1951 SESSION LAWS
STATE OF ARIZONA

Twentieth Legislature

FIRST REGULAR SESSION

1950

FIRST & SECOND

SPECIAL SESSIONS

NINETEENTH LEGISLATURE

REFERENDUM MEASURES PASSED IN 1950

Wesley Bolin

Secretary of State

U. S. ELECTIVE OFFICIALS

Office	Name and Party	Address
SENATORS	Carl Hayden (D)	Phoenix
	Ernest W. McFarland (D)	Florence
REPRESENTATIVES		
	District No. 1—John R. Murdock (D)	Tempe
	District No. 2—Harold A. "Porque" Patten (D)	Tucson

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

STATE ELECTIVE OFFICIALS

SUPREME COURT		
	Chief Justice—Levi S. Udall (D)	209 Capitol Bldg., Phoenix
	Judge—Arthur T. LaPrade (D)	209 Capitol Bldg., Phoenix
	Judge—R. C. Stanford (D)	209 Capitol Bldg., Phoenix
	Judge—M. T. Phelps (D)	209 Capitol Bldg., Phoenix
	Judge—Evo De Concini (D)	209 Capitol Bldg., Phoenix
GOVERNOR	Howard Pyle (R)	204 Capitol Bldg., Phoenix
SEC'Y OF STATE	Wesley Bolin (D)	203 Capitol Bldg., Phoenix
ATT'Y GENERAL	Fred O. Wilson (D)	108 Capitol Bldg., Phoenix
TREASURER	E. T. Williams, Jr. (D)	101 Capitol Bldg., Phoenix
AUDITOR	Mrs. Jewel W. Jordan (D)	104 Capitol Bldg., Phoenix
SUPT. OF PUBLIC INSTRUCTION		
	M. L. Brooks (D)	212 Capitol Bldg., Phoenix
MINE INSPECTOR		
	Clifford J. Murdock (D)	109 Capitol Bldg., Phoenix
TAX COMMISSION		
	Chairman—Thad M. Moore (D)	101 Capitol Bldg., Phoenix
	Member—Warren Peterson (D)	101 Capitol Bldg., Phoenix
	Member—Joe Hunt (D)	101 Capitol Bldg., Phoenix
CORPORATION COMMISSION		
	Chairman—Wilson T. Wright (D)	New State Bldg., Phoenix
	Member—William T. Brooks (D)	New State Bldg., Phoenix
	Member—Mit Simms (D)	New State Bldg., Phoenix

U. S. DISTRICT COURT IN ARIZONA

Judge Dave W. Ling	Phoenix and Prescott
William H. Loveless, Clerk	Phoenix
Frank Flynn, U. S. District Attorney	Phoenix
Stanley A. Jerman, Referee in Bankruptcy	Phoenix
F. A. Hickernell, Probation Officer	Phoenix
Louis L. Billar, Official Reporter	Phoenix
Judge Howard C. Speakman	Tucson and Globe
Catherine A. Dougherty, Chief Deputy Clerk	Tucson
Ben J. McKinney, U. S. Marshal	Tucson
Richard C. Griffith, Chief Deputy U. S. Marshal	Tucson
K. Berry Peterson, Asst. U. S. Dist. Attorney	Tucson
Edward Dougherty, Probation Officer	Tucson
Fred Baker, Official Reporter	Tucson

SUPREME COURT OF ARIZONA

Levi S. Udall, Chief Justice.....State House, Phoenix
R. C. Stanford, Judge.....State House, Phoenix
M. T. Phelps, Judge.....State House, Phoenix
Evo De Concini, Judge.....State House, Phoenix
A. T. LaPrade, Judge.....State House, Phoenix
Eugenia Davis, Clerk.....State House, Phoenix

SUPERIOR COURTS OF ARIZONA

County	Judge	County Seat
Apache	J. Smith Gibbons	St. Johns
Cochise	Frank E. Thomas	Bisbee
Coconino	H. L. Russell	Flagstaff
Gila	C. C. Faires	Globe
Graham	Benjamin Blake	Safford
Greenlee	Porter Murry	Clifton
Maricopa, Div. No. 1	Fred C. Struckmeyer, Jr.	Phoenix
Maricopa, Div. No. 2	Dudley W. Windes	Phoenix
Maricopa, Div. No. 3	Charles C. Bernstein	Phoenix
Maricopa, Div. No. 4	Lorna E. Lockwood	Phoenix
Maricopa, Div. No. 5	Francis J. Donofrio	Phoenix
Maricopa, Div. No. 6	Renz L. Jennings	Phoenix
Maricopa, Div. No. 7	Ralph Barry	Phoenix
Mohave	J. W. Faulkner	Kingman
Navajo	Don T. Udall	Holbrook
Pima, Div. No. 1	J. Mercer Johnson	Tucson
Pima, Div. No. 2	Lee Garrett	Tucson
Pima, Div. No. 3	Robert S. Tullar	Tucson
Pinal	W. C. Truman	Florence
Santa Cruz	Gordon Farley	Nogales
Yavapai	W. E. Patterson	Prescott
Yuma	Henry C. Kelly	Yuma

CLERKS OF THE SUPERIOR COURT

Apache—Merle W. Heap.....St. Johns
Cochise—Dan S. Kitchel.....Bisbee
Coconino—Mary P. Lewis.....Flagstaff
Gila—Lamar Brewton.....Globe
Graham—Mrs. Cleora Hancock.....Safford
Greenlee—Harriet Sweeting.....Clifton
Maricopa—Walter S. Wilson.....Phoenix
Mohave—C. B. Tatum.....Kingman
Navajo—Lafe S. Hatch.....Holbrook
Pima—Mrs. Belle D. Hall.....Tucson
Pinal—T. J. Marks.....Florence
Santa Cruz—Mrs. Dorothy Titcomb.....Nogales
Yavapai—Mrs. Emma Shull.....Prescott
Yuma—James B. McLay.....Yuma

ELECTIVE COUNTY OFFICIALS

COUNTY	COUNTY SEAT	ASSESSOR	ATTORNEY
Apache	St. Johns	Parley J. Heap	M. V. Gibbons
Cochise	Bisbee	Sam R. Clark	Wesley Polley
Coconino	Flagstaff	D. L. McKinney	F. M. Gold
Gila	Globe	Mrs. Margarite Harding Webb	Barry De Rose
Graham	Safford	Robert Goodman	Wilford R. Richardson
Greenlee	Clifton	Wm. Paterson	H. E. Rogge
Maricopa	Phoenix	C. L. Sparks	Warren L. McCarthy
Mohave	Kingman	R. H. Lesher	Carl D. Hammond
Navajo	Holbrook	Arthur Palmer	Melvyn T. Shelley
Pima	Tucson	Leo J. Finch	Robert Morrison
Pinal	Florence	Wyly Parsons	William A. Scanland
Santa Cruz	Nogales	Pierre Baffert	Ruffo Espinosa
Yavapai	Prescott	Joel H. Baldwin	David H. Palmer, Jr.
Yuma	Yuma	A. O. Williamson	F. Lewis Ingraham

COUNTY	COUNTY SEAT	RECORDER	SHERIFF
Apache	St. Johns	Mrs. Natalia S. Farr	John T. Crosby
Cochise	Bisbee	P. W. Newbury	I. V. Pruitt
Coconino	Flagstaff	Mrs. Marie E. Holly	J. Peery Francis
Gila	Globe	Joseph Kinsman	Jack Jones
Graham	Safford	H. Lyle Grant	H. Skeet Bowman
Greenlee	Clifton	Don C. Marsh	Joe H. Tea
Maricopa	Phoenix	Roger G. Laveen	L. C. Boies
Mohave	Kingman	Mrs. Peggy B. Smith	Frank L. Porter
Navajo	Holbrook	Mrs. Elda R. Probst	Ben Pearson
Pima	Tucson	Mrs. Anna Sullinger	Frank Eyeman
Pinal	Florence	Mrs. Sophie M. Smith	Lynn Earley
Santa Cruz	Nogales	Mrs. Mary Bettwy	J. J. Lowe
Yavapai	Prescott	Mrs. Grace Chapman	Orville D. Bozarth
Yuma	Yuma	Vernon C. Wright	Jim Washum

COUNTY	COUNTY SEAT	SCHOOL SUPERINTENDENT	TREASURER
Apache	St. Johns	Roland S. Hamblin	Mrs. Joyce U. Colter
Cochise	Bisbee	Miss Ruby E. Fulghum	Miss Frances Lippert
Coconino	Flagstaff	Mrs. Bessie Kidd Best	Alex A. Johnston
Gila	Globe	Jess G. Hayes	Frank H. Thomas
Graham	Safford	Wilford Hamblin	Dora Phegley
Greenlee	Clifton	John F. Schlotfeld	Mrs. Gladys Sidebotham
Maricopa	Phoenix	John H. Barry	Phil A. Isley
Mohave	Kingman	Mrs. Fay Logsdon	Ruth Moser
Navajo	Holbrook	Miss Mary A. Brown	Joseph L. Petersen
Pima	Tucson	Mrs. Florence Reece	Carroll H. Christian
Pinal	Florence	Miss Mary C. O'Brien	Miss Cecilia Fent
Santa Cruz	Nogales	Mrs. Cora Everhart	Frank A. Bennett
Yavapai	Prescott	Edmund Lewis	James G. Cramer
Yuma	Yuma	Mrs. Gwyneth Ham	Mrs. Coila Smith

COUNTY BOARDS OF SUPERVISORS

APACHE COUNTY—St. Johns

Dist. No. 1 James S. Shreeve, St. Johns
Dist. No. 2 Jos. A. Burk, Eagar
*Dist. No. 3 Joseph J. Linnane, Chambers
Benj. Burgess—Clerk

COCHISE COUNTY—Bisbee

Dist. No. 1 James Allison, Bisbee
Dist. No. 2 Joe G. Good, Douglas
*Dist. No. 3 P. P. Page, Willcox
J. R. Henderson—Clerk

COCONINO COUNTY—Flagstaff

Dist. No. 1 J. D. Tissaw, Sr., Flagstaff
*Dist. No. 2 S. O. Morrow, Flagstaff
Dist. No. 3 J. R. Clark, Williams
Jane Burns—Clerk

GILA COUNTY—Globe

Dist. No. 1 Ben G. Armer, Globe
Dist. No. 2 Charles Curnow, Miami
*Dist. No. 3 Steve Bryant, Miami
Adah H. Anderson—Clerk

GRAHAM COUNTY—Safford

Dist. No. 1 Victor Christensen, Safford
*Dist. No. 2 Glen Hoopes, Thatcher
Dist. No. 3 Willie Hinton, Ft. Thomas
W. L. Buffington—Clerk

GREENLEE COUNTY—Clifton

Dist. No. 1 Peter Riley, Clifton
Dist. No. 2 W. S. Ferguson, Morenci
*Dist. No. 3 S. A. Foster, Duncan
H. E. Brubaker—Clerk

MARICOPA COUNTY—Phoenix

Dist. No. 1 James E. Lindsay, Phoenix
*Dist. No. 2 James O. Lecky, Phoenix
Dist. No. 3 D. P. Kimball, Phoenix
W. O. Glick—Clerk

MOHAVE COUNTY—Kingman

Dist. No. 1 W. H. Ridenour, Oatman
Dist. No. 2 A. J. Mullen, Chloride
*Dist. No. 3 Lee Stephens, Kingman
J. J. Cunningham—Clerk

NAVAJO COUNTY—Holbrook

Dist. No. 1 Ben R. Hunt, Holbrook
*Dist. No. 2 W. J. Crozer, Winslow
Dist. No. 3 Vern Willis, Snowflake
Dorothy J. Leavitt—Clerk

PIMA COUNTY—Tucson

*Dist. No. 1 J. Homer Boyd, Tucson
Dist. No. 2 Lambert Kautenburger, Tucson
Dist. No. 3 David Wine, Ajo
Richard E. Kolb—Clerk

PINAL COUNTY—Florence

Dist. No. 1—Jay Bateman, Ray
*Dist. No. 2 J. W. Spray, Superior
Dist. No. 3 Frank Williams, Casa Grande
Norman R. Freeman—Clerk

SANTA CRUZ COUNTY—Nogales

*Dist. No. 1 R. T. Frazier, Jr., Nogales
Dist. No. 2 Gilbert C. Soto, Nogales
Dist. No. 3 A. B. Sorrells, Patagonia
Estella Holler—Clerk

YAVAPAI COUNTY—Prescott

Dist. No. 1 John J. Pruitt, Prescott
*Dist. No. 2 Jack A. Medd, Skull Valley
Dist. No. 3 Taylor E. Estes, Cottonwood
Kenneth Aitken—Clerk

YUMA COUNTY—Yuma

*Dist. No. 1 M. G. Miniken, Yuma
Dist. No. 2 Otis Shipp, Yuma
Dist. No. 3 R. H. Thompson, Parker
R. L. Odom—Clerk

*Chairmen

No.	DISTRICT	JUSTICES OF THE PEACE	CONSTABLES
	APACHE COUNTY		
1	St. Johns*-**	Edward E. Carter	Claud Harris
2	Concho*-**	E. M. DeGlane	Leo M. Garcia
3	McNary*-**	Robert D. Wilson	J. B. Harkey
4	Alpine, Eagar*, Greer Nutrioso, Springerville**	Carl L. Haws	A. M. Parker
5	Puerco, Chambers*, Sanders**, Adamana, Houck	Chas. M. McDonald	Jeff N. Lauderdale
6	Vernon*-**	Ray Webb	Fernard Whiting
8	Ganado*	Hugh L. Lee	
	COCHISE COUNTY		
1	Hereford, Ash, Bisbee*-**, Don Luis, Warren, Lowell, Naco, Huachuca	L. T. Frazier	W. Jack Howard
2	Douglas*-**, Central Bridge, Lusk, McNeal, Webb, Paradise, Pirtleville, Whitewater, Gleeson	George W. Martin	None
3	Benson*, Pool, Robinson, St. David	Emil G. Kubishke	None
4	Cochise, Dos Cabezas, Dragoon, El Dorado, Light, Pearce, Wilgus, Willcox*	W. L. Chastain	None
5	Buena, Fairbank, Tombstone*-**	John P. Sebring	Chas. E. Brubaker
6	Bowie*-**, San Simon	T. W. Cooke	Carl Olander
	COCONINO COUNTY		
1	Flagstaff*-**, Bellemont, Mormon Lake, Tuba City, Cameron, Saginaw Camp, Canyon Diablo	Shelby McCauley	Cliff Simmons
2	Williams*-**, Parks	Thomas E. Way	Clarke C. Cole
3	Grand Canyon*-**	S. G. Stephens	J. M. Reed
4	Fredonia*, Marble Canyon	Joseph Brooksby	None
5	Sedona*	W. B. Raudebaugh	None
	GILA COUNTY		
1	Globe*-**	Clyde Shute	Wm. S. Edwards
2	Miami*-**, Claypool, Central Heights	John Carpenter	W. P. Ellis
3	Hayden*-** Winkelman	Walter B. Nash, Sr.	Wm. A. Pratt
4	Roosevelt, Payson*-**	Calvin N. Greer	Wm. E. Jackson
5	Young*-**	Wm. L. Turner	Gene Seeley
6	Pine*-**	Isaac Hunt	John L. Randall

*Indicates Mailing Address of Justice of the Peace
**Indicates Mailing Address of Constable

No.	DISTRICT	JUSTICES OF THE PEACE	CONSTABLES
	GRAHAM COUNTY		
1	Safford*, Lebanon, Layton	U. I. Paxton	None for Graham County
5	Solomonville*	Mario de Ochoa	
6	Pima*, Eden, Bryce, Glenbar	John H. McBride	
7	Ft. Thomas*, Ashurst, Geronimo	C. J. Grover	
8	Bonita*	James DuBois	
9	Klondyke*	John Sanford	
12	Thatcher*	Jesse L. Green	
15	Central*	G. A. Bigler	
	GREENLEE COUNTY		
1	Clifton*-**, Blue, Eagle	Matt Danenhauer	None
2	Morenci*-**	Guy Strickland	W. H. Bass
4	Duncan*-**, Franklin, York-Sheldon	J. B. Wright	Gus Sanders
	MARICOPA COUNTY		
	Buckeye*-**, Arlington, Palo Verde, Liberty, Tonopah	Bill Meck	Murrell Flood
	Chandler*-**, Higley, Queen Creek	Coy Beasley	Charlie Southard
	Gila Bend*-**, Homestead, Sentinel	Eddie A. Stout	Jack Mullenax
	Gilbert*-**	Harold R. Germaine	Hubert Harmon
	Glendale*-**	C. F. Carden	Frank C. Sheets
	Alma, Lehi, Fish Creek, Sunflower, Mesa*-**	J. E. Hunsaker	A. W. Hawkins
	Cotton City, Peoria*-**	John L. Meyer	Marion T. Giddens
	East Phoenix*-**	Harry E. Westfall	J. G. Hickey
	West Phoenix*-**	Al J. Flood	A. B. Spain
	Scottsdale*-**	Ben E. Fox	Kenneth C. Caswell
	Kyrene, Tempe*-**	Ralph W. Fowler	John H. Gregg
	Avondale**, Cartwright, Orme, Cashion, Fowler, Goodyear, Tolleson*	Arthur Webster	R. H. Brummell
	Wickenburg*-**, Morristown, Aguila	R. L. Westall	Clyde A. Hall
	MOHAVE COUNTY		
	Kingman*-**, Yucca	E. E. Wishon	Walter H. Black
	Oatman*-**, Topock	Alfred Nelson	Wm. Linderman
	Chloride*-**	R. E. Perry	E. B. McDonald
	Hackberry*-**, Peach Springs	C. R. Neal	John L. Nelson
	Alamo Crossing, Owens*-**		
	Signal, Trout Creek, Whitney	W. E. Scarlett	Carl Duncan
	Littlefield*-**	Clifford Peterson	Louis Reber
	Mt. Trumbull*-**	James Ben Bundy	C. M. Bundy
	Cane Beds*-**, Moccasin, Tuweep, Short Creek	Carl W. Johnson	Alfonso H. Nyborg
	Bullhead City*-**, Davis Dam	Lex A. Shields	E. S. Stone

*Indicates Mailing Address of Justice of the Peace
**Indicates Mailing Address of Constable

No.	DISTRICT	JUSTICES OF THE PEACE	CONSTABLES
	NAVAJO COUNTY		
1	Holbrook*-**, Keams Canyon, Kayenta, Woodruff, Indian Wells, Pinon	A. G. McCloskey	Nick Apodaca
2	Winslow*-**, Hotevilla, Oraibi, Polacca, Toreva	Burl Vincent	William R. Ledford
3	Alpine, Snowflake*-**, Taylor, Heber, Overgaard, Shumway	Jefferson B. Hunt	Rex F. Gibson
4	Clay Springs*-**, Pinedale	Ben Perkins	Don C. Jackson
5	Burton, Cibecue, Linden, Showlow*-**	Jesse J. Brady	James N. Finney
6	Joseph City*-**	Newell Kay	John L. Bushman
7	Lakeside**, Pinetop*, Whiteriver	E. B. Buell	Dean O. Hansen
	PIMA COUNTY		
1	Tucson*-**	James Howsare	Heether Wray
2	Tucson*-**	Clark H. Johnson	Ed F. Echols
3	Ajo*-**	Alfred C. Edwards	H. C. Hocker
	PINAL COUNTY		
1	Florence*-**, Goldfield	Lottie C. Devine	Pete C. VanHaren
2	Casa Grande*-**, Sacaton	E. O. Mason	H. B. Ward
3	Eloy*-**, Red Rock	Norman Murphy	C. J. Prock
4	Stanfield*-**, Maricopa	W. W. Duncan	F. P. Harvey
5	Oracle*-**	H. O. Ramsay	Morty Moriarty
6	Mammoth*-**, Tiger	John Carnighan	H. R. Clark
7	Aravaipa, Dudleyville* (Mailing address Hayden Junction*, Winkelman**)	Kate M. Trent	Jesse White
8	Coolidge*-**	T. M. Hagee	Asa F. Gardner
9	Kelvin, Ray*-**	Orwin S. Pearson	W. C. Gilpin
10	Superior*-**	Dale D. Webb	Alex Arnett
	SANTA CRUZ COUNTY		
1	Nogales*-**, Santa Cruz	Fred U. Allen	Louis Rose
2	Patagonia*-**, San Rafael, Elgin	Oliver Rothrock	Robert L. Haverty
3	Tubac* (P.O. Address, Amado**)	Miss M. E. Cotter	Elmer Gatlin

*Indicates Mailing Address of Justice of the Peace
**Indicates Mailing Address of Constable

DISTRICT	JUSTICES OF THE PEACE	CONSTABLES
YAVAPAI COUNTY		
No.		
Ashfork*-**	J. J. Slamon	
Bagdad*-**	Bennett C. Eidson	J. A. Gibson
Beaver Creek, Camp Verde*, Cherry Creek, Childs	Lisle A. Watts	
Castle Hot Springs, Congress, Rincon, Constellation, Yarnell*-**	Ed O. Kahle	Carl I. Scott
Jerome*-**	Jerry Sullivan	Everett G. Snoddy
Bumble Bee, Rock Springs, Cleator, Humboldt*, Mayer	J. L. Burleson	
Camp Wood, Chino Valley, Groom Creek, Hillside, Kirkland, Miller Valley, Prescott*-**	Edward S. Lyman	Ed Gardner
Skull Valley, Wagoner, Walnut Creek, Walnut Grove, Whipple, Seligman*	Ray Neilson	
Clarkdale*, Cottonwood**, Oak Creek, Red Rock	W. J. Finnegan	Paris E. Webb
YUMA COUNTY		
Yuma*-**, Dome Laguna, Rood, Crane, Blaisdell	Ersel C. Byrd	B. W. Long
Somerton*-**, Gadsden	C. R. Cavanah	A. M. Ray
Wellton*-**, Roll, Mohawk, Aztec, Hyder	Guy Haynes	Floyd L. Killman
Quartzsite*-**, Cibola	George Hagely	Fred V. Kuehn
Salome*-**, Wenden, Vicksburg	John A. Provorse	Ernest Bashor
Parker*-**, Bouse	O. N. Hamilton	Jack Harold

*Indicates Mailing Address of Justice of the Peace
**Indicates Mailing Address of Constable

ACTS

Memorials and Resolutions

of the

FIRST REGULAR SESSION

Twentieth Legislature

of the

STATE OF ARIZONA

1951

Regular Session Convened January 8, 1951

Regular Session Adjourned Sine Die March 18, 1951

Publication Authorized

Section 4-201, Arizona Code of 1939

(Paragraph 23, Article 2, Chapter 2, Revised Code of 1928)

Chapter 11, Laws 1951

First Regular Session, Twentieth 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 Regular Session of the Twentieth Legislature of the State of Arizona, as they appear on file in the office of the Secretary of State of Arizona.

That the First Regular Session of the Twentieth Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, January 8, 1951, and adjourned sine die on the 18th day of March, 1951.

IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 17th day of April, 1951.

WESLEY BOLIN, (Signature)
Secretary of State

MEMBERS OF THE SENATE

TWENTIETH LEGISLATURE
OF ARIZONA
1951

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

MEMBERS OF THE HOUSE

TWENTIETH LEGISLATURE OF ARIZONA 1951

District	Name and Party	Address
	APACHE COUNTY	
	Walter Pulsipher (D)	St. Johns
	COCHISE COUNTY	
1.	Wesley T. Allen (D)	Bisbee
2.	Carl W. Morris (D)	Warren
3.	Alfred Paul, Jr. (D)	Paul Spur
4.	Charles O. Bloomquist (D)	Douglas
5.	W. L. (Tay) Cook (D)	Willcox
	COCONINO COUNTY	
1.	Gordon Evans (D)	Flagstaff
2.	Harry F. Sutherland (R)	Williams
	GILA COUNTY	
1.	Raymond G. Langham (D)	Globe
2.	Chas. A. (Bert) Horne (D)	Miami
3.	Mrs. Edwynne C. "Polly" Rosenbaum (D)	Hayden
	GRAHAM COUNTY	
1.	W. A. McBride (D)	Safford
2.	Milton Lines (D)	Pima
	GREENLEE COUNTY	
	M. L. Simms (D)	Clifton
	MARICOPA COUNTY	
1.	Ed Ellsworth (D)	Chandler Box 75
2.	J. Blaine Freestone (D)	Mesa Box 233

3. Jack Cummard (D) ..... Mesa
424 N. Macdonald

4. L. Max Connolly (D) ..... Tempe
212 E. 14th St.

5. Clint Anderson (D) ..... Phoenix
Route 5, Box 673

6. Sidney Kartus (D) ..... Phoenix
1 E. Jones St.

7. Robert E. Wilson (D) ..... Phoenix
2522 E. Adams

8. H. B. Daniels (D) ..... Phoenix
216 E. Washington

9. Owen A. Kane (D) ..... Phoenix
140 N. 1st St.

10. Paul J. West (D) ..... Phoenix
523 N. 20th St.

11. Al Lindsey (D) ..... Scottsdale
113 E. Main

12. Lewis R. Burch (D) ..... Phoenix
1414 N. 5th St.

13. W. W. Franklin (D) ..... Phoenix
1645½ E. Culver

14. Ronald Webster, Jr. (R) ..... Phoenix
1230 E. Virginia

15. Mrs. Laura McRae (D) ..... Phoenix
929 E. Coronado Rd.

16. W. C. Estes (D) ..... Phoenix
3020 N. 24th Pl.

17. R. H. Wallace (R) ..... Phoenix
Box 1870

18. Gordon Hunt (R) ..... Phoenix
8905 N. 1st St.

19. Carl Sims, Sr. (D) ..... Phoenix
1304 W. Magnolia

20. Mrs. Mary Dwyer (D) ..... Phoenix
346 N. 6th Ave.

21. Harry S. Ruppelius (D) ..... Phoenix
1505 N. 15th Ave.

22. L. S. (Dick) Adams, Jr. ..... Phoenix
418 Oakland Ave.

23. Francis J. Byrnes (D) ..... Phoenix
3106 W. Buckeye Rd.

24. B. T. Wilkinson (D) ..... Phoenix
1137 N. 32nd Ave.

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

26. Lee Ackerman (D) ..... Phoenix
908 W. Avalon

27. Robert L. Myers (R) ..... Phoenix
5022 N. Arden Drive

28. W. B. Barkley (D) ..... Glendale
37½ S. 3rd Ave.

29. W. E. Craig (D) ..... Wickenburg
Box 576

30. T. C. Rhodes (D) ..... Avondale
Box 146

31. H. C. Armstrong (D) ..... Tolleson
Box 672

MOHAVE COUNTY

Robert E. Morrow (D) ..... Kingman

NAVAJO COUNTY

1. Lee Kutch (D) ..... Holbrook
2. L. E. Stone (D) ..... Winslow

PIMA COUNTY

1. Oscar C. Cole (D) ..... Ajo
Box 186

2. Enos P. Schaffer (D) ..... Tucson
80 N. Church

3. Robert H. Frick (D) ..... Tucson
343 S. Scott

4. Paul J. Riley (D) ..... Tucson
4302 Kostka Ave.

5. John S. Hardwicke (D) ..... Tucson
116 N. Tyndall

6. Dr. Robert H. Forbes (D) ..... Tucson
105 Olive Rd.

7. Mrs. Julliette C. Willis (R) ..... Tucson
123 Sierra Vista Rd.

8. V. S. (John) Hostetter (R) ..... Tucson
100 Calle Encanto

9. Marvin L. Burton (D) ..... Tucson
601 E. Mohave Rd.

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

11. Ray Martin (D) ..... Tucson
3946 Miner

12. James W. Ewing (R) ..... Tucson
Box 870

13. David G. Watkins (D) ..... Tucson
Route 4, Box 309

14. Frank G. Robles (D) ..... Tucson
Box 2003

PINAL COUNTY

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SANTA CRUZ COUNTY

Neilson Brown (D) ..... Nogales

YAVAPAI COUNTY

1. Henry Rush (D) ..... Prescott
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3. Kel M. Fox (D) ..... Sedona
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YUMA COUNTY

1. Robert Hodge (D) ..... Yuma
2. John C. Smith, Jr. (D) ..... Somerton
3. E. C. (Johnnie) Johnson (D) ..... Parker

ORDER OF ACTS

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FIRST REGULAR SESSION

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116.	H. B. 112.	Relating to education, and providing for the administration of student activities money and other receipts of common schools, high schools and junior colleges. Approved March 28, 1951. Effective Midnight June 16, 1951	286
117.	H. B. 243.	Relating to voting trusts. Approved March 28, 1951. Effective Midnight June 16, 1951	288
118.	H. B. 164.	Relating to spirituous liquors; prescribing penalties, and amending section 72-114, Arizona Code of 1939. (Emergency clause) Approved March 28, 1951. Effective March 28, 1951	290
119.	H. B. 116.	Relating to the school lunch program; providing for the acceptance and disbursement of federal funds, and amending section 54-1802, Arizona Code of 1939. Approved March 28, 1951. Effective Midnight June 16, 1951	291
120.	H. B. 178.	Relating to Arizona highway department and amending sections 59-101 and 59-104, Arizona Code of 1939, as amended. Approved March 28, 1951. Effective Midnight June 16, 1951	291

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121.	H. B. 198.	Relating to insurance; prescribing penalties; amending section 61-202, Arizona Code of 1939, as amended; amending article 3, chapter 61, Arizona Code of 1939, as amended, by adding two new sections to be known as sections 61-348 and 61-349; amending sections 61-703, 61-711, 61-901 and 61-903, Arizona Code of 1939, as amended; and amending article 10 of chapter 61, Arizona Code of 1939, as amended, by adding a new section to be known as section 61-1009a. Approved March 28, 1951. Effective Midnight June 16, 1951	293
122.	H. B. 175.	Relating to the giving of proof of financial responsibility and security by owners and operators of motor vehicles; providing for suspension of licenses; prescribing penalties; making uniform the law relating to the subject matter of this act; and repealing section 66-248, Arizona Code of 1939. Approved March 28, 1951. Effective January 1, 1952. (12 noon)	300
123.	H. B. 8.	Relating to production and conservation of oil and gas; prescribing penalties and forfeitures; and repealing article 14, chapter 11, Arizona Code of 1939. (Emergency clause) Approved March 28, 1951. Effective March 28, 1951	321
124.	H. B. 9.	Relating to state lands; providing for the issuance of leases of state lands for the exploration for and development of oil, gas and other hydrocarbon substances which may be procured and produced therefrom; repealing sections 11-1301, 11-1302, 11-1303, 11-1304, 11-1305, 11-1306, 11-1307, 11-1308, 11-1309, 11-1310, 11-1311, 11-1312, 11-1313, 11-1314, 11-1315, 11-1317, 11-1318, 11-1319, 11-1320, 11-1321, 11-1322 and 11-1323, Arizona Code of 1939. (Emergency clause) Approved March 28, 1951. Effective March 28, 1951	340
125.	H. B. 250.	Relating to education; making an appropriation to the state superintendent of	

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	public instruction, and amending sections 54-305 and 54-306, Arizona Code of 1939. Approved March 28, 1951. Effective Midnight June 16, 1951	348
126. H. B. 232.	Relating to social security and empowering the governor to enter into an agreement with the federal government extending the benefits of the federal social security act to officers and employees of the state and its eligible political subdivisions other than those already under a public retirement system and making an appropriation therefor. (Emergency clause) Approved March 28, 1951. Effective March 28, 1951.	349
127. S. B. 4.	Relating to rental of safe deposit boxes; defining legal relationship of safe deposit box user; providing for access following death of lessee or termination of box use; establishing a lien on contents; and declaring an emergency. Approved March 29, 1951. Effective March 29, 1951.	356
128. S. B. 5.	Relating to negotiable instruments; amending section 52-109, Arizona Code of 1939. (Emergency clause) Approved March 29, 1951. Effective March 29, 1951.	359
129. S. B. 7.	Relating to banks and to bank deposits in two or more names; providing for payment to survivor or survivors, amending section 51-516, Arizona Code of 1939; and declaring an emergency. Approved March 29, 1951. Effective March 29, 1951	359
130. S. B. 46.	Providing for the licensing of weather control or cloud modification operations and the manufacture, sale, lease or license of equipment and supplies designed for weather control, prescribing qualifications for licensees, prohibiting unlicensed weather control or cloud modification operations and providing penalties. (Emergency clause) Approved March 29, 1951. Effective March 29, 1951	360

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132.	S. B.	48.	For the relief of Tissaw Sporting Goods Company. (Emergency clause) Approved March 29, 1951. Effective March 29, 1951.	364
133.	S. B.	50.	Relating to criminal offenses; defining burglary, and amending section 43-901, Arizona Code of 1939. Approved March 29, 1951. Effective Midnight June 16, 1951	364
134.	S. B.	59.	Relating to the crime against nature; prescribing the penalty therefor, and amending section 43-406, Arizona Code of 1939. (Emergency clause) Approved March 29, 1951. Effective March 29, 1951	365
135.	S. B.	67.	For the relief of Switzer's Hardware Company. (Emergency clause) (Failed to pass the House with sufficient votes to carry emergency clause) Approved March 29, 1951. Effective Midnight June 16, 1951.	366
136.	S. B.	70.	Relating to state-owned motor vehicles; regulating the type, number, purchase, repair and maintenance of motor vehicles owned and operated by the state, its officers and agencies; providing for the keeping of records concerning such motor vehicles; providing for the administration of the act; establishing a revolving fund for the operation of a motor vehicle pool and for the repair and maintenance of state-owned motor vehicles and making an appropriation therefor; and prescribing penalties for violations of the act. Approved March 29, 1951. Effective Midnight June 16, 1951	367
137.	S. B.	80.	Relating to banks and other financial institutions; providing regulations for loans other than to officers, and amending section 51-204, Arizona Code of 1939. (Emergency clause) Approved March 29, 1951. Effective March 29, 1951	373

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145.	H. B. 118.	Relating to the Arizona teachers' retirement system, providing for the employment of an executive secretary, and amending section 54-1721, Arizona Code of 1939. Approved March 29, 1951. Effective Midnight June 16, 1951	395
146.	H. B. 167.	Relating to insurance; prescribing regulations, fees and penalties; amending sections 61-322, 61-336, 61-406, 61-407 and 61-409, Arizona Code of 1939. Approved March 29, 1951. Effective Midnight June 16, 1951	396
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149.	H. B. 235.	Making an appropriation for the relief of the industrial commission. Approved March 29, 1951. Effective March 29, 1951	406
150.	H. B. 265.	Relating to sanitary districts; amending article 10, chapter 68, Arizona Code of 1939 by adding sections 68-1028 and 68-1029; amending section 68-1006 and 68-1008; providing for rules and regulations governing connections to sanitary district sewers and permits for such connections; declaring the unauthorized connection to a sanitary district line a misdemeanor; declaring the violation of rules and regulations of the sanitary district to be a public nuisance; providing for the annexation of non-contiguous territory to a sanitary district and for the consent of the	

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151. H. B. 302.	Making appropriations for the different departments of the state, for public schools, and for interest on the public debt. Approved March 29, 1951. Effective July 1, 1951. (12:01 A.M.)	410
152. H. B. 119.	Relating to beauty culture; prescribing qualifications, and amending section 67-306, Arizona Code of 1939. (Emergency clause) (Failed to pass the Senate with sufficient votes to carry emergency clause) Approved March 29, 1951. Effective Midnight June 16, 1951	441
153. H. B. 254.	Relating to dairies and dairying, prescribing rules and regulations for the production, distribution, manufacturing and handling of dairy products; creating the office of state dairy commissioner, prescribing his duties and fixing his salary; powers and duties of the division of public health; prescribing penalties; and repealing sections 50-901 to 50-954, inclusive, Arizona Code of 1939. Approved March 29, 1951. Effective July 1, 1951 (12 noon)	442
154. H. B. 169.	Relating to horsemeat; regulating the slaughter and sale of horsemeat for human consumption and not for human consumption; amending sections 50-1303, 50-1305, 50-1307 and 50-1309, Arizona Code of 1939; and amending article 13, chapter 50, Arizona Code of 1939, by adding sections 50-1304a, 50-1308a and 50-1308b. (Emergency clause) Approved March 29, 1951. Effective March 29, 1951	460
155. H. B. 158.	Relating to intoxicating liquors and repealing section 43-3101, Arizona Code of 1939. Approved March 29, 1951. Effective Midnight June 16, 1951	463

ACTS

ACTS

CHAPTER 1

(House Bill No. 16)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE TWENTIETH LEGISLATURE.

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

Section 1. APPROPRIATION. The sum of One Hundred Fifty-five Thousand Six Hundred Eighty-five Dollars and Thirty-four cents ($155,685.34) is appropriated for the operation of the House of Representatives, Twentieth Legislature. The sum of Forty-two Thousand One Hundred Thirty-two Dollars and Eighty-eight cents ($42,132.88) is appropriated for the operation of the Arizona State Senate, Twentieth Legislature.

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

Sec. 3. EXEMPTION. The appropriation made under the terms of section 1 is exempt from the provisions of Section 10-930, Arizona Code of 1939, as amended, relating to lapsing appropriations.

Approved by the Governor—January 17, 1951.

Filed in the Office of the Secretary of State—January 17, 1951.

CHAPTER 2

(House Bill No. 23)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF LIBRARY AND ARCHIVES FOR THE STATE LEGISLATIVE BUREAU.

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

Section 1. APPROPRIATION. The sum of thirty-nine thousand three hundred eighty-five dollars ($39,385.00) 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 defraying expenses of the state legislative bureau.

Approved by the Governor—January 17, 1951.

Filed in the Office of the Secretary of State—January 17, 1951.

CHAPTER 3

(Senate Bill No. 25)

AN ACT

RELATING TO THE LEGISLATURE; CREATING A SPECIAL LEGISLATIVE COMMITTEE ON STATE OPERATIONS, AND MAKING AN APPROPRIATION.

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

Section 1. COMMITTEE ON STATE OPERATIONS. A joint legislative committee, to be known as the special legislative committee on state operations, is created. The committee shall consist of three members of the senate, to be appointed by the president of the senate, and three members of the

house of representatives, to be appointed by the speaker of the house, for a term of two years, terminating upon the convening of the regular session of the legislature in each odd numbered year.

Sec. 2. DUTIES OF COMMITTEE. (a) The committee on state operations shall make a thorough investigation and summary of the affairs and operations of the various departments and institutions of the state, covering all phases of operation, including purchases, travel, personnel and administrative functions.

(b) The committee shall prepare a report to be submitted to each regular session of the legislature and make therein such recommendations for expansion, consolidation, curtailment of operations or elimination of departments as will effect the greatest efficiency and economy in the conduct of affairs of the state.

(c) It shall be the special duty of the committee to consult with departments or officers of the state engaged in carrying out construction programs authorized by the legislature, and to investigate the conduct of such programs, with particular reference to the plans for and type of construction, the methods of letting bids, and all other matters pertaining thereto.

Sec. 3. EMPLOYMENT OF ASSISTANTS. In carrying out the provisions of this Act the committee may employ such assistants, auditors, accountants and clerks as may be deemed necessary and incur necessary expenses incident thereto.

Sec. 4. APPROPRIATION. The sum of eighty-five thousand dollars is appropriated to the special legislative committee on state operations for the purpose of carrying out the provisions of this Act, which appropriation shall be exempt from the provisions of section 10-930, relating to lapsing appropriations.

Sec. 5. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—February 7, 1951.

Filed in the Office of the Secretary of State—February 7, 1951.

CHAPTER 4

(House Bill No. 65)

AN ACT

MAKING AN APPROPRIATION TO THE DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

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

Section 1. APPROPRIATION. In addition to the appropriation made under Chapter 124 Subdivision 53 Laws of 1949 for the 39th fiscal year the sum of thirty-one thousand nine hundred seventy-five dollars ($31,975.00) is appropriated to the department of liquor licenses and control for the following purposes:

Personal Services	$10,725.00
Current Expenditures	600.00
Travel	8,250.00
Capital Outlay	
Automobiles (4)	7,000.00
Radios	3,900.00
Other	1,500.00
	$31,975.00

Approved by the Governor—February 9, 1951.

Filed in the Office of the Secretary of State—February 9, 1951.

CHAPTER 5

(Senate Bill No. 10)

AN ACT

RELATING TO STATE INSTITUTIONS FOR JUVENILES; PROVIDING FOR THE APPOINTMENT OF MEMBERS OF THE BOARD OF DIRECTORS OF STATE INSTITUTIONS FOR JUVENILES AND AMENDING SECTION 47-403, ARIZONA CODE OF 1939.

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

Section 1. Sec. 47-403, Arizona Code of 1939, is amended to read:

47-403. MEMBERSHIP OF BOARD. The board shall consist of five members, who shall be appointed by the governor by and with the advice and consent of the senate. Within thirty days after the effective date of this Act the governor shall appoint the members of the board, one each for terms ending on the first Monday in January, 1952, 1953, 1954, 1955 and 1956. Upon the expiration of each such term a successor shall be appointed for a full term of five years. Appointment to fill a vacancy caused otherwise than by expiration of term shall be filled for the unexpired portion of the term only. No more than two members of the board shall be residents of any one county.

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 13, 1951.

Filed in the Office of the Secretary of State—February 13, 1951.

CHAPTER 6

(Senate Bill No. 30)

AN ACT

MAKING AN APPROPRIATION TO THE SECRETARY OF STATE.

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

Section 1. APPROPRIATION. The sum of two hundred fifty dollars is appropriated to the secretary of state, for the payment of travel expenses in attending the executive meeting of the National Association of Secretaries of State, to be held at Miami, Florida, in February, 1951.

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 13, 1951.

Filed in the Office of the Secretary of State—February 13, 1951.

CHAPTER 7

(House Bill No. 26)

AN ACT

RELATING TO THE ARIZONA PIONEERS' HISTORICAL SOCIETY; PRESCRIBING THE PERIOD FOR MATCHING THE BUILDING FUND OF THE SOCIETY, AND AMENDING SECTIONS 3 AND 5, CHAPTER 49, LAWS OF 1947, REGULAR SESSION.

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

Section 1. Section 3, chapter 49, Laws of 1947, regular session, is amended to read:

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 seven years from March 13, 1947, 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. 2. Section 5, chapter 49, Laws of 1947, regular session, is amended to read:

5. EXEMPTION. The appropriation made by this Act shall be exempt from the provisions of section 10-930, supplement to 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—February 17, 1951.

Filed in the Office of the Secretary of State—February 17, 1951.

CHAPTER 8

(House Bill No. 213)

AN ACT

RELATING TO PUBLIC WELFARE; PROVIDING FOR MAXIMUM GRANTS; FOR QUARTERLY REPORTS BY RECIPIENTS AND FOR THE USE THEREOF BY THE DEPARTMENT; FOR THE ELIGIBILITY OF APPLICANTS AND THE AMOUNT OF GRANTS; FOR EXAMINATION OF APPLICANTS FOR BLIND ASSISTANCE; FOR NOTICE TO OFFICIALS OF AID TO DESERTED OR ABANDONED CHILDREN; AMENDING SECTIONS 70-119a, 70-128, 70-130, 70-202, 70-204, 70-302, 70-307, 70-401, 70-404, 70-602, ARIZONA CODE OF 1939; MAKING AN APPROPRIATION, AND PROVIDING FOR A PENALTY.

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

Section 1. Section 70-119a, Arizona Code of 1939, is amended to read:

70-119a. MAXIMUM GRANTS. 1. In no event shall assistance paid to any recipient under the provisions of this Act be an amount, which when added to income from all other sources, cause the total of income and grant to exceed:

(a) For a single recipient eighty dollars ($80.00) per month;

(b) for a recipient and spouse or two recipients in the same family unit one hundred twenty dollars ($120.00) per month, and

(c) for three or more recipients in the same family unit one hundred fifty dollars ($150.00) per month.

2. In the event the total amount of funds available for payment of assistance grants is not sufficient to meet the maximum amount for which each applicant or recipient may be eligible by law, the department shall in no event make reductions of an equal amount from every grant in each category of assistance, but shall take into consideration the needs of the applicants or recipients, and shall make such reductions as are necessary by specifying the percentage of budgeted needs which may be met within the maximums set by law by the grant plus other available income.

3. Provided however, in determining need for aid to the blind the department shall take into consideration all other income and resources of the individual claiming such aid; except that, in making a determination of need or grant plus income the department shall disregard the first fifty dollars ($50.00) per month of earned income.

Sec. 2. Section 70-128, Arizona Code of 1939, is amended to read:

70-128. PERIODIC RECONSIDERATION AND CHANGE IN AMOUNT OF ASSISTANCE. (a) All assistance or service grants made under this Act shall be reconsidered by the department as frequently as may be required by the rules of the state department. After such further investigation as the department may deem necessary, the amount of assistance or service may be changed or assistance or service may be entirely withdrawn if the department finds that the recipient's circumstances have altered sufficiently to warrant such action. The department may, at any time, cancel and revoke assistance or service for cause, and it may for cause suspend assistance or service for such period as it may deem proper.

(b) As a basis for showing a continuation of need every recipient shall file with the department a quarterly report. Such report shall be made on or before the fifteenth day of January, April, July and October of each year upon forms to be furnished by the department, and shall show all income received by the recipient from all sources during the calendar quarter preceding the date of filing the same and such other matters as may be required by the state department.

(c) All such decisions shall be subject to review, and the granting of an opportunity for a fair hearing by the state department as provided by law.

Sec. 3. Section 70-130, Arizona Code of 1939, is amended to read:

70-130. RECOVERY FROM A RECIPIENT. If at any time during the continuance of any assistance or service under this Act, the recipient thereof becomes or is possessed of or is entitled to, or receives any property or income in excess of the amount stated in the application, or becomes ineligible for assistance or service under this Act, it shall be the duty of the recipient to notify the department immediately of such fact, and the department shall after investigation either terminate the assistance or service or alter the amount thereof in accordance with the circumstances; and any excess assistance theretofore paid may be recovered by action at law.

If any recipient receives income in excess of the amount stated in his application or becomes ineligible for assistance by reason of such increased income, such recipient shall give notice to and immediately pay the department from such income the amount of any assistance received by him in excess of the amount to which he was legally entitled; provided however, that such recipient may in lieu of making such immediate repayment to the department:

1. Notify the department of receipt of such increased income in the quarterly report of the recipient to the department as provided in section 70-128, and in such event the department shall thereupon calculate the average monthly income of the recipient for the period covered by said report and the report for the previous quarter, if a report has been filed for such previous quarter. Such average monthly income shall then be considered by the department as "income" in determining the grant for the next succeeding quarter; or

2. During any period in which he receives or contemplates receiving income in excess of the maximum grant plus income, return the assistance grant, and disqualify himself for any further assistance by refusing to complete the quarterly report provided for in section 70-128.

If it is found that a recipient has obtained assistance or service by wilful misrepresentation, he shall be liable for the amount of the assistance paid in excess of the amount to which the recipient was legally entitled and an additional equal amount as liquidated damages.

Sec. 4. Section 70-202, Arizona Code of 1939, is amended to read:

70-202. ELIGIBILITY FOR ASSISTANCE. Assistance shall be granted under this article to any person who meets and maintains the following requirements:

1. Is not less than sixty-five (65) years of age.

2. Is a citizen of the United States.

3. Has resided in the state for not less than five (5) years within the nine (9) years, and continuously for not less than one (1) year immediately preceding the date of application for assistance, and the applicant shall be required to prove that he meets the residence requirements.

4. Is not an inmate of or being maintained by any municipal, state or federal institution at the time of receiving assistance except as a guest of the home for aged and infirm Arizona pioneers or in any hospital for treatment for injury or illness. An inmate of any such institution, except a penal institution, may make application for assistance, but the assistance, if granted, shall not begin until after he ceases to be an inmate. This paragraph shall not be construed to prohibit the granting of assistance to a person temporarily confined in an institution for medical or surgical care.

5. If employable, shall not refuse to accept employment available to him; but if the conditions involved in the employment available to such person are not satisfactory to him, the county department after making thorough investigation and upon written finding of fact in each case, shall determine whether or not the acceptance of such employment shall be required as a condition of eligibility for assistance.

6. Does not own an interest or equity the value of which has not been measured in terms of a true approximate cash market value, in any property, business enterprise, association, company, estate or any holdings of whatever nature.

7. Has not, within five (5) years prior to the receipt of assistance, or if a recipient of assistance, at any time subsequent to the effective date of this provision, made an assignment or transfer of property or interest therein without a fair consideration, either with the intent of rendering himself eligible for assistance or of increasing his need for assistance. A person found to be ineligible under this provision shall be ineligible for such time as the state department shall deter-

mine, with due consideration of the facts in the case and the recipient's current need for assistance.

8. Does not have resources in excess of the following:

8a. Household furnishings used by the recipient and his family in his usual place of residence.

8b. Wearing apparel and necessary personal effects.

8c. A dwelling house in which such person resides and the land contiguous thereto, which has a fair market value not in excess of eight thousand dollars ($8,000.00).

8d. Livestock used primarily for domestic purposes.

8e. Other property or assets having a total fair market value of eight hundred dollars ($800.00) for a single recipient or twelve hundred dollars ($1,200.00) for a recipient and spouse, or two or more recipients in a single household.

Sec. 5. Section 70-204, Arizona Code of 1939, is amended to read:

70-204. AMOUNT OF ASSISTANCE. In determining the amount of assistance which a recipient may receive, it shall be the duty of the state and county departments to consider and take into account living conditions and all facts and circumstances surrounding the applicant or recipient, including his earning capacity, income and resources, from whatever source received; the amount of assistance when added to all other income, resources, support and maintenance shall provide such person with a reasonable subsistence compatible with the mode of life to which the recipient is accustomed. In each case an assistance plan shall be adopted based upon the foregoing.

In no event, however, shall the total amount of assistance paid under the provisions of this article to any recipient exceed:

1. Fifty dollars ($50.00) per month if the recipient is living with self-supporting relatives, or if self-supporting relatives are living with the recipient, or

2. Sixty dollars ($60.00) per month if the recipient does not live with self-supporting relatives, and self-supporting relatives do not live with the recipient.

Sec. 6. Section 70-302, Arizona Code of 1939, is amended to read:

70-302. ELIGIBILITY FOR BLIND ASSISTANCE. Assistance shall be granted under the provisions of this article to any person who meets and maintains the following requirements:

1. Has no vision or acuity; has central visual acuity of 20/200 or less in the better eye, with best correction; or, if there is a field defect in which the peripheral field has been contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees.

2. Is sixteen (16) years of age, or older, except that any person irrespective of age shall be eligible for medical treatment to restore sight or prevent blindness.

3. Lost his eyesight while a resident of the state or shall have resided in the state for not less than five (5) years within the nine (9) years, and continuously for not less than one (1) year, immediately preceding the date of application for assistance. The applicant shall be required to prove that he meets the residence requirements.

4. Is a citizen of the United States.

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 or in any hospital for treatment for injury or illness. An inmate of any such institution, except a penal institution, may make application for assistance, but the assistance, if granted, shall not begin until after he ceases to be an inmate. This paragraph shall not be construed to prohibit the granting of assistance to a person temporarily confined in an institution for medical or surgical care.

6. If employable, shall not refuse to accept employment available to him; but if the conditions involved in the employment available to such person are not satisfactory to him, the county department after making thorough investigation and upon written finding of fact in each case, shall determine whether or not the acceptance of such employment shall be required as a condition of eligibility for assistance.

7. Does not own an interest or equity the value of which has not been measured in terms of a true approximate cash market value, in any property, business enterprise, association, company, estate or any holdings of whatever nature.

8. Has not, within five (5) years prior to the receipt of assistance, or if a recipient of assistance, at any time subsequent to the effective date of this provision, made an assignment or transfer of property or interest therein without a fair consideration, either with the intent of rendering himself eligible for assistance or of increasing his need for assistance. A person found to be ineligible under this provision shall be ineligible for such time as the state department shall determine, with due consideration of the facts in the case and the recipient's current need for assistance.

9. Does not have resources in excess of the following:

9a. Household furnishings used by the recipient and his family in his usual place of residence.

9b. Wearing apparel and necessary personal effects.

9c. A dwelling house in which such person resides and the land contiguous thereto, which has a fair market value not in excess of eight thousand dollars ($8,000.00).

9d. Livestock used primarily for domestic purposes.

9e. Other property or assets having a total fair market value of eight hundred dollars ($800.00) for a single recipient or twelve hundred dollars ($1,200.00) for a recipient and spouse, or two or more recipients in a single household.

10. Does not, during the period of receiving assistance, solicit alms.

11. Is not receiving old age assistance; but benefits, as authorized by section 70-310 of this article, may be extended to any person currently receiving old age assistance.

Sec. 7. Section 70-307, Arizona Code of 1939, is amended to read:

70-307. EXAMINATION BY PHYSICIAN OR OPTOMETRIST. No application shall be approved until the applicant has been examined by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select. The examining physician or optometrist shall certify in writing upon forms prescribed by the state department as to diagnosis, prognosis and visual acuity of the applicant.

Sec. 8. Section 70-401, Arizona Code of 1939, is amended to read:

70-401. ADMINISTRATION AND NOTICE. Dependent children assistance as provided for in this article shall be administered by the Arizona state department of public welfare subject to the provisions of article 1 of this Act. It shall be the duty of the state department, effective July 1, 1952, to provide for prompt notice to appropriate law-enforcement officials of the furnishing of aid to dependent children in respect of a child who has been deserted or abandoned by a parent.

Sec. 9. Section 70-404, Arizona Code of 1939, is amended to read:

70-404. AMOUNT OF ASSISTANCE. In determining the amount of assistance which a recipient may receive, it shall be the duty of the state and county departments to consider and take into account living conditions and all facts and circumstances surrounding the applicant or recipient, including his earning capacity, income and resources, from whatever source received; the amount of assistance when added to all other income, resources, support and maintenance shall provide such person with a reasonable subsistence compatible with the mode of life to which the recipient is accustomed. In each case an assistance plan shall be adopted based upon the foregoing.

