for agricultural and horticultural purposes and unfit for human consumption, shall be put up in packages or containers and on each of said packages or containers shall be affixed an official stamp denoting the classification of the luxury, as classified in subsection (a), and the tax thereon.

(c) Every stamp required under the provisions of this Act shall be securely affixed to some visible part of the package or container to which it will firmly adhere during the possession of the consumer, except as otherwise provided.

(d) Every distiller or manufacturer of distilled spirits and vinous and malt liquors who sells any of such products to wholesalers within the state, shall at the time of making such sale, file with the state tax commission a copy of the invoice of such sale, showing in detail the kind of liquor or beverage sold, the quantities of each, the size of the container and the weight of the contents, the alcoholic content where required by this Act, and the name of the person, firm or corporation to whom sold.

(e) The effective date of this Act shall be the first day of the calendar month next following the date that this Act becomes a law, and said Act and all provisions thereof shall be in full force and effect from and after said effective date.

(f) Every wholesaler of vinous or malt liquors purchasing the same for resale within the state of Arizona shall pay the luxury and privilege tax on all such liquors so purchased and add the amount of such tax to the sales price. Every such wholesaler shall pay such tax to the state tax commission monthly in the following manner: On or before the tenth day of the second month following the effective date of this Act, and on or before the tenth day of each and every month thereafter, such wholesaler shall make out a sworn return for the preceding month in such form as may be prescribed by the state tax commission, showing the amount of vinous and/or malt liquors purchased during the preceding month, the amount of tax for

the period covered by the return, and such other information as the state tax commission may deem necessary for the proper administration of this Act. The taxpayer shall deliver the return, together with a remittance of the amount of the tax due, to the office of the state tax commission.

(g) Every wholesaler of spirituous liquors selling the same within the state of Arizona, shall pay the luxury and privilege tax on all such liquor sold within the state and add the amount of such tax to the sales price. Every such wholesaler shall pay such tax to the state tax commission monthly in the following manner: On or before the tenth day of the second month following the effective date of this Act, and on or before the tenth day of each and every month thereafter, such wholesaler shall make out a sworn return for the preceding month in such form as may be prescribed by the state tax commission, showing the amount of spirituous liquors sold in this state during the preceding month, the amount of tax for the period covered by the return, and such other information as the state tax commission may deem necessary for the proper administration of this Act. Such wholesaler shall deliver the return, together with a remittance of the amount of the tax due, to the office of the state tax commission.

(h) Every wholesaler of spirituous, vinous, and malt liquors, as defined in this Act, is required by the state tax commission to file with said state tax commission, in such form as it prescribes, a bond or bonds, duly executed by such wholesaler, as principal, and a corporation duly authorized to execute and write bonds within the state of Arizona, as surety, payable to the state of Arizona, conditioned upon the payment of all excise taxes, penalties and other obligations of the wholesaler arising under this Act.

The state tax commission shall fix the total amount of the bond or bonds required of any such wholesaler and may increase or reduce the amount at any time. In fixing the total amount, the state tax commission shall require a bond or bonds equivalent in total amount to twice such wholesaler's estimated monthly excise tax, ascertained in such manner as the state tax commission may deem proper. The total amount of the bond or bonds required of any wholesaler shall never be less than two thousand dollars.

73-1412. DISPOSITION OF REVENUE. The commission shall promptly, and at least daily, remit all moneys received under the provisions of this Act to the state treasurer, through the state auditor, accompanied by a statement showing the amount received under the provisions of para-

graphs 1 to 5, inclusive, of section 73-1402, Arizona Code of 1939, as amended.

Sec. 4. SEVERABILITY. If any provision of this Act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provisions, and to this end the provisions of this Act are declared to be severable.

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—September 30, 1946.

Filed in the Office of the Secretary of State—September 30, 1946.