In no event, however, shall the total amount of assistance paid under the provisions of this article to any recipient exceed the sum of:

Fifty-four dollars ($54.00) for a family containing one dependent child, and eighteen dollars ($18.00) for each additional dependent child; provided, however, in no event shall any one family receive assistance in excess of one hundred fifty dollars ($150.00) per month.

Sec. 10. Section 70-602, Arizona Code of 1939, is amended to read:

70-602. ELIGIBILITY FOR GENERAL ASSISTANCE. No person shall be entitled to general assistance, or to receive employment relief, from any agency supported in whole or in part by the state or any political subdivision thereof who does not meet and maintain the following requirements:

1. Is a citizen of the United States, or a resident of the United States continuously for fifteen (15) years immediately preceding date of application.

2. Has resided in the state for not less than five (5) years within the nine (9) years, and continuously for not less than

one (1) year, immediately preceding the date of application for assistance, and the applicant shall be required to prove that he meets the residence requirements.

3. Is not an inmate of or being maintained by any municipal, state or federal institution at the time of receiving assistance except as a guest of the home for aged and infirm Arizona pioneers or in any hospital for treatment for injury or illness. An inmate of any such institution, except a penal institution, may make application for assistance, but the assistance, if granted, shall not begin until after he ceases to be an inmate. This paragraph shall not be construed to prohibit the granting of assistance to a person temporarily confined in an institution for medical or surgical care.

4. If employable, shall not refuse to accept employment available to him.

5. Does not own an interest or equity the value of which has not been measured in terms of a true approximate cash market value, in any property, business enterprise, association, company, estate or any holdings of whatever nature.

6. Has not, within five (5) years prior to the receipt of assistance, or if a recipient of assistance, at any time subsequent to the effective date of this provision, made an assignment or transfer of property or interest therein without a fair consideration, either with the intent of rendering himself eligible for assistance or of increasing his need for assistance. A person found to be ineligible under this provision shall be ineligible for such time as the state department shall determine, with due consideration of the facts in the case and the recipient's current need for assistance.

7. Does not have resources in excess of the following:

7a. Household furnishings used by the recipient and his family in his usual place of residence.

7b. Wearing apparel and necessary personal effects.

7c. A dwelling house in which such person resides and the land contiguous thereto, which has a fair market value not in excess of eight thousand dollars ($8,000.00).

7d. Other property or assets having a total fair market value of eight hundred dollars ($800.00) for a single recipient or twelve hundred dollars ($1,200.00) for a recipient and spouse, or two or more recipients in a single household.

Nothing in this section shall be construed to prevent the granting of assistance in emergency cases.

Sec. 11. APPROPRIATION. In addition to the appropriations made under chapter 124, subdivision 31, Laws of 1949, the sum of $806,400.00 is appropriated to the state department of public welfare to be expended as follows:

	For the 39th Fiscal Year
Old Age Assistance	$576,000.00
Aid to the Blind	8,100.00
Foster Home Care	34,200.00
Direct Relief	67,500.00
Unallocated Assistance	76,300.00
Personal Services	17,700.00
Medical Services	19,500.00
Travel	3,700.00
Capital Outlay	3,400.00
	$806,400.00

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—February 17, 1951.

Filed in the Office of the Secretary of State—February 17, 1951.

OFFICE OF THE GOVERNOR
State House
Phoenix, Arizona

February 17, 1951

Honorable Wesley Bolin
Secretary of State
State of Arizona
Phoenix, Arizona
My dear Mr. Bolin:

I hand you herewith House Bill No. 213, An Act relating to Public Welfare; providing for maximum grants; for quar-

terly reports by recipients and for the use thereof by the Department; for the eligibility of applicants and the amount of grants; for examination of applicants for blind assistance; for notice to officials of aid to deserted or abandoned children; amending Sections 70-119a, 70-128, 70-130, 70-202, 70-204, 70-302, 70-307, 70-401, 70-404, 70-602, Arizona Code of 1939; making an appropriation, and providing for a penalty.

I have attached to this bill a letter addressed to the State Board of Public Welfare. This letter is to be made a part of the permanent record as it expresses my reasons for signing the bill.

Sincerely,

/s/ Howard Pyle
Howard Pyle
GOVERNOR

erb
cc: President Mattice
Speaker Langham

OFFICE OF THE GOVERNOR
State House
Phoenix, Arizona

February 17, 1951

State Board of Public Welfare
New State Office Building
Phoenix, Arizona

Gentlemen:

May I take this opportunity to thank you for your studied recommendations and concurrence in completing the enactment of House Bill No. 213.

Comes now the administration of this bi-partisan economy measure, designed to bring the general welfare program more nearly within the State's ability to pay without denying full recognition of the needs of any qualified recipient.

Since interpretation is the essence of a program of this kind, I wish to urge you and your associates to exercise every precaution possible to avoid errors. We do not want to compromise any provision of this legislation, but in the transition

involved we must use the utmost care that in close decisions we do not err on the side of injustice.

I'm certain I speak for all of us when I say we do not approach this realignment of our Welfare policy with gladness in our hearts.

On the other hand, the facts with which we are faced are unalterable. In the last ten years our Old Age Assistance case load alone has doubled. Our dollar cost on the total welfare program has more than tripled. The entire welfare budget requirement is now more than 25 per cent of the total cost of our State Government. This spiraling must be eased or the day is very near when the economy of our State will be so seriously burdened as to make it impossible for us to carry an even more drastically curtailed welfare program than is now proposed.

Having been nationally recognized as maintaining the most generous Welfare policy of any of the twelve western states, it seems entirely within practical reason that under the present circumstances we should move to make our Old Age Assistance match the Social Security Retirement Insurance provisions of the Federal Government. Under this program, the maximum that any citizen in covered employment can ever be granted is $80.00 per month for each single recipient, and $120.00 per month for a recipient and spouse.

As for the aliens who will now be removed from the welfare rolls, it seems altogether fair that every relief recipient should be required to be a citizen of the United States. No citizen of this country would be eligible for relief in Canada, Mexico, or in any other country; there being no provision for an interchange of welfare funds between nations.

Undoubtedly many will object strenuously to the filing of quarterly reports on the disposition of their relief funds. In this connection, it must be recognized that in the administration of direct relief, or government subsidy of any kind, it is entirely in order, in the public interest, that controls be exercised. It has proved to be one of the necessary evils of government paternalism.

Let us hope that the number of those whose relief checks will be affected by this program will be even less than our estimate of ten to twelve percent. Furthermore, let's live with this entire program as we have never lived with it before, the purpose being to find out, in all earnestness, where the present legislation may be drawn too fine. The 20th Legislature will be

meeting in regular session again next year, and I am assured that in any instance where the facts prove that we may have reached farther than was justified, amendment will be possible.

For the permanent record I am making a copy of this letter a part of my official transmittal of House Bill No. 213.

Most sincerely yours,

/s/ Howard Pyle
Howard Pyle
GOVERNOR

HP/ah

CHAPTER 9

(Senate Bill No. 45)

AN ACT

MAKING AN APPROPRIATION TO THE LIVE STOCK SANITARY BOARD FOR THE RELIEF OF LION BOUNTY CLAIMANTS.

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

Section 1. APPROPRIATION. The sum of six hundred dollars is appropriated to the live stock sanitary board, out of the unexpended balance of the appropriation for payment of bounty, as provided by subdivision 57, chapter 124, Laws of 1949, regular session, for the thirty-ninth fiscal year.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the relief of the following claimants of bounties for lions killed during the thirty-eighth fiscal year, which bounties were not paid because of insufficient funds: 1. Giles Goswick, two lions, one hundred dollars; 2. Clell Lee, two lions, one hundred dollars; 3. James A. Griffen, one lion, fifty dollars; 4. Harvey C. Evans, one lion, fifty dollars; 5. Louis Shields, one lion, fifty dollars; 6. Wiley Shirley, one lion, fifty dollars; 7. Lavern West, one lion, fifty dollars; 8. Fred Price, one lion, fifty dollars; 9. J. W. Hunt, one lion, fifty dollars, and, 10. Charley Carey, one lion, fifty dollars.

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

Approved by the Governor—February 21, 1951.

Filed in the Office of the Secretary of State—February 21, 1951.

CHAPTER 10

(House Bill No. 181)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE CAPITOL BUILDINGS AND GROUNDS.

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

Section 1. APPROPRIATION. In addition to the appropriation made to the capitol buildings and grounds under the provisions of section 1, subdivision 3, chapter 124, Laws of 1949, for the 39th fiscal year the sum of nine thousand twenty-four dollars and 19/100 is appropriated for the following purposes:

Personal Services	$5,250.00
Other Current Expenditures	2,942.60
Capital Outlay	831.59
	$9,024.19

Approved by the Governor—February 27, 1951.

Filed in the Office of the Secretary of State—February 27, 1951.

CHAPTER 11

(House Bill No. 64)

AN ACT

MAKING AN APPROPRIATION TO THE SECRETARY OF STATE.

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

Section 1. APPROPRIATION. The sum of twenty thousand dollars is appropriated to the secretary of state.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to pay for the printing of the

session laws of the twentieth legislature, first regular session, and the first and second special sessions of the nineteenth legislature.

Sec. 3. EXEMPTION. This Act shall be exempt from the provisions of section 10-930, Arizona Code of 1939, relating to lapsing appropriations.

Approved by the Governor—February 27, 1951.

Filed in the Office of the Secretary of State—February 27, 1951.

CHAPTER 12

(House Bill No. 20)

AN ACT

RELATING TO BLIND PERSONS; PROVIDING FOR THE EMPLOYMENT OF READERS FOR BLIND STUDENTS; AMENDING ARTICLE 15, CHAPTER 54, ARIZONA CODE OF 1939, BY ADDING SECTION 54-1531, AND MAKING AN APPROPRIATION.

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

Section 1. Article 15, chapter 54, Arizona Code of 1939, is amended by adding section 54-1531, to read:

54-1531. READERS FOR BLIND STUDENTS. A blind person who, with the written approval of the superintendent of the Arizona state school for the deaf and the blind, enrolls in the University of Arizona or any recognized college in the state, may apply to the board of directors of the Arizona state school for the deaf and the blind for a reader to assist him in his studies. In the event the board determines the applicant to be of good moral character it may provide the applicant with a reader from funds appropriated for such purpose, at a cost of not to exceed six hundred dollars in any one calendar year.

Sec. 2. APPROPRIATION. The sum of three thousand dollars is appropriated to the Arizona state department of welfare for the purpose of carrying out the provisions of this Act.

Approved by the Governor—February 27, 1951.

Filed in the Office of the Secretary of State—February 27, 1951.

CHAPTER 13

(Substitute House Bill No. 46)

AN ACT

RELATING TO PUBLIC HEALTH, WELFARE AND CORRECTION; CREATING THE DEPARTMENT OF PUBLIC HEALTH, WELFARE AND CORRECTION; DEFINING ITS POWERS AND DUTIES; PROVIDING FOR THE COORDINATION OF STATE AGENCIES ADMINISTERING HEALTH, WELFARE AND CORRECTION PROGRAMS AND TRANSFERRING THEIR POWERS AND DUTIES TO THE DEPARTMENT OF PUBLIC HEALTH, WELFARE AND CORRECTION; ABOLISHING CERTAIN AGENCIES AND OFFICES; PRESCRIBING DUTIES AND FIXING SALARIES OF SUPERINTENDENTS OF STATE INSTITUTIONS; AMENDING SECTIONS 8-116, 44-2230 AND 46-125, AND REPEALING SECTIONS 8-206, 8-213, 8-214, 8-215, 8-913, 8-914, 46-115, 47-402 TO 47-405 INCLUSIVE, 47-503, 68-107 TO 68-114 INCLUSIVE, 68-115a, 68-116 TO 68-119 INCLUSIVE, 68-121, 68-122, 68-123a, 68-123b, 68-145, 70-102 TO 70-108 INCLUSIVE, 70-110, AND 70-113, ARIZONA CODE OF 1939, AS AMENDED.

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

Section 1. SHORT TITLE. This Act may be cited as the public health, welfare and correction act of 1951.

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

"department" means the department of public health, welfare and correction;

"commissioner" means the commissioner of public health, welfare and correction;

"board" means the board of public health, welfare and correction;

"state agency" means an office, officer, board, commission, bureau, institution or other instrumentality of the state government the duties, powers, jurisdiction or authority of which are affected by the provisions of this Act;

"state institution" includes the Arizona children's colony, the state industrial school, the state hospital for the insane, the

Arizona state tuberculosis sanatorium, the convalescent home for crippled children, the home for aged and infirm Arizona pioneers and the state hospital for disabled miners, the state prison, and the institute of educational rehabilitation.

Sec. 3. DEPARTMENT OF PUBLIC HEALTH, WELFARE AND CORRECTION. The department of public health, welfare and correction is created, to consist of the commissioner of public health, welfare and correction, the board of public health, welfare and correction, the divisions of the department prescribed in this Act, the board of pardons and paroles, and the advisory survey and construction council.

Sec. 4. COMMISSIONER. (a) The commissioner of public health, welfare and correction shall establish general administrative and operational policies and procedures, approve long range plans for developing departmental programs, coordinate the activities of the department with those of related state agencies, coordinate the public information services of the department, supervise public relations activities, and provide secretarial and other office services required by the board of health, welfare and correction.

(b) The commissioner shall be appointed by the governor, with the advice and consent of the senate, and shall serve at the pleasure of the governor or until a successor is appointed and qualifies.

(c) The commissioner shall be a person possessed of not less than ten years experience in the administration of a major governmental or civil business organization, and shall have demonstrated an interest in governmental affairs on the state level. He shall devote his full time to the duties of the office, and shall not directly or indirectly engage in any occupation which conflicts with such duties. The commissioner shall receive a salary to be fixed by legislative appropriation.

(d) Not later than the fifteenth day of December of each year the commissioner shall submit to the governor a written report of the activities of the department. A copy of the report shall be mailed to each member of the legislature; the department of library and archives shall be provided with such number of copies as may be required for exchange with other states and agencies, and copies shall be available for distribution, upon request, to the general public.

Sec. 5. BOARD OF PUBLIC HEALTH, WELFARE AND CORRECTION. (a) The board of public health, welfare and correction shall consist of five members, who shall be appointed by the governor with the advice and consent of the senate.

The governor may remove a member effective upon the approval of his successor by the senate. One member shall be appointed for a term ending the third Monday of January, 1952, and one each for terms ending one, two, three and four years thereafter. Upon the expiration of a term, appointment shall be for a term of five years. Appointment to fill a vacancy caused otherwise than by expiration of term shall be for the unexpired portion thereof. Two members of the board shall be licensed practitioners of medicine and surgery, one of whom may be an osteopathic physician and surgeon, who have been engaged in the practice of medicine in the state for not less than five years. Three members shall be persons chosen for their interest in public health and welfare but shall not be physicians.

(b) The board shall meet and organize by the election from among its members of a chairman, a vice-chairman, and a secretary. The board shall hold regular monthly meetings and such special meetings, on the call of the chairman, the governor, or of not less than three members of the board, as may be deemed advisable. Three members shall constitute a quorum for the transaction of business.

(c) Members of the board shall receive fifteen dollars for each day spent in the performance of official duties and shall be reimbursed for necessary travel and other expenses as provided by law for state officers. Beginning January 1, 1952, payment shall not be made for more than one hundred days in any one calendar year.

Sec. 6. POWERS AND DUTIES OF THE BOARD. (a) The board of public health, welfare and correction shall: 1. Advise the commissioner in the performance of his duties; 2. formulate and adopt general rules and regulations relating to the public health and welfare and other state agencies within the department, and, 3. cooperate with the board of pardons and paroles in matters relating to the administration of the division of detention and correction.

(b) A copy of the rules and regulations of the board shall be filed with the secretary of state and shall be issued in pamphlet form for distribution to local health and welfare officers and interested citizens.

(c) The board may appoint such advisory committees as it deems advisable, to make studies and submit recommended actions respecting the planning and development of health and welfare programs or services. The members of such advisory committees shall be reimbursed for necessary expenses in-

curred in the performance of their duties as provided by law for state officers.

(d) Not less than once in each calendar year the board shall make an inspection of each state institution, subject to the provisions of this Act, observe the instruction given in any schools connected therewith, and recommend to the commissioner any changes in method which in the opinion of the board will improve the same.

(e) In the exercise of any duty, power or function prescribed in this section the board shall have the power to make or cause to be made, through the facilities of the department, any investigation or study desired to aid in the formulation of policies or to determine the wisdom and efficacy of any policy, plan or procedure in effect, and to report its findings and recommendations to the commissioner, the governor, and the legislature. Neither the board nor any member thereof shall have power to direct the action of any officer or employee in the conduct of the work of the department in which he is employed, nor to take any other action except by vote in a regularly called meeting.

(f) The board shall provide for maintenance of the joint merit system of employment in accordance with the requirements of the federal government for all employees, positions, activities and functions of the department for which such merit system is required in connection with federal grants-in-aid.

(g) The board shall have no administrative or executive functions other than those specifically set forth in this Act.

(h) Not later than the first day of December in each year the board shall submit to the commissioner a written report of the activities of the board, which shall be embodied in the annual report of the commissioner.

Sec. 7. TRANSFER OF DUTIES. Except as heretofore provided in this Act the commissioner of public health, welfare and correction shall succeed to and is vested with the powers and duties formerly vested in and imposed upon: 1. The state board of health; 2. the Arizona state board of public welfare; 3. the Arizona children's colony board; 4. the state hospital board; 5. the state board of correction and rehabilitation, and, 6. the welfare advisory committee created under the provisions of section 70-306, Arizona Code of 1939, which boards and committees shall, from the effective date of this Act, be deemed to be abolished.

Sec. 8. DIVISIONS. (a) The department of public health,

welfare and correction shall include a division of administration, a division of public health, a division of public welfare, and a division of detention and correction. Except as otherwise provided in this Act, each division shall have supervision, control and power of regulation, subject to the approval of the commissioner, over the administration, execution and enforcement of laws relating to the several functions and services assigned to it.

(b) The director of each division shall, except as otherwise provided by law, have authority, with the approval of the commissioner, to: 1. Organize the division into such bureaus, subdivisions or units as he deems most efficient and economical and consolidate or abolish the same; 2. adopt and promulgate rules for the orderly handling of the duties of the division; 3. fix compensation, employ and assign all assistants and other employees authorized by law and necessary to perform the functions of the division, subject to any provisions of law relating to the classification of personnel in departments subject to the provisions of this Act, and, 4. administer the laws relating to the functions of the division. A bureau, subdivision or unit created under the provisions of item 1 of this subsection by the director of a division shall be limited to carrying out the powers and duties assigned by this Act to such division.

(c) The director of each division shall be appointed by the commissioner and shall serve at the pleasure of the commissioner under rules of the commission. He shall devote his full time to the duties of his office, shall hold no other public office or position of profit, shall not serve on or under any political party committee or officer nor actively engage in any political campaign, and shall receive a salary to be determined by legislative appropriation.

(d) Not later than the first day of September of each year the director of each division shall submit to the commissioner in writing a report setting forth all material facts with respect to the activities of the division during the fiscal year immediately preceding, and shall make supplemental or special reports at such times and upon such subjects as the commissioner may require.

(e) Under the leadership of the commissioner, the directors of the several divisions shall devise a practical plan of cooperation between the divisions and for the coordination of work which may be performed cooperatively.

Sec. 9. DIVISION OF ADMINISTRATION. (a) Except as otherwise provided in this Act the division of administration shall succeed to and is vested with the duty of coordinating and

supervising the building maintenance and construction activities of the department, and shall develop, administer and supervise the business management activities of the Arizona children's colony, the state industrial school, the state hospital for the insane, the Arizona state tuberculosis sanatorium, the convalescent home for crippled children, the home for aged and infirm Arizona pioneers and state hospital for disabled miners, the state prison, and the institute of educational rehabilitation.

(b) The division of administration shall operate the programs of training, medical care and rehabilitation, carried on in the state institutions, and shall provide staff services to all units of the division and shall coordinate the purchase and supply, production and distribution among state institutions, including supervision of use, of industrial and agricultural products.

Sec. 10. DIRECTOR OF ADMINISTRATION. The director of administration shall be the executive and administrative officer of the division of administration. He shall be a person possessed of extensive experience in the management and administration of a large governmental or business institution.

Sec. 11. DIVISION OF PUBLIC HEALTH. (a) The division of public health shall consist of the director of public health and the several bureaus of the division. The division shall succeed to and is vested with the powers and duties heretofore vested in and imposed upon the department of health and the director thereof, the state registrar of vital statistics, the supervisor of public health nursing, the state laboratory and the director thereof, the board of regents of the university of Arizona relating to the state laboratory and the director thereof, and such powers and duties of the state dairy commissioner and his deputies as relate to health and sanitation.

(b) The division shall: 1. Coordinate the tuberculosis control program of the division of health with the medical care and treatment programs of the Arizona state tuberculosis sanatorium; 2. provide technical assistance relating to all phases of the medical care and treatment programs and the sanitation of state institutions under the control and jurisdiction of the division of administration; 3. administer the federal and state financed crippled children's program.

Sec. 12. DIRECTOR OF PUBLIC HEALTH. (a) The director of public health shall be the executive and administrative officer of the division of public health and shall have such powers and perform such duties, not inconsistent with law or the provisions of this Act, as may be deemed necessary

to properly administer the functions of the division of public health. He shall be a reputable physician and shall hold the degree of doctor of medicine from a medical school recognized by the council on medical education and hospitals of the American medical association. He shall have had not less than five years administrative experience in a department of public health, or in lieu thereof, three years of such experience and a degree from an accredited school of public health.

(b) The director of public health shall: 1. Investigate causes of disease, epidemics, sources of mortality, nuisances affecting the public health, and all other matters relating to the health and life of the people, and to that end may enter upon and inspect any public property; 2. appoint and remove subordinate officers and employees under rules and regulations prescribed by the board of public health, welfare and correction; 3. promote activities for maternal and child health; 4. exercise sanitary control over public and private water supplies and abate the pollution of streams or other water sources, for the protection of the health of the public, and, 5. perform such other duties as may be prescribed by law or by the board. He shall have power to authorize any officer or employee of the division to act in his stead.

Sec. 13. BUREAUS. The division of public health shall consist of the bureau of local health administration, the bureau of maternal and child health, the bureau of vital statistics, the bureau of sanitary engineering, the state laboratory, the bureau of public health nursing, and such other bureaus or subdivisions as the director of public health may prescribe in accordance with the provisions of subsection (b), section 8.

Sec. 14. FINANCIAL PROVISIONS. (a) The public health fund shall consist of state appropriations and of all receipts from any source from the use of the division of public health. The state treasurer shall receive and disburse moneys donated to or provided for the division of public health by any person, town, city, benevolent organization, or other agency for public health work, and moneys so received shall be deposited in the public health fund. The salaries and expenses of the division of public health shall be paid from the fund. Disbursements therefrom shall be made in the manner provided by section 70-119, Arizona Code of 1939.

(b) Moneys received from the United States or any agency thereof for public health purposes shall be kept in a separate account in the public health fund. Any unexpended and unencumbered balance of federal funds remaining in the public health fund at the end of a fiscal year shall not revert to the general fund.

Sec. 15. DIVISION OF PUBLIC WELFARE. The division of public welfare shall succeed to and is vested with the powers and duties heretofore vested in and imposed upon the Arizona state department of public welfare. It shall be charged with the administration of the welfare activities of the state and shall: 1. Administer old age assistance, aid to dependent children, aid to the blind, and such other welfare services and activities as may be assigned to it by law; 2. approve the incorporation of charitable agencies; 3. administer child welfare activities, including: 3a. importation of children; 3b. licensing and supervision of child-caring agencies and institutions, and, 3c. care of dependent and neglected children; 4. cooperate with established agencies and develop such agencies as it may deem necessary to provide services to the blind, including: 4a. prevention of blindness; 4b. location of blind persons; 4c. medical service for eye conditions; 4d. vocational guidance and training; 4e. placement of blind in employment, and, 4f. instruction of the adult blind in their homes; 5. upon request, assist other divisions, agencies and institutions of the state and federal government by performing services in conformity with the purposes of this Act and in making investigations and providing case information relating to persons committed to state institutions; 6. act as the agent of the federal government in the furtherance of any function of the division relating to the provisions of this Act; 7. carry on research and compile statistics relating to the public welfare program throughout the state, including all phases of dependency and defectiveness; 8. cooperate with the superior courts in cases of delinquency and related problems; 9. cooperate with other public and private agencies for the prevention and treatment of conditions relating to public welfare and social security problems, and, 10. subject to the limitations prescribed by subsection (b), section 8 of this Act, create such agencies and bureaus, make such rules and regulations, and take such other action as may be deemed necessary or advisable in carrying out the provisions of this Act.

Sec. 16. DIRECTOR OF PUBLIC WELFARE. (a) The director of public welfare shall be the executive and administrative officer of the division of public welfare and shall have such powers and perform such duties, not inconsistent with law or the provisions of this Act, as may be deemed necessary to properly administer the functions of the division of public welfare. The director of public welfare shall be a person possessed of extensive experience in the management and administration of a large governmental or business institution.

(b) The director of public welfare shall: 1. Appoint such personnel, and create such bureaus and agencies within the division of public welfare, subject to the approval of the board

and the limitations prescribed in subsection (b), section 8, as may be deemed necessary; 2. cooperate with the federal government in such manner as may be necessary to qualify for federal grants for assistance and services in conformity with the provisions of law, and, 3. do all things necessary or advisable for the efficient execution of the provisions of this Act.

(c) The director shall act as an appeal officer in matters relating to public assistance for the aged, the blind, and dependent children, and in appeals from hearings before the several county boards of public welfare. The director may hold hearings and subpoena witnesses and documents and shall have power to administer oaths in connection with the duties of his office.

(d) The executive secretary of each county shall be appointed by the director, with the advice and consent of the county welfare board, in accordance with rules of the board regulating appointment and tenure for such positions.

Sec. 17. DUTIES OF COUNTY BOARDS. (a) The several county boards shall be under the direct supervision and control of the director of public welfare and shall perform such duties as may be prescribed by the director.

(b) It shall be the duty of the county boards to assist in the administration of welfare and relief work in their respective counties; to keep the director fully informed with respect to social welfare conditions therein; to cooperate with local private relief, welfare, and charitable organizations; to advise county and municipal authorities on questions of welfare, relief, distribution of funds, and social security, and generally, with the approval of the director, to do those things necessary and proper, within their respective jurisdictions, to carry out the purposes of this Act.

Sec. 18. DIVISION OF DETENTION AND CORRECTION. (a) Except as otherwise provided in this Act the division of detention and correction shall succeed to and is vested with the powers and duties heretofore vested in and imposed upon the supervisor of parolees and the bureau of criminal identification, and shall administer the provisions of the uniform act for out-of-state parolee supervision as prescribed by article 31, chapter 44, Arizona Code of 1939.

(b) The division of detention and correction shall: 1. coordinate and compile case information relating to inmates of the state prison and the institute of educational rehabilitation who are eligible for parole or who are to be considered for pardon or reduction in sentence; 2. initiate, supervise and co-

ordinate into a single system the adult probation and parole activities of the state; 3. provide jail inspection services which shall be developed in connection with the adult correction program, and, 4. plan and develop uniform programs and procedures to be followed by cities and counties in the care and custody of inmates of city and county jails.

Sec. 19. DIRECTOR OF DETENTION AND CORRECTION. The director of detention and correction shall be the executive and administrative officer and shall be a person having not less than five years experience in the field of probation or parole. He shall be the executive and administrative officer of the division of detention and correction and shall have power to make such rules and regulations, and to perform such acts, not in conflict with the provisions of law or of this Act, as may be deemed necessary or advisable to carry out the provisions of this Act.

Sec. 20. BOARD OF PARDONS AND PAROLES. (a) Subject to the conditions imposed by the provisions of section 23, and effective only upon the fulfillment thereof, there shall be a board of pardons and paroles, to consist of three members, who shall be appointed by the governor with the advice and consent of the senate. The governor may remove a member effective upon the approval of a successor by the senate. The terms of the members first appointed shall terminate respectively on the first day of January of the third, fourth and fifth calendar year following the taking effect of this section. Thereafter all terms shall be for five years. Appointment to fill a vacancy caused otherwise than by expiration of term shall be for the unexpired portion thereof. The board shall meet and organize by the election from among its members of a chairman.

(b) Members of the board shall receive no compensation for their services as such, but shall be reimbursed for actual and necessary expenses incurred while engaged in the performance of their duties, as provided by law for state officers.

(c) The board of pardons and paroles shall succeed to and is vested with the powers and duties vested in and imposed upon the board of pardons and paroles as constituted under the provisions of section 44-3005, Arizona Code of 1939.

(d) The board of pardons and paroles shall: 1. Act in an advisory capacity to the division of detention and correction in all cases relating to adult probation and parole; 2. hear and determine all appeals for reprieve, commutation, parole or pardon submitted by inmates of the state prison, and, 3. hear

and determine such other appeals as may be referred to it by the division of detention and correction.

(e) The board shall have power to adopt and promulgate such rules and regulations, not inconsistent with the provisions of this Act, as it may deem necessary or advisable for the conduct of its business, and to amend or repeal the same.

Sec. 21. CONDITIONAL ABOLITION AND REPEAL. If and when the board of pardons and paroles as constituted under the provisions of section 44-3005, Arizona Code of 1939, is abolished by vote of the people, or an act or constitutional amendment is approved by the people to make valid the abolition thereof or the amendment of the law relative thereto by legislative enactment, the board of pardons and paroles as so constituted shall be thereupon ipso facto abolished, and section 44-3005, Arizona Code of 1939, shall be ipso facto amended in conformity with the provisions of section 20 of this Act.

Sec. 22. ADVISORY SURVEY AND CONSTRUCTION COUNCIL. (a) The advisory survey and construction council shall be composed of nine members, to be appointed by the governor. One member shall be appointed to represent a state agency concerned with the operation, construction or utilization of hospitals; one each to represent agriculture, labor, and business, and one each to be chosen from a panel of four submitted respectively by the Arizona hospital association, the Arizona medical association, the Arizona society of osteopathic physicians and surgeons, the Arizona nurses association, and the Arizona education association.

(b) The terms of office of members of the council serving by prior appointment at the date on which this Act takes effect shall be as prescribed by law and as specified in their respective commissions; two each thereof to expire respectively on the first day of January of 1952, 1953, 1954 and 1955, and one, the termination of which is not prescribed by law, on January 1, 1956. Upon the expiration of any such term the vacancy shall be filled by appointment for a term of five years. Appointment to fill a vacancy caused otherwise than by expiration of term shall be for the unexpired portion thereof.

(c) Members of the council shall receive no compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties, as provided by law for state officers.

Sec. 23. SCOPE OF AUTHORITY. (a) The advisory survey and construction council shall advise and consult with the division of public health in making surveys of existing hospital

facilities, in formulating plans to be submitted to the United States public health service for providing adequate hospital facilities through a federal grants-in-aid program, and in the general supervision of the construction or improvement of such hospital facilities as may be approved by the public health service of the United States.

(b) Except as otherwise provided in this Act the advisory survey and construction council shall succeed to and is vested with the powers and duties vested in and imposed upon the advisory survey and construction council as constituted under the provisions of sections 68-135 through 68-145, Arizona Code of 1939, as amended.

Sec. 24. SUPERINTENDENTS OF STATE INSTITUTIONS. (a) The superintendent of any state institution subject to the provisions of this Act shall, in addition to his other duties, cooperate with the board of pardons and paroles and the board of health, welfare and correction in developing procedures and plans for the reception, classification, treatment, training and release of inmates of such institutions. The superintendent of the state prison may, in carrying out the provisions of this section, be supplied, at his request, with psychiatric and psychological services on a visiting basis.

(b) The superintendent of each state institution subject to the provisions of this Act shall receive an annual salary, to be determined by the legislature, of not less than four thousand eight hundred dollars.

Sec. 25. TRANSFER OF RECORDS, PROPERTY AND PERSONNEL. (a) All books, papers, equipment, supplies, money, funds, appropriations and other property, real or personal, held for the benefit or use of a state agency by this Act abolished or which shall hereafter become abolished through fulfillment of a condition by this Act imposed, or pertaining to a duty, authority or jurisdiction transferred or authorized by this Act to be transferred, and all pending business pertaining to any such duty, authority or jurisdiction shall, if and when such abolishment or transfer becomes effective, be delivered to the board, council or division succeeding to the same. In the event the duties, authority and jurisdiction of a state agency are transferred to more than one board, council or division, the commissioner shall segregate the records and other property and deliver them to the board, council or division succeeding to the same.

(b) Subject to the provisions of law relating to terms of office, removal for cause, eligibility for transfer or promotion or other change in employment status, or the power of any

officer to discontinue unnecessary positions or to alter the duties thereof, or classification of personnel, employees engaged in duties in a state agency the duties, authority and jurisdiction of which are transferred to a board, council or division created under the provisions of this Act shall, in so far as practicable, continue in the performance of their duties.

(c) All employees who were theretofore employed in accordance with the joint merit system shall retain without impairment of diminution the rights and status acquired by them thereunder.

Sec. 26. TRANSFER OF POWERS AND DUTIES. Any duty, authority or jurisdiction by law imposed or conferred upon a state agency or institution the administration of which is transferred to a board, council or division authorized by this Act, shall be deemed to be transferred with like effect as though the title of such board, council or division were specifically set forth in the law imposing or conferring the same.

Sec. 27. LAWS CONTINUED. In the event a state agency is by this Act abolished or shall hereafter become abolished through the fulfillment of a condition by this Act imposed, and the duties, authority and jurisdiction thereof are transferred to a board, council or division created under the provisions of this Act, all laws relating to the duties, jurisdiction and authority of such agency, except as otherwise provided by law, are continued in force.

Sec. 28. PROTECTION OF LEGAL RIGHTS. In the event any notice, paper or document is required by law to be served upon or furnished to a state agency by this Act abolished, or which shall hereafter become abolished through fulfillment of a condition by this Act imposed, service shall be made upon the board, council or division succeeding to the duties, authority and jurisdiction of such agency. No action taken, ratified or confirmed, right accrued or established, or action or proceeding had or pending in a civil cause when this Act takes effect, shall be affected, but every such right shall be protected and every such action and proceeding may be prosecuted by the board, council or division having jurisdiction of the subject matter.

Sec. 29. ABOLITION OF OFFICES. The following state agencies and officers, as heretofore constituted and authorized, are abolished: 1. state board of health; 2. Arizona State board of public welfare; 3. Arizona children's colony board; 4. state hospital board; 5. state board of correction and rehabilitation; 6. the welfare advisory committee created under the provisions of section 70-306, Arizona Code of 1939; 7. the ad-

visory survey and construction council as constituted under the provisions of section 68-145, Arizona Code of 1939; 8. department of health and the director thereof; 9. state registrar of vital statistics; 10. supervisor of public health nursing; 11. state laboratory and the director thereof; 12. Arizona state department of public welfare and the director thereof; 13. board of directors of state institutions for juveniles; 14. supervisor of parolees, and, 15. bureau of criminal identification.

Sec. 30. Sec. 8-116, Arizona Code of 1939, is amended to read:

8-116. GOVERNMENT OF INSTITUTIONS. The governor shall have charge and control of the capitol building and grounds, and of all other state institutions for which no management is otherwise provided by law.

Sec. 31. Sec. 44-2230, Arizona Code of 1939, is amended to read:

44-2230. ADULT PROBATION OFFICER. (a) The board of supervisors of a county of the first class may provide for the appointment of an adult probation officer and such deputies and assistants as may be deemed necessary. The adult probation officer and his deputies and assistants shall be appointed by the judge of the superior court, or in a county having divisions of the criminal court, by the judge or judges thereof. The adult probation officer shall, together with his deputies and assistants, serve at the pleasure of the judge making the appointment. In all other counties the juvenile probation officer shall act as adult probation officer, and shall serve without additional compensation.

(b) The adult probation officer and his deputies and assistants shall give bond, approved by the judge making the appointment, in the sum of three thousand dollars, conditioned upon the faithful performance of his official duties and the payment to the proper person of all moneys coming into his hands while acting in his official capacity.

Sec. 32. Sec. 46-125, Arizona Code of 1939, is amended to read:

46-125. DISPOSITION OF CHILD. (a) The hearing of any matter involving a child shall be informal, and the judge shall, in chambers and without a jury, inquire into the facts; order, if advisable, a mental examination, and make a record of the name, age and place of birth of the child and the names of its parents.

(b) After hearing the judge shall make such order for the commitment, custody and care of the child as the good of the child and the interests of the state require. He may commit the child: 1. to the care of its parents, subject to the supervision of the probation officer; 2. directly to a probation officer, subject to such conditions as the judge may impose; 3. to an association willing to receive it; 4. to a reputable citizen of good moral character; 5. to an appropriate public or private agency authorized to care for children; 6. to a suitable school or 7. to the department of public health, welfare and correction. The juvenile court may, in its discretion, make an order directing the parent of a child to contribute to its support such sum as the judge may prescribe, or may allow a reasonable sum for the support of the child at the expense of the county. In the event the child is committed to the department of public health, welfare and correction, the court shall transmit with the order of commitment a summary of its information concerning the child.

(c) The juvenile court may permit the removal from the state of any neglected, dependent or delinquent child, by the person to whom its care may be temporarily awarded, upon such recognizance, with or without sureties, as may satisfy the court, obligating the person to produce the child whenever required by the court.

Sec. 33. REPEAL. (a) Sections 8-206, 8-213, 8-214, 8-215, 8-913, 8-914, 46-115, 47-402 to 47-405 inclusive, 47-503, 68-107 to 68-114 inclusive, 68-115a, 68-116 to 68-119 inclusive, 68-121, 68-122, 68-123a, 68-123b, 68-145, 70-102 to 70-108 inclusive, 70-110 and 70-113, Arizona Code of 1939, as amended, are repealed.

(b) This section does not negative an implied repeal of any statute which conflicts with the Act.

Sec. 34. EFFECTIVE DATE. This Act shall become effective July 1, 1951.

Approved by the Governor—February 27, 1951.

Filed in the Office of the Secretary of State—February 27, 1951.

Petition for referendum filed on June 12, 1951.

CHAPTER 14

(House Bill No. 93)

AN ACT

RELATING TO MENTALLY ILL PERSONS; PROVIDING PROCEDURE FOR THEIR APPREHENSION, DETEN-

TION AND COMMITMENT TO THE STATE HOSPITAL, AND FOR SAFEGUARDING OF THEIR PROPERTY; FOR EXPENSES PERTAINING THERETO; AMENDING SECTIONS 8-301, 8-302 AND 8-303, ARIZONA CODE OF 1939; AND AMENDING ARTICLE 3 OF CHAPTER 8, ARIZONA CODE, 1939, BY ADDING SECTIONS 8-304 TO 8-310, INCLUSIVE.

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

Section 1. Sections 8-301, 8-302 and 8-303, Arizona Code of 1939, are amended to read:

8-301. (a) "MENTALLY ILL PERSONS" DEFINED. "Mentally ill persons" means persons who are of such mental condition that they are dangerous to themselves or the person or property of others, and are in need of supervision, treatment, care or restraint.

(b) "INSANE" OR VARIANTS OF TERM. Whenever in this code the term "insane" or its variants are used with reference to inquiry into the mental condition of any person for the purpose of commitment for care or treatment in the state hospital, such terms shall be construed to refer to and mean "mentally ill" or its variants, as defined in this section.

8-302. PETITION FOR EXAMINATION OF MENTALLY ILL PERSON; WHO MAY FILE; PREPARATION OF PETITION AND FORMS; CIVIL AND CRIMINAL LIABILITY. Any person may file in the superior court a verified petition, alleging that there is in the county a person who is mentally ill and in need of supervision, care or treatment, and asking that examination be made of the mental health of the person, and that provision be made for the welfare of the person as provided in this chapter.

When no relative, friend or other person can be found in the county who is able and willing to make and file the petition herein provided, any peace officer, probation officer, physician attending a patient or physician attached to a public hospital or institution, if the person is a patient therein, may make and file the petition herein provided. The clerk of the superior court or his deputy shall prepare the petition and all other forms required in the proceeding when requested by the party who is to file the petition or other form. When a petition is filed by any such person, neither the person making or filing the petition, nor his superiors, nor the department, hospital, or institution to which he is attached nor any of its employees, shall be rendered liable thereby except upon a showing of actual malice.

8-303. ORDERS FOR EXAMINATION AND SAFE-KEEPING; ORDER FOR DETENTION. Whenever it appears, by petition pursuant to this article, to the satisfaction of a judge of the superior court in any county that any person therein is mentally ill, and in need of supervision, treatment, care or restraint, the judge shall make such orders as may be necessary to provide for examination into the state of mental health of the person, and for the apprehension and safekeeping of the person, pending hearing, in the county hospital, or in such other place as will afford access to medical examiners for the purpose of examination and suitable provision for the safety and comfort of the person and others. The county hospital shall accept such person as a county charge, and shall take such reasonable measures, including provision for medical care, as may be necessary to assure proper and humane care of an individual temporarily detained pursuant to this section.

Sec. 2. Article 3, chapter 8, Arizona Code of 1939, is amended by adding sections 8-304 to 8-310, inclusive, to read:

8-304. DETENTION AND DELIVERY OF COPY OF PETITION, ORDER AND NOTICE. At least two days before the time fixed in the order for detention for the hearing and examination, a copy of the petition, order for detention and notice hereinafter provided for, shall be served upon the alleged mentally ill person. The notice shall fix the time and place for hearing, which shall be open to the public and either in the courtroom or such other place within the county as the court shall designate, to insure humane treatment with due regard to the comfort and safety of the alleged mentally ill person and others. The notice shall also inform the alleged mentally ill person of his rights to contest the petition, to secure witnesses and be represented by counsel. Such service of petition and notice on the alleged mentally ill person may be dispensed with upon order of the court if two physicians shall state in writing under oath that such personal service would in their opinion be detrimental to such person, and under such circumstances, the petition and notice may be served upon a relative, or a person in whose premises the alleged mentally ill person is living. Provided, however, nothing in this Act shall be construed to prevent hearing of the alleged mentally ill person in the open courtroom upon demand of the alleged mentally ill person or his attorney.

8-305. APPREHENSION AND DELIVERY OF PERSON; CARE OF PERSONAL PROPERTY; REPORT; ORDER FOR CARE, ETC. OF PERSON. The officer shall, pursuant to the order for detention, apprehend the person, as provided in this article, and cause him to be delivered to the place designated in the order until examination and hearing can be had, as

herein provided. At the time of such apprehension, or within a reasonable time thereafter, the officer shall take all necessary precautions with respect to the personal property in the actual possession or in the premises occupied by the alleged mentally ill person to preserve and safeguard the same pending the determination of the proceedings. The officer shall then furnish to the court a full, complete, and itemized report of the patient's property so preserved and safeguarded and of its disposition; thereupon the responsibility imposed herein upon the officer shall terminate. Pending the examination, such order may be made relative to the care, custody and confinement, and the preservation and safeguarding of the property, of the alleged mentally ill person as to the judge seems for the best interests, welfare and health of such person.

8-306. EMERGENCY APPREHENSION; DETENTION UPON DELIVERY TO PERSON IN CHARGE. When any person becomes so mentally ill as to require immediate emergency apprehension, supervision treatment, care or restraint during the night time, a legal holiday, or at such other time as a judge of the superior court is not available, the patient may be detained in the quarters provided in any regular hospital, sanitarium, county hospital, or state hospital, upon delivery of a petition of mental illness alone, properly executed as hereinbefore provided, to the person in charge of the hospital or sanitarium, until such time as the petition may be presented to a judge of the superior court, not to exceed forty-eight hours, unless a legal holiday falls on Saturday or Monday, and then not exceeding seventy-two hours.

8-307. HEARING; APPOINTMENT OF COUNSEL AND PHYSICIANS. At the time of apprehension or during detention, but before the hearing, the alleged mentally ill person shall be permitted to contact an attorney to represent him at such hearing. If he does not secure such attorney, the court shall before such hearing appoint counsel to represent him. The judge shall cause to be summoned for such hearing and examination two or more witnesses acquainted with such person at the time of the alleged mental illness, who shall be examined, on oath, as to the conversation, manners and general conduct of such person, upon which the allegation of mental illness is based, and shall also cause to appear before him two or more physicians to be present at such examination and who, upon such testimony and a personal examination of such person, shall set forth in a written statement under oath their judgment as to the mental illness of such party, whether it be dangerous to such person, or to the person or property of others, by reason of said mental illness, if said person go at large, and whether such mental illness is, in their opinion, likely to prove permanent or only temporary. If the court finds

that such person is mentally ill, and by reason of his mental illness he be in danger, if at liberty, of injuring himself, or the person or property of others, it shall order and direct the confinement of such person in the state hospital, or to the veterans administration pursuant to section 42-319, Arizona Code of 1939, and he shall be confined therein and not discharged therefrom until sufficiently restored to reason, unless the order of commitment be for observation as provided by law.

8-308. COMPENSATION OF PHYSICIANS. Whenever a physician is appointed, to make examination of an alleged mentally ill person, he shall be paid as compensation therefor such amount as the judge of the superior court may determine, subject to the same limitations imposed for compensation for attorneys in sanity hearings, as provided in section 44-905, Arizona Code of 1939.

8-309. COMMITMENT TO HOSPITAL; CHARGES OF CONFINEMENT. The board of supervisors of the county shall cause such person to be conveyed to the state hospital and shall provide for the safe confinement and care of such person until placed therein, and the costs and charges therefor shall be a county charge.

8-310. COST OF MAINTENANCE; GUARDIAN OF PROPERTY. The superior court shall cause inquiry to be made into the ability of any mentally ill person committed by it, to bear the charges and expenses of his examination, detention, commitment and maintenance while in custody, and if the mentally ill person is able by the possession of money or property to pay such charges or any portion of them, such court shall fix the amount thereof, and appoint a guardian of the property of such person, as in other cases of guardianship. The guardian shall pay the cost of the examination and detention, and the expenses of the commitment and maintenance of such mentally ill person, from his estate, and the cost of examination, detention and delivery to the state hospital, shall be paid by such guardian to the treasurer of the county where such proceedings were had, and the expenses of commitment and maintenance in the state hospital to the state treasurer, through the state auditor, and credited to the fund for operation and maintenance of the state hospital. All charges herein fixed by the court and ordered paid out of the estate of such mentally ill person shall become a lien upon any and all property belonging to said estate. It shall be the duty of the county attorney of each county in the state, upon order of any judge of the superior court, to proceed to enforce said lien and collect said charges from the estate of said mentally ill person if the same 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 3, 1951.

Filed in the Office of the Secretary of State—March 3, 1951.

CHAPTER 15

(House Bill No. 132)

AN ACT

EMPOWERING THE GOVERNOR TO ENTER INTO A CONTRACT WITH MOUNTAIN STATES TELEGRAPH AND TELEPHONE COMPANY TO INSTALL AND MAINTAIN A TELEPHONE SWITCHBOARD IN THE STATE CAPITOL BUILDING AND TO FURNISH TELEPHONE SERVICE THEREFOR.

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

Section 1. AUTHORITY TO CONTRACT. The governor is empowered and directed, in the name of, and on behalf of the state of Arizona to enter into a contract with mountain states telegraph and telephone company for the installation and maintenance of a centralized telephone switchboard in the capitol building of said state, and to furnish full and complete telephone service to the state of Arizona, its officers, departments and agencies in the entire capitol area through said switchboard.

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, 1951.

Filed in the Office of the Secretary of State—March 3, 1951.

CHAPTER 16

(House Bill No. 31)

AN ACT

RELATING TO CITIES AND TOWNS; PROVIDING FOR PURCHASE OR LEASE OF AND JURISDICTION OVER

LANDS OUTSIDE OF CORPORATE LIMITS, AND AMENDING ARTICLE 6, CHAPTER 16, ARIZONA CODE OF 1939, BY ADDING SECTION 16-601A.

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

Section 1. Article 6, chapter 16, Arizona Code of 1939, is amended by adding section 16-601a, to read:

16-601a. PURCHASE OR LEASE OF LAND. (a) A city or town may purchase, lease or rent land, whether contiguous or noncontiguous, lying without the corporate limits thereof, for its purposes and uses, and any violation of an ordinance of such city or town occurring within the territorial limits of such land may be punished by the city or town having control of the same to the same extent and with like effect as if the violation occurred within the corporate limits thereof.

(b) At any point at which a public road enters land purchased, leased or rented as provided by subsection (a), the city or town having control of the same shall cause to be erected and maintained a sign, not less than eighteen inches by three feet in size, containing a warning notice in bold letters that the area being entered is subject to the jurisdiction of such city or town.

Approved by the Governor—March 6, 1951.

Filed in the Office of the Secretary of State—March 6, 1951.

CHAPTER 17

(House Bill No. 48)

AN ACT

RELATING TO THE STATE AUDITOR; PRESCRIBING HIS POWERS AND DUTIES, AND AMENDING SECTIONS 4-301 AND 4-302, ARIZONA CODE OF 1939.

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

Section 1. Sec. 4-301, Arizona Code of 1939, is amended to read:

4-301. STATE AUDITOR. The state auditor shall be the

general accountant of the state and keeper of all public account books, vouchers, documents and papers relating to the accounts and contracts of the state, and its revenue, debt and fiscal affairs, not required by law to be placed in some other office or kept by some other person.

Sec. 2. Sec. 4-302, Arizona Code of 1939, is amended to read:

4-302. POWERS AND DUTIES. The auditor shall:

1. Audit, adjust and settle the amount of claims against the state payable out of funds of the state, except only such claims as may be expressly required by law to be audited and settled by some other officer, and investigate any claim presented. If such an investigation discloses that all or any portion of a claim is not for an actual public purpose, connected with the activities of the office, board, commission or department in which the claim originated, he shall refuse to draw a warrant except for such amount as appears to be for an actual public purpose. He shall state his reasons for rejection to the originating office, and a warrant shall not be drawn therefor until a new claim, fully itemized, stating specifically the actual public purpose of and the necessity for each particular item or amount of expenditure referred to in the auditor's statement of reasons is presented to the auditor, properly verified by the oath of the person making the expenditure, and again approved for audit and warrant by the officer, board, commission or department which in the first instance audited the rejected claim. If such claim is not filed, or if re-filed, it does not then appear that a public purpose is in fact involved respecting the claim thereof, the auditor shall have power to again reject the claim and report the fact of such rejection to the governor, and no warrant shall be drawn thereon unless the governor specifically approves the claim in whole or in part.

2. Draw all warrants upon the treasury for money, except in cases otherwise expressly provided by law. He shall keep in his office a book to be called a "register of warrants," in which shall be entered in regular order the number, date of issue, in whose favor, upon what fund drawn, amount, and rate of interest, of all warrants.

3. Express in the body of any warrant drawn by him the particular fund appropriated by law out of which the same is to be paid.

4. Keep an account of all the debts and credits between the state and the United States, and between the state and every other state, officer or person with whom the state may

have dealings, and of any separate fund of the state, or touching any duty of his office.

5. Give information in writing to either house of the legislature or any person authorized by law to examine his accounts or papers, whenever required, upon any subject relating to the fiscal affairs of the state or touching any duty of his office.

6. Settle with the state treasurer once each month, count the cash, verify the balances of state funds carried on deposit with various banks, take up all cancelled vouchers and give the treasurer a receipt therefor, and immediately after each examination of the treasurer's accounts and books report the result thereof to the governor. The state treasurer shall assist the auditor in the examination and submit his books and accounts to the auditor when required.

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

Approved by the Governor—March 6, 1951.

Filed in the Office of the Secretary of State—March 6, 1951.

CHAPTER 18

(House Bill No. 92)

AN ACT

RELATING TO SECURITIES AND ISSUERS OF, DEALERS IN, AND SALESMEN OF SECURITIES, AND THE REGULATION THEREOF BY THE ARIZONA CORPORATION COMMISSION; PROVIDING FOR PENALTIES AND REMEDIES; AND REPEALING ARTICLES 10 AND 11 OF CHAPTER 53, ARIZONA CODE, ANNOTATED, 1939, AS AMENDED.

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

Section 1. SHORT TITLE. This Act shall be known as the Securities Act of Arizona.

Sec. 2. DEFINITIONS. When used in this Act, unless the context otherwise requires:

"commission" shall mean the Arizona corporation commission;

"director" shall mean the director of the securities division of the Arizona corporation commission;

"person" shall mean an individual, a corporation, a partnership, an association, a joint stock company, a trust or any other unincorporated organization;

"security" or "securities" shall include any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, certificate of interest in any trust or unincorporated association, any preorganization certificate, agreement or subscription, voting trust certificate, investment contract, any fractional interest in an oil, gas or mineral lease, claim, permit or right, any assignment of subdivided portions of any oil, gas or mineral lease, permit, claim or right which is subdivided for the purpose of a public offering, any certificate of interest in title to property, earnings or profits, or, in general, any instrument commonly known as a security, including any guarantee of, temporary or interim receipt for, certificate for, or warrant or right to subscribe to any of the foregoing;

"issuer" shall mean any person who issues or proposes to issue any security; except that (1) with respect to certificates of deposit, voting-trust certificates, collateral-trust certificates, certificates of interest or shares in an unincorporated investment trust, whether or not of the fixed, restricted management, or unit type, issuer shall mean the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which such securities are issued; (2) with respect to equipment-trust certificates or like securities, issuer shall mean the person by whom the equipment or property is or is to be used; and (3) with respect to fractional interests in an oil, gas or other mineral lease, permit, claim or right, issuer shall mean the owner thereof or any interest therein (whether whole or fractional), fractional interests in which are created for the purpose of a public offering;

"dealer" shall mean any person, other than a bank, savings institution or trust company the business of which is supervised and regulated by an agency of this state or of the United States, or a salesman for a registered dealer, who engages in this state, either for all or part of his time, (1) directly or indirectly, as agent, broker or principal in the business of offering, buying, selling or otherwise dealing or trading in securities issued by another person or, (2) an issuer who engages

either directly or through an officer, director, employee or agent (which officer, director, employee or agent is not registered as a dealer under this Act), in selling securities issued by such issuer; but such definition shall not include a person having no place of business within this state who sells or offers to sell securities exclusively to dealers registered under this Act, or a person insofar as he buys or sells securities for his own account, either individually or in some fiduciary capacity, but not as a part of a regular business;

"registered dealer" shall mean a dealer registered under this Act;

"salesman" shall mean an individual, other than a dealer, employed or appointed or authorized by a dealer to sell securities in this state. The partners or executive officers of a registered dealer shall not be deemed to be salesmen within the meaning of this definition;

"registered salesman" shall mean a salesman registered under this Act;

"underwriter" shall mean any person who has acquired from an issuer with a view to, or sells for an issuer in connection with, the distribution of any securities or participates or has a direct or indirect participation in any such undertaking, or participates or has a participation in the direct or indirect underwriting of any such undertaking; but such term shall not include a person whose interest is limited to a commission from an underwriter or dealer not in excess of the usual and customary distributor's or seller's commission;

"sale" or "sell" shall mean any sale or other disposition of a security or interest in a security for value, and every contract to make any such sale or disposition. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value;

"offer to sell" or "offer for sale" shall mean any attempt or offer to dispose of, or solicitation of an order or offer to buy, a security or interest in a security for value, any sale or offer for sale of a warrant or right to subscribe to another security of the same issuer or of another issuer, and any sale or offer for sale of a security which gives the holder thereof a present or future right or privilege to convert such security into another security of the same issuer or of another issuer, shall be deemed an offer to sell the security to be acquired pursuant to such right or privilege, but the existence thereof shall not

be construed as affecting the registration or exemption under this Act of the security to which it attaches;

"securities act of 1933" shall mean the act of the Congress of the United States known as the securities act of 1933, as now or hereafter amended;

"securities exchange act of 1934" shall mean the act of the Congress of the United States known as the securities exchange act of 1934, as now or hereafter amended.

Sec. 3. SALE OF UNREGISTERED SECURITIES PROHIBITED. It shall be unlawful to sell or offer for sale any securities, within or from this state, except those exempt under section 4 or those sold in transactions exempt under section 5 unless such securities shall have been registered by description under section 6, or registered by qualification under section 7. Any violation of this section shall be a felony subject to penalty as provided in section 18.

Sec. 4. EXEMPT SECURITIES. Section 3 and section 9 of this Act shall not apply to any of the following classes of securities:

(A) Securities issued or guaranteed by the United States, or by any state, territory or insular possession thereof, or by any political subdivision of any such state, territory or insular possession, or by the District of Columbia, or by any agency or instrumentality of one or more of any of the foregoing.

(B) Securities issued by a national bank or a bank or credit or loan association organized pursuant to an act of Congress and supervised by the United States or any agency thereof, or issued by a state bank, savings institution or trust company the business of which is supervised and regulated by an agency of this state or of the United States.

(C) Securities issued by a building and loan association subject to supervision by an agency of this state.

(D) Insurance or endowment policies, annuity contracts or optional annuity contracts, issued by a person subject to the supervision of the insurance commissioner, bank commissioner or any agency performing like functions of the United States, any state or the District of Columbia.

(E) Securities issued or guaranteed either as to principal, interest or dividend by a railroad or public utility if the issuance of its securities is regulated by an agency of the United States, or of any state, territory or insular possession thereof,

or of the District of Columbia, or of the Dominion of Canada or any province thereof; also equipment trust certificates in respect to equipment conditionally sold or leased to a railroad or public utility, if other securities issued by such railroad or public utility would be exempt under this subsection.

(F) Securities issued by a corporation organized and operated exclusively for religious, educational, benevolent, fraternal, charitable, or reformatory purposes and not for pecuniary profit, and no part of the net earnings of which inures to the benefit of any private stockholder or individual, excluding, however, securities made liens upon revenue producing property subject to taxation.

(G) Securities fully listed, or regularly approved for full listing upon the issuance thereof, upon the New York stock exchange, the New York curb exchange, midwest stock exchange, or any other national securities exchange registered under the securities exchange act of 1934 which is designated by the commission as hereinafter provided; and all securities senior or equal in rank to any securities so listed or approved for listing, or represented by subscription rights which have been so listed or approved. The commission may by order designate any registered national securities exchange in addition to those specified in this subsection, if it finds that it would be in the public interest for securities listed thereon to be exempt under this subsection. The commission shall have power at any time by order to withdraw the designation theretofore so granted.

(H) Negotiable promissory notes or commercial paper; provided, that such issue of notes or commercial paper matures in not more than twelve (12) months from date of issue and shall be issued within three (3) months after the date of sale; and provided further, that such sale of notes or commercial paper arises out of current transactions or the proceeds of which have been or are to be used for current transactions.

(I) Securities issued or guaranteed by any foreign government, with which the United States is at the time of the sale thereof maintaining diplomatic relations, or issued or guaranteed by any political subdivision of such foreign government having the power of taxation, where none of the securities of such foreign government or political subdivision are in default either as to principal or interest, and which securities when offered for sale in this state are acknowledged as valid obligations by such foreign government or political subdivision and registered under the securities act of 1933.

(J) Notes or bonds secured by a mortgage or deed of trust

on real estate or chattels, or a contract or an agreement for the sale of real estate or chattels, when the entire mortgage, contract or agreement, together with all notes or bonds secured thereby is sold or offered for sale to a single purchaser or at a single sale.

Sec. 5. EXEMPT TRANSACTIONS. Section 3 and section 9 of this Act shall not apply to any of the following classes of transactions:

(A) The sale of securities by an executor, administrator, guardian or conservator, or by a bank or trust company (the business of which is supervised and regulated by an agency of this state or of the United States) as trustee under a will or trust agreement, or by a receiver or trustee in insolvency or bankruptcy approved by a court of competent jurisdiction of this state or of the United States.

(B) The sale in good faith and not for the purpose of avoiding the provisions of this Act by a pledgee of securities pledged for a bona fide debt.

(C) The sale in good faith and not for the purpose of avoiding the provisions of this Act of securities by the bona fide owner thereof, other than an issuer or underwriter, in an isolated transaction, in which such securities are sold either directly or through a dealer as agent for the owner but where such sales are not made in the course of repeated or successive transactions of similar character by such owner, and are not made, directly or indirectly, for the benefit of the issuer or an underwriter of such securities.

(D) The distribution by a corporation of capital stock or other securities to its stockholders or other security holders as a stock dividend or other distribution out of earned surplus.

(E) The issuance and delivery of securities of a corporation to another corporation or to the security holders thereof in exchange for all or substantially all of the assets of such other corporation, or in connection with a consolidation or merger of such corporations.

(F) The exchange of securities by an issuer with its existing security holders exclusively, where no commission or remuneration is paid or given, directly or indirectly, for soliciting such exchange; provided, that such exchange of securities has been duly authorized and has been approved by the holders of not less than a majority of the outstanding securities of each class affected thereby.

(G) The sale of securities to any bank, savings institution, trust company, insurance company, dealer, any agency or instrumentality of the United States or of any state, or to any person a principal part of whose business consists of buying securities.

(H) The issuance and delivery of any securities in exchange for any other securities of the same issuer pursuant to a right of conversion entitling the holder of the securities surrendered in exchange to make such conversion.

(I) The issuance and delivery of securities of a corporation to the original incorporators, not exceeding ten (10) in number, where such securities are not acquired by such incorporators for the purpose of sale to others.

(J) The sale by a dealer (including an underwriter no longer acting as an underwriter in respect to the securities involved) of securities theretofore sold and distributed to the public, but not including securities constituting an unsold allotment to or subscription by such dealer as a participant in the distribution of such securities by the issuer or by or through an underwriter, provided information as to the issuer of such securities appears in a recognized manual of securities at the time of sale. The commission may by order revoke or suspend the exemption under this subsection with respect to any securities if it finds that the further sale thereof in this state would work, or tend to work, a fraud or deceit upon the purchaser.

Sec. 6. REGISTRATION BY DESCRIPTION. (A) The following securities shall be entitled to registration by description in the manner provided in this section: Securities of an issuer which (1) has been in continuous operation for not less than three (3) years and which (2) has shown, for a period of not less than three (3) years during the five (5) years next prior to the date of registration under this section, average annual net earnings after deducting all prior charges except charges upon securities to be retired out of the proceeds of sale, as follows:

(a) In the case of interest-bearing securities, not less than one and one-half times the annual interest charges on such securities and on all other outstanding interest-bearing securities of equal rank.

(b) In the case of securities having a specified dividend rate, not less than one and one-half times the annual dividend requirements on such securities and on all outstanding securities of equal rank.

(c) In the case of securities wherein no dividend rate is specified, not less than 5 per cent upon all outstanding securities of equal rank, together with the amount of such securities then offered for sale, based upon the maximum price at which such securities are to be offered for sale. An issuer who owns more than 50 per cent of the outstanding voting stock of a corporation shall be permitted to include the earnings of such corporation applicable to the payment of dividends upon the stock so owned in the earnings of the issuer of the securities being registered by description.

(B) PROCEDURE FOR REGISTRATION BY DESCRIPTION. Securities entitled to registration by description shall be registered by the payment of the registration fee prescribed in subsection (D), and the filing with the commission by the issuer or by a registered dealer of the following:

(1) A registration statement signed and verified under oath by the issuer or dealer filing such statement and including the following together with such other information as may be prescribed by the commission:

(a) Name and business address of person filing statement;

(b) Name and business address of issuer, and address of issuer's principal office in this state, if any;

(c) Title of securities being registered, total amount of securities to be offered, offering price per unit and in the aggregate, amount of underwriting discounts or commissions or other selling expense per unit and in the aggregate, and the net amount to be received by the issuer per unit and in the aggregate;

(d) Amount of securities to be offered in this state, offering price per unit and in the aggregate, and the amount of the registration fee computed in accordance with subsection (D);

(e) If the securities are registered under the securities act of 1933, a copy of the definitive prospectus filed with the securities and exchange commission;

(f) A statement of the facts showing that the securities are entitled to be registered by description, together with a balance sheet, surplus statements and profit and loss statements meeting the standards of subsection (A), prepared in accordance with generally accepted accounting principles and certified by an independent public or certified public accountant.

(2) If the person who is registering the securities is not a

registered dealer or is not a corporation organized under the laws of this state, a consent to service of process conforming to the requirements of section 14 of this Act.

(C) RECORD AND RENEWAL OF REGISTRATION. Upon the receipt of a registration statement, payment of the registration fee, and, if required, a consent to service of process, the director shall record the registration of the securities by description in a register of securities. A registration statement filed under this section shall be effective when filed with the commission. When so registered by description the securities may be sold in this state by any registered dealer or by any registered salesman employed by a registered dealer. Such registration shall be effective for a period of one year and may be renewed for additional periods of one year, if the securities are entitled to registration under this section at the time of renewal, by the filing of a new registration statement under this section, together with payment of the renewal fee prescribed in subsection (D).

(D) FEES. For the registration of securities by description there shall be paid to the commission a registration fee of 1/10th of 1% of the aggregate offering price of the securities which are to be sold in this state, but in no case shall such registration fee be less than $25.00 or more than $500.00. For the renewal of the registration of securities by description there shall be paid to the commission a renewal fee of $25.00.

(E) REGISTRATION OF ADDITIONAL SECURITIES. Additional amounts of securities registered under this section may, with the consent of the commission, be registered by payment of an additional registration fee, which shall be computed as provided in subsection (D) of this section as a separate fee for each additional amount registered.

(F) FILING OF ADDITIONAL INFORMATION. If at any time, in the opinion of the commission or the director, the information set forth in a registration statement filed under this section is insufficient to establish the fact that the securities described therein are entitled to registration by description, the commission or the director may require the issuer or dealer who filed such statement to file such further information as may be necessary to establish the fact that such securities are entitled to registration by description.

Sec. 7. REGISTRATION BY QUALIFICATION. Securities required to be registered by qualification under this Act before they may be sold in this state shall be registered as provided in this section.

(A) APPLICATION FOR REGISTRATION. Application for registration of securities by qualification shall be made by the issuer of the securities by the filing with the commission of the following:

(1) An application for registration, which shall include the following together with such other information as the commission may prescribe:

(a) Name and address of issuer, and address of issuer's principal office in this state, if any;

(b) Title of securities to be registered and total amount of each class of such securities to be offered in this state and elsewhere;

(c) Amount of each class of securities to be offered in this state, offering price per unit and in the aggregate, and the amount of the registration fee;

(d) If a registration statement as to the securities has been filed under the securities act of 1933: (1) The date on which the registration statement was filed to register the securities under that act; and (2) the effective date of the registration statement, if effective.

(e) Eligibility of securities for sale in other states as of date of application: (1) States in which it is proposed to offer the securities for sale to the public; (2) states, if any, in which the securities are eligible for sale to the public; (3) states, if any, which have refused, by order or otherwise, to authorize sale of securities to the public, or have revoked or suspended the right to sell the securities, or in which an application for qualification has been withdrawn.

(2) There shall be submitted as part of such application for registration a copy of each of the following:

(a) Issuer's charter or other instrument of organization and by-laws, together with all amendments thereto;

(b) The indenture and all supplements thereto under which the securities are to be issued;

(c) The basic underwriting agreement if any, and any agreement or agreements among underwriters and dealers pertaining to the distribution of the securities within this state;

(d) Opinion or opinions of counsel as to the validity of issuance of the securities;

(e) A specimen certificate of each security to be registered.

Any of the foregoing documents (a) to (e), inclusive, may be submitted in preliminary form in which case a definitive copy of each shall be filed promptly after execution.

(3) A prospectus which shall include the following together with such other information as the commission may prescribe:

(a) The name and address of the issuer, date of incorporation or organization, general character of business transacted or to be transacted, and a description of the principal assets of the issuer;

(b) The name and address and business experience of each officer and director of the issuer if a corporation or unincorporated association, of each trustee or other ficuciary if a trust, or of each partner if a partnership;

(c) The total authorized capital of the issuer, the total amount of each class of securities authorized, the total amount of securities of each class issued and outstanding. The total amount of each class of securities held by each officer or director if a corporation or unincorporated association, by each trustee or other fiduciary if a trust, by each partner if a partnership, and by each beneficial owner of 10% or more of any class of securities;

(d) The total amount of securities of each class issued or to be issued for options, contracts, leases, patents, assignments, services or expenses, good will, or other intangible assets, the name and address of each person to whom such securities have been or are to be issued, and the consideration received or to be received by the issuer therefor;

(e) The title and amount of the securities to be offered, the offering price per unit and in the aggregate, the name and address of the principal underwriter and the nature of the underwriting commitment, the amount of underwriting discounts or commissions or other selling expenses per unit and in the aggregate, and the net per unit and in the aggregate to be received by the issuer. The statement of underwriting discounts or commissions or other selling expense shall include the maximum amount to be paid by the issuer in cash or otherwise, directly or indirectly, in connection with the sale of the securities;

(f) The specific purposes for which funds to be derived from the sale of the securities are to be used, and the approximate amount to be devoted to each such purpose;

(g) A description of all material contracts to which the issuer is a party and of all material litigation involving the issuer;

(h) A balance sheet as of a date not more than ninety (90) days prior to the date of filing, and, if such balance sheet is not certified, also a certified balance sheet as of a date not more than one year prior to the date of filing unless the fiscal year of the issuer has ended within ninety (90) days prior to the date of filing in which case the certified balance sheet may be as of the end of the preceding fiscal year;

(i) Profit and loss and surplus statements for each of the three (3) fiscal years preceding the date of the most recent balance sheet filed and for the period, if any, between the close of the most recent of such fiscal years and the date of the most recent balance sheet filed; or, if the issuer has been in existence for less than three (3) fiscal years, profit and loss and surplus statements for the period of the issuer's existence.

Financial statements required under this subsection shall be prepared in accordance with generally accepted accounting principles and certified, if certification is necessary, by an independent public or certified public accountant.

If the issuer has one or more subsidiaries, the commission or the director may require, in addition to the balance sheet and profit and loss and surplus statements required by items (h) and (i) hereof, a consolidated balance sheet and consolidated profit and loss and surplus statements for the issuer and its subsidiaries as of the same dates as the balance sheet and profit and loss and surplus statements required by items (h) and (i).

If the securities being registered have been or are to be registered under the securities act of 1933, there may be filed in lieu of the prospectus prescribed in this subsection the definitive prospectus of the issuer filed under the securities act of 1933, if dated within thirty (30) days of the application for registration under this section.

If any material change occurs in the matters set forth in the prospectus filed under this subsection, or if any material change occurs in the plan of business of the issuer as set forth in the prospectus, each such change shall be included in an amended prospectus or in a supplement to the prospectus which shall be promptly filed with the commission.

(4) An examination fee of $25.00 and a registration fee of 1/10th of 1% of the aggregate offering price of securities to be

sold in this state, but in no case shall such registration fee be less than $25.00 or more than $500.00.

(5) If the issuer is not domiciled in this state and is not a corporation organized under the laws of this state, a consent to service of process conforming to the requirements of section 14 of this Act.

(B) AMENDMENT OF WITHDRAWAL OF APPLICATION. In the absence of proceedings under section 8 for denial, suspension or revocation of the registration of the securities, or with the consent of the commission after the institution of such proceedings, an applicant may at any time amend or withdraw an application for registration, prospectus, financial statement or other exhibit filed under this section. If an application for registration is withdrawn with the consent of the commission before the effective date of registration the registration fee shall be returned. Any document withdrawn under this subsection shall be marked as withdrawn but retained among the records of the commission.

(C) SIGNATURE AND VERIFICATION OF APPLICATION. The application shall be signed and verified under oath by the issuer. If the issuer is a corporation, trust or other unincorporated association, the application shall be signed by its principal executive officers, and shall be accompanied by a certified copy of a resolution approved by the requisite majority of the board of directors or other governing body.

(D) REGISTRATION OF SECURITIES. The director shall within a reasonable time examine an application for registration by qualification and all documents and exhibits filed therewith. When an applicant has fully complied with the provisions of this section and the rules and regulations of the commission thereunder, the director shall register the securities in a register of securities, subject to such limitations and conditions as may be imposed by the commission in accordance with this Act, unless the commission finds cause for denial as provided in section 8. After such registration the securities may be sold by any registered dealer or by any registered salesman employed by such dealer. The director shall give notice to the issuer by registered mail of the effective date of registration.

(E) REGISTRATION OF ADDITIONAL SECURITIES. Additional amounts of securities registered under this section may, with the consent of the commission, be registered by payment of an additional registration fee, which shall be computed as provided in subsection (A) (3) as a separate fee for each additional amount registered.

(F) RENEWAL OF REGISTRATION. Registration under this section shall be effective for a period of one (1) year and may be renewed for additional periods of one (1) year by filing, by a date not later than fifteen (15) days prior to expiration of registration, of a prospectus meeting the requirements of subsection (A) (3) and containing information as of a date not more than ninety (90) days before the date of filing, together with the payment of a renewal fee of $25.00.

(G) DELIVERY OF PROSPECTUS TO PURCHASERS. There shall be delivered to each purchaser of securities registered by qualification, before the conclusion of any contract of sale of such securities, a copy of the prospectus meeting the requirements of subsection (A) (3), or of subsection (F) if the prospectus is used more than one year from the effective date of registration of the securities.

Sec. 8. DENIAL, SUSPENSION OR REVOCATION OF REGISTRATION OF SECURITIES. (A) DENIAL OF REGISTRATION BY QUALIFICATION. The commission may enter an order denying the registration of any securities to be registered by qualification, if, after a hearing or notice and opportunity for hearing as provided in section 12, it finds that:

(1) The application for registration, prospectus, any financial statement, or any document or exhibit filed with the application, or any amendment or supplement thereto is incomplete, inaccurate or misleading, or the information contained therein is insufficient for a true appraisal of the securities; or

(2) The issuer or any dealer or salesman designated to engage in the sale of the securities has violated any provision of this Act or any rule, regulation or order of the commission thereunder; or

(3) The sale of the securities works or would tend to work a fraud or deceit upon the purchasers thereof, or is or would be unfair or inequitable to the purchasers; or

(4) The issuer is insolvent, or is in an unsound financial condition; or

(5) The issuer has refused to permit the commission to examine into its affairs, or has failed or refused to furnish information required by the Act or any rule, regulation or order of the commission thereunder; or

(6) The issuer, any officer or director of the issuer if a corporation or unincorporated association, any trustee or other

fiduciary of the issuer if a trust, any partner of the issuer if a partnership, or any person controlling, controlled by or under common control with the issuer, (a) has been convicted within five (5) years preceding the filing of the application for registration of securities, or at any time thereafter, of any felony or misdemeanor involving any transaction in securities, or of which fraud is an essential element; or (b) is subject to any order, judgment or decree of any court of competent jurisdiction entered within three (3) years of the date of filing of such application enjoining or restraining it or him from engaging in or continuing any conduct or practice in connection with the sale or purchase of securities.

(B) REVOCATION OF REGISTRATION OF SECURITIES. The commission may revoke the registration of any securities registered under this Act if, after a hearing or notice and opportunity for hearing as provided in section 12, it finds:

(1) That any of the grounds for denial specified in subsection (A) exist; or

(2) Securities registered by description are not entitled to registration by description.

(C) ENTRY OF DENIAL OR REVOCATION ORDER. If, after a hearing or notice and opportunity for hearing as provided in section 12, the commission finds grounds for denying or revoking registration of securities, it may enter an order denying or revoking the registration of such securities. Such order shall state specifically the grounds for its issuance. Upon the entry of an order denying or revoking the registration of securities, the director shall send notice of such order by registered mail to the issuer of such securities and to all registered dealers engaged in the sale thereof.

(D) SUSPENSION OF REGISTRATION OF SECURITIES. If the commission has reasonable grounds to believe that the registration of any securities under this Act should be revoked on any ground specified in this section, it may enter an order suspending the registration of such securities pending an examination into the affairs of the issuer of such securities or pending a hearing or opportunity for hearing as provided in section 12; provided, that no such suspension of registration shall be effective for more than thirty (30) days, except with the consent of the registrant. Such suspension order shall state specifically the grounds upon which it is issued. Upon the entry of an order suspending the registration of any securities, or of an order withdrawing a suspension order previously issued, the director shall send notice of such order to the issuer of

such securities and to all registered dealers engaged in the sale thereof.

Sec. 9. TRANSACTIONS BY UNREGISTERED DEALERS AND SALESMEN PROHIBITED. It shall be unlawful for any dealer to sell or purchase or offer to sell or offer to buy any securities, or for any salesman to sell or offer for sale any securities within or from this state unless such dealer or salesman is registered as such pursuant to the provisions of section 10. Any violation of this section shall be a felony subject to penalty as provided in section 18.

Sec. 10. REGISTRATION OF DEALERS AND SALESMEN. (A) APPLICATION OF REGISTRATION OF DEALERS. Application for registration as a dealer may be made by any person. Such application for registration shall be signed by the applicant and duly verified by oath. The application shall be filed with the commission, and shall contain the following together with such other information as the commission may prescribe:

(1) The name of the applicant.

(2) The address of the principal place of business of the applicant and the addresses of all branch offices, if any, of the applicant in this state.

(3) The form of business organization and the date of organization of the applicant.

(4) The names and business addresses of all members, partners, officers, directors, trustees or managers of the applicant; a statement of the limitations, if any, of the liability of any partner, member, manager, or trustee; and a statement setting forth in chronological order the business history of each such partner, member, officer, director, trustee or manager during the preceding ten (10) years.

(5) A brief description of the general character of the business conducted or to be conducted by the applicant.

(6) A list of each state in which the applicant is registered as a dealer, and, if registration of the applicant as a dealer has been refused, cancelled, suspended or withdrawn in any state, a complete statement of the facts with respect thereto.

(7) A statement showing whether the applicant is registered as a broker or dealer under the securities exchange act of 1934, and whether any such registration of the applicant has

been denied, revoked or suspended, or made the subject of proceedings for denial, revocation or suspension by the securities and exchange commission.

(8) The name of each organization of dealers or brokers of which the applicant is a member, or before which any application for membership on the part of the applicant is pending, and whether any such membership of the applicant has been denied, revoked or suspended, or made the subject of proceedings for denial, revocation or suspension.

(9) The name of each securities exchange of which the applicant or any of its partners, officers, directors, trustees, members, managers or employees is a member, and whether any such membership has been denied, revoked or suspended, or made the subject of proceedings for denial, revocation or suspension.

(10) A balance sheet, profit and loss and surplus statements, prepared in accordance with generally accepted accounting principles and certified by an independent public or certified public accountant, showing the financial condition of the applicant as of the most recent practicable date prior to the date of such application.

(11) A statement showing whether applicant or any officer, director, partner, member, trustee, or manager of the applicant, has within the past ten (10) years been convicted of or charged with a felony or misdemeanor of which fraud is an essential element, or a felony or misdemeanor involving the purchase or sale of securities, or arising out of the conduct of the business of the applicant as a dealer in securities, and, if so, a complete statement of the facts with respect thereto.

(12) A statement showing whether the applicant, or any officer, director, partner, member, trustee or manager of the applicant, has been enjoined or restrained by a court of competent jurisdiction in connection with any transaction involving the purchase or sale of securities, and, if so, a complete statement of the facts with respect thereto.

(B) CONSENT TO SERVICE AND PAYMENT OF FEES. An application for registration as a dealer shall be accompanied by (1) a written consent to the service of process upon the commission in actions against such dealer, conforming to the requirements of section 14, and (2) payment of the registration fee prescribed by subsection (H).

(C) REGISTRATION OF DEALERS. When an applicant

has fully complied with the provisions of this section and the rules and regulations of the commission thereunder the director shall register such applicant as a dealer in a register of dealers and salesmen, unless the commission finds cause for denial as provided for in section 11. When the director has registered an applicant as a dealer he shall immediately notify the applicant of such registration by registered mail.

(D) APPLICATION FOR REGISTRATION OF SALESMEN. Application for registration as a salesman may be made by any individual. Such application for registration shall be signed by the applicant and by the registered dealer employing or intending to employ such applicant, and shall be duly verified by oath. The application accompanied by the registration fee prescribed in subsection (H) shall be filed with the commission, and shall include the following together with such other information as the commission may prescribe:

(1) Name and residence and business address of the applicant.

(2) Name of the dealer employing or intending to employ the applicant.

(3) Names and addresses of five (5) persons of whom the director may inquire as to the character and business reputation of the applicant.

(4) Age and education of applicant.

(5) The nature of employment and name and address of each employer of the applicant for the ten (10) years immediately preceding the date of application.

(6) A statement showing whether the applicant has been registered as a dealer in or salesman of securities under laws of other states or as a broker or dealer under the securities exchange act of 1934, and, if any such registration has been denied, cancelled, suspended or revoked, a complete statement of the facts with respect thereto.

(7) A statement showing whether the applicant has, within the past ten (10) years, been convicted of or charged with a felony or misdemeanor of which fraud is an essential element, or a felony or misdemeanor involving the purchase or sale of securities, and, if so, a complete statement of the facts with respect thereto.

(8) A statement showing whether the applicant has been

enjoined or restrained by a court of competent jurisdiction in connection with the purchase or sale of securities, and, if so, a complete statement of the facts with respect thereto.

(E) REGISTRATION OF SALESMEN. When an applicant has fully complied with the provisions of this section and of the rules and regulations of the commission thereunder the director shall register such applicant as a salesman in a register of dealers and salesmen, unless the commission finds cause for denial as provided for in section 11. When the director has registered an applicant as a salesman he shall immediately notify the applicant of such registration by registered mail.

(F) RECORD AND RENEWAL OF REGISTRATION. The names and addresses of all persons who have been registered as dealers or salesmen, and all orders with respect thereto, shall be recorded in a register of dealers and salesmen in the office of the director. Each registration under this section shall expire one year from the effective date of registration. Registration of dealers and salesmen may be renewed each year, at any time not less than fifteen (15) and not more than sixty (60) days before the expiration thereof, by:

(1) The payment of the required registration fee; and

(2) The filing of a supplemental statement showing any changes in the facts set forth in the original application for registration as thereafter supplemented or amended; and

(3) In the case of a dealer, the filing of a balance sheet, profit and loss and surplus statements, prepared in accordance with generally accepted accounting principles certified by an independent public or certified public accountant, showing the financial condition of such dealer as of the most recent practicable date.

(G) NOTIFICATION OF CHANGE OF DEALER PERSONNEL. Upon any change in the proprietors, partners, officers or directors of a registered dealer, such registered dealer shall promptly notify the director in writing of such changes. The director shall record such changes, without fee, in the register of dealers and salesmen.

(H) FEES. The fee for registration and for each annual renewal thereof shall be:

(1) For each dealer employing not more than 3 salesmen in this state, $50.00.

(2) For each dealer employing more than 3, but not more than 5, salesmen in this state, $75.00.

(3) For each dealer employing more than 5 salesmen in this state, $100.00.

(4) For each salesman, $5.00.

The registration fee for any dealer who deals exclusively in securities of which such dealer is the issuer shall equal 10% of the fees scheduled in (1), (2) and (3) of this subsection.

(I) NOTIFICATION OF TERMINATION OF EMPLOYMENT OF SALESMAN. Each registered dealer shall promptly notify the director of the termination of the employment of a registered salesman; and the registration of such salesman shall automatically be suspended from the time of termination of such employment until such time as he is again employed by a registered dealer, and the director is so notified by such dealer in writing.

(J) FILING OF ADDITIONAL INFORMATION. The commission or the director may also require the submission of such additional information as to applicant's previous history, record or business experience as may be deemed necessary to determine whether the applicant should be registered as a dealer or salesman under this section.

Sec. 11. DENIAL, SUSPENSION OR REVOCATION OF REGISTRATION OF DEALERS AND SALESMEN. (A) DENIAL, REVOCATION OR SUSPENSION OF REGISTRATION OF DEALERS. The commission may, after a hearing or notice and opportunity for hearing as provided in section 12, enter an order denying or revoking, or suspending, such suspension not to exceed a period of one year, the registration of a dealer if the commission finds that the application for registration of such dealer, or any financial statement, or other document or exhibit filed therewith, or any supplement or amendment thereto is incomplete, inaccurate or misleading, or if it finds that such dealer:

(1) Is insolvent or is in an unsound financial condition; or

(2) Has violated any provision of this Act or any rule, regulation or order of the commission thereunder; or

(3) Purchases or sells securities as such variations from current market prices as, in the light of all the circumstances, are unconscionable; or

(4) Has failed to file with the commission any record, report, financial statement or other information required under this Act or any rule, regulation, or order of the commission thereunder, or has refused to permit an examination into his affairs; or

(5) Is lacking in integrity, or is not of good business reputation, or is not qualified by training or experience; or

(6) Has knowingly retained a salesman after notice that such salesman has committed an offense under the Act; or

(7) Has been convicted within ten (10) years preceding the date of filing of such application for registration as a dealer, or at anytime thereafter, of any felony or misdemeanor involving any transaction in securities, or of which fraud is an essential element, or arising out of the conduct of any business in securities; or

(8) Is permanently or temporarily enjoined by order, judgment or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the sale or purchase of securities; or

(9) Is subject to an order of the securities and exchange commission denying or revoking registration as a broker or dealer in securities under the securities exchange act of 1934, or is subject to an order denying or revoking membership in a national securities association registered under the securities exchange act of 1934, or has been suspended for a period exceeding six (6) months or expelled from membership in a national securities exchange registered under the securities exchange act of 1934; or

(10) Has been guilty of any fraudulent act or practice in connection with the purchase or sale of securities.

It shall be sufficient cause for denial, revocation or suspension of registration of a dealer as provided in this section, if such dealer is a partnership, corporation, unincorporated association or trust, if any member of such partnership or any officer or director of such corporation or unincorporated association or any trustee or other fiduciary of such trust, or any person controlling, controlled by, or under common control with such dealer, has been guilty of any act or omission which would be sufficient ground for denying or revoking the registration of an individual dealer.

(B) DENIAL, REVOCATION OR SUSPENSION OF

REGISTRATION OF SALESMEN. The commission may, after a hearing or notice and opportunity for hearing as provided in section 12, enter an order denying or revoking, or suspending, such suspension not to exceed a period of one year, the registration of a salesman if the commission finds that the application for registration of such salesman, or any statement, document or other exhibit filed therewith, or any supplement or amendment thereto, is incomplete, inaccurate or misleading, or if it finds that such salesman:

(1) Has violated any provision of this Act or any rule, regulation or order of the commission thereunder; or

(2) Has failed to file with the commission any record, report or other information required under this Act or any rule, regulation, or order of the commission thereunder, or has refused to permit an examination into his affairs; or

(3) Is lacking in integrity or is not of good business reputation; or

(4) Is not employed by a registered dealer; or

(5) Has been convicted within ten (10) years preceding the date of filing of such application for registration as a salesman, or at anytime thereafter, of any felony or misdemeanor involving any transaction in securities, or of which fraud is an essential element, or arising out of the conduct of any business in securities; or

(6) Is permanently or temporarily enjoined by order, judgment or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the sale or purchase of securities; or

(7) Is subject to an order of the securities and exchange commission denying or revoking registration as a broker or dealer in securities under the securities exchange act of 1934, or is subject to an order denying or revoking membership in a national securities association registered under the securities exchange act of 1934, or has been suspended for a period exceeding six (6) months or expelled from membership in a national securities exchange registered under the securities exchange act of 1934; or

(8) Has been guilty of any fraudulent act or practice in connection with the purchase or sale of securities.

(C) ENTRY OF DENIAL, REVOCATION OR SUSPEN-

SION ORDER. If, after hearing or notice and opportunity for hearing as provided in section 12, the commission finds grounds to deny, revoke or suspend the registration of any dealer or salesman, the director shall enter an order in the register of dealers and salesmen denying, revoking or suspending the registration of such dealer or salesman. Such order shall state specifically the grounds for its issuance. A copy of such order shall be sent by registered mail to the dealer or salesman whose registration is denied, revoked or suspended thereby and, if the denial, revocation or suspension of the registration is that of a salesman, to the registered dealer who employs such salesmen. Denial, suspension or revocation of the registration of a dealer shall also suspend or revoke the registration of all his salesmen; but suspension or revocation of the registration of a salesman solely because he was employed by a dealer whose registration was denied, suspended or revoked shall not prejudice subsequent applications for registration by such salesman.

(D) TEMPORARY SUSPENSION ORDERS. If the commission has reasonable grounds to believe that a registered dealer or salesman has been guilty of any act or omission which would be sufficient ground for denying or revoking the registration of such dealer or salesman, it may enter an order temporarily suspending the registration of such dealer or salesman pending an examination into his affairs, or pending a hearing or notice and opportunity for hearing as provided in section 12; provided, that no such temporary suspension order shall be effective for more than thirty (30) days, except with consent of the registrant. Such suspension order shall state specifically the grounds for its issuance. Upon the entry of such temporary suspension order, or of an order withdrawing a temporary suspension order previously entered, the director shall send a copy of such order, by registered mail, to the dealer or salesman whose registration is affected thereby at his business address, and, if such order affects the registration of a salesman, to the registered dealer who employs such salesman.

Sec. 12. HEARINGS. (A) INITIATION OF HEARINGS. Hearings may be ordered by the commission upon its own initiative or at the written request of any interested person, either before or after registration of securities, dealers, or salesmen:

(1) For the purpose of administering or obtaining information necessary in the enforcement of this Act or the rules, regulations or orders of the commission thereunder; or

(2) To enable the commission to take appropriate action

in connection with any pending application for registration of any securities, or any dealer or salesman; or

(3) To modify the terms and conditions of any registration; or

(4) To determine whether the registration of any securities or of any dealer or salesman should be denied, suspended or revoked.

(B) NOTICE OF HEARING OR OPPORTUNITY FOR HEARING. Before entering an order denying or revoking the registration of any securities as provided in section 8, the commission shall send to the issuer of such securities, (and if the application for registration of such securities was filed by a registered dealer, to such registered dealer), a notice of hearing or notice of opportunity for hearing. Before entering an order denying or revoking or suspending except temporarily the registration of a dealer or salesman as provided in section 11, the commission shall send to such dealer or salesman, (and if a salesman to the registered dealer who employs or intends to employ such salesman), a notice of hearing or notice of opportunity for hearing. Notices of hearing or notices of opportunity for hearing shall be sent by registered mail, return receipt requested, to the addressee's business address, or to the statutory agent of record. Such notice shall contain a statement of the matters to be considered and, if a notice of opportunity for hearing, shall set forth that the person to whom such notice is sent will be afforded a hearing upon request to the commission if such request is made in writing within ten days after receipt of the notice. Whenever a person requests a hearing in accordance with the provisions of this section, the commission shall set a date, time and place for such hearing and shall forthwith notify the person requesting such hearing thereof. The date set for such hearing shall be within fifteen (15) days, but not earlier than five (5) days, after the request for hearing has been made, unless otherwise agreed to by both the commission and the person requesting such hearing. If the hearing is initiated by the commission the notice of hearing shall specify the date, time and place thereof. The date of such hearing shall be within fifteen (15) days of the date of the notice of hearing.

(C) RULES GOVERNING CONDUCT OF HEARINGS. Any hearing under this section may be held before the commission, a member thereof, the director, or other authorized officer of the commission as the commission may direct, and conduct of such hearing shall be governed by this section, and by the rules of practice and procedure which may be adopted by the commission. Neither the commission nor any member thereof, nor the director, nor other authorized officer of the

commission, shall be bound by the technical rules of evidence in the conduct of hearings under this section, and no informality in any proceeding, as in the manner of taking testimony, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission. A stenographic record of all proceedings and testimony shall be made of each hearing by a shorthand reporter appointed by the commission, and such record shall be reduced to writing and filed with the commission.

(D) Re-hearings may be instituted or granted by the commission and shall be subject to the provisions of this section.

Sec. 13. APPEALS. (A) NOTICE OF APPEAL. An appeal may be taken from any final order of the commission under this Act by any person adversely affected thereby to the superior court of Maricopa county, Arizona, by serving on the commission within twenty (20) days after the date of entry of such order a written notice of appeal, signed by the appellant, stating:

(1) The order from which the appeal is taken; and

(2) The grounds upon which a reversal or modification of such order is sought; and

(3) A demand for a certified transcript of the record of such proceeding.

(B) CERTIFICATION OF RECORD. Upon receipt of such notice of appeal, the commission shall, within twenty (20) days thereafter, make, certify and deliver to the appellant a transcript of the record of the proceeding from which the appeal is taken; provided, that the appellant shall pay the costs of such transcript. The appellant shall, within five (5) days after receipt of such transcript, file such transcript and a copy of the notice of appeal with the clerk of the court. Said notice of appeal and transcript shall constitute the record on appeal.

(C) MANDATE OF COURT. If the order of the commission shall be reversed or modified, the court shall by its mandate specifically direct the commission as to its further action in the matter, including the making and entering of any order or orders in connection therewith, and the conditions, limitations, or restrictions to be therein contained.

(D) APPEAL TO SUPREME COURT. Any judgment of the superior court of Maricopa county affirming, reversing or modifying an order of the commission may be appealed to

the supreme court of Arizona in the manner of other appeals from judgments of the superior court.

Sec. 14. CONSENT TO SERVICE. Where a consent to service of process is required under this Act, such consent to service of process shall be in the form prescribed by the commission, shall be irrevocable, and shall provide that actions arising out of or involving the sale or purchase of any securities in violation of this Act may be commenced against the person executing such consent in any court of competent jurisdiction and proper venue within this state, by the service of process or pleadings upon the commission. Service of any such process or pleading in any such action against a person who has filed a consent to service with the commission shall, if made on the commission, be made by service of duplicate copies, one of which shall be filed in the office of the director, and the other immediately forwarded by the director by registered mail to the person against whom such process or pleading is directed at his latest address on file in the office of the director.

Sec. 15. FRAUDULENT PRACTICES PROHIBITED. (A) FRAUD IN SALE OR PURCHASE OF SECURITIES. It shall be a fraudulent practice and it shall be unlawful for any person, in connection with any transaction or transactions within or from this state involving any offer to sell or to buy securities, or any sale or purchase of securities, including any securities exempted under section 4 and including any transactions exempted under section 5, directly or indirectly:

(1) To employ any device, scheme or artifice to defraud; or

(2) To make any untrue statement of material fact, or to omit to state any material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or

(3) To engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit.

(B) FILING OF MISLEADING INFORMATION WITH COMMISSION. It shall be a fraudulent practice and it shall be unlawful:

(1) For any person to subscribe to or make or cause to be made any untrue statement of a material fact in any application, registration statement, prospectus, financial statement or document required to be filed under any provision of this Act

or any rule, regulation or order of the commission thereunder; or

(2) To omit or cause to be omitted from any such application, registration statement, prospectus, financial statement, or other statement or document, any material fact or statement necessary in order to make the statements made therein, in the light of the circumstances under which they were made, not misleading.

(C) MISREPRESENTATION OF EFFECT OF REGISTRATION OF SECURITIES. Neither the fact that securities are registered by description under section 6 or by qualification under section 7 nor the fact that registration of such securities has not been denied, suspended or revoked shall be deemed a finding by the commission or by the director that the registration statement, application for registration, prospectus, or any financial statement, or other document or exhibit filed therewith is true or accurate, or does not contain untrue statements of material facts, or omit material facts, or to mean that the commission or the director has passed upon the merits of or otherwise approved the securities so registered, and it shall be a fraudulent practice and it shall be unlawful for any person to make or cause to be made to any prospective purchaser of such securities any statement or other representation contrary to the foregoing.

(D) MISREPRESENTATION OF EFFECT OF REGISTRATION OF DEALERS OR SALESMEN. Neither the fact that a dealer or salesman is registered under section 10 nor the fact that the registration of such dealer or salesman has not been denied, suspended or revoked shall be deemed a finding by the commission or by the director that such dealer or salesman is of good business reputation, or is not lacking in integrity, or is not insolvent, or that the application for registration of such dealer or salesman, or any financial statement, document or exhibit filed therewith is true or accurate, or does not contain untrue statements of material facts or omit material facts, and it shall be a fraudulent practice and it shall be unlawful for any dealer or salesman in connection with any transaction involving the purchase or sale of securities to make any statement or other representation contrary to the foregoing.

(E) VIOLATION MADE FELONY. Any violation of this section shall be a felony subject to penalty as provided in section 18.

Sec. 16. CEASE AND DESIST ORDERS, INJUNCTIONS AND PROSECUTIONS FOR VIOLATIONS. Whenever it shall appear to the commission, either upon complaint

or otherwise, that any person has engaged in, or is engaging in, or is about to engage in any act, practice or transaction which constitutes a violation of this Act or of any rule, regulation or order of the commission thereunder, the commission may, in its discretion:

(1) Issue an order directing such person to cease and desist from engaging in such act, practice or transaction, or doing any act in furtherance thereof.

(2) Apply to the superior court of Maricopa county for an injunction restraining such person from engaging in such act, practice or transaction, or doing any act in furtherance thereof, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Process in such actions may be served upon the defendant in any county of this state where such defendant transacts business or where he may be found.

(3) Transmit such evidence as may be available concerning such act, practice or transaction to the attorney general whereupon he may petition the superior court of Maricopa county for the appointment of a conservator to reorganize the affairs of, or a receiver to wind up the affairs of, the violator under this Act. Process in such actions may be served upon the defendant in any county in this state where the defendant transacts business or where he may be found.

(4) Transmit such evidence as may be available concerning such act, practice or transaction to the attorney general who may, in his discretion, cause to be instituted the necessary criminal proceedings in a superior court of any county of this state where the sale or transaction occurred.

Sec. 17. CIVIL REMEDIES. (A) REMEDY FOR VOIDABLE SALES. The sale or contract for sale of any securities to any purchaser in violation of any provision of section 3, 9 or 15 of this Act shall be voidable at the election of the purchaser, who may sue either at law or in equity in any court of competent jurisdiction to recover the consideration paid for such securities, with interest thereon, taxable court costs and reasonable attorneys' fees, less the amount of any income received by dividend or otherwise from ownership of such securities, upon tender of the securities purchased or the contract made, or for damages if he no longer owns the securities.

(B) REMEDY FOR VOIDABLE PURCHASES. The purchase or contract for purchase from a seller of securities made in violation of section 9 or section 15 (A) or (D) of this Act

shall be voidable at the election of the seller of such securities, who may sue either at law or in equity in any court of competent jurisdiction to recover the amount of his damages, with interest thereon, taxable court costs and reasonable attorneys' fees.

(C) LIABILITY OF OFFENDING SELLERS AND PURCHASERS. Any action brought under subsection (A) or (B) may be brought against any person, including any dealer, salesman or agent, who made, participated in or induced the unlawful sale or purchase, and such persons shall be jointly and severally liable to the purchaser or seller entitled to maintain such action.

(D) LIMITATION OF CIVIL ACTIONS. No civil action under this section shall be maintained to enforce any liability based upon a violation of section 3 or 9 of this Act unless brought within one year after the violation upon which it is based. No civil action under this section shall be brought to enforce any liability based upon a violation of section 15 of this Act unless brought within one year after discovery of the fraudulent practice upon which such liability is based, or after such discovery should have been made by the exercise of reasonable diligence, and in no event shall any such action be brought more than three years after the fraudulent practice occurred.

(E) REMEDY NOT EXCLUSIVE. Nothing in this section shall otherwise limit any statutory or common law right of any person in any court for any act involved in the sale of securities.

Sec. 18. PENALTIES. (A) FELONIES. Any person who shall wilfully violate any provision of section 3, section 9, or section 15 of this Act shall be deemed guilty of a felony and upon conviction thereof shall be punished by a fine of not less than $500.00 and not more than $5,000.00, or by imprisonment for not less than one (1) year and not more than ten (10) years, or by both such fine and imprisonment.

(B) MISDEMEANORS. Any person who shall wilfully violate any provision of this Act or any rule, regulation or order of the commission thereunder, for which penalty is not provided in subsection (A), shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $100.00 and not more than $500.00 or by imprisonment for not more than one (1) year, or by both such fine and imprisonment.

Sec. 19. EVIDENTIARY MATTERS. (A) BURDEN OF

PROOF OF EXEMPTIONS. In any action, civil or criminal, where a defense is based upon any exemption provided for in this Act, the burden of proving the existence of such exemption shall be upon the party raising such defense, and it shall not be necessary to negative any such exemption in any petition, complaint, information or indictment, laid or brought in any proceeding under this Act.

(B) EVIDENCE OF REGISTRATION OR LACK OR REGISTRATION. A certificate signed by the chairman or member of the commission or by the director and under seal of the commission showing that securities have or have not been registered by description as provided in section 6 or registered by qualification as provided in section 7, or that a dealer or salesman has or has not been registered as provided in section 10 shall constitute evidence of the facts so certified and shall be admissible in evidence in any action or proceeding, civil or criminal, in which the question of such registration may be at issue.

(C) EVIDENCE OF RECORD OF PROCEEDINGS. A certificate signed by the chairman or any member of the commission or by the director, and under seal of the commission, in regard to the record of any proceeding under this Act for denial, revocation or suspension of the registration of securities or the registration of any dealer or salesman shall constitute evidence of such record and shall be admissible in any proceeding, civil or criminal, in which such record may be at issue.

Sec. 20. INTENT AND CONSTRUCTION. The intent and purpose of this Act is for the protection of the public, the preservation of fair and equitable business practices, the suppression of fraudulent or deceptive practices in the sale or purchase of securities, and the prosecution of persons engaged in fraudulent or deceptive practices in the sale or purchase of securities. This Act shall not be given a narrow or restricted interpretation or construction, but shall be liberally construed as a remedial measure in order not to defeat the purpose thereof.

Sec. 21. SPECIAL POWERS OF COMMISSION. (A) GENERAL RULE MAKING POWER. The commission shall have authority from time to time to make, amend, and rescind such rules and regulations as may be reasonably necessary to carry out the provisions of this Act.

(B) POWER TO EXEMPT CERTAIN SECURITIES AND TRANSACTIONS. The commission may from time to time by its rules and regulations, and subject to such terms and conditions as may be prescribed therein, add any class of

securities or transactions to the securities or transactions exempted as provided in sections 4 and 5, if it finds that registration of such securities under this Act is not necessary in the public interest and for the protection of investors by reason of the special characteristics of the securities or transactions, the small amount involved, or the limited character of the offering; but no issue of securities shall be exempted under this subsection where the aggregate amount of the issue exceeds $25,000.00.

(C) INVESTIGATIONS. The commission, or the director or other agent or agents designated by the commission may at any time either prior to or subsequent to the registration of any securities or of any dealer or salesman investigate and examine into the affairs of any person issuing or dealing in or selling or intending to issue, deal in or sell securities, or into the affairs of any person when the commission has grounds to believe that such person is or may be issuing or dealing in or selling securities.

(D) POWER TO REQUIRE TESTIMONY AND PRODUCTION OF RECORDS. For the purpose of all investigations or hearings which, in the opinion of the commission, are necessary and proper for the enforcement of this Act, any member of the commission, the director, or any officer or officers designated by the commission are empowered to administer oaths and affirmations, subpoena witnesses, take evidence, and require by subpoena duces tecum or by citation the production of any books, papers, or other documents which the commission deems relevant or material to the inquiry.

(E) PRIVILEGE AGAINST SELF-INCRIMINATION. No person shall be excused from attending and testifying or from producing books, papers, contracts, agreements, and other documents before the commission, or in obedience to the subpoena of the commission, any member thereof, the director, or any officer designated by the commission, or in any cause or proceeding instituted by 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 subjected to criminal prosecution 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.

(F) DEFINITION OF CONTEMPT AND PUNISHMENT THEREFOR. Contumacy or refusal to obey a subpoena or

citation issued by the commission, any member thereof, the director, or any officer designated by the commission shall be a contempt of the commission and the commission may, after notice by citation and after a hearing, punish the person committing such contempt by a fine of not less than one hundred dollars ($100.00) nor more than fifteen hundred dollars ($1,500.00), to be recovered as a penalty by an action brought by the attorney general in the name of the state in the superior court of Maricopa county. Process in any action brought by the attorney general under this subsection may be served upon the defendant in any county of this state in which the defendant transacts business or where he may be found.

(G) ESCROW OF CERTAIN SECURITIES. As a condition to registration of securities under this Act, the commission may in its discretion by order require that any securities issued for or which are intended to be issued for any patent right, copyright, trade mark, process, formula, good will, option, lease, assignment, service, or other intangible asset, or for fees or expenses in connection with the promotion or organization of the issuer, shall be deposited in escrow in some depository satisfactory to the commission under an escrow agreement subject to the orders of the commission as to withdrawal or termination, and whereby the owners of such securities shall not be entitled to sell or transfer such securities without the consent of the commission. In case of dissolution or insolvency of the issuer during the time such securities are held in escrow, the owners of such securities shall not participate in any distribution of assets until after the owners of all other securities shall have been paid in full.

(H) ESCROW OF TREASURY STOCK. The commission may in its discretion by order require as a condition to registration of securities under this Act that all treasury stock of the issuer or other securities issued and thereafter acquired by the issuer, be deposited in escrow in a suitable depository, subject to such terms and conditions as to release from escrow as the commission deems necessary in the circumstances.

(I) IMPOUNDMENT OF FUNDS. As a condition to registration under this Act of securities of a speculative nature the commission may by order impose reasonable restrictions and conditions upon the use and disbursement of funds to be derived from the sale of such securities, including the impoundment of such funds in a depository satisfactory to the commission, subject to the orders of the commission and to such terms and conditions as to release from impound as the commission may deem necessary. For the purpose of this subsection an issue of a speculative nature means one in which the business or earnings of the issuer is based upon future developments and potentials rather than on current tangible assets.

Sec. 22. JURISDICTION AND VENUE OF OFFENSES AND SUITS. The superior courts of this state shall have jurisdiction of offenses and violations of this Act and the rules, regulations and orders of the commission thereunder, and of all suits at law or in equity brought to enforce any liability or duty created under this Act, except actions or proceedings brought under section 16 (2) and (3) of which the superior court of Maricopa county shall have exclusive jurisdiction. Any such suit may be brought in the county wherein the defendant is found, or is an inhabitant or transacts business, or in the county where the transaction took place, and in such cases, process may be served in any other county of which the defendant is an inhabitant or wherever the defendant may be found.

Sec. 23. ADMINISTRATION OF ACT. (A) DIRECTOR OF SECURITIES. The commission shall appoint a director of securities, subject to removal for cause, at a salary of not to exceed six thousand dollars ($6,000.00) per annum, who shall, subject to the authority and under the supervision of the commission, be the administrator of the securities division. He shall be a person at least thirty (30) years of age and shall be qualified in either one or both of the following ways: (1) by broad experience and training in corporate finance or investment banking, or (2) by having earned a college or graduate degree in business administration the major subjects of which have relation to investment banking or corporate finance. The director of securities shall devote his entire time to the discharge of his duties as such.

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

(C) EMPLOYMENT OF ADDITIONAL PERSONNEL. The director with the approval of the commission, may employ from time to time such examiners, investigators and clerical employees as are necessary for the administration of this Act, and they shall perform such duties as the director shall assign.

(D) COMPENSATION OF EMPLOYEES FOR EXPENSES. The director, and any person under his supervision shall be paid, in addition to their regular compensation, the railroad fare, board, lodging and other necessary traveling expenses actually incurred by them in the performance of their duties under this Act. Such traveling expenses shall include the expenses of the director in attending the annual convention of the national association of securities administrators.

(E) COOPERATION WITH OTHER AGENCIES. The director shall cooperate with the administrators of the securities laws of other states and of the United States with a view to achieving maximum uniformity in the interpretation and enforcement of like provisions of the laws administered by them.

(F) All fees collected under this Act shall be turned into the state treasury.

Sec. 24. SEPARABILITY OF PROVISIONS. If any provision or provisions of this Act shall be held invalid, the remainder of this Act shall not be affected thereby.