CHAPTER 13

HOUSE BILL NO. 36

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF SOCIAL SECURITY AND WELFARE, FOR THE THIRTY-FIFTH FISCAL YEAR, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of twenty-seven thousand dollars is appropriated to the department of social security and welfare, to be available during the thirty-fifth fiscal year, for the following purposes: Personnel: administration, fifteen thousand dollars; aid to crippled children, three thousand five hundred dollars; child welfare, two thousand five hundred dollars; welfare sanatorium, six thousand dollars.

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

Approved by the Governor—September 30, 1946.

Filed in the Office of the Secretary of State—September 30, 1946.

CHAPTER 14

HOUSE BILL NO. 41

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE BOARD OF SOCIAL SECURITY AND WELFARE, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. In addition to the appropriation made in subdivision 27, section 1, chapter 103, Laws of 1945, the sum of four hundred eighty-four thousand nine hundred seventy-five dollars and no cents is appropriated to the state board of social security and welfare.

Sec. 2. PURPOSE. The above appropriation is made for the following purpose:

Old age assistance	$220,700.00

Twenty thousand dollars of the appropriation for old age assistance is exempt from the provisions of chapter 10, section 925, Arizona Code of 1939, as amended, allotment of appropriations.

Aid to dependent children	$107,075.00

Eleven thousand dollars of the appropriation for aid to dependent children is exempt from the provisions of chapter 10, section 925, Arizona Code of 1939, as amended, allotment of appropriations.

Aid to the blind	$ 45,000.00
Foster homes	$ 48,000.00

The appropriation for foster home is exempt from the provisions of chapter 10, section 925, Arizona Code of 1939, as amended, allotment of appropriations.

Welfare Sanatorium	$ 30,000.00
Administration	$ 34,200.00

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

Approved by the Governor—September 30, 1946.

Filed in the Office of the Secretary of State—September 30, 1946.

CHAPTER 15

SENATE BILL NO. 3

AN ACT

RELATING TO SALARIES OF PROBATION OFFICERS OF THE JUVENILE COURT, HIS DEPUTIES AND ASSISTANTS IN COUNTIES OF THE FIRST CLASS; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 1, chapter 9, Session Laws of 1944, is amended to read:

Sec. 1. SALARIES OF PROBATION OFFICERS OF JUVENILE COURTS IN COUNTIES OF THE FIRST CLASS. In counties of the first class having a population of over one hundred thousand according to the last official federal census, the salaries of the chief probation officer of the juvenile court, his deputies and office assistants, shall be fixed by the appointing judge with the consent of the board of supervisors, but shall not exceed fifteen per cent above the maximum salaries now permitted by law for such officers, deputies and assistants.

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

Approved by the Governor—September 30, 1946.

Filed in the Office of the Secretary of State—September 30, 1946.

CHAPTER 16

SENATE BILL NO. 6

AN ACT

MAKING AN APPROPRIATION TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION, FOR THE ACQUISITION OF SURPLUS PROPERTY FOR COMMON AND HIGH SCHOOLS, AND PROVIDING FOR A REVOLVING FUND; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of twenty-five thousand dollars is appropriated out of the general fund of the state, to the superintendent of public instruction for the employment of personnel, travel expense, transportation, packing, crating and other handling charges incident to the acquisition, allocation and distribution to common and high schools of surplus property of the United States government.

Sec. 2. REVOLVING FUND. The appropriation made under the terms of section 1 shall be placed in a revolving fund, which shall be reimbursed by common and high school districts acquiring surplus property, through the payment of a handling charge. The amount of such handling charge shall be determined by the superintendent of public instruction, but shall not exceed ten per cent of the fair value of the property, as shown by government records, or as established by a board of appraisers to be appointed by the superintendent of public instruction, and shall be paid within thirty days from the delivery of any surplus property. The reimbursement by the common and high school districts shall be made within thirty (30) days after the property has been received by the district making the purchase.

Sec. 3. EXEMPTION. This Act shall be exempt from the provisions of section 10-930, Arizona Code of 1939, as amended, relating to lapsing appropriations, but the entire amount of the revolving fund created under the provisions of section 2 shall revert to the general fund on June 30, 1948.

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—September 30, 1946.

Filed in the Office of the Secretary of State—September 30, 1946.

CHAPTER 17

SENATE BILL NO. 8

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE SURPLUS PROPERTY PURCHASING AGENCY; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of chapter 11, Session Laws of 1946, second special session, the sum of twelve thousand dollars is appropriated to the surplus property purchasing agency to be available during the balance of the thirty-fifth fiscal year. This section shall not be subject to the provisions of section 7, article 4, chapter 86, Session Laws of 1943, relating to lapsing 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—September 30, 1946.

Filed in the Office of the Secretary of State—September 30, 1946.

CHAPTER 18

SENATE BILL NO. 9

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF LIQUOR LICENSES AND CONTROL; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. In addition to the appropriation made in subdivision 52, section 1, chapter 103, Laws of 1945, the sum of six thousand dollars is appropriated to the department of liquor licenses and control.

Sec. 2. PURPOSE. The above appropriation is made for the purchase of radio equipment.

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

Approved by the Governor—September 30, 1946.

Filed in the Office of the Secretary of State—September 30, 1946.

CHAPTER 19

HOUSE BILL NO. 11

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE VETERANS' SERVICE OFFICER, FOR THE EMPLOYMENT OF ADDITIONAL PERSONNEL.

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

Section 1. APPROPRIATION. The sum of seven thousand six hundred fifty dollars is appropriated to the veterans' service officer, to be available during the remainder of the thirty-fifth fiscal year, for the employment of the following personnel:

1 Claim man	$1,800.00
1 Assistant Service Officer in state office	$1,800.00
3 Stenographers	$4,050.00

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this act become im-

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

Approved by the Governor—September 30, 1946.

Filed in the Office of the Secretary of State—September 30, 1946.

CHAPTER 20

HOUSE BILL NO. 13

AN ACT

RELATING TO COUNTY OFFICERS; PRESCRIBING SALARIES OF OFFICERS AND DEPUTIES, AND PROVIDING FOR A SUPPLEMENTAL BUDGET.

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

Section 1. SALARIES OF COUNTY OFFICERS. (a) The annual salary of the sheriff, county attorney, clerk of the superior court, recorder, treasurer and ex-officio tax collector, assessor and superintendent of schools in the several counties, shall be an amount five hundred dollars in excess of the salary prescribed for each such officer respectively under the provisions of sections 12-704, 12-705, 12-706 and 12-707, Arizona Code of 1939, as amended by chapter 31, Laws of 1944, second special session.

(b) The annual salary of the chairman and members of the board of supervisors in the several counties shall be an amount two hundred dollars in excess of the salary prescribed for each such officer, respectively, under the provisions of sections 12-704, 12-705, 12-706 and 12-707, Arizona Code of 1939, as amended by chapter 31, Laws of 1944, second special session.

(c) The annual salary of the chief deputy of each of the officers named in subsection (a) shall be an amount five hundred dollars in excess of the salary prescribed by said sections, subject to the limitations and conditions imposed thereunder.

Sec. 2. SALARIES OF CLERKS OF BOARD OF SUPERVISORS. The salary of the clerk of the board of supervisors in each of the several counties shall be an amount five hundred dollars in excess of the salary prescribed for

such clerk by section 12-703a, Arizona Code of 1939, as added by chapter 30, Laws of 1943, regular session, subject to the limitations and conditions imposed thereunder.

Sec. 3. SUPPLEMENTAL BUDGET. (a) The board of supervisors of any county in which the salaries of county officers and chief deputies, as prescribed by this Act, shall exceed the budget and tax levy limitations imposed by sections 73-502 and 73-505, shall, notwithstanding such limitations, make such supplemental budget provision and levy of taxes for the fiscal years 1946-47 and 1947-48 as may be necessary to provide for such increase.