Sec. 25. REPEAL OF CERTAIN PRIOR ACTS—SAVING OF CERTAIN RIGHTS AND LIABILITIES THEREUNDER. (A) Articles 10 and 11 of chapter 53, Arizona Code, Annotated, 1939, as amended, are hereby repealed, to take effect upon the day that this Act goes into force, subject to the limitations provided in subsections (B), (C) and (D) of this section.

(B) The provisions of all laws which are repealed by this Act shall remain in force for the prosecution and punishment of any person who, before the effective date of this Act, shall have committed any act contrary to the provisions of any law in force at the time such offence was committed, and such person may be prosecuted and punished under the law as it existed when such violation occurred.

(C) In case of sales, contracts, or agreements made prior to the effective date of this Act, all rights and liabilities of the parties thereto shall remain as provided by the law as it existed at the time such sales, contracts, or agreements were made, and all parts of laws repealed by this Act shall remain in force for the enforcement of such rights and liabilities.

(D) All securities for which a permit, issued by the commission pursuant to the provisions of Article 10, chapter 53, Arizona Code, Annotated, 1939, as amended, is in effect on the day prior to the effective date of this Act, shall be deemed registered by qualification as provided in section 7, if such securities are not exempt under this Act, such registration to be effective for a period of ninety (90) days from the effective date of this Act, or for a period of one (1) year from date of issuance of such permit, whichever is longer; and the commission shall have the same powers with respect to such securities that it has with respect to securities registered under the provisions of this Act. All dealers who are duly registered as dealers and all salesmen who are registered as agents under Article 11 of chapter 53, Arizona Code, Annotated, 1939, as

amended, on the day prior to the effective date of this Act shall be deemed to be duly registered under and subject to the provisions of this Act, such registration to expire one (1) year from the date of issuance of the opinion and order effecting such registration or on the 30th day of June of the year in which this Act becomes effective, whichever is longer; and to be subject to renewal as provided in this Act.

(E) The director provided for by this Act shall succeed the director of securities heretofore acting under the law hereby repealed, and as such successor shall receive all the records, files, papers, and property of said director of securities relating to the administration of said Articles 10 and 11 of chapter 53, Arizona Code, Annotated, 1939, as amended. All proceedings pending before the commission or the director of securities under the law hereby repealed shall be continued under the provisions of this Act by the commission or the director.

Approved by the Governor—March 6, 1951.

Filed in the Office of the Secretary of State—March 6, 1951.

CHAPTER 19

(House Bill No. 173)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE CORPORATION COMMISSION FOR PUBLIC UTILITY INVESTIGATIONS AND HEARINGS; PROVIDING FOR THE MANNER OF PRESENTATION OF CLAIMS AGAINST THE SAME AND FOR THE EMPLOYMENT OF PERSONNEL.

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

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of subsection 52, section 1, chapter 124, Laws 1949, the sum of fifty thousand dollars ($50,000.00) is appropriated from the general fund to the corporation commission to be available during the remainder of the thirty-ninth fiscal year and the fortieth fiscal year.

Sec. 2. PURPOSE. The purpose of the appropriation made in section 1 is for personal services, travel, current expenses

and capital outlay necessary in connection with the employment of rate experts, accountants, engineers and attorneys to assist the corporation commission in electrical, gas, telephone and water utility investigations and hearings by and before it and before the federal power commission and the federal communications commission; provided however, the corporation commission shall not employ any personnel under this Act without the advice and consent of the attorney general, nor shall any claim be approved for payment by the state auditor unless first approved by both the corporation commission and the attorney general.

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

Approved by the Governor—March 6, 1951.

Filed in the Office of the Secretary of State—March 6, 1951.

CHAPTER 20

(House Bill No. 49)

AN ACT

RELATING TO THE POST AUDITOR; PRESCRIBING DUTIES AND POWERS; CONDITIONALLY AMENDING CHAPTER 28, LAWS OF 1950, FIRST SPECIAL SESSION, AND CONDITIONALLY REPEALING CHAPTER 6, ARIZONA CODE OF 1939, AND PRESCRIBING PENALTIES.

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

Section 1. Sec. 3, chapter 28, Laws of 1950, first special session, is amended to read:

3. DUTIES. (a) The post auditor shall: 1. examine the accounts and financial practices of all state agencies and make full report thereon to the legislature; 2. prescribe a uniform system of accounting for all state agencies and recommend such changes or improvements in accounting as he may deem advisable; 3. examine and audit the fiscal books, records and accounts of each custodian of public funds and of each disbursing officer of the state; 4. verify the assets, liabilities, revenues and expenditures of the state and the agencies there-

of, and, 5. audit all revenue collected by or on behalf of the state, including taxes collected for the state by the counties, and make written report thereon to the governor and the legislature. In such report he shall state whether or not the revenue due the state is being properly and efficiently collected.

(b) Subject to the limitations prescribed by section 4, the post auditor shall: 1. prescribe and enforce a uniform system of bookkeeping for county officers and instruct them in the proper use thereof; 2. approve or disapprove sureties on the official bonds of county officers; 3. require each county treasurer or other custodian of county funds to file from time to time a verified statement of his account; 4. without notice and not less than two times in each year visit each county seat and at least once in each year examine the books, accounts and vouchers of each county and precinct officer and ascertain in detail the receipts and expenditures thereof; 5. inspect and verify the character and amount of all assets held on public account by each county and precinct officer and ascertain the character and amount of all claims by or allowances to such officers; 6. report to the attorney-general the refusal or neglect of a county officer to obey his instructions, and, 7. submit to the governor as often as may be deemed advisable a written report of the result of his examinations.

(c) In the performance of a duty prescribed by this Act the post auditor may take the testimony of witnesses and shall at all times have access to the books, accounts, reports, vouchers and other records of the state or any agency thereof, and may submit such records to the legislature.

Sec. 2. Chapter 28, Laws of 1950, first special session, is amended by adding Section 3A, to read:

3A. DUTIES OF OFFICERS. (a) Every county and precinct officer shall afford all necessary facilities to the post auditor, and shall make returns and exhibits to him under oath in such form and at such times as he may prescribe. When requested by the post auditor the attorney-general or any county attorney shall aid in an investigation of any matter requiring legal services, and the attorney-general shall supervise the prosecution of offenders under this Act.

(b) The governor may take such action for the public safety as the exigency may demand and may suspend any county officer from the further performance of his duties pending an examination or the furnishing of such security as the post auditor may recommend.

Sec. 3. Chapter 28, Laws of 1950, first special session, is amended by adding section 6A, to read:

6A. PENALTIES. Any person who wilfully refuses or neglects to give information or make a return or exhibit required by the post auditor in an investigation or examination under the provisions of this Act is guilty of a felony. Any person who otherwise wilfully obstructs or misleads the post auditor in the performance of his duties shall be punished as provided by section 43-3910 for obstructing, delaying or resisting a public officer in the discharge of his duties.

Sec. 4. CONDITIONS OF TAKING EFFECT. This Act shall take effect when and if section 18, article XXII, constitution of Arizona, relating to the state examiner, is repealed or the constitution if so amended as to make valid the abolition of the office of state examiner by legislative enactment. Then and in that event the office of state examiner shall be ipso facto abolished; chapter 6, Arizona Code of 1939 shall be ipso facto repealed, and the provisions of this Act shall take effect.

Approved by the Governor—March 6, 1951.

Filed in the Office of the Secretary of State—March 6, 1951.

Petition for referendum filed on June 12, 1951.

CHAPTER 21

(House Bill No. 14)

AN ACT

RELATING TO LUXURY AND PRIVILEGE TAX; PRESCRIBING PENALTIES; AMENDING SECTIONS 73-1401 AND 73-1410, ARIZONA CODE OF 1939; AND AMENDING ARTICLE 14, CHAPTER 73, ARIZONA CODE OF 1939, BY ADDING SECTION 73-1403 A.

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

Section 1. Section 73-1401, Arizona Code of 1939, is amended to read:

73-1401. DEFINITIONS. For the purposes of this Act and unless otherwise required by the context:

(a) The term "malt extract, derivatives or combinations thereof" shall mean and include all extracts, derivatives and combinations commonly called malt or malt extract, and shall include all combinations or extracts that are derivatives of sprouted barley or malt extract or products prepared in whole or in part from barley or products of barley, which may be used in the preparation or manufacture of any beverage.

(b) The term "spirituous liquor" shall mean any liquid containing more than one-half of one per cent alcohol by volume which is produced by distillation of any fermented substance and which is used or which is prepared for use as a beverage.

(c) The term "vinous liquor" shall mean any liquid containing more than one-half of one per cent alcohol by volume made by the process of fermentation of grapes, berries, fruits, vegetables or other substances, but not including those liquids in which hops or grains are used in the process of fermentation and not including liquids made by the process of distillation of such substances.

(d) The term "malt liquor" shall mean any liquid containing more than one-half of one per cent of alcohol by volume which is made by the process of fermentation and not distillation of hops or grains, but not including liquids made by the process of distillation of such substances.

(e) The terms "spirituous liquor", "vinous liquor" and "malt liquor" shall not be deemed to include medicines unsuitable for beverage purposes.

(f) The term "cigarette" shall mean all rolls of tobacco or any substitute therefor wrapped in paper or any substance other than tobacco.

(g) The term "cigars" shall mean all rolls of tobacco or any substitute therefor wrapped with tobacco.

(h) The term "retailer" shall mean any person who comes into possession of the luxuries subject to the taxes imposed by this Act for the purpose of selling such luxuries for consumption and not for resale.

(i) The term "consumer" shall mean a person who comes into possession of any of the luxuries subject to the tax imposed by this Act for the purpose of using, giving away or disposing of such luxuries in any way other than by sale, barter, or exchange.

(j) The terms "the commission" or "the tax commission" shall mean the state tax commission.

(k) The term "person" shall mean any individual, firm, copartnership, joint adventure, association, corporation, municipal corporation, estate, trust, club, society, or any other group or combination acting as a unit, and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

(l) The term "wholesaler" shall mean a person who sells any luxury taxed under the provisions of this Act to retail dealers or for the purposes of resale only.

(m) The term "luxury" shall mean any article or any object or any device upon which a tax is imposed under the provisions of this Act.

(n) The terms "affix" and "affixed", in addition to their usual and popular meaning, shall also include the imprinting of such tax meter stamps on packages and individual containers as may be authorized by the state tax commission.

Sec. 2. Article 14, Chapter 73, Arizona Code of 1939, is amended by adding Section 73-1403A to read:

73-1403A. The state tax commission, if it shall determine that it is practicable to affix stamps by an impression through the use of metering machines, may, in lieu of supplying stamps under the provisions of section 73-1403, authorize any licensed wholesaler or retailer to use any metering machine approved by it, such machine to be sealed by the state tax commission before being used, and to be used in accordance with regulations prescribed by the state tax commission. Tax meter stamps imprinted by a metering machine shall set forth plainly the denomination of such stamps and such other legends as may be prescribed by the state tax commission, in lieu of facsimile signature as set forth in section 73-1403. Any licensed wholesaler or retailer authorized by the state tax commission to affix stamps to packages or individual containers by means of metering machine shall make a prepayment at 95% of the amount of tax for which the meter register is set. The state tax commission shall cause each metering machine, approved by it, to be read and inspected at regular quarterly intervals. The state tax commission shall redeem, under regulations approved by it, the unused amount of tax for which any meter is registered, and pay for the same out of funds collected under the provisions of this article.

Sec. 3. Section 73-1410, Arizona Code of 1939, is amended to read:

73-1410. PENALTIES. (a) Any retailer who has in his possession any package, bottle, or other container containing a luxury, not bearing the stamps by this Act required to be affixed thereto, shall be guilty of a misdemeanor, and upon conviction punished by a fine of not less than twenty-five ($25.00) nor more than two hundred ($200.00) dollars for each offense.

(b) Any person engaged in the business of selling any luxury, either at wholesale or retail, who refuses or fails to produce, on demand by the commission, invoices of all luxuries purchased or received by him within two (2) years prior to such demand, unless he shows by satisfactory proof that he is unable to do so for reasons beyond his control, shall be guilty of a misdemeanor, and upon conviction punished by a fine of not less than twenty-five ($25.00) nor more than two hundred ($200.00) dollars for each offense.

(c) Any person who makes a false entry upon any invoice, package, or container of luxuries, or who with intent to avoid the tax imposed by this Act presents any such false entry for the inspection of the commission, shall be guilty of a misdemeanor, and upon conviction punished by a fine of not less than twenty-five ($25.00) nor more than two hundred ($200.00) dollars for each offense.

(d) Any person who prevents or hinders the commission from making a full inspection of any place where any luxury is sold or stored, or prevents or hinders the inspection of invoices, books, records, or papers required to be kept, shall be guilty of a misdemeanor, and upon conviction punished by a fine of not less than twenty-five ($25.00) nor more than two hundred ($200.00) dollars for each offense.

(e) Any person who sells any luxury without the stamps required by this Act being affixed thereto shall be guilty of a misdemeanor, and upon conviction punished by a fine of not less than one hundred ($100.00) nor more than five hundred ($500.00) dollars, imprisonment in the county jail not more than ninety (90) days, or both, for each offense.

(f) Any person who falsely or fraudulently makes, forges, alters, or counterfeits, or causes or procures to be falsely or fraudulently made, forged, altered, or counterfeited, any stamp, or meter impression prepared or prescribed by the commission under the authority of this Act, or who knowingly and wilfully utters, publishes, passes, or tenders as true any such false, altered, forged, or counterfeited stamp, or meter

impression, or uses any stamp provided for and required by this Act which has already once been used, for the purpose of evading the tax hereby imposed, shall be guilty of a felony, and upon conviction punished by imprisonment in the state prison not less than one (1) nor more than ten (10) years.

(g) Any person who violates any provision of this Act or lawful rule or regulation promulgated by the commission under the authority of this Act, for which no other penalty is prescribed, shall be guilty of a misdemeanor, and upon conviction punished by a fine of not less than twenty-five ($25.00) nor more than two hundred ($200.00) dollars for each offense.

(h) Any person who shall tamper with or cause to be tampered with any metering machine authorized to be used under the provisions of this section shall be guilty of a felony, and upon conviction punished by imprisonment in the state prison not less than one nor more than ten years.

Approved by the Governor—March 6, 1951.

Filed in the Office of the Secretary of State—March 7, 1951.

CHAPTER 22

(House Bill No. 29)

AN ACT

RELATING TO NO-FENCE DISTRICTS; PRESCRIBING CONDITIONS OF ORGANIZATION, AND AMENDING SECTION 50-606, ARIZONA CODE OF 1939.

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

Section 1. Sec. 50-606, Arizona Code of 1939 is amended to read:

50-606. NO-FENCE DISTRICT—ESTABLISHED ON PETITION—DISSOLUTION — VIOLATIONS — PENALTY. A majority of all taxpayers, according to the last preceding assessment roll for county and state taxes, residing on any land in an irrigation district containing not less than thirty-five thousand (35,000) acres of irrigable land for which water is available; or a majority of all taxpayers residing upon any portion of a compact body of land containing not less than twenty thousand (20,000) acres, and where at least seventy-five (75) per cent of the area of such body of land is being successfully irrigated; or a majority of all taxpayers residing

upon a body of land containing not less than one thousand (1,000) acres, said body of land being contiguous to the limits of any incorporated city or town, which city or town had a population of not less than thirty thousand (30,000) people by the last preceding United States census, and extending not more than twelve (12) miles in one direction beyond the limits of such incorporated town or city, may petition the board of supervisors of the county in which such district or land is situate, that a no-fence district be formed and that no fence be required around the land in such no-fence district as designated in said petition. Upon the filing of such petition the board shall immediately enter the facts upon its records and order such no-fence district, provided that upon application of a local livestock association, said board shall designate one or more roads across said district to be selected and properly fenced by lawful fences and be maintained by the county, over which roads live stock may be driven. The board shall publish said order once each week in a newspaper published in the county for four (4) weeks next succeeding; and from and after the completion of such publication, no fence shall be required around the lands in said no-fence district, and it shall be unlawful for live stock to thereafter run at large in such district. Such no-fence district may be dissolved at any time in the same manner as it was organized; provided it is hereby made the duty of the board of supervisors of the county, upon the application of a local live stock association, wherein no-fence districts lie, to declare a road or roads over or across said districts a stock driveway, and to erect and maintain on both sides of said road a legal fence over and across said district between which said fences live stock may be driven. The owner or owners of, and/or the person or persons in charge of any live stock, who knowingly, willfully, carelessly or negligently suffers, allows or permits any such live stock, to run at large within such no-fence district shall be guilty of a misdemeanor, and in addition thereto shall be liable in damages for such trespass in like manner as provided for the collection of damages by owners of land enclosed within lawful fences.

Approved by the Governor—March 7, 1951.

Filed in the Office of the Secretary of State—March 7, 1951.

CHAPTER 23

(House Bill No. 41)

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR A VEHICLE IDENTIFICATION NUMBER, AND AMEND-

ING ARTICLE 2, CHAPTER 66, ARIZONA CODE OF 1939, BY ADDING SECTION 66-207a.

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

Section 1. Article 2, chapter 66, Arizona Code of 1939, is amended by adding section 66-207a, to read:

66-207a. VEHICLE IDENTIFICATION NUMBER. In lieu of the engine or serial number a motor vehicle may be registered and certificate of title issued by a vehicle identification number approved by the superintendent, and the provisions of sections 66-206 and 66-207 relating to engine or serial numbers, in so far as applicable, shall apply thereto.

Approved by the Governor—March 7, 1951.

Filed in the Office of the Secretary of State—March 7, 1951.

CHAPTER 24

(House Bill No. 102)

AN ACT

RELATING TO THE ARIZONA COMMISSION OF AGRICULTURE AND HORTICULTURE, AND MAKING AN APPROPRIATION FOR THE RELIEF OF VARIOUS CLAIMANTS.

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

Section 1. APPROPRIATION. The sum of one hundred thirty-four dollars sixteen cents is appropriated to the Arizona commission of agriculture and horticulture, for the relief of the following claimants in the following amounts: 1. Graham county electric cooperative, eleven dollars sixty-four cents; 2. Safford municipal utilities, two dollars fifty cents; 3. general utilities, incorporated, one dollar seventy cents; 4. Paul Bennett tire company, four dollars seventy-six cents; 5. California spray chemical corporation, seventy-seven dollars eleven cents, and, 6. Building service, thirty-six dollars forty-five cents.

Sec. 2. BASIS OF CLAIMS. Payment of the sums appropriated shall be in full satisfaction of claims incurred during

the thirty-eighth fiscal year and remaining unpaid by reason of failure to submit claims within the period prescribed by 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.

Approved by the Governor—March 7, 1951.

Filed in the Office of the Secretary of State—March 7, 1951.

CHAPTER 25

(House Bill No. 30)

AN ACT

MAKING A DEFICIENCY APPROPRIATION TO THE STATE DEPARTMENT OF HEALTH, FOR THE ARIZONA STATE TUBERCULOSIS SANATORIUM.

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

Section 1. APPROPRIATION. The sum of eight thousand dollars is appropriated to the state department of health for the Arizona state tuberculosis sanatorium, for the remainder of the thirty-ninth fiscal year.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to supplement the appropriation made by subdivision 37, section 1, chapter 124, Laws of 1949, regular session, and to be available for other current expenditures.

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

Approved by the Governor—March 7, 1951.

Filed in the Office of the Secretary of State—March 7, 1951.

CHAPTER 26

(Senate Bill No. 64)

AN ACT

IMPOSING RESTRICTIONS UPON THE ISSUANCE OF LICENSES TO SELL SPIRITUOUS LIQUORS, BEER AND WINE.

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

Section 1. APPLICATION NOT ACCEPTED. No applications for new licenses shall be filed or accepted by the superintendent of the department of liquor licenses and control of the state of Arizona for the sale of spirituous liquors, wines or beer for a period of one year from the effective date of this Act in any of the following cases:

(a) On-sale retailer's license to sell all spirituous liquors by individual portions and in the original containers;

(b) On-sale retailer's license to sell wine and beer by individual portions and in the original containers;

(c) On-sale retailer's license to sell beer by individual portions and in the original containers;

(d) Off-sale retailer's license to sell all spirituous liquors;

(e) Off-sale retailer's license to sell wine and beer;

(f) Off-sale retailer's license to sell beer;

(g) Railroad license issued in the name of an operating railroad to sell all spirituous liquors in individual portions or in the original containers on all passenger trains operated by such railroad company.

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

Approved by the Governor—March 7, 1951.

Filed in the Office of the Secretary of State—March 7, 1951.

CHAPTER 27

(Senate Bill No. 65)

AN ACT

PRESCRIBING CONDITIONS FOR THE ISSUANCE OF LICENSES TO SELL OR DEAL IN SPIRITUOUS LIQUORS AND AMENDING ARTICLE 1, OF CHAPTER 72, ARIZONA CODE OF 1939 AS AMENDED, BY ADDING SECTION 72-105a.

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

Section 1. Article 1, chapter 72, Arizona Code of 1939, as amended, is amended by adding section 72-105a, to read:

72-105a. REJECTION AS TO LOCATION. The department of liquor licenses and control shall not accept an application, nor issue a license, to sell or deal in spirituous liquors at a location for which a prior application has been rejected until the expiration of twelve months from the date of such prior rejection.

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

Approved by the Governor—March 7, 1951.

Filed in the Office of the Secretary of State—March 7, 1951.

CHAPTER 28

(House Bill No. 47)

AN ACT

RELATING TO THE ATTORNEY-GENERAL; CREATING THE DEPARTMENT OF LAW; PROVIDING FOR APPROPRIATIONS; PRESCRIBING PENALTIES, AND REPEALING ARTICLE 5, CHAPTER 4, ARIZONA CODE OF 1939.

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

Section 1. DEPARTMENT OF LAW. (a) The department of law shall consist of the attorney-general and the subdivi-

sions of the department created as provided in this Act. Unless otherwise provided by law the department shall succeed to the powers and duties vested in and imposed upon the attorney-general, and shall: 1. prosecute and defend in the supreme court all causes in which the state or an officer thereof in his official capacity is a party; 2. at the direction of the governor or when deemed necessary by the attorney general, prosecute and defend any cause in a state court other than the supreme court in which the state or an officer thereof is a party or has an interest; 3. represent the state in any action in a federal court, the cost thereof and the expenses of the attorney-general incurred therein to be a charge against the state; 4. exercise supervisory powers over the county attorneys of the several counties in matters pertaining to that office and require reports relating to the public business thereof; 5. at the direction of the governor or whenever deemed necessary assist the county attorney of any county in the discharge of his duties; 6. maintain a docket of all causes in which the attorney-general is required to appear, showing the condition of such cause, the proceedings therein, the proceedings subsequent to judgment, and the reasons for any delay of execution; 7. upon demand, render a written opinion upon any question of law relating to the powers and duties of any state officer, county attorney, or the legislature or either house thereof, and, 8. perform such other duties as may be prescribed by law.

(b) The department of law, in the name of the state and under the direction of the governor, shall purchase property offered for sale under execution issued upon a judgment in favor of or for the use of the state, and shall enter satisfaction, in whole or in part, of such judgment as the consideration for the purchase. In the event the property of the judgment debtor has been sold under a prior judgment or is subject to a prior judgment, lien or encumbrance, the department of law, under the direction of the governor, shall redeem the property from the prior judgment, lien or encumbrance. All sums of money necessary for the redemption shall, upon the order of the governor, be paid out of money appropriated for such purpose.

(c) The department of law shall institute investigation for the discovery of property which may have escheated or would escheat to the state, and for such purpose may require any person before the superior court to answer investigations, produce books and render accounts relating to the property. The department may institute action in the superior court of the county in which the property is situate, for the recovery of escheats, or may require a county attorney to conduct such proceedings.

Sec. 2. ATTORNEY-GENERAL. The attorney-general

shall have been, for not less than five years immediately preceding the date of taking office, a practicing attorney before the supreme court of the state. He shall devote full time to the duties of the office, and shall not directly or indirectly engage in the private practice of law or in any occupation conflicting with such duties.

Sec. 3. POWERS AND DUTIES. (a) The attorney-general shall have charge of and direct the department of law, and shall serve as chief law officer of the state. As such he shall be the legal advisor of the departments of state and render such legal services as the departments may require. He shall establish administrative and operational policies and procedures within his department, approve long range plans for developing departmental programs therein, and coordinate the legal services required by other departments of the state or other state agencies.

(b) Except as otherwise provided by law the attorney-general may: 1. organize the department into such bureaus, subdivisions or units as he deems most efficient and economical, and consolidate or abolish the same; 2. adopt and promulgate rules for the orderly handling of the business of the department, and, 3. employ and assign all assistants and other employees necessary to perform the functions of the department. All assistants and employees in any legal division heretofore subject to a merit system shall remain subject to the same. The powers and duties of a bureau, subdivision or unit shall be limited to such as are assigned by law to the department.

(c) Any other provision of law to the contrary notwithstanding, no state agency other than the attorney-general shall employ legal counsel or make an expenditure or incur an indebtedness for legal services, as herein provided.

(d) Any department or agency of the state heretofore or hereafter authorized by law to maintain a legal division or incur expenses for legal services out of funds derived from sources, other than the general revenue of the state, or from any special or trust fund, shall pay out of said source of revenue, or special or trust fund into the general fund of the state, the amount appropriated by the legislature to the department of law for such legal division or legal services.

Sec. 4. ANNUAL REPORT. Not later than the fifteenth day of December of each year the attorney-general shall submit to the governor a written report of the activities of the department. A copy of the report shall be mailed to each member of the legislature; the department of library and archives

shall be provided with such number of copies as may be required for exchange with other states and agencies, and copies shall be available for distribution, upon request, to the general public.

Sec. 5. PENALTIES. The violation of any provision of this Act or of any regulation authorized by this Act is a misdemeanor, punishable upon conviction by a fine of not less than one hundred nor more than five hundred dollars, imprisonment for not less than twelve months, or both. If a person violating any provision of this Act or a regulation adopted under the authority of this Act is an officer or employee of a state agency, he shall, in addition to the above penalties, be removed forthwith from such office or employment.

Sec. 6. REPEAL. Article 5, chapter 4, Arizona Code of 1939, is repealed. This section does not negative an implied repeal of any statute which conflicts with this Act.

Approved by the Governor—March 12, 1951.

Filed in the Office of the Secretary of State—March 12, 1951.

Petition for referendum filed on June 12, 1951.

CHAPTER 29

(House Bill No. 126)

AN ACT

RELATING TO EDUCATION; PROVIDING FOR THE ESTABLISHMENT BY THE STATE BOARD OF EDUCATION OF A HOMEBOUND TEACHING PROGRAM; AND PROVIDING FOR AN APPROPRIATION.

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

Section 1. HOMEBOUND TEACHING PROGRAM. (a) The state board of education shall provide a uniform course of instruction for educable homebound students and for such purpose may negotiate with any school district deemed by the board to be strategically located to serve homebound students. A school district entering into an agreement with the board to provide homebound teaching services shall establish the program in such manner and under such rules and regulations as the board may prescribe, and shall agree to provide home-

bound teaching services to students residing in other districts not providing homebound teaching services but in need thereof. The district, not later than the fifteenth day of January of each year shall make written report to the board setting forth therein the average daily attendance in homebound teaching, the instructional costs of the homebound teaching program, and such other information as the board may require. For the purpose of determining average daily attendance a physically handicapped child receiving instruction under the homebound teaching program shall be deemed in full time attendance when he attends classes or receives instruction for a period of not less than four hours per week.

(b) For the purposes of this Act, homebound student means an educable common or high school student unable to attend regular classes due to illness, disease, accident or physical handicap, who has been examined by a private practicing physician, other than his own family doctor, and by the county superintendent of public health or the county physician, and declared by both to be unable to attend regular classes for a period of not less than a school year.

Sec. 2. FINANCIAL PROVISIONS. All homebound students as defined by section 1 of this Act, shall be included in the appropriations and apportionment made pursuant to sections 54-601, 54-601a and 54-602, and the county levy as provided in section 54-605, and in addition thereto the legislature shall appropriate to each school district providing homebound teaching services under the provisions of this Act one hundred dollars per capita per annum for each homebound student taught by such district. The appropriation shall be computed with reference to the number of homebound students taught during the preceding year as shown by the records of the superintendent of public instruction. Any additional cost resulting from the homebound teaching program and not provided for under the provisions of this section shall be met by each school district having students receiving homebound instruction. Such additional costs shall be apportioned on a per pupil basis as prescribed by the board in its rules and regulations, and will be a charge against the districts involved.

Approved by the Governor—March 12, 1951.

Filed in the Office of the Secretary of State—March 12, 1951.

CHAPTER 30

(House Bill No. 138)

AN ACT

FOR THE RELIEF OF THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY.

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

Section 1. APPROPRIATION. The sum of five hundred thirty-nine dollars fifty cents is appropriated for the relief of the Mountain States Telephone and Telegraph Company.

Sec. 2. BASIS OF CLAIM. Payment of the sum appropriated shall be in full satisfaction of the claim of the Mountain States Telephone and Telegraph Company against the Corporation Commission for telephone services and toll charges, during the third and fourth quarter of the thirty-fifth fiscal year, remaining unpaid by reason of lack of funds.

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

Approved by the Governor—March 12, 1951.

Filed in the Office of the Secretary of State—March 12, 1951.

CHAPTER 31

(House Bill No. 142)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE GOVERNOR.

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

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of section 1, subdivision 6, chapter 124, Laws of 1949, for the 39th fiscal year, the sum of six thousand two hundred sixty-three dollars ($6,263.00) is

appropriated to the governor for current expenditures, travel and capital outlay; and there is further appropriated the sum of five thousand dollars ($5,000.00) for the purpose of implementing the reorganization program for current expenditures, travel, capital outlay and personal services.

Approved by the Governor—March 12, 1951.

Filed in the Office of the Secretary of State—March 12, 1951.

CHAPTER 32

(Senate Bill No. 13)

AN ACT

RELATING TO EMPLOYMENT SECURITY; AMENDING SECTION 56-1007d, ARIZONA CODE OF 1939.

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

Section 1. Sec. 56-1007d, Arizona Code of 1939, as amended, is amended 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 pay roll;

(2) Two per centum if such excess equals or exceeds five but is less than six per centum of his average annual pay roll;

(3) One and three-fourths per centum if such excess equals or exceeds six but is less than seven per centum of his average annual pay roll;

(4) One and one-half per centum if such excess equals or exceeds seven but is less than eight per centum of his average annual pay roll;

(5) One and one-fourth per centum if such excess equals or exceeds eight but is less than nine per centum of his average annual pay roll;

(6) One per centum if such excess equals or exceeds nine but is less than ten per centum of his average annual pay roll;

(7) Three-fourths per centum if such excess equals or exceeds ten but is less than eleven per centum of his average annual pay roll;

(8) One-half per centum if such excess equals or exceeds eleven per centum of his average annual pay roll.

(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 pay roll 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 pay roll 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 pay roll 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.

Approved by the Governor—March 12, 1951.

Filed in the Office of the Secretary of State—March 12, 1951.

CHAPTER 33

(Senate Bill No. 14)

AN ACT

RELATING TO EMPLOYMENT SECURITY; AMENDING ARTICLE 10, CHAPTER 56, ARIZONA CODE OF 1939, BY ADDING SECTION 56-1010a THERETO.

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

Section 1. Article 10, chapter 56, Arizona Code of 1939, as amended, is amended by adding thereto section 56-1010a to read:

56-1010a. ACQUISITION OF LANDS AND BUILDINGS. (a) The commission is hereby authorized to acquire for and in the name of the state of Arizona by term purchase agreement such lands and buildings upon such terms and conditions as may be approved by the bureau of employment security of the United States government or such other federal agency as shall hereafter perform its functions for the purpose of providing office space for the commission at such places as the commission shall find necessary and suitable.

(b) Any agreement made for the purchase of said premises shall be subject to the approval of the attorney general as to form and as to the title thereto and shall not subject the state to any liability for the payment of such purchase price or any part or portion thereof except from such moneys as may be allocated to the state by the bureau of employment security or successor thereto for the administration of the employment security Act of Arizona.

(c) All moneys received from the United States for the payments authorized herein for such lands and buildings shall be deposited in the employment security administration fund in the state treasury and are hereby appropriated therefrom for purposes of this Act.

(c) It is declared to be the policy of the state that in the event such premises are purchased pursuant to this Act, the employment security commission or such other department of the state as may hereafter perform its functions, shall be housed therein; or if, in the future, it may be desirable to move said employment security commission, other substantially sim-

ilar space will be furnished by the state to said commission without further payment therefor by the United States.

Approved by the Governor—March 12, 1951.

Filed in the Office of the Secretary of State—March 12, 1951.

CHAPTER 34

(Senate Bill No. 15)

AN ACT

RELATING TO EMPLOYMENT SECURITY; AMENDING SECTION 56-1004, ARIZONA CODE OF 1939.

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

Section 1. Sec. 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) Registration. 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) Claim. He has made a claim for benefits in accordance with the provisions of section 56-1006, Arizona Code of 1939, as amended;

(c) Able and Available. He is able to work, and is available for work;

(d) Residence. He is residing in Arizona at the time he registers for work and files a claim for benefits or is residing in another state of the United States or a foreign country which have entered into reciprocal arrangements with the commission as provided by section 56-1018 Arizona Code Annotated 1939, as amended;

(e) Waiting Period. He has been unemployed for a waiting period of one week. No week shall be counted as a week of unemployment for the purpose 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.

(f) Qualifying Wages. 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 three thousand dollars 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. 2. EFFECTIVE DATE. Provisions of this Act shall become effective from and after June 30, 1951.

Approved by the Governor—March 12, 1951.

Filed in the Office of the Secretary of State—March 12, 1951.

CHAPTER 35

(Senate Bill No. 16)

AN ACT

RELATING TO EMPLOYMENT SECURITY; AMENDING SECTION 56-1003a, ARIZONA CODE OF 1939.

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

Section 1. Sec. 56-1003a, Arizona Code of 1939, as amended, is amended to read:

56-1003a. BENEFIT AMOUNT. (a) An individual's weekly benefit amount shall be an amount equal to one twenty-fifth 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 twenty-fifth of his high quarter earnings, but can qualify for a weekly benefit amount of one dollar less than one twenty-fifth of his high quarter earnings, his weekly benefit amount shall be one dollar less than one twenty-fifth 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 five dollars. Such benefit, if not a multiple of one dollar, shall be computed to the next higher multiple of one dollar.

Sec. 2. EFFECTIVE DATE. Provisions of this Act shall become effective from and after June 30, 1951.

Approved by the Governor—March 12, 1951.

Filed in the Office of the Secretary of State—March 12, 1951.

CHAPTER 36

(Senate Bill No. 17)

AN ACT

RELATING TO EMPLOYMENT SECURITY; AMENDING SECTION 56-1016, ARIZONA CODE OF 1939.

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

Section 1. Sec. 56-1016, Arizona Code of 1939, as amended, is amended to read:

56-1016. PENALTIES. (a) Whoever makes a false statement or representation knowing it to be false or knowingly

fails to disclose a material fact, to obtain or increase any benefit or other payment under this Act, either for himself or for any other person, or under an employment security law of any other state, of the federal government, or of a foreign government, shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment for not longer than sixty days, or by both such fine and imprisonment; and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense.

(b) Any employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact, to defraud an individual by preventing or reducing the payment of benefits to any individual entitled thereto, or to avoid becoming or remaining subject hereto or to avoid or reduce any contribution or other payment required from an employing unit under this Act, or under the employment security law of any other state, of the federal government or of a foreign government, or who wilfully fails or refuses to make any such contributions or other payment or to furnish any reports required hereunder or to produce or permit the inspection or copying of records as required hereunder, shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment for not longer than sixty days, or by both such fine and imprisonment; and each such false statement or representation or failure to disclose a material fact, and each day of such failure or refusal shall constitute a separate offense.

(c) Any person who shall wilfully violate any provision of this Act or any rule or regulation thereunder, the violation of which is made unlawful or the observance of which is required under the terms of this Act, and for which a penalty is neither prescribed herein nor provided by any other applicable statute, shall be punished by a fine of not less than twenty dollars nor more 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.

(d) Any person who, by reason of the nondisclosure or misrepresentation by him or by another, of a material fact (irrespective of whether such nondisclosure or misrepresentation was known or fraudulent) has received any sum as benefits under this Act while any conditions for the receipt of benefits imposed by this Act were not fulfilled in his case, or while he was disqualified from receiving benefits, shall, in the discretion of the commission, either be liable to have such sum de-

ducted from any future benefits payable to him under this Act or shall be liable to repay to the commission for the unemployment compensation fund, a sum equal to the amount so received by him, and such sum shall be collectible in the manner provided in section 56-1014a, Arizona Code of 1939, as amended, for the collection of past due contributions.

(e) On request of an agency which administers an employment security law of another state or foreign government, and which has found in accordance with the provisions of such law that a claimant is liable to repay benefits received under such law by reason of having knowingly made a false statement or misrepresentation of a material fact with respect to a claim taken in this state as an agent for such agency, the commission may collect the amount of such benefits from such claimant to be refunded to such agency. In any case in which under this subsection a claimant is liable to repay any amount to the agency of another state or foreign government, such amounts may be collected without interest by civil action in the name of the commission acting as agent for such agency, provided that the court costs shall be paid by the liable state.

(f) Records, with any necessary authentication thereof, required in the prosecution of any criminal action brought by another state or foreign government for misrepresentation to obtain benefits under the law of this state, or for collecting sums claimant is liable to repay under the law of this state, shall be made available to the agency administering the employment security law of any such state or foreign government for the purpose of such prosecution and collection.

Approved by the Governor—March 12, 1951.

Filed in the Office of the Secretary of State—March 12, 1951.

CHAPTER 37

(Senate Bill No. 18)

AN ACT

RELATING TO EMPLOYMENT SECURITY; AMENDING ARTICLE 10, CHAPTER 56, ARIZONA CODE OF 1939, BY ADDING SECTION 56-1007h THERETO.

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

Section 1. Article 10, chapter 56, Arizona Code of 1939, as

amended, is amended by adding thereto section 56-1007h to read:

56-1007h. NON-CHARGEABLE BENEFITS. Benefits paid to any individual whose separation from work with any employer occurs under conditions found by the commission to be within the provisions of subsections (a) and (b) of section 56-1005, Arizona Code of 1939, shall not be used as a factor in determining the future contribution rate of the employer from whose employment such individual so separated, provided, however, such employer establishes such condition of separation to the satisfaction of the commission by submitting such information as the commission shall require within the time prescribed after the individual first files a claim for benefits, or in the event no claim is filed by such individual within thirty days after his separation from such employer, unless such employer is claimant's last employer, then within ninety days of such date of separation. A determination that benefits paid shall be used in determining future contribution rates of such employer, may be appealed by such employer in the same manner provided for appeals of benefit determinations.

Sec. 2. EFFECTIVE DATE. Provisions of this Act shall become effective from and after June 30, 1951.

Approved by the Governor—March 12, 1951.

Filed in the Office of the Secretary of State—March 12, 1951.

CHAPTER 38

(Senate Bill No. 19)

AN ACT

RELATING TO EMPLOYMENT SECURITY; AMENDING SECTION 56-1003e, ARIZONA CODE OF 1939.

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

Section 1. Sec. 56-1003e, Arizona Code of 1939, as amended, is amended to read:

56-1003e. DEPENDENTS' ALLOWANCES. (a) Each individual who is unemployed in any week, in addition to his weekly benefit for unemployment, shall be paid a dependents' allowance of two dollars for the first dependent and two dol-

lars for each additional dependent, but not more than six dollars shall be paid to an individual as dependents' allowance with respect to any one week of unemployment. No dependents' allowances shall be paid to an individual for any dependent who is being paid unemployment benefits under this Act or benefits under any other state or federal unemployment insurance Act.

(b) As used in this Act, unless the context otherwise requires, "dependent" means a claimant's unmarried child (including stepchild and adopted child, whether or not legally adopted) who is under eighteen years of age and is living with the claimant or receiving regular support from the claimant; a claimant's wife or husband who is living with the claimant or receiving regular support from the claimant and who is not regularly engaged in rendering services for remuneration or in any occupation for profit; a claimant's parent, step-parent, and parent-in-law, who is wholly or mainly supported by the claimant.

(c) The number of dependents certified by a claimant at the commencement of his benefit year shall determine the amount of weekly dependents' allowance to be paid to such claimant during such benefit year.

Sec. 2. EFFECTIVE DATE. Provisions of this Act shall become effective from and after June 30, 1951.

Approved by the Governor—March 12, 1951.

Filed in the Office of the Secretary of State—March 12, 1951.

CHAPTER 39

(Senate Bill No. 20)

AN ACT

RELATING TO EMPLOYMENT SECURITY; AMENDING ARTICLE 10, CHAPTER 56, ARIZONA CODE OF 1939, BY ADDING SECTION 56-1005a THERETO.

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

Section 1. Article 10, chapter 56, Arizona Code of 1939, as amended, is amended by adding thereto section 56-1005a to read:

56-1005a. ADMINISTRATIVE PENALTY, RECOVERY, AND RECOUPMENT. Any person who:

(a) Within the twenty-four calendar months immediately preceding a week in which he files a valid claim for benefits has made a false statement or representation of a material fact knowing it to be false, or knowingly failed to disclose a material fact with intent to obtain benefits under article 10, chapter 56, Arizona Code of 1939, as amended, shall be disqualified for the week for which such claim was filed and for not more than the fifty-one weeks immediately following such week as determined by the commission according to the circumstances in each case.

Approved by the Governor—March 12, 1951.

Filed in the Office of the Secretary of State—March 12, 1951.

CHAPTER 40

(Senate Bill No. 9)

AN ACT

RELATING TO PUBLIC FINANCES; PROVIDING FOR THE ALLOTMENT OF APPROPRIATIONS, AND AMENDING SECTION 10-925, ARIZONA CODE OF 1939.

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

Section 1. Sec. 10-925, Arizona Code of 1939, is amended to read:

10-925. ALLOTING APPROPRIATIONS TO CLASSES AND OBJECTS. When an appropriation is authorized, and before any obligation thereon is incurred, the head of the budget unit to which the appropriation is made shall fill out an allotment request furnished by the auditor, subdividing the appropriation to coincide with the classes and subclasses of expenditures employed in the accounts of the auditor, and the auditor shall allot the appropriation accordingly. No allotment or expenditure shall be made for an object not within the purpose of the appropriation, and nothing in this Act shall be construed to authorize the expenditure of an appropriation for a purpose other than for which it was made. No allotment or exenditure in excess of one-fourth of the annual appropriation, for any purpose other than capital outlay and fixed

charges, shall be made in any fiscal quarter. Appropriations for capital outlay and appropriations other than for fiscal years shall be alloted as needed. The provisions of this section shall not apply to the university of Arizona and state colleges.

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 12, 1951.

Filed in the Cffice of the Secretary of State—March 12, 1951.

CHAPTER 41

(House Bill No. 50)

AN ACT

RELATING TO PUBLIC FINANCE; CREATING THE DEPARTMENT OF FINANCE; DEFINING ITS POWERS AND DUTIES; PROVIDING FOR THE COORDINATION OF STATE AGENCIES ADMINISTERING PUBLIC FINANCE AND BUDGETING AND FOR THE TRANSFER OF THEIR POWERS AND DUTIES TO THE DEPARTMENT OF FINANCE; ABOLISHING CERTAIN AGENCIES; PRESCRIBING PENALTIES; AND REPEALING SECTIONS 4-318 AND 4-319, ARIZONA CODE OF 1939, AS AMENDED.

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

Section 1. SHORT TITLE. This Act may be cited as the financial administration Act of 1951.

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

"department" means the department of finance.

"commissioner" means the commissioner of finance.

"board" means the board of finance.

"state agency" means an office, officer, board, commission,

bureau, institution or other instrumentality of the state government the duties and powers of which are affected by the provisions of this Act.

"supplies" means material and equipment, including the printing, binding and publication of laws, journals and reports, used by or furnished to the state or an agency thereof.

Sec. 3. DEPARTMENT OF FINANCE. The department of finance shall consist of the commissioner of finance, the board of finance, and the divisions of the department prescribed in this Act.

Sec. 4. COMMISSIONER. (a) The commissioner of finance shall have charge of and direct the department, act as chief financial officer of the state, advise the governor and the legislature in matters relating to the financial affairs thereof and provide secretarial and other office services required by the board of finance.

(b) The commissioner shall be appointed by the governor with the advice and consent of the senate, and shall serve at the pleasure of the governor or until a successor is appointed and qualifies. He shall be possessed of a thorough knowledge of modern business methods, with not less than eight years experience in business and finance, of which at least five years shall have been spent in a responsible administrative capacity in a large governmental or business institution. He shall devote full time to the duties of the office, and shall not engage, directly or indirectly, in any occupation which conflicts with such duties. The commissioner shall receive an annual salary of not to exceed seven thousand two hundred dollars.

(c) Not later than the fifteenth day of December of each year the commissioner shall submit to the governor a written report of the activities of the department. A copy of the report shall be mailed to each member of the legislature; the department of library and archives shall be provided with such number of copies as may be required for exchange with other states and agencies, and copies shall be available for distribution, upon request, to the general public.

Sec. 5. BOARD OF FINANCE. (a) The board of finance shall consist of five members, to be appointed by the governor with the advice and consent of the senate. Upon the taking effect of this Act one member shall be appointed for a term ending the third Monday of January, 1952, and one each for terms ending one, two, three and four years thereafter. Upon the completion of each such term a successor shall be appointed for a full term of five years. In the event of a vacancy

caused otherwise than by expiration of term appointment shall be for the unexpired portion thereof. Members shall be chosen for demonstrated ability in the field of business and financial management and interest in public affairs, and shall hold no other public office. The governor may remove a member, effective upon the confirmation of his successor by the senate.

(b) The board shall meet and organize by the election from among its members of a chairman, a vice-chairman, and a secretary. The board shall hold regular monthly meetings and such special meetings, on the call of the chairman, the governor, or of not less than three members of the board, as may be deemed advisable. Three members shall constitute a quorum for the transaction of business.

(c) Members of the board shall receive fifteen dollars for each day spent in the performance of official duties, and reimbursement for necessary travel and other expenses as provided by law for state officers. Beginning January 1, 1952, per diem payments shall be limited to one hundred days in any calendar year.

Sec. 6. POWERS AND DUTIES. (a) The board of finance shall exercise advisory, quasi-legislative and appeal functions relating to questions of policy arising in the administration of the fiscal affairs of the state, and shall: 1. approve or disapprove: 1a. applications for transfers from contingent appropriations to appropriations for state agencies; 1b. state depositories designated under the provisions of section 10-302; 1c. investment of public funds under the provisions of section 10-308, and, 1d. budget estimates; 2. hear and determine appeals from any act or decision of the commissioner; 3. prescribe rules and regulations for the conduct of the work of the department, and, 4. hear and determine cases relating to the conduct of the business of the department.

(b) In the exercise of any duty, power or function prescribed in subsection (a) the board of finance shall have the power to make or cause to be made, through the facilities of the department, any investigation or study desired to aid in the formulation of policies or to determine the wisdom and efficacy of any policy, plan or procedure in effect, and to report its findings and recommendations to the commissioner, the governor, and the legislature.

(c) Not later than the first day of December in each year the board shall submit to the commissioner of finance a written report of the activities of the board, which shall be embodied in the annual report of the commissioner of finance.

Sec. 7. TRANSFER OF DUTIES. (a) Except as otherwise provided in this Act the board of finance shall succeed to and is vested with the duties and powers heretofore vested in and imposed upon: 1. the governor, the state treasurer and the state auditor, in so far as they relate to the designation of depositories and the investment of public money, under the provisions of article 3, chapter, 10, Arizona Code of 1939; 2. the loan commissioners, as provided by section 10-401, and, 3. the state certification board, as provided by section 75-447.

(b) The loan commissioners of the state of Arizona and the state certification board are abolished.

Sec. 8. DIVISIONS. (a) The department of finance shall include a division of accounts and control, a division of the budget, a division of purchases and property control, and a division of administrative services. Except as otherwise provided in this Act, each division shall have supervision, control and power of regulation, subject to the approval of the commissioner, over the administration, execution and enforcement of laws relating to the several functions and services assigned to it.

(b) Except as otherwise provided by law, the director of each division shall have authority, with the approval of the commissioner, to: 1. organize the division into such bureaus, subdivisions or units as he deems most efficient and economical, and consolidate or abolish the same; 2. adopt and promulgate rules for the orderly handling of the duties of the division; 3. employ and assign all assistants and other employees authorized by law and necessary to perform functions of the division, and, 4. administer the laws relating to the functions of the division. The powers and duties of a bureau, subdivision or unit created under the provisions of item 1 of this subsection shall be limited to such as are assigned by law to the division to which attached.

(c) The director of each division shall be appointed by and serve at the pleasure of the commissioner; he shall devote his full time to the duties of his office; shall hold no other public office or position of profit; shall not serve on or under any political party committee or officer nor actively engage in any political campaign. He shall receive a salary to be determined by legislative appropriation.

(d) Not later than the first day of September of each year the director of each division shall submit to the commissioner a written report setting forth all material facts with respect to the activities of the division during the fiscal year immediately preceding, and shall make supplemental or special re-

ports at such times and upon such subjects as the commissioner may require.

Sec. 9. DIVISION OF ACCOUNTS AND CONTROL. The division of accounts and control shall: 1. keep the general accounts of the state and a summary of the financial transactions of all state agencies; 2. maintain a detailed appropriation and allotment account for each state agency; 3. prepare and submit to the commissioner of finance all accounting statements and reports relating to: 3a. the operation and condition of state funds; 3b. appropriations; 3c. reserves, and, 3d. cost of operation of state government; 4. maintain a current audit of the receipts and expenditures of each state agency; 5. preaudit and certify as to the availability of funds for all commitments evidenced by copies of advices of employment, purchase orders, contracts, service agreements and travel authorizations, and, 6. approve and settle all valid claims against the state and provide for the payment thereof by issuing warrants drawn upon state treasurer or other officer charged with the custody of state funds.

Sec. 10. CONTROLLER. (a) Conditioned as provided by subsection (c), the controller shall succeed to and is vested with the duties and powers heretofore vested in and imposed upon the state auditor and shall, under the supervision of the commissioner of finance, administer the division of accounts and control.

(b) The controller shall be possessed of a thorough knowledge of modern business methods and shall hold a degree in accounting from a recognized college or university, or in lieu thereof shall have had four years experience as department or division head of an auditing, accounting or fiscal control department of the federal government or of a state, county or city government or as the head of the auditing or accounting department of a banking, industrial or commercial organization having not less than one hundred employees.

(c) Until and unless the constitution is so amended as to abolish the office of state auditor or to make valid its abolition by legislative enactment, the state auditor shall be deemed to be the controller and the provisions of this Act relating to the appointment of a controller and prescribing his qualifications, term of office and salary shall have no force or effect.

Sec. 11. DIVISION OF THE BUDGET. (a) The division of the budget shall succeed to and is vested with the duties and powers with respect to budgeting vested in the state auditor under the provisions of sections 10-903 to 10-911 inclusive of the budget and financial administration Act of 1943.

(b) In the performance of the duties and powers prescribed in subsection (a) the division shall: 1. keep in continuous touch with the operations, plans and needs of state agencies and with the sources and amounts of state revenue; 2. appraise the quantity and quality of services rendered by each state agency and the need therefor; 3. develop, in cooperation with each state agency, a comprehensive, long range plan for capital outlay consistent with means available for financing the same; 4. prepare the annual budget report, including statements relative to the justification of estimates and work schedules; 5. recommend appropriate transfers of appropriations; 6. examine and recommend to the governor the approval of work programs and allotments to state agencies; 7. develop plans for improvements and economies in the organization and operation of state agencies, and install such as may be approved by the head of each state agency affected, or as may be directed by the governor or by law, and, 8. prescribe the form and, unless fixed by law, the dates of submission of operation reports by state agencies.

Sec. 12. DIRECTOR OF THE BUDGET. The director of the budget, under the supervision of the commissioner of finance, shall be the governing officer of the division of the budget. He shall be possessed of extensive experience in the financial management and administration of a large governmental or business institution.

Sec. 13. BUDGET PERSONNEL. The director of the budget shall appoint: 1. a budget technician, possessing qualifications to make management studies and to apply professional engineering knowledge and techniques to budget making, and, 2. a senior stenographer, who shall have charge of and direct the clerical and stenographic work of the division of the budget.

Sec. 14. DIVISION OF PURCHASES AND PROPERTY CONTROL. (a) Except as otherwise provided by this Act, the powers and duties of state agencies relating to the purchase of supplies are transferred to and vested in the division of purchases and property control.

(b) This section shall be deemed to apply only to a state agency receiving a direct appropriation for its operation.

Sec. 15. STATE PURCHASING AGENT. (a) The state purchasing agent, under the supervision of the commissioner of finance, shall be the governing officer of the division of purchases and property control. He shall be possessed of extensive experience in the management and administration of a large governmental or business institution and shall qualify

by filing with the secretary of state an official bond in the sum of fifty thousand dollars, conditioned upon the faithful performance of his duties.

(b) The state purchasing agent shall appoint such assistants as may be necessary to carry out the purposes of this Act, assign their duties, and fix their compensation.

Sec. 16. POWERS AND DUTIES. (a) The division of purchases and property control shall: 1. establish and enforce standard specifications applicable to supplies, materials and equipment purchased for the use of state agencies; 2. lease grounds, buildings and office or other space required by state agencies; 3. transfer supplies to or between state agencies; 4. sell obsolete or unused supplies, and, 5. contract for and make rules and regulations governing repairs, alterations and additions to equipment or buildings already erected, and to other improvements on state buildings or grounds. Unless otherwise provided by law, the state purchasing agent shall supervise the erection of new buildings, subject to plans approved by the state agency having control of the same.

(b) The division of purchases and property control shall: 1. purchase all supplies required by any state agency; 2. purchase all fuel, lights, water and other office and building services for state agencies; 3. cause to be made all repairs or structural replacements required for any state building; 4. supervise central storerooms and warehouses operated by the state; 5. maintain a current inventory of removeable equipment and real property belonging to or under lease to the state or its agencies, except such as is administered by the state land department, showing the occupying agency, location both by legal description and metes and bounds, cost, and date of acquisition, and, 6. purchase, with the approval of the governor, all property, including real estate, needed for state use.

(c) Nothing in this section shall be construed to affect the powers and duties of any state agency with respect to the purchase and supply, production and distribution among state institutions, including supervision of use, of industrial or agricultural products produced by state institutions.

Sec. 17. STANDARDIZATION COMMITTEE. The state purchasing agent may establish an advisory committee on standardization, consisting of a representative from each state agency consuming a distinct class of supplies, who shall serve without additional compensation. The standardization committee shall: 1. advise the state purchasing agent on the formulation and modification of rules and regulations relating to the purchasing policy of the state; 2. assist in the formulation or

modification of standard specifications for supplies, and, 3. advise the state purchasing agent regarding the needs of state agencies, the extent to which supplies may be practically covered by standard specifications, and which supplies warrant authorization for direct purchase.

Sec. 18. SPECIFICATIONS. Standard specifications for supplies shall, in so far as practicable, satisfy the requirements of the state agencies using such supplies, and upon adoption by the state purchasing agent shall apply to all purchases or supplies described in such specifications. When necessary to meet the needs or conditions of a particular agency the state purchasing agent may purchase commodities not conforming to standard specifications, or may authorize their direct purchase by such agency.

Sec. 19. EMERGENCY PURCHASES. The state purchasing agent may authorize, in writing, a state agency to purchase in the open market and without requisition or estimate, specific supplies for immediate delivery, to meet emergencies arising from unforeseen causes, including delays by contractors, delays in transportation and unanticipated volume of work.

Sec. 20. PURCHASE BY STATE AGENCY. In the event a state agency determines it can purchase supplies at a cost less than would be obtained by submitting a requisition as provided by this Act, such agency shall submit to the state purchasing agent a purchase request setting forth a list of the supplies to be purchased, and the source from which and the price at which the supplies may be purchased. If, after investigation, the state purchasing agent determines the purchase request to be correct he shall, within five days after receipt thereof, authorize the state agency to purchase the supplies at the price and from the source stated in the purchase request.

Sec. 21. REQUISITIONS. Except as provided in sections 18, 19 and 20, supplies shall be purchased by or furnished to a state agency only upon requisitions submitted to the state purchasing agent, signed by the head or authorized agent of such agency. The purchasing agent shall have power to revise the requisition as to quantity, quality or estimated cost.

Sec. 22. BIDS. (a) Bids on supplies required by the state or an agency thereof shall be submitted to the state purchasing agent under such rules and regulations as he may prescribe. The state purchasing agent may require a bond, conditioned upon proper performance of a contract, to be furnished by a qualified surety company. All bids shall be recorded under

the name of the bidder, and the successful bid indicated in each instance, but the state purchasing agent may reject any or all bids. The record of bids, after the award or letting of a contract, shall be open for public inspection.

(b) Contracts or orders for supplies shall be made or awarded to the lowest responsible bidder, based on cost, quality, conformity with specifications, purpose for which required, and date of delivery. Supplies of a like quality, manufactured or produced in the state, shall receive a preference in cost of not to exceed five per cent.

Sec. 23. RULES AND REGULATIONS. Except as otherwise provided by law, and subject to the approval of the commissioner of finance and the board of finance, the state purchasing agent shall prescribe and promulgate rules and regulations: 1. authorizing state agencies to purchase directly specified supplies, limiting their powers thereto and describing the manner in which purchases shall be made; 2. prescribing the manner in which supplies shall be purchased, delivered, stored and distributed; 3. requiring quarterly reports by state agencies of stock of supplies on hand and prescribing the form of such reports; 4. prescribing dates for making requisitions and estimates, the periods for which they are to be made, and the form and manner of authentication; 5. prescribing the manner of inspecting deliveries of supplies and, when advisable, making chemical and physical tests of samples submitted with bids; 6. providing for the transfer of surplus supplies from one state agency to another, subject to the provisions of subsection (c), section 16, and for disposal by private or public sale of obsolete or unusable supplies; 7. prescribing the amount of deposit or bond, conditioned upon faithful performance of contract, to be exacted of bidders, and, 8. providing for such other matters as may be deemed necessary to give force and effect to the provisions of this Act.

Sec. 24. QUARTERS AND PERSONNEL. The state purchasing agent, with the approval of the commissioner of finance and the board, shall rent such space as may be necessary to effect the purposes of his office, including warehouse facilities for the maintenance of supplies for state agencies, and employ necessary personnel, assign their duties and fix their salaries.

Sec. 25. REVOLVING FUND. The state purchasing agent may establish a revolving fund, in an amount not exceeding twenty-five thousand dollars, for use in making purchases designed to take advantage of favorable market conditions, or for stocking the central warehouse, which fund shall be re-

imbursed from the appropriations of state agencies receiving such supplies.

Sec. 26. DIVISION OF ADMINISTRATIVE SERVICES. The division of administrative services shall, except as otherwise provided in this Act, furnish clerical, reproduction, record keeping, mail, messenger and similar services to the other divisions of the department and to such other state agencies as may request the same.

Sec. 27. DIRECTOR OF ADMINISTRATIVE SERVICES. Subject to the supervision of the commissioner, the director of administrative services shall be the governing officer of the division of administrative services. He shall be possessed of extensive experience in the management and administration of a large governmental or business institution.

Sec. 28. MAILING ROOM. The director of administrative services may establish and operate a central mailing room through which shall pass, under rules and regulations approved by the commissioner of finance, all official mail going out from any office or agency located within the capitol building or state office building, and for such purpose the director of administrative services shall procure a mailing permit from the United States post office department. Upon the establishment of the central mailing room it shall be unlawful for any administrative department or division, other than the division of administrative services, to expend state funds for postage for mail required to pass through the central mailing room.

Sec. 29. MIMEOGRAPH DEPOT. If deemed to be in the interest of economy, the director of administrative services may establish, or arrange therefor with any other agency of the state government, a central mimeographing, multigraphing and tabulating depot, where the work of the several departments and state agencies requiring such services may be performed under a system of compensation approved by the director of administrative services.

Sec. 30. UNLAWFUL CONTRACTS. (a) Except as otherwise provided by law, it is unlawful: 1. for a state agency required by this Act or by the rules and regulations established in conformity therewith to purchase supplies from the state purchasing agent, to purchase or to make a contract for the purchase of supplies from any other source; 2. for any such state agency to make a contract for the purchase of supplies in which an officer or employee of the state agency has a personal interest, or, 3. for the state purchasing agent or any employee thereof to show partiality in the awarding of a contract provided by this Act.

(b) Any purchase, contract to purchase, or award of a contract to purchase made contrary to the provisions of this section shall be null and void, and the head of the department and the employee making such unlawful purchase or contract shall be liable for the cost thereof. In the event supplies so wrongfully purchased are paid for out of state funds, the state may institute action in the proper court for the recovery thereof.

Sec. 31. LAWS CONTINUED. In the event a state agency is by this Act abolished or shall hereafter become abolished through the fulfillment of a condition by this Act imposed, and the duties, authority and jurisdiction thereof are transferred to a board, council or division created under the provisions of this Act, all laws relating to the duties, jurisdiction and authority of such agency, except as otherwise provided by law, are continued in force.

Sec. 32. PENALTIES. The violation of any provision of this Act or of any regulation authorized by this Act is a misdemeanor, punishable upon conviction by a fine of not less than one hundred nor more than five hundred dollars, imprisonment for not less than twelve months, or both. If a person violating any provision of this Act or a regulation adopted under the authority of this Act is an officer or employee of a state agency, he shall, in addition to the above penalties, be removed forthwith from such office or employment.

Sec. 33. REPEAL. Sections 4-318 and 4-319, Arizona Code, 1939, as amended, are hereby repealed.

Approved by the Governor—March 12, 1951.

Filed in the Office of the Secretary of State—March 12, 1951.

Petition for referendum filed on June 12, 1951.

CHAPTER 42

(Substitute House Bill No. 32)

AN ACT

RELATING TO CITIES AND TOWNS; AMENDING ARTICLE 2, OF CHAPTER 16, ARIZONA CODE, 1939, ANNOTATED, BY ADDING A NEW SECTION TO BE NUMBERED 16-233; AUTHORIZING CITIES AND TOWNS

TO CREATE THE OFFICE OF CITY OR TOWN MANAGER AND APPOINT A PERSON THERETO.

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

Section 1. Chapter 16, Article 2, Arizona Code, 1939, Annotated, is amended by adding a new section thereto to be numbered section 16-233, to read:

16-233. CITY OR TOWN MANAGER. The governing body of any city or town, in addition to the officers already specified by law, may, by ordinance, create the office of city or town manager, and appoint a person thereto, to be known as the city or town manager. The city or town manager shall have and exercise such powers and perform such duties relating to the affairs of such city or town as shall be specified by ordinance, creating the office of city or town manager. The person appointed to the office of city or town manager shall serve at the pleasure of the governing body of the city or town and may be removed without cause, by a majority vote thereof.

Approved by the Governor—March 12, 1951.

Filed in the Office of the Secretary of State—March 12, 1951.

CHAPTER 43

(Senate Bill No. 33)

AN ACT

RELATING TO ANNUAL REPORTS OF STATE AND COUNTY OFFICERS, BOARDS, COMMISSIONS OR AGENCIES; PROVIDING FOR ANNUAL REPORTS ON A FISCAL YEAR BASIS.

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

Section 1. OFFICIAL REPORTS. Any and all state or county officers, boards, commissions or agencies which are by law required to prepare, make or publish annual reports of financial condition or operations, excepting the Arizona industrial commission, shall notwithstanding any provision of law to the contrary, prepare, make or publish such reports within ninety days after the close of each fiscal year, and such reports shall disclose with respect to such fiscal year, rather than the calendar year, all matters and things required by law.

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

Approved by the Governor—March 14, 1951.

Filed in the Office of the Secretary of State—March 14, 1951.

CHAPTER 44

(Senate Bill No. 35)

AN ACT

RELATING TO SCHOOL DISTRICTS; CREATING THE ARIZONA SCHOOL BOARD ASSOCIATION, AND PRESCRIBING ITS POWERS AND DUTIES, AND ESTABLISHING SALARIES.

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

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

"association" means the Arizona school board association.

"district" includes elementary and high school districts.

"board members" includes the members of the board of trustees of elementary school districts and the members of boards of education of high school districts.

Sec. 2. ARIZONA SCHOOL BOARD ASSOCIATION. (a) Members of the boards of trustees of elementary school districts and members of the boards of education of high school districts may be members ex officio of the Arizona school board association.

(b) The association shall coordinate educational policies and procedures and promote the uniform application of the school laws of the state, and shall from time to time submit to the state superintendent of public instruction and the legislature reports, recommendations and proposed legislation relating to educational or such related subjects as may be deemed likely to effect an improvement in the public school system,

or to coordinate policy making, control and management of school districts.

Sec. 3. ELECTION OF DELEGATES. Within ninety days from the effective date of this Act and at the call of the county school superintendent, the board members of each county, shall meet and elect from among their members, two delegates to represent the county at a statewide organizational meeting. The county school superintendent shall act as chairman of the county meeting, and shall forthwith transmit to the state superintendent of public instruction the names of the two county delegates elected.

Sec. 4. STATEWIDE ORGANIZATIONAL MEETING. Within sixty days after receipt of the names of the county delegates, the state superintendent of public instruction shall call a meeting of the county delegates for the purpose of organizing the association. At such meeting the county delegates shall organize by the election of officers and shall adopt a constitution, bylaws, and rules and regulations, not inconsistent with law, for the government of the association and its subordinate units. The association may provide for such annual or special meetings as may be deemed necessary or advisable, for the payment of travel and other necessary expenses incurred by its members in the performance of official duties, and may employ an executive secretary and an assistant secretary or stenographer, prescribe their powers and duties and fix their salaries, provided, the employees of the association shall be limited to an executive secretary whose salary shall not exceed the sum of four thousand eight hundred dollars per annum and an assistant secretary or stenographer whose salary shall not exceed the sum of two thousand four hundred dollars per annum.

Sec. 5. MEMBERSHIP DUES. (a) Each district, if the board members thereof become members ex officio of the association, at the time and in the manner prescribed in the rules and regulations of the association, may annually pay into the treasury thereof, membership dues in an amount not to exceed ten cents for each pupil in average daily attendance in such district for the previous year, as shown by the records of the state superintendent of public instruction, but in no event shall the annual membership dues for a district be less than five dollars.

(b) All money collected by the association under the provisions of this section shall be used for the payment of the expenses of the association incurred in carrying out the provisions of this Act. The annual membership dues shall be a charge against the district whose board members become

members ex officio of the association, and shall be included in the annual budget thereof.

Approved by the Governor—March 14, 1951.

Filed in the Office of the Secretary of State—March 14, 1951.

CHAPTER 45

(Senate Bill No. 49)

AN ACT

RELATING TO IRRIGATION AND AGRICULTURAL IMPROVEMENT DISTRICTS, LOCATED IN A FEDERAL RECLAMATION PROJECT; EMPOWERING SUCH IRRIGATION AND AGRICULTURAL IMPROVEMENT DISTRICTS TO ISSUE REVENUE BONDS FOR UNDERTAKINGS AND TO PROVIDE REVENUES FOR THE PAYMENT OF SUCH BONDS; DEFINING UNDERTAKING; PRESCRIBING THE PROCEDURE FOR THE ISSUANCE AND SALE OF SUCH BONDS; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; 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 irrigation and agricultural improvement district revenue bond Act of 1951.

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

"district" means any irrigation or agricultural improvement district located in a federal reclamation project, now or hereafter organized pursuant to law;

"board of directors" means the board having charge of the affairs of the district;

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

"undertaking" means the purchase, construction, leasing or acquisition of any real or personal property, works or facilities which the district is authorized by law to purchase, con-

struct, lease, or otherwise acquire, or the improvement, reconstruction, extension or addition to any real or personal property, works or facilities owned or operated by the district, but does not include the purchase or acquisition by the exercise of the right of eminent domain or condemnation of any existing works or facilities, nor the purchase, construction, leasing or acquisition of, or the extension or addition of, works or facilities designed to serve areas or territories outside the boundaries of the federal reclamation project in which the district is located, or areas or territories already being served or which within twelve months past have been served by existing works or facilities belonging to others.

Sec. 3. POWERS OF DISTRICT. In the exercise of the powers granted the district by law, the district shall have the additional power:

1. To issue its bonds to finance the costs of any undertaking.

2. To pledge to the punctual payment of the bonds and interest thereon an amount of the revenue from the undertaking, including improvements or extensions thereafter constructed or acquired, sufficient to pay the bonds and interest as the same become due, and to create and maintain reasonable reserve therefor. The amount pledged may consist of all or any part of such revenue. The board of directors, in determining the cost of the undertaking, may include all costs and estimated costs of the issuance of the bonds, all engineering, inspection, fiscal, and legal expenses, and interest which it is estimated will accrue on money borrowed or which will be borrowed during the construction period for six months thereafter.

Sec. 4. VOTE ON BOND ISSUES. Questions on bond issues under this Act shall be submitted to the qualified electors of the district. No bonds shall be issued without the assent of a majority of such qualified electors voting at an election held for that purpose, as provided in this Act.

Sec. 5. ELECTION RESOLUTION. (a) The board of directors shall adopt an election resolution calling an election upon the question of the issuance of the bonds. Such resolution shall state in substance: 1. the maximum amount of bonds to be issued; 2. the purpose for which the bonds are to be issued; 3. the maximum rate of interest which the bonds are to bear; 4. a brief, concise statement (which need not include any detail other than the mere statement of the fact) showing that the bonds will be payable solely from revenues; 5. the date on which the election is to be held; 6. the places where votes may

be cast; and 7. the hours between which polling places will be open. (b) The election resolution shall be posted in three public places in each division of the district for at least fifteen days prior to the date of the election and shall be published at least once not less than fifteen days nor more than thirty days prior to the date of the election in a newspaper of general circulation, published in the county where the office of the board of directors of the district is maintained.

Sec. 6. CONDUCT OF ELECTION. The election shall be conducted and the returns thereof canvassed in all respects as nearly as practicable in conformity with the provisions of law covering the election of the board of directors of the district. No informalities in conducting such election shall invalidate the same if the election shall have been otherwise fairly conducted.

Sec. 7. BALLOTS. At the election, the ballots shall contain the phrases "for the bonds" and "against the bonds". To the right of and opposite each of said phrases shall be placed a square approximately the size of the square placed opposite the names of candidates on ballots. The voter shall indicate his vote "for the bonds" or "against the bonds" by inserting the mark "X" in the square opposite such phrases. No other question, word or figure need be printed on any ballot. The ballot need not be any particular size, nor need sample ballots be printed, posted or distributed.

Sec. 8. FORM OF BONDS. Bonds issued under this Act shall be fully negotiable within the meaning and for all purposes of chapter 52, Arizona Code Annotated, 1939. They may be in one or more series, may bear such dates, may be payable in such medium of payment, at such places, may carry such registration privileges, shall be executed in such manner, may contain such other terms, covenants and conditions, and be in such form, either couponed or registered, as the board of directors may by resolution prescribe. They shall be payable in equal annual installments, or they shall be of such maturities that the amount required for the payment of interest and principal becoming due thereon each year will be substantially the same, and in either case the final payment shall be due not more than thirty years from the date of issuance, provided that the first installment may be payable on such date as the board of directors shall prescribe, not more than two years from the date of issuance. Any or all such bonds shall be callable at such times, on such terms and in such manner as the board of directors by resolution shall prescribe. Said bonds shall bear interest not exceeding five per cent per annum, payable semi-annually, at the rate set by the accepted bid and shall be sold at not less than par to the one making the best

bid therefor, and the board of directors shall call for bids thereon by giving thirty days' notice of such call by publication in a newspaper of general circulation within the county where the board of directors maintains its office, which notice shall be in such form as shall be prescribed by the board of directors. The bids shall be for the entire bond issue unless the board of directors by resolution shall allow bidding therefor in parcels of less than the entire issue. Pending the preparation of the definitive bonds, interim receipts or certificates may be issued to the purchasers of said bonds in such form and with such provisions as the board of directors may determine.

Sec. 9. CHARGES FOR UNDERTAKING. The board of directors of the district issuing the bonds shall prescribe charges and shall revise the same whenever necessary so that any undertaking for which the bonds were issued shall always remain self-supporting with revenue sufficient (1) to pay when due all bonds, and interest thereon, for the payment of which the revenue shall have been pledged, encumbered or charged; (2) to provide for all expenses of operation, maintenance, expansion and replacement of facilities; and (3) to provide reasonable reserves for said purposes. Until the payment of all bonds on any such undertaking issued hereunder, neither the receipts nor expenditures in connection with the operation of said undertaking shall be included in any budget of the district, and the actual expenditures from said funds, other than for bond interest and redemption, shall be deemed to have been included in and to have constituted a part of the budget adopted by the district for the fiscal year in which such bonds were so paid.

Sec. 10. COVENANTS IN RESOLUTION. Any resolution pertaining to the issuance of bonds under this Act may contain covenants as to (1) the purpose to which the proceeds of sale of the bonds may be applied and to the use and disposition thereof; (2) the use and disposition of the revenue of the undertaking for which the bonds are to be issued; (3) the issuance of other or additional bonds payable from the revenue of the undertaking; (4) the operation and maintenance of the undertaking; (5) the insurance to be carried thereon and the use and disposition of insurance moneys; (6) books of account and the inspection and audit thereof, and (7) the terms and conditions upon which the holders of the bonds, or any proportion of them or any trustee therefor, shall be entitled to the appointment of a receiver, who may enter and take possession of the undertaking, operate and maintain the same, prescribe charges, and collect, receive and apply all revenue thereafter arising therefrom in the same manner as the district itself might do. The provisions of this Act and any such resolution shall be deemed a contract with the holders of the

bonds, and the duties of the district and of its board of directors and officers under this Act and any such resolution shall be enforceable by mandamus or any appropriate action of a court of competent jurisdiction.

Sec. 11. DISPOSITION OF PROCEEDS. All proceeds received from the sale of the bonds, all fees, rents, tolls, or other charges received by the district from any undertaking financed by the bonds, and all moneys received from any source in connection therewith shall be paid to the district treasurer, or such depository as may be designated by the board of directors. The district treasurer or depository shall not commingle any money received under the terms of this Act with any other moneys, but the moneys received under the terms of this Act shall be deposited in a separate fund with the district treasurer or depository in the name of the district. The board of directors may by resolution provide that all deposits of such proceeds, fees, rents, tolls, or other charges, and such moneys received under the terms of this Act, shall be secured by obligations of the United States or of this state of a market value equal at all times to the amount of the deposits hereunder, and all banks and trust companies are authorized to give such security for the deposits.

Sec. 12. VALIDITY OF BONDS. Bonds issued under this Act and 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 thereof any and all of the persons whose signatures appear thereon shall have ceased to be officers of the district issuing the same. The validity of the bonds shall not be dependent on nor affected by the validity or regularity of any proceedings relating to the construction, improvement, reconstruction, acquisition or extension of the undertaking financed by the bonds or acquired in connection therewith.

Sec. 13. CERTIFICATION BY ATTORNEY GENERAL. Any district may submit to the attorney general any bonds to be issued under this Act after all proceedings for their issuance have been taken. Upon such submission it shall be the duty of the attorney general to examine into and pass upon the validity of the 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 district 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 this state.

Sec. 14. PRIOR LIEN OF BONDS. All bonds of the same issue under this Act shall have a prior and paramount lien on the revenue of the undertaking for which the bonds have been issued over and ahead of any claims or other obligations of any nature against that revenue subsequently arising or subsequently incurred. All bonds of the same issue under this Act shall be equally and ratably secured, without priority by reason of number, date of bonds, sale, execution or delivery, by a lien on the revenue in accordance with the terms of the resolution authorizing the bonds.

Sec. 15. BONDS NOT DEBT OF DISTRICT. No holder of any bonds issued under this Act shall have the right to compel any exercise of the taxing power of the district to pay said bonds or the interest thereon. Each bond issued under this Act shall recite in substance that the payment of said bond and the interest thereon is enforceable exclusively from the revenue pledged to its payment. Bonds issued under this Act by the district shall not be a debt of the district, nor shall payment thereof be enforceable out of any funds other than the revenue pledged to the payment thereof.

Sec. 16. SUPPLEMENTAL NATURE OF ACT. Insofar as the provisions of this Act are inconsistent with any other provision of law, the provisions of this Act shall be controlling. The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law. Bonds may be issued under this Act for any undertaking, notwithstanding that any other law may provide for the issuance of bonds for a like purpose and without regard to the requirements, restrictions or other provisions contained in any other law.

Sec. 17. REPEAL. All laws or parts of laws in conflict herewith are hereby repealed.

Sec. 18. SEVERABILITY. If any provision of this Act be held invalid such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the Act are declared to be severable.

Sec. 19. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 14, 1951.

Filed in the Office of the Secretary of State—March 14, 1951.

CHAPTER 46

(Senate Bill No. 52)

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA FOR THE CONSTRUCTION, REMODELING AND IMPROVEMENT OF BUILDINGS AT THE UNIVERSITY OF ARIZONA, WITH SERVICE FACILITIES AND EQUIPMENT THEREFOR; PROVIDING FOR CONSTRUCTION CONTRACTS; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATIONS. The following sums are appropriated to the board of regents of the university and state colleges of Arizona:

1. For the fortieth fiscal year, the sum of five hundred fifty thousand dollars, for the following projects at the university of Arizona: construction of a new college of business and public administration building, and restoring the present college of business and public administration building to a women's dormitory, together with the extension of the heating, lighting and other service facilities in connection with all such projects, and a part or all of the equipment therefor, which shall not, however, negative the power of the board of regents to purchase such equipment with other funds.

2. For the forty-first fiscal year, the sum of four hundred twenty-two thousand four hundred dollars, for the following projects at the university of Arizona; construction of a new college of business and public administration building, and restoring the present college of business and public administration building to a women's dormitory, together with the extension of the heating, lighting and other service facilities in connection with all such projects, and a part or all of the equipment therefor, which shall not however negative the power of the board of regents to purchase such equipment with other funds.

Sec. 2. CONSTRUCTION CONTRACTS. The appropriations made in section 1 are made for the fortieth and forty-first fiscal years and shall be appropriated in each year, but such division of the appropriations shall not be construed as prohibiting the contracts for construction of said buildings to

be single contracts, other provisions of law to the contrary notwithstanding.

Sec. 3. 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 until January 1, 1955, 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.

(Failed to pass House with sufficient votes to carry emergency clause.)

Approved by the Governor—March 14, 1951.

Filed in the Office of the Secretary of State—March 14, 1951.

CHAPTER 47

(Senate Bill No. 53)

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA FOR THE CONSTRUCTION, REMODELING AND IMPROVEMENT OF BUILDINGS AND PHYSICAL PLANT, AND FOR THE PURCHASE OF PROPERTY FOR EXTENSION OF THE CAMPUS AT THE ARIZONA STATE COLLEGE AT TEMPE, WITH SERVICE FACILITIES AND EQUIPMENT THEREFOR; PROVIDING FOR CONSTRUCTION CONTRACTS; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATIONS. The following sums are appropriated to the board of regents of the university and state colleges of Arizona:

1. For the fortieth fiscal year, the sum of five hundred

fifty thousand dollars, for the following project at the Arizona state college at Tempe: construction of a physical education building and armory, together with the extension of the heating, lighting and other service facilities in connection with all such projects, and a part or all of the equipment therefor, which shall not, however, negative the power of the board of regents to purchase such equipment with other funds.

2. For the forty-first fiscal year, the sum of four hundred forty thousand dollars, for the following project at the Arizona state college at Tempe: construction of a physical education building and armory, together with the extension of the heating, lighting and other service facilities in connection with such project, and a part or all of the equipment therefor, which shall not, however, negative the power of the board of regents to purchase such equipment with other funds.

Sec. 2. CONSTRUCTION CONTRACTS. The appropriations made in section 1 are made for the fortieth and forty-first fiscal years and shall be appropriated in each year but such division of the appropriations shall not be construed as prohibiting the contract for construction of said building to be a single contract, other provisions of law to the contrary notwithstanding.

Sec. 3. 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 until January 1, 1955, 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 14, 1951.

Filed in the Office of the Secretary of State—March 14, 1951.

CHAPTER 48

(Senate Bill No. 54)

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF RE-

GENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA FOR THE CONSTRUCTION, REMODELING AND IMPROVEMENT OF BUILDINGS AT THE ARIZONA STATE COLLEGE AT FLAGSTAFF, WITH SERVICE FACILITIES AND EQUIPMENT THEREFOR; PROVIDING FOR CONSTRUCTION CONTRACTS, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The following sum is appropriated to the board of regents of the university and state colleges of Arizona:

1. For the fortieth fiscal year, the sum of four hundred thousand dollars, for some or all of the following projects at the Arizona state college at Flagstaff: construction of a student union building, including an auditorium and dining hall, and for remodeling old main building, together with the extension of the heating, lighting and other service facilities in connection with all such projects, and a part or all of the equipment therefor, which shall not, however, negative the power of the board of regents to purchase such equipment with other funds.

2. For the forty-first fiscal year, the sum of three hundred twenty-five thousand dollars, for some or all of the following projects at the Arizona state college at Flagstaff: construction of a student union building, including an auditorium and dining hall, and for remodeling old main building, together with the extension of the heating, lighting and other service facilities in connection with all such projects and a part or all of the equipment therefor, which shall not, however, negative the power of the board of regents to purchase such equipment with other funds.

Sec. 2. CONSTRUCTION CONTRACTS. The appropriations made in section 1 are made for the fortieth and forty-first fiscal years and shall be appropriated in each year but such division of the appropriations shall not be construed as prohibiting the contracts for construction of said buildings to be single contracts, other provisions of law to the contrary notwithstanding.

Sec. 3. 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 until January 1, 1955, 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 14, 1951.

Filed in the Office of the Secretary of State—March 14, 1951.

CHAPTER 49

(Senate Bill No. 66)

AN ACT

RELATING TO THE POST AUDITOR; TRANSFERRING THERETO THE POWERS AND DUTIES OF THE STATE AUDITOR RELATING TO THE INVENTORY OF STATE PROPERTY, AND AMENDING CHAPTER 28, LAWS OF 1950, FIRST SPECIAL SESSION, BY ADDING SECTION 3a.

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

Section 1. Chapter 28, Laws of 1950, first special session, is amended by adding section 3a, to read:

3a. INVENTORY OF STATE PROPERTY. The post auditor shall succeed to and is vested with the powers and duties of the state auditor relating to the inventory of state property, as prescribed by section 4-317, Arizona Code of 1939. All records, furniture, equipment and forms in the hands of the state auditor pertaining to and used in the performance of such functions shall be transferred to the post auditor.

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

(Failed to pass House with sufficient votes to carry emergency clause.)

Approved by the Governor—March 14, 1951.

Filed in the Office of the Secretary of State—March 14, 1951.

CHAPTER 50

(Senate Bill No. 89)

AN ACT

INCLUDING STATE LANDS WITHIN RECLAMATION PROJECTS AND IRRIGATION DISTRICTS RECEIVING WATER THEREFROM; GUARANTEE AND PAYMENT OF ASSESSMENTS AND CHARGES THEREFOR; REIMBURSEMENT BY LESSEE OR PURCHASER TO STATE FOR PAYMENT OF SUCH ASSESSMENTS AND CHARGES, AND MAKING AN APPROPRIATION THEREFOR; AMENDING SECTION 11-107 OF ARTICLE 1, CHAPTER 11, ARIZONA CODE ANNOTATED, 1939; REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT WITH THE PROVISIONS OF THIS ACT, AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 11-107, article 1, chapter 11, Arizona Code Annotated, 1939, is amended to read:

11-107. BRINGING STATE LANDS UNDER RECLAMATION PROJECTS AND IRRIGATION DISTRICTS RECEIVING WATER THEREFROM; GUARANTEE AND PAYMENT OF ASSESSMENTS AND CHARGES THEREFOR; AND REIMBURSEMENT BY LESSEE OR PURCHASER TO STATE FOR PAYMENT OF SUCH ASSESSMENTS AND CHARGES. (a) The commissioner, by and with the approval of the governor, may make contracts for and on behalf of the state with the United States or irrigation districts organized and existing under the laws of the state of Arizona which is served in whole or in part by such federal reclamation project for the inclusion of lands, owned by the state, or belonging to any institution of the state, within said project and to agree to pay such of the cost of said project as may become due on account of said lands as follows: (b) The commissioner shall have the authority after said state lands have been included within such project as aforesaid to guarantee the payment of and to pay to the United States or such irrigation district the full amount of district or reclamation assessments or charges against said state lands at any time such assessments or charges become one year delinquent. (c) Before the execution of any lease, permit or certificate of purchase the applicant for such lease, permit or certificate of purchase shall pay to the state land department as reimbursement the full amount of delinquent assessments paid upon such land embraced in said lease, permit or certificate of purchase by the

state; provided, however, that in the event of an applicant to lease such reimbursement may be made by such applicant to lease, in the discretion of the commissioner, over a period of not in excess of three years. (d) Nothing in this Act shall be construed as creating any lien upon state lands or against the interest of the state therein or as creating any obligation of the state to pay any charges, assessments or debts incurred by any other district other than those described above.

Sec. 2. APPROPRIATION. There is hereby appropriated to the state land department the sum of fifty thousand dollars, which shall be held by the state treasurer and designated as the federal reclamation trust fund. All payments made by the commissioner for such assessments or charges and all payments received by him as reimbursement therefor shall be drawn from and credited to this trust fund. Such fund shall not revert to the general fund of the state and shall not be subject to the financial code.

Sec. 3. REPEAL. All Acts or parts of Acts in conflict herewith are hereby repealed.

Sec. 4. SEVERABILITY. Should any section, paragraph, sentence, clause or phrase of this Act be declared unconstitutional or invalid for any reason, the remainder of said Act shall not be affected thereby.

Sec. 5. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this 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, 1951.

Filed in the Office of the Secretary of State—March 14, 1951.

CHAPTER 51

(Senate Bill No. 93)

AN ACT

RELATING TO AGRICULTURAL IMPROVEMENT DISTRICTS AND REPEALING SECTION 43, CHAPTER 23, LAWS 1922 (SECTION 75-743, ARIZONA CODE ANNOTATED, 1939).

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

Section 1. REPEAL. Sec. 43, chapter 23, Laws 1922 (section 75-743, Arizona Code Annotated, 1939), is hereby repealed.

Approved by the Governor—March 14, 1951.

Filed in the Office of the Secretary of State—March 14, 1951.

CHAPTER 52

(Senate Bill No. 125)

AN ACT

RELATING TO CLASSIFICATION OF COUNTIES FOR FIXING SALARIES; AMENDING SECTIONS 12-703 AND 12-703a, ARIZONA CODE OF 1939; REPEALING SECTION 12-707, ARIZONA CODE OF 1939, AS AMENDED.

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

Section 1. Section 12-703, Arizona Code of 1939, is amended to read:

12-703. CLASSIFICATION OF COUNTIES FOR FIXING SALARIES. For the purpose of fixing the compensations of county and precinct officers, the several counties of the state are classified according to the assessed valuation of their taxable property as fixed and determined upon the assessment and tax rolls of the said counties. Counties having an assessed valuation of more than thirty-five million dollars shall belong to the first class; counties having an assessed valuation of more than fifteen million dollars and not over thirty-five million dollars shall belong to the second class; counties having an assessed valuation of less than fifteen million dollars shall belong to the third class. Whenever the assessed valuation of the taxable property of any county changes to a higher or lower class, the class of the county shall likewise change. The compensation of an officer shall be determined by the assessment roll of the year of election or appointment of such officer.

Sec. 2. Section 12-703a, Arizona Code of 1939, is amended to read:

12-703a. SALARY OF CLERKS OF BOARDS OF SU-

PERVISORS. The board of supervisors in counties of the first class shall appoint a clerk to receive an annual salary not to exceed thirty-six hundred dollars. The board of supervisors in counties of the second class shall appoint a clerk of said board at a salary not to exceed two hundred sixty dollars per month; the board of supervisors in counties of the third class shall appoint a clerk of said board at a salary not to exceed two hundred dollars per month. No clerk of any board of supervisors shall be paid any compensation other than the salary herein fixed, provided, however, that said clerk may be reimbursed for his actual necessary expenses incurred under the order of the board of supervisors in the performance of his duties.

Sec. 3. REPEAL. Section 12-707, Arizona Code of 1939, as amended, is hereby repealed.

Sec. 4. Nothing herein shall be construed to repeal section 2, chapter 20, Laws of 1946.

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 14, 1951.

Filed in the Office of the Secretary of State—March 14, 1951.

CHAPTER 53

(Senate Bill No. 126)

AN ACT

RELATING TO FIREWORKS; LIMITING THE SALE AND USE OF FIREWORKS, AND AMENDING SECTION 68-1102, ARIZONA CODE OF 1939.

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

Section 1. Sec. 68-1102, Arizona Code of 1939, is amended to read:

68-1102. FIREWORKS UNLAWFUL. (a) Except as otherwise provided in this Act, it is unlawful for any person to sell,

offer or expose for sale, use, explode, or have in his possession, any fireworks.

(b) This section shall not be construed to prohibit or restrict the manufacture or possession, by a qualified pyrotechnic expert, of aerial set pieces designed for use in pyrotechnical displays, or the display of the same in accordance with the terms of this Act. The governing body as defined in section 68-1101 shall determine if such expert is qualified.

Approved by the Governor—March 14, 1951.

Filed in the Office of the Secretary of State—March 14, 1951.

CHAPTER 54

(House Bill No. 219)

AN ACT

RELATING TO IRRIGATION DISTRICTS; PRESCRIBING FINANCIAL LIMITATONS AND METHOD OF DETERMINING TAX RATE; AND AMENDING SECTIONS 75-312 AND 75-318, ARIZONA CODE OF 1939.

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

Section 1. Section 75-312, Arizona Code of 1939, is amended to read:

75-312. ESTIMATE OF ANNUAL FINANCIAL REQUIREMENTS. (a) The board of directors, not later than July first of each year, shall estimate the amount of money required to meet the obligations of the district for the next fiscal year, including maturing bonds and interest, maintenance, and operating and current expenses, together with such additional amount as may be necessary to meet any deficiency in the payment of such items incurred during any previous year, and to provide funds for tax sale purchases of delinquent district lands. The board may include in the estimate the amount of money required for the repayment of all or any part of district taxes paid for any preceding year in any case in which the district taxes remaining unpaid for such year have been cancelled as provided in section 75-315. The estimate shall be fully itemized to show the amount required for each of the funds into which the money of the district is divided by the treasurer, and the total amount thereof. The estimate shall be

entered in full upon the records of the district and a certified copy thereof transmitted to the board of supervisors of each county in which any land of the district is located, together with a certified copy of the records showing the total number of acres of taxable land of the district and a description of such portions thereof as are situated in each county, including all lands within the boundaries of the district not excluded by an order made under the provisions of this article.

(b) In the event an irrigation district has not, for a period of ten years next preceding the making of the estimate, delivered irrigation water to the land owners of the district through its own facilities, or by arrangement with another irrigation district or canal company or with the United States government, or does not have an irrigation project or works under construction, the board of directors shall include in such estimate amounts sufficient to: 1. Pay past due bonds; 2. create a sinking fund on outstanding bonded indebtedness of the district and pay the interest thereon; 3. pay all indebtedness of the district legally incurred prior to July 1, 1951, and, 4. meet the contingent and current expenses of the district, not exceeding five hundred dollars, for the ensuing fiscal year. No other item of expenditure shall be included in the estimate of expenditures of the district.

Sec. 2. Section 75-318, Arizona Code of 1939, is amended to read:

75-318. DETERMINATION OF TAX RATE. (a) The board of supervisors of each county in which any taxable lands of an irrigation district are situated shall add to the amount certified by the board of directors of such district as being the total amount necessary to be raised by taxation for any fiscal year, an additional amount equal to fifteen per cent of the gross amount so certified and, based upon the total so ascertained, shall fix and determine the rate amount per acre at which each acre of taxable lands of the district shall be taxed in the county for district purposes. The total of each assessment shall be computed at the acreage amount so fixed and extended upon the rolls by the officers authorized by law to compute and extend state and county taxes thereon. The amount shall be assessed to the same person to whom the state and county taxes are assessed and the board shall levy the taxes so assessed in the same manner and at the same time as the levy of state and county taxes. When so levied the district taxes shall become a lien upon the real estate, which lien shall be in force and effect until the taxes and all penalties and interest thereon are paid.

(b) The fiscal year of an irrigation district shall begin the

first day of July and end the thirtieth day of June. In any case in which a tax levied and assessed to meet an existing obligation is in force, uncollected and unexpended, a reassessment or second levy for the same purpose shall not be made, whether or not the obligation is changed in form.

(c) In the event an irrigation district for a period of ten years next preceding the levying of the tax has not actually delivered irrigation water to the land owners of the district through its own facilities, or by arrangement with another irrigation district or canal company or with the United States government, or does not have an irrigation project or works under actual construction, the board of supervisors shall levy a tax against property in the district only in an amount sufficient to: 1. Pay past due and unpaid bonds; 2. create a sinking fund to pay the bonded indebtedness of the district and the interest thereon; 3. pay any indebtedness of the district legally incurred prior to July 1, 1951, and, 4. meet current and contingent expenses of the district, not to exceed five hundred dollars, for the ensuing fiscal year.

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, 1951.

Filed in the Office of the Secretary of State—March 14, 1951.

CHAPTER 55

(House Bill No. 120)

AN ACT

RELATING TO PROFESSIONAL AND BUSINESS PURSUITS; REGULATING THE BUSINESS OF CONTRACTING; PROVIDING FOR LICENSING AND CLASSIFICATION OF CONTRACTORS; PROVIDING FOR REGISTRAR OF CONTRACTORS AND PRESCRIBING HIS SALARY; PROVIDING POWERS AND DUTIES OF THE REGISTRAR OF CONTRACTORS; PROVIDING FOR SUSPENSION AND REVOCATION OF LICENSES; PRESCRIBING PENALTIES; AND REPEALING ARTICLE 8, CHAPTER 67, ARIZONA CODE OF 1939.

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

Section 1. CONTRACTOR DEFINED. A contractor, within the meaning of this Act, is a person, firm, co-partnership, corporation, association, or other organization, or any combination of any thereof, who, for either a fixed sum, price, fee, percentage, bonus or other compensation other than actual wages, undertakes to or offers to undertake to, or purports to have the capacity to undertake to, or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structure or works in connection therewith. The term "contractor" includes subcontractors and specialty contractors.

Sec. 2. LICENSE REQUIRED. It shall be unlawful for any person, firm, co-partnership, corporation, association or other organization, or any combination of any thereof, to engage in the business or act or offer to act in the capacity or purport to have the capacity of contractor without having a license therefor as provided in this Act, unless such person, firm, co-partnership, corporation, association or other organization is particularly exempt as provided in this Act. Evidence of the securing of any permit from a governmental agency or the employment of any person on a construction project shall be accepted in any court as prima facie evidence of the existence of a contract.

Sec. 3. EXEMPTIONS. This Act shall not be construed to apply to: (1) An authorized representative or representatives of the United States government, the state of Arizona, or any county, incorporated city or town, reclamation district, irrigation district, or other municipality or political subdivision of this state; (2) Trustees of an express trust, or officers of a court, providing they are acting within the terms of their trust or office respectively; (3) Public utilities operating under the regulations of the state corporation commission, on construction, repair or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abandoning or other operation of any petroleum or gas well, when performed by an owner or lessee; (4) Sole owners of property, building or improving structures thereon for the use and occupancy of such owners and their families and not intended for sale, or the construction, alteration, improvement or repair of personally owned property; (5) The sale or installation of any finished products, materials, or articles of merchandise which are not actually fabricated into and do not become a permanent fixed part of the structure; (6) Architects prepar-

ing plans and specifications and supervising the construction for any building or structure; (7) Engineers surveying or designing structures; (8) Construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted districts, reclamation districts, or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising, or clearing or other work upon land in rural districts for fire prevention purposes, except when performed by a licensee under this Act; and (9) Real estate brokers who enter into a contract of sale of property for a fixed price prior to, during, or after construction of improvements thereon.

Sec. 4. CLASSIFICATIONS. (A) For the purpose of classification, the contracting business shall include general engineering contracting, general building contracting, and specialty contracting.

(B) A general engineering contractor is a contractor whose principal contracting business is in connection with fixed works for any or all of the following divisions or subjects: irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, railroads, highways, tunnels, airports and airways, sewerage and bridges. A general building contractor is a contractor whose principal contracting business is in connection with any structure built, being built, or to be built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind requiring in its construction the use of more than two unrelated building trades or crafts or to do or superintend the whole or any part thereof, but does not include anyone who merely furnishes materials or supplies as provided in section 3 without fabricating them into or consuming them in the performance of the work of the general building contractor. A specialty contractor is a contractor whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts including, but not limited to, construction of smelters, crushing plants, mills and other specialized structures for use in connection with the reduction of mineral bearing ores.

Sec. 5. REQUIREMENTS AND QUALIFICATIONS. No contractor's license shall be issued under the provisions of this article except by act of the registrar of contractors. The registrar may investigate, classify and qualify applicants for contractors' license by written or oral examination, or both. To obtain a license under this Act, the applicant shall file the required fee and shall meet the following requirements: (1) The applicant shall submit to the registrar, on such forms as

the registrar shall prescribe and in accordance with such rules and regulations as may be adopted by the registrar, a duly verified application, including a complete statement of the general nature of his contracting business, and if an individual, his name and address, if a co-partnership, the names and addresses of all the partners; and if a corporation, association, or other organization, the names of the president, vice-president, secretary, and chief construction managing officer or officers; and if a corporation not organized under the laws of this state, a statement showing that said corporation is qualified to do business by completing all the acts required for such qualification in this state and in each county in which the contract or any part thereof is to be performed. Such application shall contain the certification of two reputable citizens of the county in which the applicant resides, that he is of good reputation, recommending that license be granted, and containing the statement that the applicant desires the issuance of a license under the terms of this Act. (2) Applicant shall be of good reputation, and the registrar shall require an applicant to show by written examination, experience in the kind of work the applicant proposes to contract and a general knowledge of the building, safety, health and lien laws of the state and of the rudimentary administrative principles of the contracting business and of the rules and regulations promulgated by the registrar pursuant to this Act. Provided that the registrar shall waive or reduce the foregoing residence or local office requirement in respect to any applicant whose domicile is another state, to correspond with the residence or local office requirements imposed upon residents of the state of Arizona who are applicants for similar licenses in such state. (3) Applicant shall never have been refused a license or had a license revoked for reasons that should preclude the granting of a license or shall not have engaged in the contracting business without obtaining a license as required by the contractors' license law within one year prior to making said application. (4) Applicant shall not have been adjudicated bankrupt within a period of at least one year preceding the filing of his application. (5) Applicant shall furnish to the registrar satisfactory evidence that he is able to and will carry, upon issuance of a license by the registrar, workmen's compensation insurance. (6) Said application for a license for the branches or any division thereof of general engineering, building or specialty contracting shall be accompanied by a fee as provided for in this Act.

Sec. 6. FOREIGN CORPORATIONS. No application may be made by a foreign corporation which has not complied with the state laws requiring qualifications to do business in this state, nor to any foreign corporation which has not maintained an office in this state for at least ninety days preceding the

making of an application for a license, and no license shall be issued to any individual, nor to any firm, partnership, or company, where at least one of the principals is not a resident of the state for at least ninety days, unless such person, firm, partnership, or company has maintained an office in the state for at least ninety days preceding the filing of an application for a license. The registrar may issue a license at any time to specialty contractors, without regard to resident qualification, whenever a showing is made that there are less than ten contractors operating in the state licensed to do the type of specialty contracting involved in a particular application.

Sec. 7. ISSUANCE OF LICENSE. (A) Upon the receipt of an application by the registrar, furnishing complete information in the manner required by the registrar, and upon receipt of said fee as required by this Act, and upon applicants taking the examination required by section 5 of this Act, it shall be the duty of the registrar to notify the applicant within sixty days from the date of the filing of said application of the action taken on his application, and, upon the registrar's determining that the applicant is qualified in accordance with the provisions of this Act to hold a license, to issue a license to the applicant permitting him to engage in business as a contractor under the terms of this Act for the balance of the fiscal year following the application.

(B) Licenses issued under this Act and the current annual renewal thereof shall be signed by the registrar or his designated representative and by the licensee and shall be non-transferrable, and satisfactory evidence of the possession thereof shall be exhibited by him upon demand. The license number appearing on said licenses shall be posted in a conspicuous place on the premises where any work is being performed and shall be placed on all written bids submitted by the contractor.

(C) Should an application for a license be denied for any of the reasons provided in this Act or should an applicant for a license, after having been notified to do so, fail to appear for the examination therefor within six months from the date of filing his application, the fee paid by the applicant in connection with the filing of such application shall be forfeited and shall be credited to the contractors license fund as an earned fee. Any re-application for a license shall be accompanied by the fee fixed by this Act.

Sec. 8. EXPIRATION OF LICENSE. (A) All licenses issued under the provisions of this Act shall elapse and expire on June 30 of each year. Applications for renewal of current licenses for the branches or any divisions thereof of general

engineering contracting, general building contracting and specialty contracting, accompanied by a fee as provided for in this Act before the expiration date, shall authorize operation as a contractor by such licensee until actual issuance of such renewal license for the ensuing fiscal year. All applications for renewal of licenses shall be filed with the registrar not later than July 30 of each year. Upon failure to so file, such licenses shall be ipso facto suspended and shall be renewable only on the payment of a fee in double the amount as provided for herein and, unless so renewed, shall remain suspended during the remainder of the fiscal year. After a license has been suspended as herein provided for a period of one or more fiscal years, a new application for license must be made and a new license issued in accordance with the provisions of this Act.

(B) All licensed contractors in the state as of the effective date of this Act shall be entitled to continue the business of contracting upon complying with the provisions of this Act relating to the filing of renewal applications and the payment of the renewal fee as herein provided.

Sec. 9. REVENUE. The fees received under this article shall be paid to the state treasurer and by him placed in a special fund to be known as the "contractors license fund". Five per cent of each deposit made by the registrar for the credit of said fund shall inure to and be immediately transferred to the general fund, and the remainder is appropriated to carry out the provisions of this Act. Surplus remaining in said fund at the end of the fiscal year shall be credited to the said contractors license fund for the succeeding fiscal year. A sum not to exceed five per cent of said license fees may be expended by the registrar for publicity and educational purposes in connection with the administration of this Act. The registrar, with the approval of the governor may, when funds are available, expend the funds for the construction, maintenance and operation of an administration building. At the end of each fiscal year all balances remaining in the contractors' license fund in excess of fifty thousand dollars shall revert to the general fund.

Sec. 10. FEES. (A) The license fees as prescribed by this article shall be those fixed by the following schedule: 1. Application fee for an original license for the branches or any division thereof of general engineering contracting and general building contracting is fifty dollars. 2. Application fee for an original license for the branch or any division thereof of specialty contracting is twenty-five dollars. 3. Annual renewal fee for the branches or any divisions thereof of general engineering contracting and general building contracting is twenty-five dollars. 4. Annual renewal fee for the branch or

any division thereof of specialty contracting is ten dollars.

(B) The penalty for failure to apply for renewal of a license within the time prescribed by this Act shall be double the amount of the annual renewal fee herein prescribed. The registrar may increase the application fee and the renewal fee for any fiscal year by an amount not to exceed fifty per cent of that provided for herein and may reduce said fees, for any fiscal year in an amount not to exceed twenty-five per cent of the fees provided for herein.

Sec. 11. SUSPENSION AND REVOCATION OF LICENSE. The registrar of contractors may upon his own motion, and shall upon the verified complaint in writing of any person, investigate the acts of any contractor within the state, and shall have the power to temporarily suspend or permanently revoke any license issued under the provisions of this Act if the holder, while a licensee hereunder, is guilty of or commits any of the following acts or omissions: (1) Abandonment of any contract or refusal to perform after submitting a bid on any work without legal excuse therefor. (2) Diversion of funds or property received for prosecution or completion of a specific contract, or for a specified purpose in the prosecution or completion of any contract, and their application or use for any other contract, obligation or purpose, where the contractor does not have immediately available other funds to complete the original contract. (3) Fraudulent, gross or negligent departure from or disregard of plans or specifications in any material respect, without consent of the owner or his duly authorized representative. (4) Willful and deliberate disregard and violations of the rules and regulations promulgated by the registrar, pertaining to the construction of buildings, or of the safety laws or labor laws of the federal government or the state, or the failure to carry unemployment and social security insurance, workmen's compensation insurance, and failure to pay premiums or charges for said workmen's compensation insurance before they become delinquent. (5) Failure to keep records showing all receipts and disbursements of the licensee in all of his transactions as a contractor as that term is defined in this Act. (6) Misrepresentation of a material fact by the applicant in obtaining a license. (7) The doing of any willful, fraudulent act by the licensee as a contractor in consequence of which another is substantially injured. (8) The filing of a voluntary petition in bankruptcy. (9) Conviction of a felony. (10) Failure in a material respect on the part of a licensee to complete any construction project or operation for the price stated in the contract for such construction project or operation, or in any modification of such contract. (11) Aiding or abetting an unlicensed person to evade the provisions of this Act or knowingly combining or conspir-

ing with an unlicensed person, or allowing one's license to be used by an unlicensed person or acting as agent or partner or associate, or otherwise, of an unlicensed person with the intent to evade the provisions of this Act. (12) Willful or deliberate failure by any licensee or agent or official thereof to pay any monies when due for any materials or services rendered in connection with his operations as a contractor when he has the capacity to pay or when he has received sufficient funds therefor as payment for the particular construction work project or operation for which the services or materials were rendered or purchased. (13) Failure of a contractor to comply with any safety laws or code of the state.

Sec. 12. REVOCATION OF LICENSE. (A) Upon the filing with the registrar of a verified complaint charging a license with the commission within two years prior to the date of filing of such complaint of any act which is cause for suspension or revocation of license, the registrar shall issue a citation directing the licensee, within ten days after service of the citation upon him, to appear by filing with the registrar his verified answer to the complaint showing cause, if any, why his license should not be suspended or revoked. Service of the citation upon the licensee shall be fully effected by mailing a true copy thereof, together with a true copy of the complaint, by registered mail, in a sealed envelope with postage fully prepaid thereon addressed to the licensee at his latest address of record in the registrar's office. Service of said citation shall be complete at the time of said deposit subject to the provisions of secs. 21-314, 21-307, 21-308, 21-309, Arizona Code of 1939.

(B) Failure of the licensee to answer shall be deemed an admission by him of the commission of the act or acts charged in the complaint and thereupon the registrar shall have power forthwith to suspend or revoke the license.

Sec. 13. NOTICE OF HEARING. Upon the filing of the answer, the registrar shall fix a time and place for the hearing and give the licensee and the complainant not less than five days' notice thereof. The notice may be served by depositing in the mail a true copy of the notice inclosed in a sealed envelope with postage thereon fully prepaid and addressed to the licensee and to the complainant, respectively, at his last known address. With the notice to the complainant there shall be attached or inclosed a copy of the answer. If either party has appeared by counsel, the notice shall be given, in like manner, to counsel instead of the party.

Sec. 14. HEARING. Upon the hearing, the registrar shall hear all relevant and competent evidence offered by the com-

plainant and by the licensee, and shall have power to continue the hearing from time to time as in his judgment may be necessary and proper. After the hearing is concluded and the matter submitted, the registrar shall, within ten days after such submission, render his decision in writing, suspending or revoking the license or dismissing the complaint, with a brief statement of his reasons therefor. He shall give to the complainant and the licensee, or their respective attorneys, notice of the decision, by mail, in the same manner as prescribed herein for the giving of notice of hearing. A decision of the registrar suspending or revoking a license shall not take effect until twenty days after such service of notice of the decision.