(b) In determining actual expenditures in the preparation of subsequent county budgets, the maximum shall be the total budget for salaries of elective county officials for the fiscal year 1947-48.

Sec. 4. EFFECTIVE DATE. This Act shall take effect on the first day in January, 1947.

Approved by the Governor—September 30, 1946.

Filed in the Office of the Secretary of State—September 30, 1946.

CHAPTER 21

HOUSE BILL NO. 16

AN ACT

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

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

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of subdivision 2, section 1, chapter 103, Session Laws of 1945, the sum of two thousand one hundred dollars is appropriated to the secretary of state, to be available during the remainder of the thirty-fifth fiscal year, and to be expended only for "other personal services".

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become im-

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

Approved by the Governor—September 30, 1946.

Filed in the Office of the Secretary of State—September 30, 1946.

CHAPTER 22

HOUSE BILL NO. 18

AN ACT

RELATING TO DEPENDENT CHILDREN; AMENDING SECTION 70-401, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 70-401, Arizona Code of 1939, is amended to read:

70-401. DEFINITIONS. As used in this Act, "state board" means the Arizona state board of social security and welfare.

"County board" means the county board of social security and welfare.

"Dependent child" means a needy child under the age of sixteen, or, if regularly attending school, under the age of eighteen: 1. who has been deprived of parental support or care by reason of the death, continued absence from the home, or the physical or mental incapacity of a parent; 2. whose relatives liable under the law for his support are not able to provide adequate care and support without public assistance; and, 3. 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.

"Assistance" means money payments in aid to a dependent child.

"Applicant" means a person applying for assistance under this Act who has custody of a dependent child.

"Recipient" means a person with whom a child is living while receiving assistance under this Act.

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

Approved by the Governor—September 30, 1946.

Filed in the Office of the Secretary of State—September 30, 1946.

CHAPTER 23

HOUSE BILL NO. 22

AN ACT

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

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

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of subdivision 3, chapter 103, Laws 1945, regular session, the sum of ten thousand dollars ($10,000.00) is appropriated to the state auditor.

Sec. 2. PURPOSE. The appropriation made by section 1 is to be spent as follows: three thousand dollars, ($3,000.00) for supplies and equipment. Seven thousand dollars, ($7,000.00) for salaries.

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

Approved by the Governor—September 30, 1946.

Filed in the Office of the Secretary of State—September 30, 1946.

CHAPTER 24

HOUSE BILL NO. 23

AN ACT

RELATING TO THE ARIZONA CHILDREN'S COLONY BOARD; MAKING AN APPROPRIATION FOR THE COMPILING AND PRINTING OF A REPORT, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. From the receipts accruing from land rentals transferred from the Board of Directors of State Institutions for Juveniles for the account of the Arizona Children's Colony Board by authority of Chapter 34, section 3, Laws of 1945, first special session, there is hereby appropriated One Thousand Dollars ($1,000.00) for the use of the Arizona Children's Colony Board for the purpose of defraying expenses of compiling and printing a report of the board's activities and recommendations.

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

Approved by the Governor—September 30, 1946.

Filed in the Office of the Secretary of State—September 30, 1946.

CHAPTER 25

HOUSE BILL NO. 24

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION, FOR THE PROMOTION AND DEVELOPMENT OF VOCATIONAL EDUCATION, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. In addition to the appropriation made according to the provisions of subdivision 34, section 3, chapter 103, Laws of 1945, the sum of twenty-seven thousand five hundred dollars is appropriated to the superintendent of public instruction, out of the per capita apportionment, to be available during the remainder of the thirty-fifth fiscal year.

Sec. 2. PURPOSE. The purpose of this appropriation is to provide additional funds to enable the state to cooperate with the Federal government in carrying out the provisions of chapter 2, title 20, U. S. C. A., and acts amendatory or supplementary thereto, providing for the promotion and development of vocational education.

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

Approved by the Governor—September 30, 1946.