Sec. 15. REHEARING. (A) Within twenty days after such service of notice of the decision of the registrar suspending or revoking a license, the licensee may apply for a rehearing by filing with the registrar his petition in writing therefor. Within five days after such filing, the registrar shall cause notice thereof to be served upon the complainant by mailing a copy of the petition for rehearing to the complainant in the same manner as herein prescribed for the giving of notice of hearing. The filing of a petition for rehearing as to the registrar's action in suspending or revoking a license suspends the operation of such action and permits the licensee to continue to do business as a contractor pending denial or granting of the petition, and if the petition be granted, pending decision of the registrar upon rehearing.

(B) In his order granting or denying a rehearing, the registrar shall set forth a statement of the particular grounds and reasons for his action on the petition and shall forthwith mail a copy of the order to the parties who have appeared in support of any opposition to the petition for rehearing. If a rehearing be granted, the registrar shall set the matter for further hearing on due notice to the parties, given in the same manner prescribed herein for the giving of notice of an original hearing. Within ten days after submission of the matter upon rehearing, the registrar shall render his decision in writing and give notice thereof in the same manner as if a decision rendered upon an original hearing.

Sec. 16. APPEAL. (A) Within thirty days after service of notice of the order denying the rehearing or of the decision rendered upon the rehearing, any party aggrieved by the order or decision of the registrar may appeal therefrom to the superior court of the state, and in and for the county in which the person affected by such decision resides or has his place of business under the terms of this Act, by serving upon the registrar a notice of such appeal and a demand in writing for

a certified transcript of all the papers on file in his office affecting or relating to such decision and all the evidence taken on the hearing, and paying therefor at the rate of ten cents per each folio of the transcript and one dollar for the certification thereof. Thereupon, the registrar shall, within thirty days, make and certify such transcript, and the appellant shall, within five days after receiving the same, file the same and the notice of appeal with the clerk of said court. Upon hearing of such appeal, the court shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the registrar in making such decision.

(B) When an appeal is taken to said superior court from the order or decision of the registrar suspending or revoking a license, such order or decision shall remain in effect pending final determination of the matter, unless the applicant shall file with the court a bond in a sum to be fixed by the court or by judge thereof in favor of the state and conditioned upon the faithful performance of all the obligations of said appellant as a contractor pending the final decision of the matter on appeal and until the fulfillment by the contractor of any condition imposed by such order or decision of the registrar. Such bond shall be for the benefit of any person having dealings with said appellant in his capacity as a contractor, and any person so dealing with said appellant in such capacity shall have the right to commence and maintain an action thereon in his name against such contractor and his sureties on said bond. If such superior court shall determine that a contractor's license should be suspended or revoked, it shall by its judgment suspend or revoke such license. The clerk of such superior court shall within ten days after the entry of any such judgment on appeal mail to the registrar a notice containing information as to the affirmance, modification or reversal of the order of decision of the registrar in said matter.

(C) The suspension or cancellation of license as in this Act provided may also be embraced in any action otherwise proper in any court involving the licensee's performance of his local obligation as a contractor.

Sec. 17. APPEAL FROM JUDGMENT. (A) A judgment of suspension or cancellation of a license by the superior court shall be subject to appeal or review in accordance with the provisions of law as to appeal from or review of judgments of superior courts, but there shall be no stay of execution or enforcement of such judgment pending such proceedings on appeal or review unless the appellant or applicant for review shall file a bond in all respects conditioned as, and similar to, the bond required by section 16 of this Act.

(B) The clerk of the court wherein said judgment has become final shall, within ten days after the entry of such final judgment, mail to the registrar, a notice containing information as to the affirmance, modification or reversal of the judgment of the superior court in said matter.

Sec. 18. RIGHTS AFTER SUSPENSION OF LICENSE. After suspension of the license upon any of the grounds set forth in Section 11 of this Act, the registrar shall renew the same upon proof of the compliance by the contractor with any provisions of the judgment as to renewal of such license, or in the absence of such judgment or any provisions therein as to renewal, upon proper showing that all loss caused by the act or omission for which the license was cancelled has been fully satisfied. After cancellation of a license upon any of the grounds set forth in Section 11 of this Act, such license shall not be renewed or reissued within a period of one year after final determination of cancellation and then only on proper showing that all loss caused by the act or omission for which the license was cancelled has been fully satisfied.

Sec. 19. PENALTY. Any person who acts in the capacity of a contractor within the meaning of this Act without a license as herein provided, and any person who conspires with another person to violate any of the provisions of this Act is guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than one hundred nor more than five hundred dollars, imprisonment not to exceed six months, or both.

Sec. 20. MAINTENANCE OF ACTION. No contractor shall act as agent or bring or maintain any action in any court of the state for the collection of compensation for the performance of any act for which a license is required by this Act without alleging and proving that such contractor was a duly licensed contractor at the time the contract sued upon was entered into and at the time the alleged cause of action arose.

Sec. 21. REGISTRAR OF CONTRACTORS. The governor shall appoint a registrar of contractors who shall be an experienced contractor, for a term con-terminus with that of the governor or until his successor is appointed and qualifies. The registrar shall file with the secretary of state a bond in the amount of five thousand dollars payable to the state. The registrar is vested with all functions and duties relating to the administration of this Act. He shall receive a salary of not to exceed six thousand dollars per annum, payable out of the contractors licensing fund.

Sec. 22. POWERS AND DUTIES OF REGISTRAR. The

registrar, in addition to other duties and rights provided for in this article shall: (1) Maintain an office in Phoenix and in such other cities and towns in the state as the registrar shall deem advisable and necessary; (2) Maintain a complete indexed record of all applications and all licenses issued and all licenses renewed under this Act, and all terminations, cancellations and suspensions thereof; (3) Furnish a certified copy of any license issued, or the cancellation or suspension thereof, upon receipt of the sum of fifty cents, and such certified copy shall be received in all courts and elsewhere as prima facie evidence of the facts stated therein; (4) Furnish a list whenever funds are available for that purpose of contractors with their addresses, who are registered under the provisions of this Act and of licenses issued, suspended or revoked, to public works and building departments, and public officials or public boards, which, in his judgment, may be deemed advisable. Copies of said lists may be furnished by the registrar upon request to any firm or individual upon payment of such reasonable fee or fees as may be determined by the registrar. Any fees so collected shall be deposited to the contractors license fund; (5) Employ such deputies, safety engineers and assistants, and procure such equipment and records, as may be necessary to carry out the provisions of this Act; (6) Make such rules and regulations as he may deem necessary to effectually carry out the provisions and intent of this Act; and (7) Inspect and examine the operation conditions, safety appliances, machinery, sanitation, and the means taken to protect the lives, health and safety of all construction workers. He shall enforce the provisions of any safety law or code of the state for the construction industry and shall investigate the cause of all accidents and deaths incurred in the construction industry, and shall inspect and ascertain the means taken by contractors to comply with the provisions of any safety law or code of the state.

Sec. 23. RULES AND REGULATIONS. (A) The registrar may adopt rules and regulations necessary to effect the classification of contractors in a manner consistent with established usage and procedure as found in the construction business and may limit the field and scope of the operations of a licensed contractor within any of the branches of the contracting business hereinabove described to those divisions thereof in which he is classified and qualified to engage. A licensee may make application for classification and be classified in more than one classification or division thereof after licensee meets the qualification prescribed by the registrar for such additional classification or classifications. Separate applications shall be required and separate license fees shall be charged for qualifying or classifying a licensee in additional classifications.

(B) Nothing in this Act shall prohibit a specialty contractor

from taking and executing a contract involving the use of two or more crafts or trades if the performance of the work in the crafts or trades other than those in which he is licensed is incidental and supplemental to the performance of work in the craft for which the specialty contractor is licensed.

Sec. 24. POWERS OF REGISTRAR IN LEGAL PROCEEDINGS. In any investigation or proceeding or hearing which under the proceedings of this Act he is empowered to institute, conduct or hold, the registrar, deputy registrar, and investigators shall have the power to administer oaths, certify to official acts, issue subpoenas for the attendance of witnesses and the production of books, papers and records, and exercise the same powers in this regard conferred upon the corporation commissioners and public officers by the provisions of sections 69-239 and 23-318 of the Arizona Code of 1939. All of the provisions of said sections are incorporated herein with the same force and effect as if herein set forth at length and wherever in said sections the term "commission" or "commissioners" or similar designation occurs, the same, for the purpose of this reference, means the "registrar of contractors".

Sec. 25. MECHANIC'S LIEN LAW NOT AFFECTED. Nothing in this Act shall be deemed to affect the mechanic's lien law.

Sec. 26. SEVERABILITY. If any provision of this Act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the Act are declared to be severable.

Sec. 27. REPEAL. Article 8, Chapter 67, Arizona Code of 1939, is repealed. This section does not negative an implied repeal of any statute which conflicts with this Act.

Approved by the Governor—March 14, 1951.

Filed in the Office of the Secretary of State—March 14, 1951.

CHAPTER 56

(House Bill No. 146)

AN ACT

RELATING TO VEHICLE NUMBER PLATES; PROVIDING FOR USE OF ONE NUMBER PLATE, AND USE OF TABS

OR STICKERS FOR INDICATING YEAR FOR WHICH A PLATE IS ISSUED AND AMENDING ARTICLE 2, CHAPTER 66, ARIZONA CODE OF 1939, BY ADDING SECTION 66-208a.

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

Section 1. Article 2, Chapter 66, Arizona Code of 1939, is amended by adding Section 66-208a to read:

66-208a. ONE NUMBER PLATE, TABS AND WINDSHIELD STICKERS. When in the discretion of the Superintendent, conditions and circumstances are such as to necessitate and warrant, the Division may furnish one number plate in lieu of the two number plates called for in Section 66-208. The Division may issue one or more tabs or windshield stickers to indicate the year for which a plate is issued. The Division may make appropriate rules and regulations for the use and display of such tabs or stickers or one plate.

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

Approved by the Governor—March 14, 1951.

Filed in the Office of the Secretary of State—March 14, 1951.

CHAPTER 57

(House Bill No. 153)

AN ACT

RELATING TO TAXATION; PROVIDING FOR NOTICE OF APPLICATION FOR TREASURER'S DEED; AND AMENDING SECTION 73-836, ARIZONA CODE ANNOTATED, 1939.

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

Section 1. Section 73-836, Arizona Code Annotated, 1939, is amended to read:

73-836. NOTICE OF APPLICATION FOR TREASURER'S

DEED.—FEE. Before issuing a treasurer's deed for property sold for taxes the county treasurer shall, not less than ninety (90) days before issuance, notify the owner of such property, as such owner may be shown on the current tax roll, at his last known address, by registered mail, return receipt requested, that a treasurer's deed has been applied for and by whom, describing the property involved, the date on which sold, the amount of taxes, interest, penalties and charges for which sold, and the last date for redeeming such property. Such notice shall be in the following form:

TREASURER'S OFFICE

..... County, State of Arizona.

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

(Description)

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

.....,

Treasurer of ..... County,
State of Arizona.

The county treasurer shall, in addition, advertise that a treasurer's deed has been applied for and by whom, describing the property involved, the date on which sold, the amount of taxes, interest, penalties and charges for which sold, and the last date for redeeming such property, once a week for four consecutive weeks in a newspaper of general circulation published in the area in which such property is located; but, if there be no such newspaper published, then in a newspaper of general circulation within the county. If the boundaries of the property to be deeded are defined so it can be readily located and is reasonably accessible and provided the same is within the limits of an incorporated city or town or within five miles of the city limits thereof, or within five miles of the postoffice of an unincorporated city or town, the treasurer or his deputy, shall place a sign on said property in a con-

spicuous place where the public is most likely to observe same. Said sign shall contain the words "This property has been sold for delinquent taxes", in letters not less than three inches in height, and in smaller sized words shall give notice of the method and date by which the owner may redeem said property. Such notices shall be in the form set forth above.

The purchaser, or his assigns, shall at the time of making such application pay to the county treasurer a fee of three dollars ($3.00) and shall further pay to the county treasurer the cost of such publication, and registered letter fee.

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

Approved by the Governor—March 14, 1951.

Filed in the Office of the Secretary of State—March 14, 1951.

CHAPTER 58

(House Bill No. 233)

AN ACT

RELATING TO AGRICULTURAL IMPROVEMENT DISTRICTS; AMENDING SECTION 75-716, ARIZONA CODE OF 1939; AND REPEALING SECTION 75-705, ARIZONA CODE OF 1939.

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

Section 1. Section 75-716, Arizona Code of 1939, is amended to read as follows:

75-716. ELECTION AND QUALIFICATION OF DIRECTORS AND PRESIDENT—POWER OF BOARD—DIVISIONS OF DISTRICT. In each district organized as herein provided, an election shall be held on the first Wednesday in October of the calendar year next succeeding that in which the organization of the district is completed, at which one (1) or more directors for the district shall be elected to fill the vacancy or vacancies to be occasioned on the board by reason of the then expired term of one or more members of the board as provided

in section 75-712 of this article and a like election shall be held every four (4) years thereafter. The board of directors of the district may by order at any time increase the number of members of such board of directors to any number not more than nine (9) and not less than three (3) including the president, and may divide the district into not less than three (3) and not more than eight (8) divisions, as nearly equal in size as practicable, which divisions shall be numbered consecutively. When the district has been divided into divisions one director, who shall be an elector and a resident freeholder of the division, shall thereafter be elected by each division. When the number of members necessary to provide a complete board of directors exceeds the number of divisions in the district, the number of directors necessary to provide a complete board of directors, other than the directors elected from each division, shall be elected at large by the qualified electors of the district. When the district has not been divided into divisions all directors shall be elected at large by the qualified electors of the district. The president or any member of the board of directors elected at large shall be an elector and a resident freeholder of the district. Beginning with the election to be held on the first Wednesday in October of the calendar year next succeeding the effective date hereof the president of the district shall be elected at large by the qualified electors of the district and shall hold office for a term of four (4) years. The president shall be ex-officio a member and president of the board of directors. In the event an order is made increasing the number of members of the board of directors and the date on which said order is made is at least sixty (60) days prior to the first Wednesday of October of the same calendar year, an election shall be held on such first Wednesday in October but if the date on which said order is made is less than sixty (60) days prior to the first Wednesday in October of the same calendar year, then the election shall be held on the first Wednesday in October of the next succeeding calendar year. At such election there shall be elected the number of directors necessary to bring the membership of the board of directors to the number provided by the order increasing such membership. No change in the number of members of the board of directors nor in the number of divisions in the district shall affect the term of office of the members constituting the board of directors at the time the order is made, and such members shall continue in office for the full term for which they were elected. The person receiving the highest number of votes for the offices to be filled at any election shall be declared elected thereto. Within ten (10) days after receiving their respective certificates of election, the president and each director shall qualify for his respective office by taking and subscribing the official oath and filing a bond as herein provided. The president and each director shall execute an official bond, in the sum of one thou-

sand dollars ($1,000), which shall be approved by the judge of the superior court of the county where the organization of the district was effected and shall be recorded in the office of the county recorder of such county and then, together with his official oath, filed with the secretary of the board of directors. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers. If a vacancy shall occur in the office of president or director, the same shall be filled by majority vote of the remaining members of the board of directors. A president or director so appointed shall qualify within ten (10) days after receiving notice of his appointment, in the same manner as is in this article provided for directors elected to such office, and he shall hold office only until the next regular election for such district and until his successor be elected and qualified.

Sec. 2. REPEAL. Section 75-705, Arizona Code of 1939, is repealed.

Approved by the Governor—March 14, 1951.

Filed in the Office of the Secretary of State—March 14, 1951.

CHAPTER 59

(Senate Bill No. 116)

AN ACT

RELATING TO THE TAXATION OF FLIGHT PROPERTY OF COMMERCIAL SCHEDULED AIR CARRIERS; PROVIDING FOR A UNIFORM METHOD OF VALUATION OF SUCH FLIGHT PROPERTY BY STATE TAX COMMISSION; PROVIDING FOR THE LEVY AND COLLECTION OF AD VALOREM TAXES ON SUCH FLIGHT PROPERTY; AND DECLARING AN EMERGENCY.

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

Section 1. DEFINITIONS. The following words and phrases, when used in this Act, shall have the meanings ascribed to them in this section:

"person" means any individual, corporation, firm, copartnership, company or association, and includes any guardian, trustee, executor, administrator, receiver, conservator, or any person acting in a fiduciary capacity therefor;

"airline company" means any person who undertakes, directly or indirectly, to engage in the business of scheduled air commerce;

"aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air;

"flight property" means aircraft fully equipped for flight;

"air commerce" means the scheduled transportation by aircraft of persons or property for hire in interstate, intrastate, or international transportation;

"operating" or "operated" means regularly scheduled landings or take-offs of aircraft;

"commission" means the Arizona state tax commission.

Sec. 2. ANNUAL ASSESSMENT. The flight property of an airline company operating in this state shall be assessed annually by the commission in the manner prescribed in this Act.

Sec. 3. INFORMATION REQUIRED. Every airline company operating in air commerce in this state at any time during the year 1951, or any year thereafter, shall file with the commission on or before the first day of July, beginning July 1, 1951, a report under oath setting forth specifically the information prescribed by the commission to enable it to make the assessment required in this Act. Such information shall be considered by the commission in making the assessment required in this Act, but the same shall not be conclusive upon the commission.

Sec. 4. DETERMINATION OF VALUE. The commission shall determine the full cash value of all flight property operated in this state in air commerce by every airline company by using the same basis of valuation or assessment as is used in evaluating other unsecured personal property. The valuation apportioned to this state of such flight property shall be determined by the commission to be the proportion of the total valuation thereof determined on the basis of the total of the following percentages:

(1) Fifty per cent of the percentage which the total time scheduled on the ground within this state of such flight property during the preceding calendar year is of the total time scheduled on the ground within and without this state of

such flight property during the preceding calendar year.

(2) Fifty per cent of the percentage which the total mileage scheduled within this state of such flight property on flights operated in this state during the preceding calendar year is of the total mileage scheduled within and without Arizona of such flight property during the preceding calendar year.

Sec. 5. LEVY AND COLLECTION OF FEES. (a) The commission shall on the first Monday in October, annually, enter in a book the full cash value as determined of the flight property of the airline companies within this state. The commission shall each year make a tax levy against the values so assessed and determined to exist in the state, at a rate which shall equal the average rates of levy for all purposes in the several taxing districts of the state for the current year.

(b) The commission shall, on or before the third Monday in December, proceed to collect said taxes and pay the same into the general fund of the state, and such tax shall be in lieu of all other ad valorem taxes upon the flight property of such companies.

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 14, 1951.

Filed in the Office of the Secretary of State—March 14, 1951.

CHAPTER 60

(Senate Bill No. 55)

AN ACT

RELATING TO DISPOSAL OF STATE PERSONAL PROPERTY AND REAL PROPERTY AND IMPROVEMENTS AND TO TRANSFER OF STATE MONEY AND AMENDING ARTICLE 4, OF CHAPTER 4, BY AMENDING SECTION 4-402a, AS ADDED BY THE LAWS OF 1947.

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

Section 1. Section 4-402a, of article 4, chapter 4, Arizona

Code of 1939, as added by chapter 40 of the laws of 1947, regular session, is amended to read:

4-402a. TRANSFER OF STATE MONEY. When any money belonging to the state comes into the possession of any state officer, by recovery at law or otherwise, and no provision of law exists for the disposition of the same, it shall be turned over to the state treasurer and placed in the general fund. The provisions of this section shall not apply to money realized from the sale of personal property or from the sale of real property or improvements thereon by the board of regents of the university and state colleges of Arizona, or by educational institutions under the control of said board, or by the employment security commission of Arizona.

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, 1951.

Filed in the Office of the Secretary of State—March 15, 1951.

CHAPTER 61

(Senate Bill No. 29)

AN ACT

MAKING AN APPROPRIATION TO THE STATE HIGHWAY DEPARTMENT, FOR THE RELIEF OF PRESCOTT COURIER, INC.

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

Section 1. APPROPRIATION. The sum of five thousand eight hundred nine dollars seventy-one cents is appropriated to the state highway department, out of the highway magazine fund, for the relief of Prescott Courier, Inc.

Sec. 2. BASIS OF CLAIM. The sum appropriated under the terms of section 1 shall be in full satisfaction of: 1. the claim of Prescott Courier, Inc., for the printing and delivery of the magazine Arizona Highways, during the period from December, 1944 to December, 1945, under a contract with the state highway department, for which claim was not filed with-

in the fiscal year for which appropriation was made for the payment thereof, and, 2. for an additional sum due Prescott Courier, Inc., because of erroneous billing at the time the magazines were delivered.

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

Approved by the Governor—March 15, 1951.

Filed in the Office of the Secretary of State—March 15, 1951.

CHAPTER 62

(Senate Bill No. 8)

AN ACT

RELATING TO EVIDENCE AND BUSINESS RECORDS; AMENDING SECTION 23-314, ARIZONA CODE OF 1939.

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

Section 1. Sec. 23-314, Arizona Code of 1939, is amended to read:

23-314. BUSINESS RECORDS AS EVIDENCE; RECORD MADE BY DECEASED PERSON; PHOTOGRAPHS AND PHOTOSTATS OF BUSINESS RECORDS ADMISSIBLE IN EVIDENCE. (a) DEFINITION. The term "business" shall include every kind of business, profession, occupation, calling or operation of institutions, whether carried on for profit or not.

(b) BUSINESS RECORDS. Any record of an act, condition or event, shall, insofar as relevant, be competent evidence if the custodian or other qualified witness testifies to its identity and the mode of its preparation, and if it was made in the regular course of business, at or near the time of the act, condition or event, and if, in the opinion of the court, the sources of information, method and time of preparation were such as to justify its admission.

(c) RECORDS BY DECEASED PERSONS. A record made

by a person authorized to make the same, he being deceased, may be received on proof that the same is in his handwriting.

(d) REPRODUCTIONS OF BUSINESS RECORDS. A reproduction, made by any photographic, photostatic, microphotographic, or similar process of any record which would constitute competent evidence under paragraphs (a), (b) and (c) of this Act, shall have, whether or not the original has been destroyed, the same force and effect as the original, and shall be admitted in evidence in all courts, quasi judicial commissions and administrative agencies in this state. All circumstances surrounding the making of such reproduction when offered in evidence, may be shown to affect the weight, but not the admissibility thereof. Any device used to make a reproduction shall be one which correctly and accurately reproduces the original thereof in all details; provided, however, reproduction of color and size shall not be required. A reproduction may be offered in evidence through the use of a projector.

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, 1951.

Filed in the Office of the Secretary of State—March 15, 1951.

CHAPTER 63

(Senate Bill No. 73)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE HIGHWAY DEPARTMENT.

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

Section 1. APPROPRIATION. Out of any unappropriated balances accruing to the state highway fund for the thirty-ninth fiscal year, and in addition and supplemental to the appropriation in subdivision 67 of chapter 124 of the regular session of the nineteenth legislature, there is hereby appropriated for the thirty-ninth fiscal year, for "personal services" for the motor vehicle division, an additional sum of

thirty-seven thousand one hundred dollars; for shops and equipment, "other current expenditures", sixty thousand dollars; "capital outlay", fifty thousand dollars.

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

Approved by the Governor—March 15, 1951.

Filed in the Office of the Secretary of State—March 15, 1951.

CHAPTER 64

(House Bill No. 82)

AN ACT

RELATING TO DECEDENTS' ESTATES; PROVIDING FOR THE ASSIGNMENT AND SETTLEMENT OF ESTATES, AND AMENDING SECTIONS 38-905 AND 38-1901, ARIZONA CODE OF 1939.

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

Section 1. Sec. 38-905, Arizona Code of 1939, is amended to read:

38-905. WHEN WHOLE ESTATE ASSIGNED TO SURVIVING SPOUSE OR MINOR CHILDREN. If, upon the return of the inventory, it shall appear therefrom that the value of the whole estate, exclusive of the amount of liens and the one-half interest of the surviving spouse in the community property does not exceed the sum of three thousand five hundred dollars, and if there be a surviving spouse or minor children of the deceased, the court shall, by order, require all persons interested to appear on a day fixed, to show cause why the whole of said estate should not be assigned for the use and support of the family of the deceased. Notice thereof shall be given and proceedings had as upon the settlement of accounts of executors or administrators, except that publication of notice to the creditors shall not be necessary. If, upon the hearing, the court finds that the said value does not exceed the sum of three thousand five hundred dollars, it shall by its decree assign to the surviving spouse of the deceased, if there be a surviving spouse, or if none, then to the minor children

of the deceased, if any, the whole of the estate, subject to whatever mortgages, liens, or encumbrances there may be upon said estate at the time of the death of the deceased, after the payment of the expenses of the last illness of the deceased, funeral charges, and expenses of administration, and the title thereof shall vest absolutely in such surviving spouse or minor children, and there shall be no further proceedings in the administration, unless further estate be discovered. If the surviving spouse has separate property, exclusive of his one-half interest in the community property equal to the portion to be set apart to him, the whole property, other than his half of the homestead, shall go to the minor children.

Sec. 2. Sec. 38-1901, Arizona Code of 1939, is amended to read:

38-1901. SETTLEMENT OF ESTATES OF FIVE HUNDRED DOLLARS OR LESS. The property of a deceased person, minor or incompetent person, may be settled and distributed without procuring letters of administration, or of guardianship, under such rules and regulations as may be prescribed by the superior court where the value of the estate does not exceed the sum of five hundred dollars. Any person desiring to settle such estate may make and file in the superior court an affidavit stating that the person whose estate is sought to be administered is dead, a minor or an incompetent and that all of his personal property within the state does not exceed the value of five hundred dollars. An accounting shall be filed of all property received and disbursed with vouchers for payments, distributions and expenses. No fee shall be charged or collected on account of such settlement of an estate.

Approved by the Governor—March 15, 1951.

Filed in the Office of the Secretary of State—March 15, 1951.

CHAPTER 65

(House Bill No. 36)

AN ACT

RELATING TO GAME AND FISH COMMISSION, AND AMENDING SECTION 57-102, ARIZONA CODE OF 1939.

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

Section 1. Sec. 57-102, Arizona Code of 1939, is amended to read:

57-102. ARIZONA GAME AND FISH COMMISSION. (a) The affairs of the state relating to fish and game shall be administered by the Arizona game and fish commission, hereinafter referred to as the commission. The Arizona game and fish commission shall consist of five members, appointed by the governor, with the advice and consent of the senate, not more than three of whom shall be members of the same political party, and all of whom shall be residents of different counties. Members shall be well informed on the subject of wild life and the requirements for its conservation. The three incumbent members shall serve for the remainder of the respective terms for which they were appointed and two additional members shall be appointed by the governor within thirty days after the effective date of this Act, one each for terms ending the first Monday in January, 1954 and 1956. Upon the expiration of each of the terms herein provided and of the terms of the present incumbents, all appointments shall be for a full term of five years, except that an appointment to fill a vacancy shall be for the unexpired portion of the term.

(b) The governor may, after hearing, remove a member for inefficiency, neglect of duty or misconduct in office. Upon removal of a member the governor shall file in the office of the secretary of state a complete statement of all charges made against the member and his findings thereon, together with a complete record of the proceedings. Each member of the commission shall receive an annual salary of one dollar and shall be reimbursed for actual travel and other expenses, not to exceed one thousand dollars each in any one calendar year, incurred in the performance of their duties, as provided by law for other state officers, to be paid monthly from the game and fish protection fund. Members shall qualify by giving bond to the state in the sum of five thousand dollars, conditioned upon the faithful performance of their duties. The premiums on bonds shall be paid from the state game and fish protection fund.

Approved by the Governor—March 15, 1951.

Filed in the Office of the Secretary of State—March 15, 1951.

CHAPTER 66

(House Bill No. 3)

AN ACT

RELATING TO TAXATION; PROVIDING TAX EXEMPTION PROCEDURE, AND AMENDING SECTION 73-303, ARIZONA CODE OF 1939.

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

Section 1. Sec. 73-303, Arizona Code of 1939, is amended to read:

73-303. AFFIDAVIT. A person claiming exemption from taxation under the provisions of section 2, article 9, constitution of Arizona, shall appear before the county assessor and make affidavit as to his eligibility, answering fully all questions appearing on a form provided by the county assessor for such purpose or otherwise propounded, but a person in the military service of the United States and absent from the State, or who is confined in a veterans' hospital or in any licensed hospital may make the required affidavit in the presence of any officer authorized to administer oaths upon a form obtained from the county assessor. Any false statement made or sworn to in such affidavit shall constitute and be punishable as perjury.

Approved by the Governor—March 15, 1951.

Filed in the Office of the Secretary of State—March 15, 1951.

CHAPTER 67

(House Bill No. 43)

AN ACT

RELATING TO PROCEDURE ON APPEAL; PRESCRIBING EXEMPTIONS FROM BONDS ON APPEAL, AND AMENDING SECTION 21-1813, ARIZONA CODE OF 1939.

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

Section 1. Sec. 21-1813, Arizona Code of 1939, is amended to read:

21-1813. EXEMPTION FROM BOND ON APPEAL. No bond shall be required for an appeal taken by the state, or any county, incorporated city or town, or by a state board or commission, or a state, county, city or town officer in his official capacity, or by an executor, administrator, guardian or trustee in bankruptcy in his representative capacity.

Approved by the Governor—March 15, 1951.

Filed in the Office of the Secretary of State—March 15, 1951.

CHAPTER 68

(House Bill No. 139)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE PRISON.

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

Section 1. APPROPRIATION. In addition to all other appropriations for the thirty-ninth fiscal year, the sum of twenty-eight thousand dollars is appropriated to the state prison, to be available during the thirty-ninth fiscal year, for current expenditures.

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

Approved by the Governor—March 15, 1951.

Filed in the Office of the Secretary of State—March 15, 1951.

CHAPTER 69

(House Bill No. 63)

AN ACT

RELATING TO NONPROFIT CORPORATIONS; PRESCRIB-

ING CONSTRUCTION STANDARDS FOR ELECTRIC LINES, AND AMENDING SECTION 53-477, ARIZONA CODE OF 1939.

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

Section 1. Sec. 53-477, Arizona Code of 1939, is amended to read:

53-477. ELECTRICAL CONSTRUCTION STANDARDS. Construction of electric lines by a cooperative shall, as a minimum requirement, comply with the standards of the national electrical safety code in effect at the time of such construction, except that where y-connected circuits with neutral conductors effectively grounded throughout their length are used in the construction or reconstruction of electrical distribution or transmission lines, minimum vertical clearance of wires or neutral conductors over ground or rails shall be determined by the voltage between wires and ground, if such voltage does not exceed 15,000 volts.

Approved by the Governor—March 15, 1951.

Filed in the Office of the Secretary of State—March 15, 1951.

CHAPTER 70

(House Bill No. 54)

AN ACT

RELATING TO TAXATION AND REVENUE; PROVIDING FOR THE EXEMPTION FROM TAXATION OF PROPERTY IN TRANSIT THROUGH THE STATE, OR IN TRANSITORY STORAGE, AND PRESCRIBING A PENALTY.

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

Section 1. PROPERTY IN TRANSIT. (a) Personal property moving through the state or consigned to a warehouse in the state from a point outside for storage or assembly in transit to a final destination outside the state shall, for the purposes of taxation, acquire no situs in the state and shall be exempt from taxation.

(b) Property claimed to have acquired no situs in the state for the purposes of taxation shall be entered in the records of the warehouse wherein the same is located as property in transit, such record to include the date of receipt, date of withdrawal, point of origin, and, if known, the point of ultimate destination of such property. The record of property in transit shall at all times be open to inspection by the state tax commission or the taxing authority of a political subdivision of the state.

Sec. 2. FILING FOR EXEMPTION. A person filing a claim for exemption of property in transit shall do so upon such form and in such manner as the state tax commission may prescribe. The claim shall be accompanied by a certificate of the warehouse in which the property is located stating that the property is entered in the warehouse records as property in transit.

Sec. 3. TAX EVASION. Any person who, by misrepresentation, concealment or violation of a provision of this Act evades the assessment or levy of taxes on property not in transit through the state is liable in an amount equal to five times the tax due thereon. The tax due on such property shall be collected in a civil action brought by the county attorney on behalf of the tax collector of the county in which the property is stored. The judgment when entered shall include the costs of the action and an attorney's fee payable to the county attorney in an amount equal to the amount of taxes so collected.

Sec. 4. FALSE STATEMENTS. The wilful making of a false statement in any document submitted under the provisions of this Act to an officer charged with the assessment of property for tax purposes is a misdemeanor, punishable upon conviction by a fine of not less than one nor more than five hundred dollars, imprisonment for not less than ten days nor more than six months, or both.

Approved by the Governor—March 15, 1951.

Filed in the Office of the Secretary of State—March 15, 1951.

CHAPTER 71

(House Bill No. 143)

AN ACT

RELATING TO THE ARIZONA COMMISSION OF AGRI-

CULTURE AND HORTICULTURE, AND MAKING A SUPPLEMENTAL APPROPRIATION.

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 51, section 1, chapter 124, Laws of 1949, regular session, the sum of four thousand dollars is appropriated to the Arizona commission of agriculture and horticulture to be available for travel within the state.

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

Approved by the Governor—March 15, 1951.

Filed in the Office of the Secretary of State—March 15, 1951.

CHAPTER 72

(House Bill No. 205)

AN ACT

RELATING TO TRAFFIC ON HIGHWAYS; DEFINING IMPLEMENTS OF HUSBANDRY; AND AMENDING SECTIONS 2 AND 157, CHAPTER 3, SESSION LAWS OF 1950, FIRST SPECIAL SESSION.

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

Section 1. Section 2, chapter 3, Laws of 1950, first special session, is amended to read:

2. (a) VEHICLE. Every devise in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(b) IMPLEMENTS OF HUSBANDRY. As used herein the term "Implements of Husbandry" shall include, but shall not be limited to vehicles designed for agricultural purposes and used exclusively in the conduct of agricultural operations.

(c) MOTOR VEHICLE. Every vehicle which is self-propelled.

(d) MOTORCYCLE. Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(e) MOTOR-DRIVEN CYCLE. Every motor cycle, including every motor scooter, with a motor which produces not to exceed 5 horsepower, and every bicycle with motor attached.

(f) AUTHORIZED EMERGENCY VEHICLE. Vehicles of the fire department, police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the commission or the local authorities.

(g) SCHOOL BUS. Every motor vehicle owned by a public or governmental agency or other institution and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

(h) BICYCLE. Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 16 inches in diameter.

Sec. 2. Section 157, chapter 3, Laws of 1950, first special session, is amended to read:

157. SCOPE AND EFFECT OF SECTIONS 157 TO 168 INCLUSIVE. (a) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in sections 157 to 168, inclusive, or otherwise in violation of sections 157 to 168, inclusive, and the maximum size and weight of vehicles herein specified shall be lawful throughout the state, and local authorities shall have no power or authority to alter said limitations except as express authority may be granted in sections 157 to 168, inclusive.

(b) The provisions of sections 157 to 168, inclusive, governing size shall not apply to fire apparatus, road machinery, or to implements of husbandry, including farm tractors, temporarily moved upon a highway, or to a vehicle operated under the terms of a special permit issued as herein provided.

Approved by the Governor—March 15, 1951.

Filed in the Office of the Secretary of State—March 15, 1951.

CHAPTER 73

(House Bill No. 81)

AN ACT

TO CONSERVE AND SAFEGUARD THE PUBLIC HEALTH; CREATING THE ARIZONA STATE BOARD OF PHARMACY; PRESCRIBING ITS DUTIES, POWERS AND AUTHORITY; PROVIDING FOR THE EXAMINATION, REGISTRATION AND LICENSING OF LICENTIATES IN PHARMACY AND PHARMACY INTERNES; AND PRESCRIBING THE MINIMUM AGE, EDUCATIONAL QUALIFICATIONS AND NECESSARY EXPERIENCE OF EACH; REGULATING THE PRACTICE OF PHARMACY; REGULATING THE MANUFACTURE, PRODUCTION, SALE AND DISTRIBUTION OF DRUGS, MEDICINAL CHEMICALS, POISONS AND PATENT OR PROPRIETARY MEDICINES IN ARIZONA; PROVIDING FOR THE REGISTRATION AND LICENSING OF PHARMACIES, DISPENSARIES, DRUG STORES AND STORES IN WHICH DRUGS, MEDICINES OR POISONS ARE COMPOUNDED, DISPENSED AT WHOLESALE OR RETAIL; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ACT; AMENDING ARTICLE 15, CHAPTER 67, ARIZONA CODE OF 1939, IN ITS ENTIRETY.

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

Section 1. Article 15, chapter 67, Arizona Code of 1939, in its entirety, is amended to read:

67-1501. DEFINITIONS. (a) The term "licentiate in pharmacy", when not otherwise limited, shall mean a person licensed by the board of pharmacy of the state of Arizona, to prepare, compound, and dispense physicians' prescriptions, and to sell drugs, medicines and poisons at retail.

(b) The term "pharmacy interne" when not otherwise limited, shall mean a person who shall have all the qualifications and experience as set out in section 67-1509.

(c) The term "pharmacy" or "drug store" shall for the purpose of this Act, when not otherwise specifically indicated, be construed to mean any store, shop, laboratory, or place of business where drugs, chemicals, or poisons are sold at retail, or where physicians' prescriptions are compounded and dispensed; or any store, shop, laboratory or place of business which has, upon it or in it as a sign or words, "pharma-

cist", "pharmaceutical chemist", "apothecary", "druggist", "pharmacy", "drug store", "drugs", "drug sundries", or any of these words or combinations of these words, or words of similar import either in English or any other language, or which is advertised by any sign containing any of these words or which has as a name of the business one containing any of these words.

(d) The term "chemicals", where not otherwise limited, means definite chemical compounds, or chemical combinations, or materials or medicines.

(e) The term "drug" means (1) articles recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; and (2) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any articles specified in clause (1), (2), or (3); but does not include devices or their components, parts, or accessories.

(f) The term "medicines", where not otherwise limited, means drugs or chemicals, or compounds, or preparations thereof, in suitable form to be used either internally or externally for man.

(g) The term "board" or "board of pharmacy" whenever used in this Act, unless otherwise specifically indicated, shall mean the Arizona state board of pharmacy.

(h) The term "pharmacopoeia" or "U. S. P.", when not otherwise specifically indicated, shall mean the latest edition of the pharmacopoeia of the United States of America or any supplement thereto.

(i) The term "national formulary", when not otherwise specifically indicated, shall mean the latest edition of that work as published by the American pharmaceutical association, or any supplement thereto.

(j) The term "device" means instruments, apparatus and contrivances, including their components, parts and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; or (2) to affect the structure or any function of the body of man or other animals.

(k) The term "federal food drug and cosmetic Act" means the federal food, drug and cosmetic Act (title 21, U.S.C. 301 et seq.)

(l) The term "person" includes every individual, partnership, corporation, or association.

(m) The term "secretary" shall mean the secretary of the Arizona state board of pharmacy.

(n) The term "label" means a display of written, printed or graphic matter upon the immediate container of any article, or on the outside wrapper of any article, if any there be.

(o) The term "labeling" means all labels and other written, printed or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

(p) The term "prescription" shall mean an order for drugs or medicines or combinations or mixtures thereof, written or signed by a duly licensed physician, dentist, veterinarian or other medical practitioner licensed to write prescriptions intended for the treatment or prevention of disease in man or animals, and includes orders for drugs or medicines or combinations of mixtures thereof transmitted to pharmacists through word of mouth, telephone, telegraph or other means of communication by a duly licensed physician, dentist, veterinarian or other medical practitioner licensed to write prescriptions intended for the treatment or prevention of disease in man or animals, and such prescriptions received by word of mouth, telephone, telegraph or other means of communication shall be recorded in writing by the pharmacist and the record so made by the pharmacist shall constitute the original prescription to be filled by the pharmacist. Nothing in this definition shall be construed as altering or affecting in any way existing or future laws of the state of Arizona or any federal Act requiring a written prescription for narcotics or other dangerous drugs.

(q) The term "patent or proprietary medicines or preparations" shall mean and include packaged medicines, drugs, medical and dental supplies, bottled or nonbulk chemicals, cosmetics and dietary foods identified by and sold under a trade mark, trade name or other trade symbol, privately owned or registered in the United States patent office, which are sold or offered for sale to the general public, if such articles or preparations meet the requirements of the federal food, drug and cosmetic Act.

67-1502. ARIZONA STATE BOARD OF PHARMACY;

APPOINTMENT OF MEMBERS; TERM OF OFFICE. There shall exist and be maintained within this state a board of pharmacy to be known as the "Arizona state board of pharmacy", with duties and powers as hereinafter defined and provided. The board of pharmacy shall consist of five members, and the now existing state board of pharmacy heretofore appointed shall continue in office and shall act as the Arizona state board of pharmacy with all the duties and powers as herein provided until the terms of its present members, respectively, expire. Vacancies as they occur in the present board of pharmacy shall be filled in keeping with the requirements of this Act, and no appointments to the board of pharmacy shall be made unless the appointees shall have been registered as licentiates in pharmacy under this law or some former law of the state of Arizona for a period of at least ten years prior to the date of their appointment. Members of the state board of pharmacy shall be appointed by the governor of the state by and with the advice and consent of the senate, and shall serve, except as hereinafter provided, for a term of five years or until their successors have been appointed and have qualified, provided that the term of one member shall expire on the thirty-first day of January of each year. Vacancies occurring in the board other than by expiration of term shall be filled for the unexpired term only.

On or before January fifteenth of each year the secretary of the Arizona pharmaceutical association may submit to the governor a list of the names of at least seven of its members who shall have been nominated by the association, and who shall meet the requirements as herein provided for the next occurring vacancy on the board of pharmacy, and from nominees submitted by the secretary of the Arizona pharmaceutical association or from others having the necessary qualifications, the governor shall make his appointments for the vacancy or vacancies occurring in the board. Appointees to the board of pharmacy shall within thirty days after their appointment take and subscribe an oath or affirmation before a properly qualified officer that they will faithfully and impartially perform the duties of their office, which oath or affirmation shall be filed with the secretary of state.

67-1503. ORGANIZATION OF BOARD. The board of pharmacy shall organize by electing a president, and a vice-president, both of whom shall be elected annually from its members, and a secretary who may or may not be a member of the board of pharmacy. The officers of the existing board of pharmacy shall continue to act until the term for which they have been elected shall expire. The secretary of the board may be elected for a term not to exceed two years and shall serve at the pleasure of the board of pharmacy. The

president of the board shall preside at all its meetings, and, in his absence or inability to preside, the vice-president shall so act. The secretary of the board of pharmacy shall be the executive officer in charge of the board's office. He shall make, keep, and be in charge of all records and record books required to be kept by the board, including a register of all the registrants who under this Act are required to be registered, and also of all places of business required to be registered thereunder, and shall attend to the correspondence of the board and perform such other secretarial duties as the board may require in the keeping of the office of secretary. He shall receive and receipt for all fees and other money provided for in this Act and shall deposit the same with the state treasurer, who shall keep the board of pharmacy fund. Ten per cent of all fees and/or fines collected hereunder shall be credited to the general fund. The compensation and expense of the board shall be paid out of this special fund. All disbursements shall be made by claims signed by the secretary for which a warrant shall be issued by the state auditor. The secretary of the board shall furnish a bond, the amount of which shall be fixed by the board, conditioned upon the faithful performance and discharge of the duties of his office according to law. The secretary shall receive a salary, to be fixed by the board, and all necessary expenses incurred in the performance of his official duties. If he is a member of the board, such salary and compensation shall be in addition to his per diem as a member. The president, secretary, and/or any member of the board shall be empowered to administer oaths in connection with the duties of the board. The books, registers, and records of the board as made and kept by the secretary or under his supervision, subject to the direction of the board, shall be prima facie evidence of the matter therein recorded in any court of the law. Members of the board of pharmacy shall be paid ten dollars per diem and their necessary expenses while actually engaged in the performance of the duties of the board.

67-1504. POWERS AND AUTHORITY OF BOARD. The board of pharmacy shall have power to make by-laws, rules and regulations necessary for the protection of the public appertaining to the practice of pharmacy and the lawful performance of its duties.

The board shall have the right to employ chemists, inspectors, agents, and clerical help for the proper conduct of its business. The board shall also have power to fix standards and requirements for pharmaceutical registration except as otherwise specified; to regulate the practice of pharmacy and the sale of poisons; to approve or reject the quality of all preparations and the medicines dispensed or sold in this state, using the United States pharmacopoeia or national formu-

lary as standards, or federal food, drug and cosmetic Act; to investigate complaints as to quality of all pharmaceutical preparations and medicines and to take such actions as may be necessary to prevent the sale of such as do not conform to the standards as they are prescribed in the United States pharmacopaeia or national formulary, or the federal food, drug and cosmetic Act; to employ inspectors of pharmacy to inspect during business hours all pharmacies, dispensaries, stores, or places of business in which drugs, medicines, or poisons are manufactured, compounded, dispensed, sold, or advertised for sale; to examine and register as licentiates in pharmacy and pharmacy internes all qualified applicants in a manner hereinafter stated; and to issue duplicate certificates for ones lost or destroyed upon the payment of a certificate fee of five dollars. The board shall have the power to provide rules and regulations for the revocation of licenses or certificates as hereinafter provided.

67-1505. DUTIES OF BOARD. It shall be the duty of the board of pharmacy to enforce the provisions of all laws of the state which pertain to the practice of pharmacy, the manufacture, production, sale or distribution of drugs, chemicals, or poisons, and to their standard of strength and purity. All fines and fees imposed and recovered under these laws, unless otherwise specified, shall be collected by and paid to the secretary of the state board of pharmacy, to be turned over by him to the state treasurer of this state as provided by this Act.

67-1506. LIMITATION ON MANUFACTURE AND SALE OF DRUGS, POISONS, MEDICINES OR MEDICINAL CHEMICALS. It shall be unlawful for any person to manufacture, compound, sell, or dispense any drugs, poisons, medicines, or medicinal chemicals, or to dispense or compound the prescriptions of a physician, dentist, or veterinarian unless such a person be a licentiate in pharmacy or a pharmacy interne, except as hereinafter provided. It shall be unlawful for any person not a licentiate in pharmacy within the meaning of this Act, or for any firm, corporation, or co-partnership to open, advertise or conduct a place of business, pharmacy, dispensary, drug store, apothecary, shop, or store in which drugs, medicines, or poisons are retailed, compounded, and dispensed; to stock, expose, or offer for sale at retail any drugs, medicines, medicinal chemicals, or poisons, except as otherwise specifically provided; or to use or exhibit the title "drugs", "drug store", "drug shop", "pharmacy", or "apothecary", or any combination of such words or titles, or any title or description of like import, or any other term or terms designated to take the place thereof, without placing in active personal charge at each place of business a person who is a licentiate in pharmacy pursuant to this Act; provided, that

nothing herein contained shall be construed to prevent the personal administration of drugs, and medicines carried or kept for emergencies by licensed physicians, dentists, or veterinarians, in order to supply the immediate needs of their own patients; nor to prevent the sale of non-narcotic and/or non-poisonous patent or proprietary medicines when sold at retail in original packages by persons, firms or corporations duly licensed under the provisions of this Act; nor to prevent the sale of drugs, medicines, medicinal chemicals, poisons or proprietary medicines at wholesale by wholesale dealers or manufacturers thereof, who have been duly licensed by the state board of pharmacy, to persons, firms or corporations duly licensed under the provisions of this Act.

67-1507. MEETINGS FOR EXAMINATION AND REGISTRATION OF APPLICANTS; ANNUAL REPORT TO GOVERNOR. The board of pharmacy shall hold meetings for the examination of applicants for registration and for the transaction of such other business as may legally come before it. There shall be not less than four meetings in each fiscal year. The board of pharmacy may designate the time and place of its meetings for examination of applicants, but no such meeting for examination of applicants shall be held unless thirty days prior to said meeting the board has designated the time and place for said meeting.

The board shall make a written report annually to the governor of the state and to the Arizona pharmaceutical association of its proceedings and of its receipts and disbursements under this Act, including also the names of all registrants duly licensed to practice under this Act, and a record of permits and renewals.

67-1508. EXAMINATION AND REGISTRATION OF LICENTIATES IN PHARMACY; QUALIFICATIONS. Every applicant for examination and registration as a licentiate in pharmacy shall be not less than twenty-one years of age, a citizen of the United States, of good moral character and temperate habits, a graduate of a school or college of pharmacy, or department of pharmacy of a university recognized by the board of pharmacy and shall file proof satisfactory to the board, substantiated by proper affidavits, showing at least fifty-two weeks of service and experience in a retail pharmacy under the supervision of a licentiate in pharmacy, providing that any applicant who is unable to furnish satisfactory proof in accordance with this section of fifty-two weeks interneship may, at the discretion of the board, be given the examination and his certificate as licentiate in pharmacy be withheld until such time as he has acquired the necessary interneship and furnishes satisfactory evidence thereof.

Service and experience in a retail pharmacy under the supervision of a licentiate in pharmacy as required in this section shall principally consist of the selling of drugs, compounding physicians' prescriptions, preparing pharmaceutical preparations, and keeping records and making reports required under the state and federal statutes; provided, further, that the board of pharmacy may in its discretion register as a licentiate in pharmacy, without examination, any citizen of the United States who is duly registered as a licentiate in pharmacy by examination in some other state, provided that the said person shall produce evidence satisfactory to the board of having had the required secondary and professional education and training and is possessed of good character and morals as demanded of applicants for registration under the provisions of the pharmacy Act of this state, excepting that persons of good character who have become registered as licentiates in pharmacy by examination in other states prior to the time this Act becomes in force shall be required to satisfy only the requirements which existed in this state at the time when they became registered in such other states; and provided also, that the state in which such person is registered shall grant, under like conditions, reciprocal registrations as licentiate in pharmacy duly registered by examination in this state.

67-1509. PHARMACY INTERNE; QUALIFICATIONS. It shall be the duty of a licentiate in pharmacy who employs a pharmacy interne for the purpose of becoming a licentiate in pharmacy to require such a candidate to apply to the board of pharmacy for registration as a pharmacy interne.

The board shall establish the preliminary educational qualifications for all pharmacy internes which shall be not less than thirty semester hours or the equivalent thereof, satisfactorily completed in a college of pharmacy approved by the board of pharmacy, and shall furnish proper blanks for the purpose of registration, and issue a certificate upon the payment of the required fee which shall accompany the application for registration.

A pharmacy interne, registered as such, may be employed in a retail pharmacy and shall receive instruction in the practice of pharmacy. Pharmacy internes may compound, dispense and sell drugs, medicines, or poisons only in the presence and under the immediate personal supervision of a licentiate in pharmacy, who must be either the proprietor or in the actual employ of the proprietor.

67-1510. FEES FOR EXAMINATION AND REGISTRATION; RECIPROCAL REGISTRATION. Every applicant for examination and registration as a licentiate in pharmacy shall

pay to the board of pharmacy at the time of filing application a fee of fifty dollars. The payment of said sum of money, as aforesaid, shall entitle the applicant to take a second examination in case of failure in the first, but no more, provided, however, that said second examination is the next succeeding examination given by the board. In case the applicant passes a satisfactory examination, he shall pay to the board of pharmacy a certificate fee of five dollars, and the secretary of the board of pharmacy shall issue to the applicant a certificate as licentiate in pharmacy.

Every applicant who under the law is entitled to registration as a pharmacy interne to a licentiate in pharmacy, when applying to the board for such registration, shall pay a fee of three dollars for which a certificate of registration shall be issued to the applicant by the secretary of the board.

Every applicant for the reciprocal registration as licentiate in pharmacy in this state shall pay a fee of one hundred dollars for the application and expense of making an investigation of his character, general reputation, and pharmaceutical standing in the state in which he has resided. A fee of five dollars shall also be paid before the license or certificate of registration is issued by the secretary of the board.

All certificates of registration shall bear the signatures of the majority of the members of the board of pharmacy. Any person who shall secure or attempt to secure registration of himself or of another person by knowingly making false representation, or who shall fraudulently represent himself to be registered within the meaning of this Act shall be guilty of a misdemeanor and upon conviction shall be fined and punished as provided in section 67-1527.

67-1511. CERTIFICATES OF REGISTRATION; RENEWAL OF REGISTRATION; FEES; CANCELLATION AND REINSTATEMENT OF REGISTRATION. All certificates of registration mentioned in this Act issued by the board of pharmacy shall expire on the thirtieth day of June following the date of issuance of the same.

Every licentiate in pharmacy shall pay to the secretary of the board annually a renewal fee of ten dollars, said fee to be due on July first of each year and delinquent if not paid by the thirty-first day of July of said year.

Every pharmacy interne shall pay to the secretary of the board annually a renewal fee of two dollars, said fee to be due on July first of each year and delinquent if not paid by the thirty-first day of July of said year.

The payment of annual renewal fee shall entitle the registrants to renewal of certificate. If the renewal fee for the certificate of any licentiate in pharmacy or pharmacy interne be unpaid by the first day of August of any year, a fine of one dollar shall be assessed and renewal of certificate shall not be granted until all back fees and assessed fines have been collected. If the renewal fee of the certificate of any licentiate in pharmacy or pharmacy interne be unpaid by the first day of September of any year, such certificate is hereby declared null and void and the holder thereof may be reinstated as a licentiate in pharmacy or pharmacy interne only upon the payment of a penalty of ten dollars and all lapsed fees, provided, that the holder of any certificate as a licentiate in pharmacy which has not been renewed for five consecutive years shall be required to furnish to the board of pharmacy satisfactory proof of his fitness to be registered as a licentiate in pharmacy.

Every licentiate in pharmacy or pharmacy interne shall within ten days after changing his place of business or employment give written notice to the secretary of the board of his new business location.

All fees and schedules as set out in this section shall become effective on the first day of July following the effective date of this Act.

67-1512. REGISTRATION OF PHARMACIES, DRUG STORES, WHOLESALERS, MANUFACTURERS AND SIMILAR PLACES OF BUSINESS; PERMITS; FEES; CANCELLATION OF PERMITS; REINSTATEMENT; TYPES OF PERMITS. The board of pharmacy shall require and provide for annual registration of every pharmacy, drug store, pharmacy department, prescription laboratory, dispensary, apothecary, wholesaler and manufacturer of drugs, or any other place of business in which or from which drugs, medicinal chemicals, medicines, poisons, proprietary or patent medicines are sold, retailed, compounded, dispensed, stocked, exposed, manufactured, or offered for sale, either at wholesale or retail, in this state. Any person, firm, corporation, or copartnership desiring to operate, maintain, manufacture, open or establish a pharmacy, drug store, pharmacy department, prescription laboratory, dispensary, apothecary, manufacturing plant, wholesale distribution center, or wholesale business or any other place of business in which or from which drugs, medicinal chemicals, medicines, poisons, proprietary or patent medicines are sold, either at wholesale or retail, manufactured, compounded, dispensed, stocked, exposed, or offered for sale, either at wholesale or retail, in this state, shall apply to the board of pharmacy for a permit or license to do so. The appli-

cation for such permit or license shall be made on a form prescribed and furnished by the board of pharmacy, which, when properly executed, shall indicate the ownership, trustee, receiver or other person or persons desiring such permit or license, including the name of the licentiate in pharmacy, owner or manager in charge or to be placed in charge, as well as the location of such pharmacy, drug store, pharmacy department, prescription laboratory, dispensary, or apothecary, or any other place of business in which or from which drugs, medicinal chemicals, medicines, poisons, proprietary or patent medicines are sold, retailed, manufactured, compounded, dispensed, stocked, exposed or offered for sale, either at wholesale or retail, including street name and number, and such other information as the board may require. If it is desired to operate, maintain, open or establish more than one pharmacy, drug store, pharmacy department, prescription laboratory, dispensary, apothecary, or any other place of business in which or from which drugs, medicinal chemicals, medicines, poisons, proprietary or patent medicines are sold, retailed, manufactured, compounded, dispensed, stocked, exposed or offered for sale, either at wholesale or retail, separate application shall be made and separate permit or license shall be issued for each.

Every application for a "proprietary or patent medicine permit", as hereinafter described, shall be accompanied by a ten-dollar application fee, every application for a wholesale, or manufacturers' "drug and/or pharmacy permit", as herein described, shall be accompanied by the required fee of fifty dollars, and every application for a retail "drug and/or pharmacy permit", shall be accompanied by the required fee of twenty-five dollars, each of which amounts also shall be paid annually as the fee for renewal of such permit or license. If an application is found to be satisfactory to the board of pharmacy the secretary shall issue to the applicant a permit or license for each wholesale or retail pharmacy, drug store, pharmacy department, prescription laboratory, dispensary or apothecary, or in any other place of business in which drugs, medicinal chemicals, medicines, poisons, proprietary or patent medicines are sold, retailed, manufactured, compounded, dispensed, stocked, exposed or offered for sale for which an application is made. Permits or licenses issued under this section shall not be transferable and shall expire on June thirtieth of each calendar year. The renewal fee as herein provided shall be due on the first day of July of each year and delinquent on the thirty-first day of July of said year.
If the renewal fee herein provided for be not paid before the thirty-first day of July of each calendar year, such permit or license shall become null and void and shall be cancelled and

may be reinstated only upon application as in this section provided, accompanied by the required renewal fee and an additional fee of ten dollars. Change of ownership, management or licentiate in pharmacy in charge must be reported within ten days to the board. The board of pharmacy is hereby authorized and empowered to issue licenses or permits pursuant to this section. One class or kind of permit or license shall be known and designated as a "proprietary or patent medicine permit" and shall be issued to those persons, firms, copartnerships or corporations applying for registration under the provisions of this section to sell, retail, stock, expose or offer for sale, either at wholesale or retail, in this state proprietary or patent medicines in the original package only, and such persons, firms, copartnerships or corporations applying for registration under the provisions of this section to sell, retail, stock, expose or offer for sale in this state proprietary or patent medicines in the original package only, and such persons, firms, copartnerships or corporations so registered and licensed shall be limited to stocking, exposing, selling or offering for sale proprietary or patent medicines in the original package, but such permittees shall not be limited to or required to conduct such business at any fixed place. The other licenses or permits shall be known as a wholesale, retail and manufacturers' "drug and/or pharmacy permit" and shall be issued only upon the approval by the board of the application filed in connection therewith to persons, firms, copartnerships or corporations otherwise described in this section. The board of pharmacy is hereby authorized to revoke any permit or license issued under the provisions of this section at any time when examination or inspection of the wholesale or retail pharmacy, drug store, pharmacy department, prescription laboratory, dispensary, or apothecary, or any other place of business in which drugs, medicinal chemicals, medicines, poisons, proprietary or patent medicines are sold, retailed, manufactured, compounded, dispensed, stocked, exposed, or offered for sale for the operation of which the permit or license was granted, shall disclose that such place is not being conducted according to the laws relating to the sale and distribution of drugs and medicines.

All applicants for licenses hereunder must in all respects comply with all other laws of the state of Arizona for the operation of any types of business in which they may be engaged.

67-1513. PERMITS TO GENERAL DEALERS; SALE OF HOUSEHOLD REMEDIES; PRESCRIPTIONS. The board of pharmacy shall issue a permit to any and all general dealers wishing to deal in the simple household remedies mentioned elsewhere in this section; and said permit shall authorize the

person or firm named therein to sell in such locality, but not elsewhere, and under such regulations and restrictions as said board may from time to time adopt, in such manner and form as may be authorized by said board, the following simple household remedies and drugs, to-wit:

Tincture of arnica, spirits of camphor, almond oil, distilled extract witch hazel, syrup of ipecac, syrup of rhubarb, hive syrup, sweet spirits of nitre, tincture of iron, Epsom salts, Rochelle salts, senna leaves, carbonate of magnesia, seidlitz powders, quinine, headache remedies, antiseptics, laxatives, cathartic pills, chamomilla flowers, caraway seed, chlorate of potash, moth balls, plasters, salves, ointments, peroxide of hydrogen, gum camphor, blue ointment, asafoetid, saffron, anise seed and saltpeter, the foregoing being words of description only, and not of limitation, and such other remedies or drugs as the board may from time to time designate.

Provided such permit shall not authorize any such dealer to compound or prepare any prescription or do any of the things herein particularly given to a licensed pharmacist.

67-1514. CERTIFICATE OF REGISTRATION, PERMITS AND LICENSES MUST BE DISPLAYED. The holder of any certificate of registration, license, or permit granted under the provisions of this Act shall conspicuously display the same in the wholesale or retail pharmacy, drug store, pharmacy department, dispensary, apothecary, store or place of business to which it applies, and the licentiate in pharmacy who conducts as proprietor or manages any wholesale or retail pharmacy, drug store, pharmacy department, dispensary, or apothecary shall display conspicuously his certificate in the part of the wholesale or retail pharmacy, drug store, or apothecary, pharmacy department, or dispensary usually occupied by customers.

67-1515. REVOCATION AND SUSPENSION OF CERTIFICATES OF REGISTRATION, LICENSES AND PERMITS, RIGHT OF APPEAL, PROCEDURE THEREON. The certificate of registration or license of any licentiate in pharmacy or pharmacy interne may be revoked or suspended by the board of pharmacy when the registration is proved to the board to have been obtained by fraudulent means, or when the registrant has been convicted of a felony or is found by the board to be guilty of gross immorality; or to be addicted to the use of liquor or drug habit to such a degree as to render him unfit in the opinion of the board to manufacture, compound, sell, or dispense drugs and medicines. A certificate of registration or license shall be revoked or suspended only after due notice and hearing, and for the purpose of such hearing, the

board, or any member thereof, is hereby authorized to examine witnesses under oath, to take oaths or affirmations, and to reduce the testimony given in any such case to writing.

The decision of the board in denying, suspending or revoking any license shall be subject to review. Any person aggrieved by the board's decision may, within thirty days after such decision appeal to the superior court of the county in which the appellant resides and such court shall on such appeal inquire into the cause of such denial, suspension or revocation. If, in the opinion of the court the denial, suspension or revocation of such license was made without just cause, the court may afford such relief as it may deem advisable. Notice of an appeal from the decision of the board shall be served by leaving with any member of the board an attested copy thereof within thirty days after said board has notified the persons aggrieved of its decision. Hearings of such appeals shall proceed in accordance with such rules as the court may determine. The party appealing may make demand of the board, in writing, for a certified transcript of all papers on file in its office affecting or relative to such decision and also all evidence taken at the hearing. Within thirty days after receipt of the said demand, accompanied by a fee of one dollar for certification of the said transcript and twenty cents for each folio thereof, the board shall make and certify transcript and file the same with the county clerk of the court to which the appeal has been taken. In the event of an appeal, the decision of the board may be stayed upon such terms as the court may impose, provided, however, that in no event shall the decision of the board take effect until thirty days after the date thereof. If any person shall be convicted in the federal or state courts of having violated the federal or state narcotic Act, he shall have his license revoked by the board of pharmacy and shall not have the right of appeal and the decision of the board in revoking a license for such cause shall take effect immediately.

67-1516. RECOGNITION OF SCHOOLS AND COLLEGES OF PHARMACY. The board of pharmacy shall adopt and promulgate standards and requirements for recognition of schools and colleges of pharmacy, subject to change as may be deemed necessary from time to time. The requirements shall include provisions for a course of instruction, equipment, and professional staff; provided, however, that no school or college of pharmacy shall be given recognition by the board unless all persons entering for regular courses in pharmacy shall have been graduated from a standard recognized high school or shall have acquired the equivalent of a four-year high school course in some other institution of equal rank or standing, or shall have passed an examination for the equivalent of a four-year high school course given by a state uni-

versity or a state department or bureau of education issuing a qualifying certificate.

67-1517. RESPONSIBILITY OF PROPRIETOR OR MANAGER OF PHARMACY, DRUG STORE OR APOTHECARY. The proprietor or manager of a pharmacy, drug store, or apothecary shall be responsible for the quality of drugs, chemicals, or medicines sold or dispensed in his place of business, except those sold in original packages of the manufacturer or preparations known as patent or proprietary medicines when sold in the original packages.

No licentiate in pharmacy, or other person shall manufacture, compound or sell, or offer for sale or cause to be manufactured, compounded, sold or offered for sale any medicine, compound or preparation for internal or external use under or by a name recognized in the United States pharmacopoeia or national formulary which differs from the standard of strength and purity specified therein as official at the time of such manufacture, compounding, sale or offering for sale; nor shall any licentiate in pharmacy or other person manufacture, compound, sell or offer for sale, or cause to be manufactured, sold or offered for sale, any drug, medicine, chemical or pharmaceutical preparation, the strength and purity of which falls below the required standard of strength and purity under which it is sold; nor shall any licentiate in pharmacy or other person being requested to sell, furnish or compound any drug, medicine, chemical, or pharmaceutical preparation, by means of a prescription or otherwise, substitute or cause to be substituted therefor without authority of the prescriber or purchaser, any other drug, medicine, chemical or pharmaceutical preparation.

67-1518. LABELS; RECORD OF PRESCRIPTIONS. Excepting in the case of prescriptions or as otherwise specifically provided by law, no person shall sell or dispense at retail any drugs, medicine, or poison without affixing to the box, bottle, vessel, or package containing said drug, medicine, or poison a clear and legible label, either printed or typewritten, bearing the name of the article with the name and the place of business from which the article is obtained, or where manufactured or compounded.

Every proprietor or manager of a pharmacy or drug store shall keep in his place of business a suitable book or file in which shall be preserved for a period of not less than five years the original of every prescription compounded or dispensed at such pharmacy or drug store, numbering in consecutive order, dating, and filing them in the order in which they were compounded, and shall produce the same in court or before any

grand jury whenever lawfully required. Said book or file or original prescriptions shall at all times be open for inspection by the person prescribing, the board of pharmacy, and officers of the law in performance of their duties.

67-1519. DANGEROUS DRUGS; REGULATING SALE AND POSSESSION OF CERTAIN DRUGS; RECORD OF SALE OF DRUGS. The term "dangerous drug" means any drug or device sold at retail, the label of which bears a statement that it is to be dispensed or sold only by or on the prescription of a physician, dentist or veterinarian; and the sale of any such drug or device shall be unlawful unless it is sold on a prescription of a member of the medical, dental, or veterinary profession who is licensed by law to administer such drug or device; and such term shall include, but be not limited to, the following:

(a) Any hypnotic drug. "Hypnotic drug" includes acetylurea derivatives, barbituric acid derivatives, chloral, paraldehyde, phenylhydantoin derivatives, sulfonmethane derivatives, or any compounds or mixtures or preparations that may be used for producing hypnotic effects.

(b) Aminopyrine, or compounds or mixtures thereof.

(c) Amphetamine, desoxyephedrine, or compounds or mixtures thereof except preparations for use in the nose and unfit for internal use.

(d) Cinchophen, neocinchophen, or compounds or mixtures thereof.

(e) Diethyl-stilbestrol, or compounds or mixtures thereof.

(f) Ergot, cotton root, or their contained or derived active compounds or mixtures thereof, and except preparations designed for the purpose of treating animals (other than man) or poultry and so labeled.

(g) Oils of croton, rue, savin or tansy or their contained or derived compounds or mixtures thereof.

(h) Sulfanilamide or substituted sulfanilamides, or compounds or mixtures thereof, except preparations for topical application only containing not more than five percent strength, and except preparations designed for the purpose of treating animals (other than man) or poultry and so labeled.

(i) Thyroid and its contained or derived active compounds or mixtures thereof.

(j) The board of pharmacy shall have the power to make such additions to the above list of "dangerous drugs" as recommended or designated under the provisions of the federal food, drug and cosmetic Act, and notification of such additions shall be sent to all licentiates in pharmacy by the secretary of the board of pharmacy within thirty days from the adoption of the regulation naming such additions as "dangerous drugs".

It shall be unlawful for any person, firm, partnership, association, or corporation, to sell, offer for sale, barter, or otherwise dispose of, or be in possession of any "dangerous drugs", except under the following conditions:

(A) Manufacturers, wholesalers and retailers of drugs may sell, offer for sale, barter or otherwise dispose of, or be in possession of for sale, under the provisions of section 67-1506 of this Act, any dangerous drugs.

(B) Licensed physicians, dentists and veterinarians may dispense or prescribe barbituric acid and any of its derivatives, chloral hydrate or paraldehyde, or any dangerous drugs: Provided, that a record of all such dispensations, except administration to a patient upon whom such physician, dentist or veterinarian shall personally attend, shall be kept showing the date when issued and bearing the name and address of the patient for whom, or the owner of the animal for which the drug is dispensed, which record shall be open to inspection by any officer of any organized police force of this state or any prosecuting attorney, his investigators, or the state board of pharmacy, or its authorized agents.

(C) Pharmacies shall be prohibited from selling, giving away, bartering or otherwise disposing of barbituric acid and any of its derivatives, chloral hydrate or paraldehyde, or any dangerous drugs, except on prescription of a licensed physician, dentist or veterinarian, and except as such sale or possession is authorized under subdivision (A) of this section. It shall be the duty of all pharmacists to keep an accurate record of all disposals, which record shall be open to inspection by any officer of any organized police force of this state or any prosecuting attorney, his investigators, or the state board of pharmacy, or its authorized agents.

(D) It shall be unlawful for any person, firm, partnership, association or corporation, other than a drug manufacturer or wholesaler, licensed physician, licensed dentist, licensed veterinarian, licensed pharmacist, police, or public health laboratory, college of pharmacy of the university of Arizona, to have in possession any barbituric acid and any of its derivatives, chloral hydrate or paraldehyde, or any dangerous drugs, unless

the same are contained in the original container, as dispensed to them.

(E) It shall be the duty of every licensed physician, dentist, veterinarian, or pharmacist, when dispensing any barbituric acid and any of its derivatives, chloral hydrate or paraldehyde, or any dangerous drugs, to mark on the dispensing container, the name of the patient, the date, and the name of the person dispensing the same.

(F) All records required to be kept under the provisions of this Act shall be preserved for a period of five years.

(G) No prescription can be lawfully refilled (1) if it is marked by the issuing physician, dentist or veterinarian as not to be refilled, nor (2) if it contains a drug or drugs which fall under this section designated as "dangerous drugs".

(H) Any other prescription can lawfully be refilled (1) if the issuing physician, dentist or veterinarian is authorized by law to administer such a drug, and (2) if such a prescription refilled bears a label containing the name and place of business of the dispenser, the serial number and date of such prescription, and the name of such physician, dentist or veterinarian.

(I) No person shall obtain or attempt to obtain any barbituric acid and/or any of its derivatives, chloral hydrate, or paraldehyde, or any dangerous drug, or procure or attempt to procure the administration of any of the aforementioned drugs, (1) (a) by fraud, deceit, misrepresentation, or subterfuge; or (b) by the forgery or alteration of a prescription or of any written order; or (c) by the concealment of a material fact; or (d) by the use of a false name or the giving of a false address. (2) No person shall wilfully make a false statement in any prescription, order, report, or record, required by this Act. (3) No person shall, for the purpose of obtaining any of the aforementioned drugs, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian or other authorized person. (4) No person shall make or utter any false or forged label to a package containing any of the aforementioned drugs. (5) No person shall make or utter any false or forged prescription or false or forged written order.

67-1520. POISON LABELS; RECORD OF SALE OF POISONS. The term "poison" shall include all articles enumerated and defined in schedule "a" and schedule "b" hereinafter set out.

The board of pharmacy shall have the power to make such

additions or deductions to or from schedules "a" and "b" as they may deem necessary, and notification of such changes shall be sent to all licentiates in pharmacy with the next issuance of renewal of registration receipts.

It shall be unlawful for any person to sell or deliver to any person a poison as defined in this Act, except as otherwise specifically provided by law, without first having learned by due inquiry that such person is aware of the poisonous character thereof and that it is desired for a lawful purpose; or without plainly labeling with a label printed upon red paper in distinct white letters or printed upon white paper in distinct red letters the name of the article in English and the word "poison" printed in type at least as large as the type used to name the article and vignette representing the skull and cross bones, and the name and the place of business of the dispenser, together with the name of the antidote, if any there be, for the poison sold and directions for its use; or to sell or deliver any poison to a minor under sixteen years of age without the written order of an adult; or, if included in the list of schedule "a" poisons, to sell or deliver any such poison without recording in a book kept solely for that purpose the name and amount of such poison, the intended use thereof, the date and hour of delivery, the signature and address of the purchaser, and the signature of the dispenser who shall be a licentiate in pharmacy; or to fail to preserve said book of records for at least five years, or to fail to submit it to proper officers or officials of the law when required for inspection; provided, however, that when poisons are dispensed in accordance with written prescriptions by licensed physicians, dentists, or veterinarians, and such written prescriptions are filed and retained by the pharmacist as required under this Act, the requirements herein shall be satisfied, and the pharmacist shall affix a "poison" label only when the prescribing physician, dentist or veterinarian so directs, and a violation of this section shall constitute a violation of the penal section of this Act.

67-1521. POISONS. Schedule "a":

(a) Arsenic compounds and preparations;

(b) Cyanides and preparations, including hydrocyanic acid;

(c) Fluorides soluble in water, and preparations;

(d) Mercury compounds and preparations, except preparations made and labeled for external use only and containing not more than five-tenths percent total mercury, and except ointments or soaps containing not more than two percent total

mercury or not more than ten percent ammoniated mercury or mercuric oxide;

(e) Phosphorus and preparations;

(f) Thallium compounds and preparations;

(g) Aconite, Belladonna, Cantharides, Cocculus, Conium, Digitalis, Gelsemium, Hyoscyamus, Nux Vomica, Santonica, Stramonium, Strophanthus, Veratrum, or their contained or derived active compounds and preparations, except preparations made and labeled for external use only, and except preparations containing not more than four-thousandths percent total belladonna alkaloids or not more than two-hundredths percent total nux vomica alkaloids, and except preparations in dosage forms each containing not more than two-tenths milligram total belladonna alkaloids or not more than one milligram total nux vomica alkaloids;

(h) Zinc phosphide and preparations;

(i) Sodium fluoracetate and preparations;

(j) Any other drug, chemical substance or preparation which, according to standard works on medicine, materia medica, or toxicology, is liable to be destructive to adult human life in doses of five grains or less.

Schedule "b":

(a) Antimony, Barium, Copper, Lead, Silver or Zinc compounds soluble in water, and preparations containing five percent or more of these compounds;

(b) Bromine or Iodine and preparations;

(c) Hypochlorous acid, free or combined, and preparations that yield ten percent or more of available chlorine, excepting chloride of lime or bleaching powder;

(d) Permanganates soluble in water, and preparations containing five percent or more of these compounds;

(e) Nitric acid and preparations containing five percent or more of the free acid;

(f) Hydrochloric, Hydrobromic or Sulfuric acids, and preparations containing ten percent or more of the free acids;

(g) Oxalic acid or Oxalates, and preparations containing ten percent or more of these compounds;

(h) Acetic acid and preparations containing twenty percent or more of the free acid;

(i) Potassium or Sodium hydroxides, and preparations containing ten percent or more of the free alkalies;

(j) Ammonia solutions or ammonium hydroxide, and preparations containing five percent or more of free ammonia;

(k) Chloroform or Ether, and preparations containing five percent or more of these compounds, except preparations made and labeled for external use only;

(l) Methyl alcohol or Formaldehyde, and preparations containing one percent or more of these compounds;

(m) Phenol or carbolic acid, Cresols or other phenol derivatives, soluble in water, and preparations containing five percent or more of these compounds;

(n) Nitroglycerine and nitrates;

(o) Nicotine and preparations containing nicotine expressed as alkaloid more than two percent;

(p) Ergot, cottonroot, pennyroyal and larkspur, or their contained or derived active compounds or mixtures thereof;

(q) Or any other drug, chemical substance or preparation, which according to standard works on medicine, materia medica, or toxicology, while not considered as toxic in doses of five grains or less, are nevertheless liable to be destructive to adult human life in doses of sixty grains or less.

Provided, that compounds and preparations containing poisons as defined in schedules "a" and "b" in quantities of less than one adult medicinal dose according to standard books on medicine, materia medica or toxicology, in one-half fluid ounce if liquid, or one-half avoirdupois ounce, if solid, shall not be regarded to be poisons. Provided further, the bona fide patent and proprietary medicines for internal use, which are not fully known poisonous in the doses recommended, shall not be regarded to be poisonous within the meaning of this Act.

When poisons are dispensed in accordance with written

prescriptions by licensed physicians, dentists, or veterinarians, and such written prescriptions are filed and retained by pharmacies as required in this Act, the requirements herein shall be satisfied and the pharmacist shall have affixed a "poison" label only when the prescribing physician, dentist or veterinarian so directs. Nothing in this Act shall prevent the manufacture and/or sale by any person of any poisons included, or which may hereafter be included, in schedule "a" or schedule "b" of this Act, when the poison manufactured and/or sold is intended for industrial, agricultural, or horticultural use, sold in unbroken packages when the same are labeled as heretofore provided in this Act and subject to the provisions of the following paragraph.

Whoever sells or delivers to any person a poison as defined in this Act, except as otherwise specifically provided by law, without first having learned by due inquiry that such person is aware of the poisonous character thereof and that it is desired for a lawful purpose, without plainly labeling with the name of the article in English and the word "poison", and the name and place of business of the dispenser; or sells or delivers any poison to a minor under sixteen years of age without the written order of an adult, or, if included in the list of schedule "a" poisons, sells or delivers any such poison without recording in a book kept for that purpose the name of such poison, the intended use thereof, the date of delivery, the name and address of the purchaser, and the name of the dispenser; or fails to preserve said book of records for at least five years, or fails to submit it to proper officers or officials of the law when required for inspection, shall be guilty of a misdemeanor and punished hereunder in accordance with the provisions of section 67-1527.

67-1522. PRACTICE OF PHARMACY IN HOSPITALS. Definitions: (a) "Practice of pharmacy in hospitals" shall mean the manufacturing, compounding, selling, or dispensing of any drug or medicine in a hospital. (b) "Hospital" shall mean any institution for the care and treatment of the sick and injured approved and licensed by the Arizona state board of health. (c) The term "drug and/or medicine" shall be as heretofore defined in this Act.

The pharmacy operating in connection with the hospital shall comply with all the provisions of this Act requiring registration of drug stores and pharmacies and with all regulations of the Arizona state board of pharmacy; and in addition thereto shall meet the following requirements:

(1) In hospitals with one hundred beds or more, the pharmacy or drug dispensing room shall be under the supervision

of a licentiate in pharmacy licensed in the state of Arizona.

(2) In hospitals of less than one hundred beds where the drug room is not under the supervision of a licentiate in pharmacy, the services of a registered licentiate in pharmacy in the community where said hospital is located or a pharmacists' inspector from the Arizona state board of pharmacy shall be obtained periodically to consult with the hospital administrator relative to the labeling, storage and dispensing of drugs.

(3) The licentiate in pharmacy shall, with the approval of the administrator of the hospital, initiate procedures to provide for the administrative and technical guidance in all matters pertaining to the handling and dispensing of drugs.

67-1523. UNITED STATES PHARMACOPOEIA AND NATIONAL FORMULARY MUST BE KEPT IN EVERY PHARMACY OR DRUG STORE. There shall be kept in every pharmacy or drug store a copy of the latest revision of the United States pharmacopoeia and the latest revision of the national formulary, which books must be available for the inspection of the board of pharmacy and its properly authorized agents and employees.

67-1524. EXEMPTION FROM JURY DUTY. Any person registered as a licentiate in pharmacy under this Act shall be exempt from jury duties.

67-1525. PURPOSE AND INTENT OF ACT. It is the purpose and intent of this Act to protect and safeguard the health and safety of the public by regulating the practice of pharmacy, the manufacture, production, sale and distribution of drugs, medicinal chemicals, poisons, patent and proprietary medicines in the state of Arizona.

67-1526. AUTHORITY OF BOARD TO JOIN AND SUBSCRIBE TO NATIONAL ORGANIZATIONS AND PUBLICATIONS; AND TO ATTEND STATE, DISTRICT, REGIONAL AND NATIONAL MEETINGS. The Arizona state board of pharmacy is hereby given authority to join and subscribe to any state, district, regional, or national organizations or publications relating to and dealing with pharmacy. Any one member of the Arizona state board of pharmacy, if selected by the board, is hereby authorized to attend state, district, regional, and national meetings relating to pharmacy that in the discretion of the Arizona state board of pharmacy may be necessary and for the best interests of said board.

67-1527. VIOLATIONS OF ACT; PENALTIES. The vio-

lation of any provision of this Act shall constitute a misdemeanor and any person, firm or corporation convicted of such violation shall be punishable by imprisonment in the county jail for a term not exceeding six months or by a fine not exceeding three hundred dollars, or by both, together with the cost of prosecution for each offense. The violation of each section of this Act shall constitute a separate offense and each day of continuing violation shall constitute a separate offense. Upon a second conviction of a violation of any part of this Act by any person, firm or corporation registered or licensed thereunder, such registration, license or permit shall thereupon be cancelled and voided by the board.

It shall be the duty of all courts convicting any person for violation under the terms of this Act to immediately after the date of said conviction send a complete copy of the conviction, including the person's name and offense committed, to the secretary of the state board of pharmacy.

67-1528. CONSTRUCTION CLAUSE. Should any provision or section or portion of section of this Act be declared unconstitutional by a court of competent jurisdiction, all other provisions and all other sections or parts of sections of the Act which are not expressly declared to be unconstitutional shall continue in full force and effect.

Approved by the Governor—March 15, 1951.

Filed in the Office of the Secretary of State—March 15, 1951.

CHAPTER 74

(House Bill No. 86)

AN ACT

RELATING TO THE POWERS AND DUTIES OF BOARDS OF TRUSTEES OF SCHOOL DISTRICTS; BOARDS OF EDUCATION OF HIGH SCHOOL DISTRICTS; AMENDING SECTION 54-416, AS AMENDED, ARIZONA CODE ANNOTATED, 1939, AND REPEALING SECTION 54-918, ARIZONA CODE ANNOTATED, 1939.

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

Section 1. Sec. 54-416, Arizona Code Annotated, 1939, as amended, is amended to read:

54-416. BOARD OF TRUSTEES, POWERS AND DUTIES. The powers and duties of the board of trustees of school districts are as follows:

1. The trustees, any two (2) of whom constitute a quorum for the transaction of business, shall meet at the most convenient place in the district, not earlier than the second day, nor later than the second Saturday of January next following the election and organize, electing one of their number president and one of their number clerk, and on the same day, notify the county school superintendent thereof; provided, that no meeting for organization shall be held unless each member has received three (3) days' written notice of the same, such notice to be signed by any two (2) members of the board.

2. The board shall prescribe and enforce rules not inconsistent with law or those prescribed by the state board of education for their own government and the government of the schools. They may segregate groups of pupils.

3. The board shall manage and control the school property within their districts; purchase school furniture, apparatus, equipment, library books, and supplies for the use of the schools; rent, furnish, repair and insure the school property of the district; when directed to do so by a vote of the district, construct school buildings, or purchase or sell school sites; make, in the name of the district, conveyances of all property belonging to the district and sold by them, and employ under written contract, all employees of the schools. The board may, at any time after the annual election and qualification of the new members, enter into contracts with teachers, principals, janitors, attendance officers, school physician, school dentist, nurses, and other employees necessary for the succeeding year, and fix their salaries. No relative by affinity or consanguinity within the second degree of any trustee, or the husband or wife of a trustee, shall be employed in the district where he is a trustee, except by the unanimous consent of the board, nor shall any teacher be employed who has not received a certificate of qualification therefor, granted by the proper authorities.

Boards of trustees of districts having an average daily attendance of three hundred (300) or more may employ a certificated superintendent or principal; two (2) or more districts having an average daily attendance of three hundred (300) or more may jointly employ a principal or superintendent whose salary shall be prorated among the districts employing him in accordance with the number of children enrolled in each district. The employment of superintendents of schools or prin-

cipals may be for any term not exceeding four (4) years. Special teachers in drawing, music, domestic science, manual training, kindergarten, commercial work, agriculture and other special subjects may be employed.

4. The board may expel pupils for misconduct and exclude from the primary grades children under six (6) years of age; shall enforce in school the course of study and the use of textbooks prescribed and adopted by the state board; may appoint district librarians and enforce the rules prescribed for the government of school libraries and shall exclude from schools and school libraries all books, publications or papers of a sectarian, partisan or denominational character.

5. The board of trustees may admit pupils from any other district upon a certificate of educational convenience issued by the county school superintendent. Such attendance, when certified to the county superintendent by the official in charge of the school attended shall be deemed, for the purpose of determining average daily attendance, to be attendance in the common or high school of the county or district of the student's residence. In the event tuition is charged for non-residence attendance by the school attended, the county school superintendent shall draw his warrant on the county treasurer in favor of such school for the amount so charged, but not to exceed the per capita allocation of common or high school fund to the district or county of the student's residence, and shall charge the amount against the fund of the district or county in which the student resides.

6. The board shall make an annual report on or before the first day of July to the county school superintendent, in the manner and form, and on the blanks prescribed by the state or county superintendent; make a report whenever required, directly to the superintendent of public instruction, or to the county school superintendent; visit every school in the district, and examine carefully into its management, condition and needs, and provide transportation for any child or children when they deem it for the best interest of the district.

7. Boards of trustees may call meetings of the qualified school electors of the district for consultation in regard to any litigation in which the district may be engaged or likely to become engaged, or in regard to any other affairs of the district not otherwise provided for, and upon a petition of fifteen (15) per cent of the qualified electors of their district, as shown by the last annual school election, must call such meeting.

8. Boards of trustees may establish kindergartens when,

in their opinion, such kindergartens will not interfere with the work of, or maintenance of the efficiency of the grades; and, in the event of the establishment of any such kindergartens, may secure funds for their maintenance as other school funds are secured.

9. The board may establish departments of manual training and household economics; organize, by and with the consent of the county superintendent, intermediate schools composed of the seventh, eighth, and ninth grades of the schools under their jurisdiction; or in union high school districts, organize the seventh and eighth grades as such intermediate schools; and, in the event of the organization of any such intermediate schools, shall secure and receive all funds necessary for the maintenance thereof, in the manner provided by law.

10. The board may include in their annual budget items for the purchase of sites or for erecting or purchasing school buildings, which items the county superintendent shall include in his estimate to the board of supervisors, and the board of supervisors may, in its discretion, make a sufficient levy on the property of said district to produce the amount asked for; provided, that said levy for such purpose shall not exceed ten cents (10c) on each one hundred dollars ($100) of valuation of such property.

11. The board may permit the use, under its direction, and subject to such conditions, rules and regulations as it may prescribe, of the school house or houses within the district as a civic center for such district, where the citizens, parent teachers' association, Camp Fire girls, Boy Scout troops, clubs and associations formed for recreational, educational, political, economic, artistic or moral activities of the district may engage in supervised recreational activities and where they may meet and discuss, from time to time, as they may desire, any and all subjects and questions which, in their judgment, may appertain to the educational, political, economic, artistic and moral interests of the citizens of the respective communities in which they reside; provided that such use of said public school houses and grounds for said meetings shall in no wise interfere with such use and occupancy of said public school house and grounds, as is now, or hereafter may be, required for the purpose of said public schools of the state of Arizona.

12. The board may employ such professional personnel as may be deemed necessary for the purpose of making surveys of and recommendations relating to the curricula, physical plant and other requirements of the district.

Sec. 2. Section 54-918, Arizona Code Annotated, 1939, is hereby repealed.

Approved by the Governor—March 16, 1951.

Filed in the Office of the Secretary of State—March 16, 1591.

CHAPTER 75

(Senate Bill No. 118)

AN ACT

RELATING TO HORSE RACING AND DOG RACING MEETS; CREATING THE ARIZONA COUNTY FAIRS FUND AND THE LIVESTOCK AND AGRICULTURE FUND; MAKING APPROPRIATIONS OF THE PROCEEDS OF SUCH FUNDS, AND AMENDING SECTIONS 73-1617 AND 73-1619, ARIZONA CODE OF 1939.

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

Section 1. Sec. 73-1617, Arizona Code of 1939, is amended to read:

73-1617. WAGERING. (a) The commission shall prescribe rules and regulations governing wagering on races under the system known as the pari-mutuel method of wagering. Wagering shall be conducted by a permittee only by the pari-mutuel method, and only within the enclosure and on the dates for which racing has been authorized by the commission.

(b) During the period of any permit for dog racing a permittee shall receive nine per cent of the gross amount of money handled in a pari-mutuel pool, plus the odd cents by which the amount payable on each dollar wagered exceeds a multiple of ten cents. The state shall receive six per cent of all money handled in the pari-mutuel pool operated by the permittee to be paid daily during the racing meeting.

(c) During the period of a permit for horse racing or harness racing a permittee shall receive eleven per cent of the gross amount, not to exceed one hundred thousand dollars, of the daily pari-mutuel pool, and nine per cent of the gross amount exceeding one hundred thousand dollars of the daily pari-mutuel pool, plus the odd cents by which the amount

payable on each dollar wagered exceeds a multiple of ten cents. The state shall receive four per cent of the gross amount, not to exceed one hundred thousand dollars, of the daily pari-mutuel pool, and six per cent of the gross amount exceeding one hundred thousand dollars, of the daily pari-mutuel pool.

(d) No fees shall be collected from any state or county fair for a racing meeting held in connection with the fair and operated in such manner that all profits accrue to the fair association, which profits shall not exceed fifteen per cent of the total amount of money handled in the pari-mutuel pool.

Sec. 2. Sec. 73-1619, Arizona Code of 1939, is amended to read:

73-1619. DISPOSITION OF REVENUE. (a) All revenues derived from permittees, permits and licenses, as provided by this Act, shall be paid to the state treasurer, who shall credit five per cent thereof to a fund to be known as the Arizona county fairs fund, and five per cent to a fund to be known as the livestock and agriculture fund.

(b) The Arizona county fairs fund shall be under the jurisdiction of the Arizona racing commission and shall be distributed by the commission to the board of supervisors of each county conducting a county fair, in such proportion as the commission may deem necessary for the promotion of county fairs and racing meets conducted thereat. All expenditures from the Arizona county fairs fund shall be made upon claims approved by the commission.

(c) The livestock and agriculture fund shall be under the jurisdiction of the governor, and shall be used for the purpose of promoting the livestock and agricultural resources of the state. All expenditures from the livestock and agriculture fund shall be made upon claims approved by the governor.

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

Approved by the Governor—March 16, 1951.

Filed in the Office of the Secretary of State—March 16, 1951.

CHAPTER 76

(House Bill No. 294)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE TAX COMMISSION.

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

Section 1. APPROPRIATION. In addition to the appropriation made to the state tax commission under the provisions of section 1, subdivision 12, chapter 124, Laws of 1949, for the thirty-ninth fiscal year the sum of forty-seven thousand one hundred twenty dollars and forty cents is appropriated for the following purposes:

Personal services:	
Auditors—sales tax division	$10,000.00
Current expenditures:	
Luxury tax stamps	23,956.96
Repairs—Tucson office	1,050.00
Capital outlay:	
Cash register—Tucson office	2,113.44
Property revaluation	10,000.00
	$47,120.40

Approved by the Governor—March 22, 1951.

Filed in the Office of the Secretary of State—March 22, 1951.

CHAPTER 77

(Senate Bill No. 69)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE

STATE HOSPITAL FOR THE INSANE.

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

Section 1. APPROPRIATION. The sum of two hundred sixty-eight thousand dollars is hereby appropriated to the state hospital for the insane.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to supplement the appropriation contained in chapter 39, first special session, Laws of 1950, nineteenth legislature, to be available for the following purposes and in the following amounts during the thirty-ninth fiscal year: twenty-five thousand dollars for construction, equipping and furnishing of buildings; two hundred ten thousand dollars for personal services, and thirty-three thousand dollars for current expenditures, other.

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

Approved by the Governor—March 26, 1951.

Filed in the Office of the Secretary of State—March 26, 1951.

CHAPTER 78

(House Bill No. 281)

AN ACT

RELATING TO THE STATE AUDITOR; AND PROVIDING FOR THE REALLOCATION OF APPROPRIATED FUNDS.

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

Section 1. Chapter 124, subdivision 2, Laws of 1949, making an appropriation is hereby amended to read:

Subdivision 2. AUDITOR

	For the 39th Fiscal Year
Salary of State Auditor	6,000.00

Other Personal Services	114,540.00
State Travel	1,500.00
Subscriptions and Organization Dues	150.00
Other Current Expenditures	32,810.00
Capital Outlay Office Furniture and Equipment	2,000.00
Total Appropriation	157,000.00

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

Approved by the Governor—March 26, 1951.

Filed in the Office of the Secretary of State—March 26, 1951.

CHAPTER 79

(Senate Bill No. 21)

AN ACT

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

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

Section 1. APPROPRIATION. Five hundred thousand dollars is appropriated to the Arizona children's colony board for the construction of buildings, the purchase of equipment and furnishings essential to prepare the children's colony for operation.

Sec. 2. EXEMPTION. The appropriation made by section 1 is not subject to section 10-930, Arizona Code of 1939, relating to lapsing appropriations.

Approved by the Governor—March 27, 1951.

Filed in the Office of the Secretary of State—March 27, 1951.

CHAPTER 80

(Senate Bill No. 36)

AN ACT

RELATING TO THE DISTRICT IMPROVEMENT ACT OF 1945, AND AMENDING SECTION 16-2813, ARIZONA CODE OF 1939.

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

Section 1. Sec. 16-2813, Arizona Code of 1939, is amended to read:

16-2813. PLANS AND ESTIMATES BY DISTRICT ENGINEER. (a) Before passing the resolution of intention, plans and specifications and estimates of the cost and expenses thereof shall be prepared by the district engineer and filed with the clerk of the board. The assessment for any lot shall not exceed its proportion of the estimate.

(b) A district engineer shall be appointed or employed and his compensation fixed by the board of directors. Claims of the district engineer for compensation or expenses, approved by the board of directors, may be paid out of the county general fund, and the general fund shall be reimbursed out of the funds of the district.

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

Approved by the Governor—March 27, 1951.

Filed in the Office of the Secretary of State—March 27, 1951.

CHAPTER 81

(Senate Bill No. 101)

AN ACT

MAKING A DEFICIENCY APPROPRIATION TO THE

STATE BOARD OF TECHNICAL REGISTRATION.

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

Section 1. APPROPRIATION. The sum of one thousand dollars is appropriated to the state board of technical registration, out of the state board of technical registration fund, five hundred dollars thereof to be available for salaries, and five hundred dollars for travel within the state.

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

Approved by the Governor—March 27, 1951.

Filed in the Office of the Secretary of State—March 27, 1951.

CHAPTER 82

(Senate Bill No. 31)

AN ACT

FOR THE RELIEF OF THE PRESCOTT COURIER.

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

Section 1. APPROPRIATION. The sum of four thousand seven hundred seventy-three dollars forty-five cents is appropriated to the secretary of state, for the relief of the Prescott Courier.

Sec. 2. BASIS OF CLAIM. Payment of the sum appropriated shall be in full satisfaction of the unpaid balance of the claim of the Prescott Courier against the secretary of state for the cost of printing publicity pamphlets for the general election of 1950.

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

Approved by the Governor—March 27, 1951.

Filed in the Office of the Secretary of State—March 27, 1951.

CHAPTER 83

(Senate Bill No. 32)

AN ACT

MAKING AN APPROPRIATION TO THE SECRETARY OF STATE.

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

Section 1. APPROPRIATION. The sum of three thousand dollars is appropriated to the secretary of state, to assist in the payment of the necessary expenses of the national convention of secretaries of state to be held in the city of Phoenix during the last half of 1951.

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, 1951.

Filed in the Office of the Secretary of State—March 27, 1951.

CHAPTER 84

(Senate Bill No. 128)

AN ACT

RELATING TO FOOD AND FOOD PRODUCTS; REGULATING THE SALE OF KOSHER FOODS AND FOOD PRODUCTS, AND PRESCRIBING PENALTIES.

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

Section 1. SALE OF KOSHER FOOD. It is unlawful, with intent to defraud:

1. To sell, offer or expose for sale, by any method or in any form, any meat or meat product, food or food product, whether raw or prepared for human consumption, which in any manner or by any device is falsely represented or held out to be kosher or composed exclusively of products sanctioned by and

prepared under the traditional Hebrew rules and requirements or dietary laws.

2. To sell, offer or expose for sale, in the same place of business, both kosher and nonkosher meat or meat products or food or food products, unless there is prominently displayed in the show window of such place of business a sign bearing the words, in block letters not less than four inches in height, "Kosher and nonkosher food sold here," and over each kind of meat or meat product or food or food product exposed or offered for sale a sign stating in block letters not less than two inches in height whether such meat or meat product or food or food product is kosher or nonkosher.

3. (a) To display, in any place of business or in any window or door thereof, or in hand bills or other printed matter exhibited or distributed in or outside such place of business, words or letters in Hebrew, or any character, sign, emblem, insignia or symbol in simulation thereof, without displaying in conjunction therewith in English letters of at least equal size as such characters, a statement whether kosher only, nonkosher only, or both kosher and nonkosher meat or meat products or food or food products are sold therein.

(b) The possession of nonkosher meat or meat products or nonkosher food or food products by a person advertising the sale of kosher meat or meat products or kosher food or food prducts only shall be deemed prima facie evidence of intent to defraud.

(c) The word "kosher" herein shall not be construed to include the words "kosher style".

Sec. 2. DEFINITION. For the purpose of this Act, "place of business" includes grocery store, market, hotel, inn, restaurant, boarding house, eating house, lunch room, cafeteria, caterer, or other establishment or place in which meat or meat products or food or food products are sold for human consumption.

Sec. 3. PENALTIES. The violation of any provision of this Act is a misdemeanor, punishable upon conviction by a fine of not less than fifty nor more than five hundred dollars, imprisonment for not less than thirty days nor more than one year, or both.

Approved by the Governor—March 27, 1951.

Filed in the Office of the Secretary of State—March 27, 1951.

CHAPTER 85

(Senate Bill No. 26)

AN ACT

RELATING TO THE FIREMEN'S RELIEF AND PENSION FUND; PROVIDING FOR A PENSION FOR VOLUNTEER FIREMEN; AND AMENDING ARTICLE 19, CHAPTER 16, ARIZONA CODE OF 1939, BY ADDING SECTION 16-1920.

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 16-1920, to read:

16-1920. PENSION FOR VOLUNTEER FIREMEN. Any person duly appointed and having served as a member of a legally organized volunteer fire company for twenty-five years or more, or who has reached the age of sixty years and served twenty years, may, at the discretion of the board of trustees, be paid a monthly pension not to exceed fifty dollars per month, to be paid from the firemen's relief and pension fund for his volunteer fire company.

Approved by the Governor—March 27, 1951.

Filed in the Office of the Secretary of State—March 27, 1951.

CHAPTER 86

(House Bill No. 101)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE COMMISSION OF AGRICULTURE AND HORTICULTURE.

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

Section 1. APPROPRIATION. In addition to the appropriation made under the provision of subdivision 51, chapter 124, Laws of 1949, regular session, the sum of thirteen thousand six hundred fourteen dollars is appropriated to the commission of agriculture and horticulture, to be available during the remainder of the thirty-ninth fiscal year.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to enable the commission of agriculture and horticulture to advance the salaries of office staff members, field inspectors, and road station inspectors.

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

Approved by the Governor—March 27, 1951.

Filed in the Office of the Secretary of State—March 27, 1951.

CHAPTER 87

(House Bill No. 301)

AN ACT

MAKING AN APPROPRIATION TO THE SPECIAL LEGISLATIVE COMMITTEE ON STATE OPERATIONS.

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

Section 1. APPROPRIATION. The sum of ten thousand dollars ($10,000.00) is hereby appropriated to the special legislative committee on state operations to be immediately available for use of said committee.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is for making a comprehensive study and determination of the cost of putting into operation the public employees' retirement system.

Sec. 3. EXEMPTION. The appropriation made by section 1 is not subject to section 10-930, Arizona Code of 1939, relating to lapsing appropriations.

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

Approved by the Governor—March 27, 1951.

Filed in the Office of the Secretary of State—March 27, 1951.

CHAPTER 88

(House Bill No. 303)

AN ACT

MAKING AN APPROPRIATION TO THE GOVERNOR FOR THE PURPOSE OF MATCHING FEDERAL GRANTS FOR CIVIL DEFENSE.

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

Section 1. APPROPRIATION. The sum of two hundred fifty thousand dollars ($250,000.00) is hereby appropriated to the governor.

Sec. 2. PURPOSE. The purpose of the appropriation made in section 1 is to permit the state of Arizona to participate in the purchasing of defense equipment and supplies which because of priorities, allocation of scarce materials and problems of uniform specifications may be pooled for the states by the federal government. Such purchases to be made either by payment into the United States treasury in trust in advance, the cost of the equipment and supplies purchased, or reimbursement to the federal government where the initial outlay is wholly paid by the United States treasury.

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

Approved by the Governor—March 27, 1951.

Filed in the Office of the Secretary of State—March 27, 1951.

CHAPTER 89

(House Bill No. 176)

AN ACT

RELATING TO CORPORATIONS; PRESCRIBING THE TERM AND RENEWAL OF EXISTENCE THEREOF, AND AMENDING SECTION 53-304, ARIZONA CODE OF 1939, AS AMENDED.

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

Section 1. Sec. 53-304, Arizona Code of 1939, as amended, is amended to read:

53-304. TERM AND RENEWAL OF EXISTENCE. A corporation may be formed to endure for twenty-five (25) years and may be renewed for successive periods of twenty-five (25) years by appropriate resolutions of renewal adopted, before the date of expiration or within five (5) years thereafter, 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 before the date of expiration or within five (5) years thereafter, but prior to the effective date of this Act shall be deemed valid renewals.

Approved by the Governor—March 27, 1951.

Filed in the Office of the Secretary of State—March 27, 1951.

CHAPTER 90

(House Bill No. 80)

AN ACT

RELATING TO DENTISTRY AND AMENDING SECTION 67-916, ARIZONA CODE ANNOTATED, 1939.

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

Section 1. Section 67-916, Arizona Code Annotated, 1939, is hereby amended to read:

67-916. DENTAL BOARD FUND. The secretary shall monthly transmit to the state treasurer all fees, fines and other revenue received by the board, accompanied by a statement showing the source thereof. The treasurer shall place ten per cent (10%) of all such receipts to the credit of the general fund for the support and maintenance of the state government. The balance of all fees, fines and other revenue, to wit: Ninety per cent (90%) of the total of all revenue received by the board shall be placed by the state treasurer to

the credit of the "dental board fund". All moneys in the said dental board fund are appropriated for the use of the board for the payment of salaries, office and travel expense, and otherwise in carrying out the purposes of the dental act of 1935. The provisions of section 10-925 A.C.A. 1939, which limit the expenditures of any budget unit in any fiscal quarter to not in excess of one-fourth of the annual appropriation to such budget unit, shall not apply to the appropriation to the dental board from the dental board fund. Any unexpended and unencumbered balance of funds remaining in the dental board fund at the end of a fiscal year shall not revert to the general fund.

Approved by the Governor—March 27, 1951.

Filed in the Office of the Secretary of State—March 27, 1951.

CHAPTER 91

(House Bill No. 85)

AN ACT

RELATING TO THE BASIC SCIENCES AND THE PRACTICE OF MEDICINE; PROVIDING FOR EXEMPTIONS; AMENDING SECTION 67-218, ARIZONA CODE OF 1939, AS AMENDED.

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

Section 1. Section 67-218, Arizona Code of 1939, is amended to read:

67-218. CALLINGS EXEMPT. This Act shall not be construed as applying to optometrists, dentists, midwives, or nurses, practicing within the limits of their respective callings; nor to affect the practice of their religious tenets by members of any church, provided they do not administer drugs or medicine nor perform surgical or physical operations nor assume the title of or hold themselves out to be physicians or surgeons. Nor shall any provision of this Act be construed to prohibit the rendering of first aid by any person at the scene of an accident; provided further that the provisions of this Act shall not be construed to affect and there are hereby exempted persons engaged in the operation of public or private laboratories doing pathological, clinical, serological, chemistry, assaying, bio-chemistry and other kindred, incidental or usual sciences

and research usually allied or carried on therewith. Nor shall any provision of this Act be construed as applying to persons engaged in the full time practice of medicine for federal, state, county, municipal or other governmental public health departments nor to any persons engaged in the full time practice of medicine for federal or state hospitals or institutions.

However, upon the termination of engagement in the full time practice of medicine for federal, state, county, municipal or other governmental public health department or upon the termination of the full time practice of medicine for federal or state hospitals or institutions, all licenses to practice any of the healing arts issued upon the basis of this exemption shall automatically become null and void and shall be reissued only upon satisfying the requirements of this article.

Sec. 2. REPEAL. All acts and parts of acts inconsistent with this section be, and the same are hereby repealed.

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

(Failed to pass the House with sufficient votes to carry emergency clause.)

Approved by the Governor—March 27, 1951.

Filed in the Office of the Secretary of State—March 27, 1951.

CHAPTER 92

(House Bill No. 192)

AN ACT

CREATING A YOUTH AUTHORITY, PRESCRIBING ITS POWERS AND DUTIES; PROVIDING FOR TRAINING AND EDUCATION OF YOUNG PERSONS AND PROVIDING FOR COMMITMENTS THERETO OF JUVENILES AND PERSONS UNDER 21 YEARS OF AGE AND AUTHORIZING THE USE BY THE AUTHORITY OF EXISTING FACILITIES FOR THE DETENTION AND TRAINING OF JUVENILES.

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

Section 1. SHORT TITLE. This Act may be cited as the youth authority act of 1951.

Sec. 2. YOUTH AUTHORITY CREATED. There is hereby created a youth authority for this state, hereinafter called "the authority" whose function is to provide and administer corrective and preventive training and treatment for persons committed to it as hereinafter provided.

Sec. 3. ADVISORY BOARD CREATED. ITS DUTIES AND FUNCTIONS. The judges of the superior court of each county of the state of Arizona shall constitute an advisory board to the authority, hereinafter known as "the board". In counties having more than one judge, the judge designated as judge of the juvenile court, as provided in Laws of 1941, chapter 80, paragraph 3, page 147, shall be members of the board. A majority of the board shall constitute a quorum. The board shall meet at such times and places as the chairman deems proper or necessary. The board shall perfect its own organization by selection of a chairman and such other officers or committees as it deems necessary. The board shall promulgate rules and regulations for the administration of the youth authority. Membership of the board shall be a judicial function and not the holding of a public office.

Sec. 4. POWERS AND DUTIES OF YOUTH AUTHORITY.

(a) The authority is authorized to make and enforce all rules appropriate to the proper accomplishment of its functions.

(b) Establish and operate a treatment and training service and such other services as are proper for the discharge of its duties.

(c) Employ and discharge all such persons as may be needed for the proper execution of its duties, and shall have power to specify the qualifications for employment.

Sec. 5. THE USE OF EXISTING INSTITUTIONS AND AGENCIES. The authority shall have power to make use of facilities of existing institutions and agencies:

(a) Public institutions and agencies are hereby required to accept and care for persons sent to them by the authority in the same manner as they would be required to do had such persons been committed by a judge of a superior court, but no

institution for the care of mentally defective persons shall accept a commitment by the authority unless such commitment is in conformity with the laws and certified to by a judge of the superior court.

(b) For the purpose of carrying out its duties the authority is authorized to make use of law enforcement detention, probation, parole, medical, educational, correctional, segregative and other facilities, institutions and agencies, whether public or private, within the state.

(c) The authority shall have power to arrange with private institutions within the state devoted to social welfare work, possessing adequate facilities therefor for the detention, education, improvement and reformation of youthful violators of the law.

(d) Nothing in this Act shall be construed to give the authority control over existing facilities, institutions, or agencies.