Filed in the Office of the Secretary of State—September 30, 1946.

CHAPTER 26

HOUSE BILL NO. 26

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE TAX COMMISSION FOR OPERATION, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of subdivision 8, section 1, chapter 103, Laws of 1945, regular session, the sum of five thousand dollars is appropriated to the state tax commission, for operation, to be available during the thirty-fifth fiscal year.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become im-

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

Approved by the Governor—September 30, 1946.

Filed in the Office of the Secretary of State—September 30, 1946.

CHAPTER 27

HOUSE BILL NO. 30

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE LAND DEPARTMENT, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of subdivision 59, chapter 103, Session Laws of 1945, regular session, the sum of six thousand dollars is appropriated to the state land department, to be available during the thirty-fifth fiscal year, and to be expended for the following purposes: personnel, five thousand dollars; travel in state, five hundred dollars; travel out of state, five hundred dollars.

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

Approved by the Governor—September 30, 1946.

Filed in the Office of the Secretary of State—September 30, 1946.

CHAPTER 28

HOUSE BILL NO. 32

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE ATTORNEY GENERAL, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of subdivision 5, section 1, chapter 103, Laws of 1945, the sum of four thousand dollars is hereby appropriated to the attorney general.

Sec. 2. PURPOSE. The appropriation made in section 1 is for the following purpose:

Other personal services	$3,600.00
Travel	400.00

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

Approved by the Governor—September 30, 1946.

Filed in the Office of the Secretary of State—September 30, 1946.

CHAPTER 29

HOUSE BILL NO. 38

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE CORPORATION COMMISSION FOR THE THIRTY-FIFTH FISCAL YEAR, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. In addition to the appropriation made under the terms of subdivision 47, chapter 103, Laws of 1945, regular session, the sum of six thousand dollars is appropriated to the state corporation commission, to be available during the thirty-fifth fiscal year.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the following purposes: 1. Other personal services of administration, five thousand dollars. 2. Operation, one thousand dollars.

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

(This bill does not carry the emergency clause—passed by the following vote: House of Representatives: 49 Ayes, 0 Nays, 0 Absent, 9 Excused; Senate: 11 Ayes, 7 Nays, 1 Not Voting.)

Approved by the Governor—September 30, 1946.

Filed in the Office of the Secretary of State—September 30, 1946.

CHAPTER 30

HOUSE BILL NO. 39

AN ACT

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA, RELATING TO THE LEGISLATURE; CALLING A SPECIAL ELECTION FOR THE SUBMISSION OF THE SAME; PROVIDING FOR PUBLICITY; MAKING AN APPROPRIATION; AND DECLARING AN EMERGENCY.

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

Section 1. AMENDMENT. The following amendment to subsection 2, section 1, article IV, Constitution of Arizona, is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

> (2) Members of the Legislature shall receive a compensation of fifteen dollars per day each, for a period not to exceed sixty days in any regular session and twenty days in any special session. Members shall also receive mileage one way by the shortest practicable route at the rate of twenty cents per mile.

Sec. 2. SUBMISSION BY SECRETARY OF STATE. 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 a special election called for that purpose as provided by section 3.

Sec. 3. SPECIAL ELECTION. Under the authority of section 1, article XXI, Constitution of Arizona, a special election is called to be held November 5, 1946, concurrently with the general election, and to be conducted by the officers conducting said general election, for the purpose of submitting the proposed amendment.

Sec. 4. PUBLICITY. The secretary of state shall cause to be printed in pamphlet form a true copy of the title and text of the proposed amendment, with the number and form in which the title thereof will be printed on the official ballot, together with such arguments, as authorized by subsection (d), section 60-107, Arizona Code of 1939, as may be submitted to him, within ten days from the date of approval of this Act, but not later than October 5, 1946. Not less than twenty days before the election provided for in section 3 he shall transmit by mail, postage prepaid, one copy of such pamphlet to every registered voter in the state, according to the records in his office.

Sec. 5. APPROPRIATION. The sum of twelve thousand dollars is appropriated to the secretary of state to defray the expenses incurred in carrying out the provisions of section 4.

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.

Passed the House of Representatives—September 27, 1946.

Passed the Senate—September 28, 1946.

Approved by the Governor—September 30, 1946.

Filed in the Office of the Secretary of State—September 30, 1946.

MEMORIALS

(None)

RESOLUTIONS

HOUSE CONCURRENT RESOLUTION NO. 2

A CONCURRENT RESOLUTION

ON THE DEATH OF WILLIAM JOSEPH BRAY

WHEREAS, on September 2, 1946, William Joseph Bray departed this life at the city of Los Angeles, California.

For more than thirty-two years William Joseph Bray occupied the post of superintendent of buildings and grounds at the University of Arizona. During this extended period he not only demonstrated a genius for planning, a zeal in execution, and a passion for devotion to his task, which gave him a lasting place in the history of the University's development, but, through the exercise of courtesy, sympathy and understanding, so endeared himself to those with whom he came in contact, whether of faculty or student body, that memory of him is certain to be a lasting tradition. His passing is a loss to the University of Arizona, to his innumerable friends and to the state which will be hard to sustain. Therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ARIZONA, THE SENATE CONCURRING:

1. Deep regret is felt for the death of William Joseph Bray, and the sympathy of the people of Arizona is expressed, through this body, to the bereaved relatives of the deceased.

Passed the House September 13, 1946 by the following vote: 46 Ayes, 0 Nays, 0 Absent, 12 Excused.

Passed the Senate September 16, 1946 by the following vote: 19 Ayes, 0 Nays, 0 Not voting.

Approved by the Governor—September 16, 1946.

Filed in the Office of the Secretary of State—September 17, 1946.

S. C. R. NO. 2

A CONCURRENT RESOLUTION

PROVIDING FOR THE APPOINTMENT OF A COMMITTEE OF THE SENATE AND HOUSE TO INVESTIGATE THE NEED FOR ADDITIONAL BUILDINGS OR ENTIRELY NEW BUILDINGS AT THE STATE CAPITOL, TO REPORT TO THE EIGHTEENTH LEGISLATURE OF THE STATE OF ARIZONA ITS FINDNGS, RECOMMENDATONS, AS TO SUCH BUILDINGS, AND THE METHOD OF FINANCING THE SAME.

BE IT RESOLVED BY THE SENATE OF THE STATE OF ARIZONA, THE HOUSE OF REPRESENTATIVES CONCURRING:

THAT, WHEREAS, it appears that the present state capitol is

insufficient and inadequate to accomodate the expanding departments of the state government, and

WHEREAS, it appears necessary that additional room be provided for the state government, and

WHEREAS, an investigation and survey should be made to determine the needs of the state insofar as buildings are concerned, now, therefore,

BE IT RESOLVED BY THE SENATE OF THE STATE OF ARIZONA, THE HOUSE OF REPRESENTATIVES CONCURRING:

1. That for the purpose of determining what action shall be taken by the state of Arizona or the people thereof, looking toward the furnishing of additional or new buildings at the state capitol, that a committee of the Seventeenth Legislature consisting of the President of the Senate, the Speaker of the House, the Chairman of the Appropriations Committee of the Senate, the Chairman of the Ways and Means Committee of the House and the Chairman of the Appropriations Committee of the House be, and they are hereby appointed to make a survey and investigation of the building needs of the state of Arizona and to report their findings and recommendations to the Eighteenth Legislature of the state of Arizona, giving in detail their recommendation as to the building or buildings necessary, the manner, method and means of construction and the method of financing the same.

Adopted by the Senate—September 25, 1946.

Adopted by the House—September 27, 1946.

Filed in the Office of the Secretary of State—September 28, 1946.

BILLS VETOED BY THE GOVERNOR

(None)

(Special Sessions)

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