Sec. 6. RELEASE, AFTER PLACEMENT IN INSTITUTION. A person placed in an institution or under an agency may not be released by the institution or agency until approval of the release by the authority, unless the institution or agency would have the right under the law to release at its discretion persons committed to it by order of the court. In such a case it may not release a person placed by the authority until a reasonable time after it has notified the authority of its intention to release him.

Sec. 7. TERMINATION OF TREATMENT. 1. (a) When a person has been committed to the authority it may permit him his liberty under supervision and upon such conditions as it believes conducive to law-abiding conduct; (b) order his confinement under such conditions as it believes best designed for the protection of the public; (c) order confinement or renewed release under supervision as often as conditions indicate to be desirable; (d) revoke or modify any order except an order of discharge as often as conditions indicate to be desirable; (e) discharge him from its control when it is satisfied that such discharge is consistent with the protection of the public.

2. Except for the power to issue a final discharge from its control, the authority may exercise these powers through subordinates under rules established by it.

Sec. 8. COMMITMENTS BY JUVENILE COURT. (a) When any child under the age of eighteen years is adjudged

delinquent under the provisions of chapter 46, Arizona Code of 1939, as amended, and the court does not release such child unconditionally, or place him on probation or in a suitable public or private institution or agency, or other suitable place, the court may commit him to the authority, but may suspend execution of the order of such commitment; (b) the juvenile court of any county after obtaining jurisdiction over a child, may commit the child to the authority for diagnosis and clinical study prior to adjudging said child a delinquent. The authority shall make a complete study and diagnosis of such child and furnish the juvenile court with a complete report thereof; (c) when a judge commits a person to the authority he shall at once notify the authority of such action in writing; (d) when a person has been committed to the authority the court and prosecuting and police officers and other such officials shall make available to the authority all pertinent data in their possession in respect to the case.

Sec. 9. COMMITMENTS OF PERSONS BETWEEN THE AGES OF EIGHTEEN AND TWENTY-ONE YEARS. When a person between the age of eighteen and twenty-one years of age has violated the law, the court, in lieu of any other punishment prescribed by law, may, with the consent and approval of the authority, commit such person to the authority to be dealt with as herein provided.

Sec. 10. POWER TO ACCEPT GIFTS. The authority may accept gifts, grants, or donations of money or of property from public or private sources to effectuate the purpose of this Act. Any and all funds so donated shall be placed in the state treasury in a special fund called "the youth development fund" and expended in the same manner as other state moneys are expended, upon warrants drawn by the auditor upon the order of the authority. Any of said moneys are hereby appropriated for the purpose of carrying out this Act. Any property donated for use and benefit of the authority shall be operated or managed or disposed of by the authority.

Sec. 11. AGREEMENT WITH FEDERAL GOVERNMENT. The authority shall have the power to enter into agreements with the federal government to accept juveniles from the federal court of compensation upon which they agree.

Sec. 12. RECORDS. The records of the authority shall not be open for inspection or copy by any one other than the parties in interest, the representatives of the court, probation officers and the authority having an interest therein, except upon order of the court expressly permitting inspection or copying. No part of the record shall be published by any newspaper or other agency disseminating news or information, nor shall

any newspaper or agency publish the fact that a particular person has been committed to the authority.

Sec. 13. CIVIL RIGHTS. Commitment of a delinquent child to the custody of the authority shall not operate to disqualify such child in any future examination, appointment or application for public service under the government either of the state or of any political subdivision thereof.

Sec. 14. SEVERABILITY. Should any provision of this Act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the Act are declared to be severable.

Approved by the Governor—March 27, 1951.

Filed in the Office of the Secretary of State—March 27, 1951.

CHAPTER 93

(House Bill No. 214)

AN ACT

RELATING TO THE STATE PRISON, AND AMENDING SECTIONS 47-130 AND 47-132, ARIZONA CODE OF 1939.

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

Section 1. Section 47-130, Arizona Code of 1939, is amended to read:

47-130. MANUFACTURING PLANT. A plant may be established at the state prison for the manufacture of metal dog tags, boundary markers, license tags, kill tags, hide tags, inspection tags, license plates, highway markers and other metal plates, markers, signs or other similar articles.

Sec. 2. Section 47-132, Arizona Code of 1939, is amended to read:

47-132. ORDERS FOR PLATES. From and after July 1, 1951, the Arizona highway department, the game and fish commission, the livestock sanitary board, and any other board, commission, department or agency of the state or of the politi-

cal subdivisions thereof 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—March 27, 1951.

Filed in the Office of the Secretary of State—March 27, 1951.

CHAPTER 94

(House Bill No. 236)

AN ACT

RELATING TO THE PUBLICATION OF "ARIZONA HIGHWAYS" MAGAZINE AND AMENDING SECTION 59-701, ARIZONA CODE OF 1939.

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

Section 1. Section 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 Highway." Provided, however, annual subscriptions shall be sold at not less than two dollars ($2.00) per year, and not less than twenty cents (20c) 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 (10) per cent of the total number of paid subscriptions.

Approved by the Governor—March 27, 1951.

Filed in the Office of the Secretary of State—March 27, 1951.

CHAPTER 95

(House Bill No. 94)

AN ACT

MAKING AN APPROPRIATION TO THE GOVERNOR OF THE STATE OF ARIZONA FOR THE CONTROL OF GRASSHOPPERS.

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

Section 1. APPROPRIATION. The sum of fifty thousand dollars is appropriated to the governor of the state of Arizona.

Sec. 2. PURPOSE. The purpose of this appropriation is to control such infestations of grasshoppers in the agricultural and grazing areas of the state as shall be deemed serious to the welfare of the state by the governor of the state of Arizona.

Sec. 3. CONTINGENCY. The appropriation made under the terms of section 1 is contingent upon the matching of the same by the United States or any agency thereof, with money, or by the supplying of poison and other materials, paying the wages or salaries of personnel, or any combination of such contributions, for use in carrying out the purposes of this Act.

The unexpended balance remaining in this fund on December 31, 1951, shall revert to the general fund.

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

Approved by the Governor—March 27, 1951.

Filed in the Office of the Secretary of State—March 27, 1951.

CHAPTER 96

(House Bill No. 264)

AN ACT

GRANTING THE CONSENT OF THE STATE OF ARIZONA TO THE ACQUISITION BY THE UNITED STATES OF LAND IN THIS STATE FOR PUBLIC PURPOSES, AND CEDING JURISDICTION OVER SUCH LAND AND OVER LAND RESERVED FROM THE PUBLIC DOMAIN IN THIS STATE FOR MILITARY PURPOSES.

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

Section 1. The consent of the state of Arizona is hereby given, in accordance with the seventeenth clause, eighth section, of the first article of the Constitution of the United States, to the acquisition by the United States by purchase, lease, condemnation, or otherwise, of any land in this State required for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, or for any other military installations of the government of the United States.

Sec. 2. Exclusive jurisdiction over any land in this State so acquired for any of the purposes aforesaid, and over any public domain land in this state, now or in the future reserved or used for military purposes, is hereby ceded to the United States; but the jurisdiction so ceded shall continue no longer than the said United States shall own or lease such acquired land, or shall continue to reserve or use such public domain land for military purposes.

Sec. 3. As to any land over which exclusive jurisdiction

is herein ceded, the state of Arizona retains concurrent jurisdiction with the United States, so far, that all process, civil or criminal, issuing under the authority of this State or any of the courts or judicial officers thereof, may be executed by the proper officers of the state, upon any person amenable to the same within the limits of such land, in like manner and like effect as if no such cession had taken place.

Sec. 4. All laws and parts of law in conflict with any of the provisions hereof are hereby repealed.

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 efergency measure, to take effect as provided by law.

Approved by the Governor—March 27, 1951.

Filed in the Office of the Secretary of State—March 27, 1951.

CHAPTER 97

(House Bill No. 304)

AN ACT

RELATING TO THE POWERS AND DUTIES OF THE ARIZONA HIGHWAY COMMISSION; PROVIDING FOR THE EXPENDITURE OF MONEYS FROM THE HIGHWAY DEPARTMENT FUNDS; AND AMENDING SECTION 59-105, ARIZONA CODE OF 1939, AS AMENDED.

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

Section 1. Section 59-105, Arizona Code of 1939, as amended, is amended to read:

59-105. POWERS AND DUTIES OF COMMISSION. The commission shall:

1. Lay out and establish a complete system of state routes; issue a map showing such routes; determine what state routes or portions thereof shall be accepted as state highways; and what state routes or portions thereof shall be improved at the expense of the state;

2. direct the state engineer to establish, open, relocate,

alter, widen, change, vacate or abandon any portion of a state route or state highway;

3. pass upon projects submitted by the state engineer for construction in cooperation with the United States, and authorize the state engineer to enter into contracts on behalf of the state with the United States, for the cooperative construction and maintenance of federal aid highways within this state;

4. authorize the state engineer to enter into agreements on behalf of the state with counties, cities, or road districts of the state, for the improvement or maintenance of state routes, or for the joint improvement or maintenance thereof, and to enter into contracts for the construction of state highways;

5. prescribe rules and regulations for the expenditures, by or under the direction of the secretary, of all money in the state highway fund;

6. exercise complete and exclusive control and jurisdiction of the state highways, and prescribe such rules and regulations to govern the use of all state highways as it may deem necessary for public safety and convenience, and to prevent the abuse, and unauthorized use of such highways;

7. prescribe standard board and road signs, or other devices, and provide a uniform system of marking and signaling, on all state routes and state highways, and regulate the use of advertising signboards and road signs on state roads or state highways;

8. prescribe rules and regulations for the closing of state highways under construction or repair;

9. prescribe the qualifications of employees of the department, and inquire into their official conduct;

10. require from the state engineer complete information concerning the work under his charge, and require him to make such special investigations, and compile such special data, as it may deem to be of value to the department;

11. supervise and administer, through the secretary, the motor vehicle division of the department, and adopt, upon recommendation of the secretary, rules and regulations for the collection of all taxes and license fees, required to be paid into the vehicle division;

12. enter into agreements with the governor for the labor

upon highways of the inmates of the state prison, or other state institutions, but nothing contained herein shall permit the contracting of prison labor to private persons;

13. provide for the assembling and distribution of information to the public, relating to the highways, and activities of the department;

14. exercise such other powers and duties as may be necessary to fully carry out the foregoing provisions, and, in general, exercise those powers and duties which relate to the adoption and carrying out of the policies of the department and the control of its financial affairs;

15. for the purpose of augmenting tourist travel to and through this state the highway commission is hereby authorized to expend moneys from the highway funds for advertising places and matters of scenic or historic interest, climate, possibilities of successful pursuits or industrial enterprises and any other matters or objects, which, in the discretion of said commission, tends to attract travelers or prospective travelers to or through this state. This authorization shall extend only to the subject-matter incorporated in the publication known as the Arizona Highways Magazine, a department of Arizona tourist development, and to the publication of maps, mats, pamphlets and other informative material designed to carry out the provisions of this Act.

Approved by the Governor—March 27, 1951.

Filed in the Office of the Secretary of State—March 27, 1951.
Petition for referendum on Section 15 filed on June 15, 1951

CHAPTER 98

(House Bill No. 288)

AN ACT

RELATING TO THE LEGISLATURE; PROVIDING FOR INTERIM MEETINGS AND ATTENDANCE AT CONFERENCES AND CONVENTIONS OF STANDING LEGISLATIVE COMMITTEES; AND PROVIDING FOR REIMBURSEMENT OF EXPENSES

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

Section 1. INTERIM COMMITTEE MEETINGS. The

president of the senate or the speaker of the house of representatives may at any time when the legislature is not in session call a meeting of any standing legislative committee appointed according to law or the rules of the house of which he is the presiding officer. The call shall state the time and place of meeting and the subject matter to be considered. The presiding officer of either house of the legislature may authorize any member of a standing committee of the house over which he presides to attend any conference or convention, either in state or out of state, when such attendance will in the opinion of such presiding officer promote the best interests of the state. Not less than ten days after the convening of the next session of the legislature following any such committee meeting, conference or convention, the chairman shall submit a written report of the committee's findings to the presiding officer of the house of which it is an agency.

Sec. 2. POWERS. A committee called to meet under the provisions of section 1 shall have the powers conferred by law upon legislative committees.

Sec. 3. REIMBURSEMENT FOR EXPENSES. Members of a legislative committee called to meet under the provisions of section 1, or attending any conference or convention either in state or out of state when directed to do so by the presiding officer of the legislative branch of which he is a member, shall be reimbursed for travel and other expenses as provided for state officers. Claims for reimbursement shall, upon approval by the presiding officer of the house to which the member belongs, be paid from the contingent fund of such house.

Approved by the Governor—March 27, 1951.

Filed in the Office of the Secretary of State—March 27, 1951.

CHAPTER 99

(House Bill No. 289)

AN ACT

MAKING AN APPROPRIATION TO THE STATE LAND DEPARTMENT.

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

Section 1. APPROPRIATION. (a) In addition to the ap-

propriation made to the state land department under the provisions of section 1, subdivision 72, Laws of 1949, for the thirty-ninth fiscal year the sum of four thousand five hundred five dollars is appropriated for the following purposes:

State travel	$ 375.00
Other current expenditures	630.00
Building improvements	1,500.00
Water litigation expenses	
Remanded by Courts	2,000.00*

*Not subject to the provisions of section 10-930 Arizona Code of 1939.

(b) In addition to the appropriations made to such department under the provisions named in subsection (a) for the thirty-ninth fiscal year and in addition to the appropriations made by the twentieth legislature, first regular session, for the fortieth fiscal year the sum of nine thousand nine hundred dollars is appropriated for the thirty-ninth and fortieth fiscal years for the following purpose:

Personal services, travel and other current expenditures incurred in the administration of the oil and gas leasing Act of 1951 ..... $9,900.00

This appropriation is not subject to the provisions of section 10-930, Arizona Code of 1939.

Approved by the Governor—March 27, 1951.

Filed in the Office of the Secretary of State—March 27, 1951.

CHAPTER 100

(Senate Bill No. 38)

AN ACT

RELATING TO CIVIL DEFENSE; CREATING AGENCIES FOR CIVIL DEFENSE; GRANTING EXECUTIVE POWERS INCLUDING POWER TO INCUR INDEBTEDNESS;

PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND MAKING AN APPROPRIATION.

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

Section 1. SHORT TITLE. This Act may be cited as the civil defense Act of 1951.

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

"civil defense" means preparation for and carrying out of emergency functions, other than functions for which military forces or other federal agencies are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action, or by fire, flood, or other causes.

"civil defense emergency functions" include, without limitation, fire-fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons of defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, plant protection, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions.

Sec. 3. CIVIL DEFENSE AGENCY. (a) There shall be a department of civil defense within the executive branch of the state government, and the director of civil defense shall be the head thereof. The director shall be appointed by the governor with the advice and consent of the senate; shall hold office at the pleasure of the governor; shall not hold any other office, and shall be compensated at the rate of six thousand dollars per annum.

(b) The director may employ technical, clerical, stenographic and other personnel and fix their salaries, if any, and make such expenditures as are necessary to carry out the purposes of this Act.

(c) The civil defense agency shall be provided with office space, furniture, equipment and supplies, including stationery and printing, in the same manner as other state agencies.

(d) Subject to the direction and control of the governor, the coordinator shall coordinate the activities of all civil

defense organizations within the state, maintain liaison with and cooperate with civil defense agencies of other states and of the federal government, and perform such other duties as may be prescribed by the governor.

Sec. 4. CIVIL DEFENSE ADVISORY COUNCIL. (a) The civil defense advisory council shall consist of not more than fifteen members, to be appointed by the governor. The governor shall serve as chairman. The council shall advise the governor and the director on all matters pertaining to civil defense.

(b) Members of the council shall serve without compensation, but may be reimbursed for traveling and other necessary expenses incurred in the performance of their duties as provided by law for public officers.

Sec. 5. CIVIL DEFENSE POWERS OF THE GOVERNOR. The governor shall:

1. Have general direction and control of the civil defense agency and be responsible for the carrying out of the provisions of this Act. In the event of disaster beyond local control he may assume direct operational control over all or any part of the civil defense functions within the state.

2. Make orders, rules and regulations to carry out the provisions of this Act, with due consideration of the plans of the federal government.

3. Prepare a comprehensive plan for the civil defense of the state which shall: 3a. be coordinated and integrated to the fullest possible extent with the civil defense plans of the federal government and of other states, and, 3b. coordinate and integrate the preparation of civil defense plans by the political subdivisions of the state.

4. In accordance with the state civil defense plan: 4a. ascertain the requirements of the state or the political subdivisions thereof for food or clothing or other necessities of life in the event of attack; 4b. plan for and procure supplies, medicine, materials and equipment; 4c. use and employ from time to time any of the property, services and resources within the state, for the purposes of this Act; 4d. make such studies and surveys of the industries, resources and facilities of the state as may be necessary to ascertain the civil defense potentials of the state, and plan for the most efficient emergency use thereof, and, 4e. institute training programs and public information programs, and take all other preparatory steps

necessary to insure a source of adequately trained and equipped civil defense personnel in time of need, including partial or full mobilization of civil defense organizations in advance of actual disaster.

5. Cooperate with the president, heads of the armed forces, the civil defense agency of the United States, and other appropriate federal officers and agencies, and with the officers and agencies of other states, in matters pertaining to civil defense, including the direction or control of: 5a. blackouts and practice blackouts, air raid drills, mobilization of civil defense forces, and other tests and exercises; 5b. warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith; 5c. the effective screening or extinguishing of all lights and lighting devices and appliances; 5d. shutting off water mains, gas mains, electrical power connections and the suspension of all other public utility services; 5e. the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, prior, and subsequent to drills or attack; 5f. public gatherings, and, 5g. the evacuation and reception of the civilian population.

6. Take such action and give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Act and with the orders, rules and regulations made pursuant thereto.

7. Employ such measures and give such directions to the state or local boards of health as may be reasonably necessary for the purpose of securing compliance with the provisions of this Act or with the findings or recommendations of such boards of health by reason of conditions arising from enemy attack or the threat of enemy attack or otherwise.

8. Utilize the services and facilities of existing officers and agencies of the state and of the political subdivisions thereof. Such officers and agencies shall cooperate with and extend their services and facilities to the governor as he may request.

9. Establish agencies and offices and appoint executive, technical, clerical, and other personnel as may be necessary to carry out the provisions of this Act, including, with due consideration to the recommendation of the local authorities, full-time state and regional directors.

10. Delegate authority vested in him under this Act and provide for the subdelegation of such authority.

11. On behalf of the state, enter into reciprocal aid agreements or compacts with other states and the federal government, either on a state-wide or local subdivision basis, or with a neighboring state or province of a foreign county. Such mutual aid arrangements shall be limited to the furnishing or exchange of: 11a. food, clothing, medicine and other supplies; 11b. engineering services; 11c. emergency housing; 11d. police services; 11e. national or state guards while under the control of the state; 11f. health, medical and related services; 11g. fire fighting, rescue, transportation and construction services and equipment; 11h. personnel necessary to provide or conduct these services, and, 11i. such other supplies, equipment, facilities, personnel and services as may be needed. Such agreements may relate to the terms and conditions of mutual aid, and to the reimbursement of costs and expenses for equipment, supplies, personnel, and similar items for mobile support units, fire fighting, and police units and health units.

12. Sponsor and develop mutual aid plans and agreements between the political subdivisions of the state, similar to mutual aid arrangements with other states as authorized by this section.

Sec. 6. EMERGENCY POWERS. In the event of actual enemy attack against the United States the governor, with the advice and consent of the civil defense advisory council, may declare that a state of emergency exists, and thereafter for such period as the state of emergency exists the governor shall have power to:

1. Enforce all laws, rules and regulations relating to civil defense and to assume direct operational control of all civil defense forces and helpers in the state.

2. Seize, take or condemn property for the protection of the public or at the request of the president, the armed forces or the civil defense agency of the United States, including: 2a. all means of transportation; and communications, excepting newspapers and radio broadcasting stations; 2b. all stocks of fuel of whatever nature; 2c. food, clothing, equipment, materials, medicines and all supplies, and, 2d. facilities, including buildings and plants.

3. Sell, lend, give or distribute all or any such property among the inhabitants of the state and account to the state treasurer for any funds received for such property.

4. Make compensation for property so seized, taken, or condemned. In case property is taken for temporary use, the

governor, within ten days of the taking, shall fix the amount of the compensation to be paid therefor, and in case the property shall be returned to the owner in a damaged condition or shall not be returned to the owner, the governor shall fix within ten days the amount of compensation to be paid for such damage or failure to return. Whenever the governor shall deem it advisable for the state to take title to property taken under this section, he shall forthwith cause the owner of such property to be notified thereof in writing by registered mail, postage prepaid, and forthwith cause to be filed a copy of the notice with the secretary of state. If the owner refuses to accept the amount of compensation fixed by the governor, such amount shall be determined by appropriate proceedings in the superior court of the county where the property is situate.

5. Perform and exercise such other functions, powers and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population.

Sec. 7. MUTUAL AID ARRANGEMENTS. (a) The director of each local organization for civil defense may develop or cause to be developed mutual aid arrangements with other public and private agencies within the state for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state civil defense plan, and in time of emergency it shall be the duty of each local organization for civil defense to render assistance in accordance with the provisions of such mutual aid arrangements.

(b) The director of each local organization for civil defense may assist in the negotiation of reciprocal mutual aid agreements between the governor and the adjoining states or foreign states or provinces or political subdivisions thereof, and shall carry out arrangements or any such agreement relating to the local and political subdivision.

Sec. 8. LOCAL ORGANIZATION FOR CIVIL DEFENSE. (a) Each county and incorporated city and town of this state is hereby authorized and directed to establish a local organization for civil defense in accordance with the state civil defense plan and program. Each unincorporated community may establish such an organization. The executive officer or governing body of the political subdivision or community is authorized to appoint a director who shall direct responsibility for the organization, administration and operation of such local organization for civil defense, subject to the direction and control of such executive officer or governing body. Each local organization for civil defense shall perform civil defense

functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of this Act.

(b) Each political subdivision shall have the power and authority:

(1) To appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for civil defense purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any disaster resulting from enemy attack; and to direct and coordinate the development of civil defense plans and programs in accordance with the policies and plans set by the federal and state civil defense agencies;

(2) To appoint, employ, remove, or provide, with or without compensation, air-raid wardens, rescue teams, auxiliary fire and police personnel, and other civilian defense workers;

(3) To establish a primary and one or more secondary control centers to serve as command posts during an emergency;

(4) Subject to the order of the governor, the executive officer or governing body of the political subdivision, to assign and make available for duty, the employees, property, or equipment of the subdivision relating to fire fighting, engineering, rescue, health, medical and related services; police, transportation, construction, and similar items or services for civil defense purposes and within or outside of the physical limits of the subdivision; and

(5) In the event of enemy attack or state of emergency as provided in section 6, such political subdivisions shall not be bound by the budget limitations prescribed by section 73-503, Arizona Code of 1939, and may waive procedures and formalities otherwise required by law pertaining to: the performance of public work, entering into contracts, the incurring of obligations, the employment of permanent and temporary workers, the utilization of volunteer workers, the rental of equipment, the purchase and distribution with or without compensation of supplies, materials, and facilities, and the appropriation and expenditure of public funds.

Sec. 9. LOCAL SERVICES. (a) Whenever the employees of any political subdivision are rendering outside aid pursuant to the authority contained in section 8, such employees shall have the same powers, duties, rights, privileges, and im-

munities as if they were performing their duties in the political subdivision in which normally employed.

(b) The political subdivision in which any equipment is used pursuant to this section shall be liable for any loss or damage thereto and shall pay any expense incurred in the operation and maintenance thereof. No claim for such loss, damage, or expense shall be allowed unless, within sixty days after the same is sustained or incurred, an itemized notice of such claim under oath is served by mail or otherwise upon the chief fiscal officer of the political subdivision where the equipment was used. The political subdivision which is aided pursuant to this section shall also pay and reimburse the political subdivision furnishing such aid for the compensation paid to employees furnished under this section during the time of the rendition of such aid and shall defray the actual traveling and maintenance expenses of such employees while they are rendering such aid. Reimbursement shall include any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such aid. The term "employee" as used in this section shall mean, and the provisions of this section shall apply with equal effect to paid, volunteer and auxiliary employees and civil defense workers.

(c) The rights, privileges and obligations of employees rendering aid outside the state, shall apply in all respects as in the case of rendering aid outside of the political subdivision in which normally employed, but in such event payment or reimbursement shall or may be made by the state, a county or other political subdivision receiving such aid pursuant to a reciprocal mutual aid agreement or compact with such state or by the federal government.

Sec. 10. MOBILE SUPPORT UNITS. (a) With due consideration of the plans of the federal government and of other states, the governor, or the director at the request of the governor, shall create and establish such mobile support units as may be necessary to reinforce civil defense organizations in stricken areas. He shall appoint a commander for each unit who shall have primary responsibility for the organization, administration and operation of the unit. Upon orders of the governor, a mobile support unit shall perform its functions in any part of the state, or, when the laws of another state contain provisions substantially similar to this section, in such other state. The operations of a mobile support unit shall be subject to the control of the authority in charge of civil defense activities in the area in which it is serving.

(b) If an employee of the state, whether within or without the state, or of a county or other political subdivision thereof,

whether within or without the state or subdivision, a member of a mobile support unit while on duty shall have the powers, duties, rights, privileges and immunities and receive the compensation incidental to his employment. If not an employee of the state or a subdivision thereof, whether within or without the state, each member shall be entitled to compensation by the state at the rate of six dollars per day and to the same rights and immunities as are provided by law for an employee of the state. The state shall reimburse a political subdivision for the compensation and traveling and other necessary expenses of an employee of the subdivision while serving as a member of a mobile support unit, and for any payment for death, disability or injury of an employee incurred in the course of such duty, and for any loss of or damage to supplies and equipment of the political subdivision resulting from the operation of a mobile support unit. Any other member of a mobile support unit shall be reimbursed as provided by law for state officers for his traveling and other necessary expenses incurred in the performance of his duties.

(c) Whenever a mobile support unit of another state shall render aid in this state pursuant to the orders of the governor of its home state and upon the request of the governor of this state, this state shall reimburse such other state for the compensation paid and actual and necessary travel, subsistence, and maintenance expenses of the personnel of such mobile support unit while rendering such aid, and for all payments for death, disability, or injury of such personnel incurred in the course of rendering such aid, and for all losses of or damage to supplies and equipment of such other state or a political subdivision thereof resulting from the rendering of such aid, if the laws of such other state contain provisions substantially similar to this section or if provisions to the foregoing effect are embodied in a reciprocal mutual aid agreement or compact or if the federal government has authorized or agreed to make reimbursement for such mutual aid.

(d) No personnel of mobile support units of this state shall be ordered by the governor to operate in any other state unless the laws of such other state contain provisions substantially similar to this section or unless the reciprocal mutual aid agreements or compacts include provisions providing for such reimbursement or unless such reimbursement will be made by the federal government by law or agreement.

Sec. 11. INVESTIGATIONS AND SURVEYS. For the purpose of making surveys and investigations and obtaining information, except the investigation of subversive activities that are the responsibility of the federal bureau of investigation, the governor may compel by subpoena the attendance of

witnesses and the production of books, papers, records, and documents of individuals, firms, associations and corporations. All officers, boards, commissions and departments of the state, and the political subdivisions thereof, having information with respect thereto, shall cooperate with and assist him in making such investigations and surveys.

Sec. 12. TRAFFIC CONTROL. The governor may formulate and execute plans and regulations for the control of traffic in order to provide for the rapid and safe movement of evacuation over public highways and streets of people, troops, or vehicles and materials for national defense or for use in any defense industry, and may coordinate the activities of the departments or agencies of the state and of the political subdivisions thereof concerned directly or indirectly with public highways and streets, in a manner which will best effectuate such plans.

Sec. 13. TRANSFER OF STATE PROPERTY OR PERSONNEL. Whenever the governor deems it to be in the public interest, he may:

1. Authorize any department or agency of the state to lease or lend, on such terms and conditions as he may deem necessary to promote the public welfare and protect the interests of the state, any real or personal property of the state government to the president, the heads of the armed forces, or to the civil defense agency of the United States.

2. Enter into a contract on behalf of the state for the lease or loan to any political subdivision of the state on such terms and conditions as he may deem necessary to promote the public welfare and protect the interests of the state, of any real or personal property of the state government, or the temporary transfer or employment of personnel of the state government to or by any political subdivision of the state. The chief executive of each political subdivision of the state may enter into such contract or lease with the state, or accept any such loan, or employ such personnel, and such political subdivision may equip, maintain, utilize, and operate any such property and employ necessary personnel therefor in accordance with the purposes for which such contract is executed, and may do all things and perform any and all acts which he may deem necessary to effectuate the purpose for which such contract was entered into.

Sec. 14. ORDERS, RULES AND REGULATIONS. (a) The counties of the state and other agencies designated or appointed by the governor are authorized and empowered to make, amend, and rescind such orders, rules and regulations

as may be necessary for civil defense purposes and to supplement the carrying out of the provisions of this Act, but not inconsistent with any orders, rules or regulations promulgated by the governor or any state agency exercising a power delegated to it by him.

(b) Any order, rule or regulation promulgated by the governor, or by any board of supervisors or other agency authorized by this Act to make orders, rules and regulations, shall have the full force and effect of law, when, in the event of issuance by the governor or any state agency, a copy thereof is filed in the office of the secretary of state, or if promulgated by a county or other political subdivision of the state or agency thereof, when filed in the office of the clerk of the political subdivision or agency promulgating the same. All existing laws, ordinances, rules and regulations inconsistent with the provisions of this Act, or of any order, rule or regulation issued under the authority of this Act, shall be suspended during the period of time and to the extent that such conflict exists.

(c) In order to attain uniformity so far as practicable throughout the country in measures taken to aid civil defense, all action taken under this Act and all orders, rules and regulations made pursuant thereto, shall be taken or made with consideration to the orders, rules, regulations, actions, recommendations and requests of federal authorities relevant thereto and, to the extent permitted by law, shall be consistent with such orders, rules, regulations, actions, recommendations and requests.

Sec. 15. ENFORCEMENT. The law enforcing authorities of the state and of the political subdivisions thereof shall enforce the orders, rules and regulations issued pursuant to this Act.

Sec. 16. IMMUNITY. (a) Neither the state nor any political subdivision of the state, nor the agents or representatives of the state or any political subdivision thereof, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer civilian defense worker, or member of any agency engaged in civilian defense activity. The foregoing shall not affect the right of any person to receive benefits or compensation to which he might otherwise be entitled under the workmen's compensation law or section 9 hereof or any pension law or Act of congress.

(b) Neither the state nor any political subdivision of the state nor, except in a case of wilful misconduct, gross negligence, or bad faith, the employees, agents, or representatives of the state or any political subdivision thereof, nor any vol-

unteer or auxiliary civil defense worker or member of any agency engaged in civilian defense activity, complying with or reasonably attempting to comply with this Act, or any order, rule, or regulation promulgated pursuant to the provisions of this Act, or pursuant to any ordinance relating to blackout or other precautionary measures enacted by any political subdivision of the state, shall be liable for the death of or injury to persons, or for damage to property as a result of any such activity.

Sec. 17. AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS AND LOANS. The governor, or the executive officer or governing body of a political subdivision of the state may, with the consent of the governor, accept for purposes of civil defense an offer of the federal government or an agency or officer thereof, or an offer of any person, firm or corporation, of services, equipment, supplies, material or funds, whether a gift, grant or loan, and may designate an officer of the state or subdivision to receive such gift, grant or loan on behalf of the state or subdivision, subject to the terms of the offer and the rules and regulations, if any, of the offeror.

Sec. 18. POLITICAL ACTIVITY. No civil defense organization established under the authority of this Act shall participate in any form of political activity, nor shall it be employed directly or indirectly for any political purpose.

Sec. 19. CIVIL DEFENSE PERSONNEL. No person who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or of this state or the overthrow by force and violence of any government in the United States, or who has been convicted of or is under indictment or information charging any subversive act against the United States shall be employed or associated in any capacity in a civil defense organization established under this Act. Each person appointed to serve in a civil defense organization shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this state, substantially as follows: "I ....., do solemnly swear (or affirm) that I will support and defend the constitution of the United States and the constitution of the state of Arizona against all enemies, foreign and domestic; that I will true faith and allegiance bear to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; that I will well and faithfully discharge the duties upon which I am about to enter. I further do swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during

such time as I am a member of the (name of civil defense organization), I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence."

Sec. 20. PENALTIES. Any person violating any provision of this Act or any rule, order, or regulation made pursuant to this Act shall, upon conviction thereof, be punishable by a fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both such fine and imprisonment.

Sec. 21. LIBERALITY OF CONSTRUCTION. This Act shall be construed liberally in order to effectuate its purposes.

Sec. 22. SEVERABILITY. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 23. APPROPRIATION. To carry out the purposes of this Act the sum of twenty-five thousand dollars is appropriated to the civil defense agency to be used during the remainder of the fiscal year ending June 30, 1951, and such other and further appropriation as may be made by law for the ensuing fiscal years.

Sec. 24. POWER TO INCUR INDEBTEDNESS. In the event and upon the declaration of the existence of a state of emergency, as provided in section 6, the governor shall have the power to incur indebtedness in the name of the state in an amount necessary to carry out the emergency powers conferred upon the governor by this Act and the fulfillment of the obligations of the state thereby imposed; provided, that the indebtedness shall not be in excess of one million dollars and shall be used only for the object for which the loan shall have been made.

Sec. 25. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this 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, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 101

(Senate Bill No. 92)

AN ACT

RELATING TO DECEDENTS' ESTATES; AMENDING ARTICLE 1, CHAPTER 38, BY ADDING SECTION 38-103; AMENDING SECTIONS 38-207, 38-214, 38-216, 38-221, 38-406, 38-1001, 38-1002, 38-1201, 38-1204, 38-1213, 38-1218, 38-1219, 38-1222 TO 38-1227 INCLUSIVE, 38-1231, 38-1234, 38-1235, 38-1237, 38-1501, 38-1502 AND 38-1505; AMENDING ARTICLE 2, CHAPTER 38, BY ADDING SECTION 38-207a; AMENDING ARTICLE 4, CHAPTER 38, BY ADDING SECTION 38-406a; AMENDING ARTICLE 12, CHAPTER 38, BY ADDING SECTION 38-1218a, AND REPEALING SECTIONS 38-1202, 38-1203, 38-1205 TO 38-1212 INCLUSIVE, 38-1214 TO 38-1217 INCLUSIVE, AND 38-1238, ARIZONA CODE OF 1939.

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

Section 1. Article 1, chapter 38, Arizona Code of 1939, is amended by adding section 38-103, to read:

38-103. CHARACTER OF PROCEEDINGS. The administration of the estate of a decedent from the filing of the petition for letters testamentary or of administration to the decree of final distribution and the discharge of the last personal representative, for the purposes of jurisdiction, shall be deemed one proceeding in rem, and notice other than that required for a hearing on a petition for letters testamentary or of administration shall not be jurisdictional.

Sec. 2. Sec. 38-207, Arizona Code of 1939, is amended to read:

38-207. NOTICE TO HEIRS AND EXECUTORS. Copies of the notice shall be addressed to each heir of the testator named in the petition, at his place of residence, if known to the petitioner, and deposited in the post office, postage prepaid, not less than ten days before the hearing. In the event the place of residence of an heir is not known, the copies of notice may be addressed to him and deposited in the post office at the county seat of the county in which the proceedings are pending. A copy of the notice shall in like manner be mailed to the person named as executor, other than the petitioner, and to each person not petitioning named as coexecutor, if his place of residence is known. Proof of mailing the

copies of the notice shall be made at the hearing. In lieu of mailing, personal service of copies of the notice may be made not less than ten days before the hearing.

Sec. 3. Article 2, chapter 38, Arizona Code of 1939, is amended by adding section 38-207a, to read:

38-207a. SPECIAL NOTICE. At any time after the issuance of letters testamentary or of administration upon the estate of a decedent, any person interested in the estate as heir, devisee, legatee, creditor, or the attorney thereof, may serve upon or mail to the executor or administrator or the attorney thereof, and file with the clerk of the court in which the administration of the estate is pending, a written request for a copy of each notice in the proceeding required by law to be posted or published. The request shall set forth the post office address of the heir, devisee, legatee, creditor, or the attorney thereof filing the same, and a copy of each such notice shall thereafter be mailed not less than ten days prior to the hearing of which such notice is given, by the executor, administrator, or his attorney, to such person at his stated post office address, postage prepaid. In lieu of mailing, personal service of each notice may be made on the heir, legatee, devisee, creditor, or attorney thereof, not less than ten days before the hearing of which such notice is given. If at the hearing it appears to the satisfaction of the court that the notice has been regularly given, the court shall so find in its order or judgment, and such finding shall be final and conclusive.

Sec. 4. Sec. 38-214, Arizona Code of 1939, is amended to read:

38-214. ANCILLARY PROBATE. A will duly proved and allowed in another state or foreign country may be admitted to probate in the superior court of any county in which the testator left an estate. When an authenticated copy of the will and the probate thereof together with a petition for letters is produced by the executor or any person interested in the will, the same shall be filed, and the clerk of the court shall set the same for hearing. Notice of hearing shall be given as provided for an original petition for the probate of a will.

Sec. 5. Sec. 38-216, Arizona Code of 1939, is amended to read:

38-216. CONTEST AFTER PROBATE. Any interested person within six months after probate of a will may contest the probate or the validity thereof by filing in the court in which the will was proved a written petition, setting forth his allega-

tions against the validity of the will or against the sufficiency of the proof, and praying that the probate be revoked.

Sec. 6. Sec. 38-221, Arizona Code of 1939, is amended to read:

38-221. CONTEST OF PROBATE. In the event the validity of a will or the probate thereof is not contested within six months after probate, the probate shall be deemed conclusive, but an infant or person of unsound mind may bring such contest within six months after removal of his disability, and a like contest to cancel a will for forgery or fraud may be brought within six months after the discovery thereof.

Sec. 7. Sec. 38-406, Arizona Code of 1939, is amended to read:

38-406. HEARING OF PETITION. Upon filing of a petition praying for letters of administration the clerk of the court shall set the petition for hearing not less than ten nor more than thirty days from the date of filing. Notice of hearing shall be given by the clerk by publication in a newspaper of the county, or if there is no newspaper in the county, then by written or public notice posted at not less than three public places in the county. If the notice is published in a weekly newspaper, it shall appear therein on at least three different days of publication, and if in a newspaper published more than once a week, it shall be so published that there shall be not less than ten days from the first to the last day of publication, both the first and the last day included. If the notice is by posting, is shall be given at least ten days before the hearing.

Sec. 8. Article 4, chapter 38, Arizona Code of 1939, is amended by adding section 38-406a, to read:

38-406a. NOTICE TO HEIRS. A copy of the notice shall be addressed to each heir of the decedent named in the petition, at his place of residence, if known to the petitioner, and deposited in the post office, postage prepaid, not less than ten days before the hearing. Proof of mailing the copies of the notice shall be made at the hearing. In lieu of mailing, personal service of copies of the notice may be made not less than ten days before the hearing.

Sec. 9. Sec. 38-1001, Arizona Code of 1939, is amended to read:

38-1001. NOTICE TO CREDITORS. The executor or administrator, immediately upon his appointment, shall cause to be published in a newspaper in the county or if there is no

newspaper in the county in a newspaper designated by the court, a notice to the creditors of the decedent requiring each person having a claim against the estate to exhibit such claim, together with necessary vouchers, to the executor or administrator at his residence or business address, as specified in the notice, within four months from the date of first publication of the notice. The notice shall be published once each week for four successive weeks. In the event the executor or administrator resigns or is removed before the time stated in the notice, his successor shall give notice only for the unexpired time allowed for such presentation. In the event the executor or administrator neglects for two months after his appointment to give the notice to creditors, the court shall revoke his letters.

Sec. 10. Sec. 38-1002, Arizona Code of 1939, is amended to read:

38-1002. NOTICE TO CREDITORS. After notice is given as prescribed by section 38-1001, a copy thereof together with the affidavit of publication shall be filed with the court. Such filing shall establish the fact that due notice to creditors has been given.

Sec. 11. Sec. 38-1201, Arizona Code of 1939, is amended to read:

38-1201. PROPERTY CHARGEABLE WITH DEBT. Except as otherwise provided by law, the property of a decedent shall be chargeable with the payment of his debts, the expenses of administration of his estate, and the payment of the allowance to his family, without priority as between real and personal property.

Sec. 12. Sec. 38-1204, Arizona Code of 1939, is amended to read:

38-1204. SALE OF PERISHABLE AND PERSONAL PROPERTY. At any time after receiving letters, the executor, administrator or special administrator may obtain from the court an order to sell perishable and other personal property likely to depreciate in value, or which will incur loss or expense by being kept, and as much other personal property as may be necessary to pay the allowance made to the family of the decedent. The order for the sale may be made without notice, and title shall pass without confirmation, but unless the court approves the sale, the executor, administrator or special administrator shall be responsible for the property.

Sec. 13. Sec. 38-1213, Arizona Code of 1939, is amended to read:

38-1213. SALE OF PROPERTY. The administrator or executor, in the event he deems it necessary or advisable, may sell at public auction or private sale all or any portion of the real or personal property of the decedent.

Sec. 14. Sec. 38-1218, Arizona Code of 1939, is amended to read:

38-1218. SALE ON PETITION OF CREDITORS. In the event a creditor or other person interested in an estate, other than an executor or administrator, deems it necessary or in the best interests of the estate and those interested therein that property of the decedent be sold, he shall make written demand upon the executor or administrator for the sale of such property. If the executor or administrator fails or refuses to make the sale within sixty days from the date of such written demand, the creditor or other interested party, by verified petition, may apply to the court for an order directing the executor or administrator to sell the property. The petition shall describe the property sought to be sold and shall state the reasons for the sale. Upon the filing of the petition the clerk of the court shall fix a time and place for a hearing, and shall mail copies of the petition and the notice of hearing to the executor or administrator and his attorney, if any, and at least ten days before the hearing shall post notice thereof in three public places in the county. At the hearing the court shall consider the petition, hear the evidence and determine whether the petition should be granted. If the petition is granted, the court shall order the executor or administrator to make the sale in such manner as the court may direct.

Sec. 15. Article 12, chapter 38, Arizona Code of 1939, is amended by adding section 38-1218a, to read:

38-1218a. CONFIRMATION OF SALE. No sale made by an executor or administrator, other than a sale made under the provisions of section 38-1204, shall be valid nor shall title to any property pass to the purchaser until such sale is reported to and confirmed by the court as prescribed by sections 38-1223 and 38-1224.

Sec. 16. Sec. 38-1219, Arizona Code of 1939, is amended to read:

38-1219. NOTICE OF PUBLIC AUCTION. When a sale is to be made at public auction, notice of the time and place and

terms of sale, and describing the property to be sold, shall be posted not less than ten days immediately preceding the sale in three public places in the county in which the property is situate, and published in a newspaper, if there be one printed in the same county, and if none, in such paper as the court may direct, on two different days, the last of which shall be not less than five days immediately preceding the sale. The sale shall be held in any county in which the property or a portion thereof is situate. The sale shall be held at the court house door or at the place where the property is situated, as determined by the executor or administrator, and shall be held between the hours of ten in the morning and four in the afternoon. In the event the sale of personal property is to be held at a place other than that at which the property is situate, the notice shall so state and shall set forth a place and a time prior to such sale at which the property may be examined. No notice of sale is necessary for property to be sold at private sale.

Sec. 17. Sec. 38-1222, Arizona Code of 1939, is amended to read:

38-1222. SALE ON CREDIT. The executor or administrator may sell the property of the decedent on credit, or may sell such property by a contract or an agreement for sale which shall provide that title to the property shall not pass until the full purchase price is paid. In the event the executor or administrator sells the property on credit, he shall take the note of the purchaser for the purchase money with a mortgage on the property sold to secure its payment.

Sec. 18. Sec. 38-1223, Arizona Code of 1939, is amended to read:

38-1223. RETURN OF SALE. The executor or administrator shall, within twenty days after making a sale prepare, verify and file with the clerk of the court in which the probate proceeding is pending, a full and complete report of the sale, stating the reasons therefor, the name and address of the purchaser, the amount for which and the terms upon which the property was sold, and asking the court to confirm the sale. If the sale was made at public auction a copy of the notice of sale shall be attached to the report. Upon the filing of the report the clerk shall set a time and place for hearing on the report and request for confirmation of the sale, and shall give at least ten days notice thereof by posting in three public places in the county. The notice shall describe the property and set forth the amount for which and the terms upon which it was sold, refer those concerned to the report for further particulars, and state that anyone interested in the estate may appear at the time of the hearing and show cause why the sale should or should not be confirmed. At the hear-

ing the court shall examine the report, hear testimony, determine whether the sale was necessary or in the best interest of the estate and those interested therein, and whether it was legally and fairly made or the sum bid disproportionate to the value of the property. If at the hearing an offer more than that named in the report is made to the court the court may accept such offer or any higher or better offer and confirm the sale to the person making such higher or better offer. If the court finds the sale was not necessary or not in the best interest of the estate and those interested therein; that the sale was unfair or illegal; that the property is worth more than the amount bid, or that a greater sum can be obtained therefor, it shall deny the petition for confirmation and may direct that a new sale be made.

Sec. 19. Sec. 38-1224, Arizona Code of 1939, is amended to read:

38-1224. CONFIRMATION OF SALE. If it appears to the court that the sale was legally made and fairly conducted, that the sum bid was not disproportionate to the value of the property sold and that a greater sum cannot be obtained, or if a higher or better offer is made to and accepted by the court, the court shall thereupon make an order confirming the sale, and directing conveyances to be executed, and the sale shall be deemed effective from that time. A certified copy of the order confirming the sale of real estate shall be recorded in the office of the recorder of the county within which any land sold is situated. If the purchaser neglects or refuses to comply with the terms of the sale, the court, on motion of the executor or administrator and after notice to the purchaser, may order a re-sale of the property. If the amount of the resale does not cover the bid and expenses of the previous sale the original purchaser is liable to the estate for the deficiency.

Sec. 20. Sec. 38-1225, Arizona Code of 1939, is amended to read:

38-1225. CONVEYANCE TO PURCHASER. The executor or administrator, upon the making by the court of the order confirming the sale, shall execute a conveyance of the property to the purchaser. The conveyance shall refer to the order of the court confirming the sale and directing the conveyance, and such reference shall have the same effect as if the order were inserted in the conveyance. A conveyance so made conveys all right, title and interest of the decedent in the property at the time of his death, and the right, title and interest of the estate acquired therein after the death of the decedent.

Sec. 21. Sec. 38-1226, Arizona Code of 1939, is amended to read:

38-1226. POSTPONEMENT OF SALE. If, at the time appointed for a sale at public auction, the executor or administrator deems it in the best interest of all concerned, he may from time to time postpone the sale for a period of not to exceed a total of three months. Notice of postponement shall be given by a public declaration at the time and place first appointed for the sale, and if the postponement is for more than one day, further notice shall be given by posting in three public places in the county, one of which shall be at the place first appointed for the sale.

Sec. 22. Sec. 38-1227, Arizona Code of 1939, is amended to read:

38-1227. DIRECTIONS IN WILL. If the testator provides in his will or designates the estate to be appropriated for the payment of his debts, the expenses of administration, or family allowance, such payment shall be made according to such provision or designation so far as the same is sufficient. When property is directed or authorized by the will to be sold, the executor may sell any property of the estate at either public or private sale, with or without notice as the executor may determine, but the executor shall report such sale as prescribed by section 38-1223. Directions in the will providing for the mode of selling property or designating the particular property to be sold shall be followed.

Sec. 23. Sec. 38-1231, Arizona Code of 1939, is amended to read:

38-1231. SALE OF CONTRACT FOR THE PURCHASE OF LAND. If a decedent at the time of his death was possessed of a contract for the purchase of land, his interest in such land under the contract may be sold by his executor or administrator as if he had died seized of such land, but the sale shall be made subject to all payments that may thereafter become due on the contract. The sale shall not be confirmed by the court unless the seller under the contract releases the estate from all liability thereunder, or until the purchaser executes a bond for the benefit and indemnity of the executor or administrator and the persons entitled to the interest of the decedent in the land, in double the amount of payments thereafter to become due on the contract, with such sureties as the court shall approve. The bond shall be conditioned that the purchaser will make all payments for the land that become due after the date of the sale, and will fully indemnify the executor or administrator and the persons so entitled, against all demands, costs, charges and expenses by reason of any covenant or agreement contained in the contract. Upon confirmation of the sale, the executor or administrator shall execute

to the purchaser an assignment of the contract, which vests in the purchaser all the right, title and interest of the estate or of the persons entitled to the interest of the decedent in the land sold at the time of the sale.

Sec. 24. Sec. 38-1234, Arizona Code of 1939, is amended to read:

38-1234. ACTION TO SET ASIDE SALE. No action can be maintained for the recovery of any estate sold by an executor or administrator under the provisions of the laws of the state unless it be commenced within one year next after the sale. An action to set aside the sale on the ground of fraud may be instituted and maintained at any time within one year after the discovery of the fraud. A minor or other person under a legal disability to sue at the time the right of action accrued may commence such action at any time within one year after the removal of the disability.

Sec. 25. Sec. 38-1235, Arizona Code of 1939, is amended to read:

38-1235. ACCOUNT OF SALE. If an executor or administrator fails or neglects to make and file a return of sale as prescribed by section 38-1223, he may be punished for contempt and his letters may be revoked after five days notice to him to appear and show cause why such revocation should not be made.

Sec. 26. Sec. 38-1237, Arizona Code of 1939, is amended to read:

38-1237. SPECIFIC PERFORMANCE OF CONTRACTS. When a person bound by a contract in writing to convey real property or transfer personal property dies before making the conveyance or transfer, or in any case where such decedent, if living, might be compelled to make the conveyance or transfer, the court having jurisdiction of the probate proceedings of the decedent may make a decree authorizing and directing the executor or administrator of the decedent to convey or transfer such property to the person entitled thereto. Any person claiming to be entitled to such conveyance or transfer from the executor or administrator may file with the clerk of such court a verified petition, setting forth the facts and a copy of the contract, and petitioning for such conveyance or transfer. The clerk shall thereupon set a time and place for hearing the petition and by posting notice of such hearing at least ten days prior thereto in three public places in the county. At the hearing, all persons interested in the estate may appear

and contest the petition by filing written objections. If after hearing the court determines that a conveyance or transfer of the property described in the petition should be made, it shall make and enter an order authorizing and directing the executor or administrator to execute and deliver a conveyance or transfer thereof. A certified copy of an order authorizing and directing the conveyance of real property shall be recorded in the office of the county recorder of the county in which the property to be conveyed is located.

Sec. 27. Sec. 38-1501, Arizona Code of 1939, is amended to read:

38-1501. PETITION FOR DISTRIBUTION. (a) At any time after six months from the issuing of letters testamentary or of administration any heir, devisee or legatee may present his petition to the court for the legacy or share of the estate to which he is entitled, to be given to him upon his giving bond for the payment of his proportion of the debts of the estate. Notice of the petition shall be given to the executor or administrator personally, and to all persons interested in the estate, as required for the settlement of the account of an executor or administrator. The executor, administrator or other person interested in the estate may resist the petition and any other heir, devisee or legatee may join in the petition.

(b) At any time after six months from the issuing of letters testamentary or of administration, the executor or administrator may present his petition to the court for a partial distribution of the estate of the decedent. Notice of the petition shall be given to all persons interested in the estate as required for the settlement of the account of an executor or administrator.

Sec. 28. Sec. 38-1502, Arizona Code of 1939, is amended to read:

38-1502. ORDER FOR DISTRIBUTION. (a) If, at the hearing of the petition of an heir, devisee or legatee, it appears that the estate is but little indebted and that the share of the person applying may be allowed without loss to the creditors of the estate, the court shall make an order granting the petition and requiring each person before receiving his share or any portion thereof to execute and deliver to the executor or administrator a bond in such sum as the court may determine, with sureties to be approved by the judge, payable to the executor or administrator and conditioned for the payment, whenever required, of his proportion of the debts due from the estate, not exceeding the legacy or portion of the estate to

be received by him, and requiring the executor or administrator to deliver to such person the whole portion of the estate to which he may be entitled, or a part thereof, designating it. If, in the execution of the order, a partition is necessary between two or more of the interested persons, it shall be made in the manner hereinafter prescribed. The costs of the proceedings shall be paid by the applicant, or if there be more than one, apportioned equally among them.

(b) If at the hearing or the petition of the executor or administrator, it appears that the estate is but little indebted, and that a partial distribution may be had without loss to the creditors of the estate, the court may make an order granting the petition of the executor or administrator without bonds.

Sec. 29. Sec. 38-1505, Arizona Code of 1939, is amended to read:

38-1505. DECREE OF DISTRIBUTION. In the decree of distribution the court shall name the persons and the proportions or parts to which each is entitled, and such person may demand, sue for and recover his share from the executor or the administrator, or any person having the same in possession. Such decree is conclusive of the rights of heirs, legatees or devisees, subject only to appeal. A decree of distribution shall not be entered until after expiration of the time for contest after probate as provided in section 38-216, and until the estate, county and municipal taxes levied upon the property of the estate have been fully paid.

Sec. 30. REPEAL. Sections 38-1202, 38-1203, 38-1205 to 38-1212 inclusive, 38-1214 to 38-1217 inclusive, and 38-1238, Arizona Code of 1939, are repealed. This section does not negative an implied repeal of any statute which conflicts with this Act.

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 102

(Senate Bill No. 130)

AN ACT

MAKING AN APPROPRIATION TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

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

Section 1. APPROPRIATION. In addition to the appropriation heretofore made to the superintendent of public instruction, there is hereby appropriated the sum of three thousand four hundred dollars ($3,400.00), for the fortieth fiscal year.

Sec. 2. PURPOSE. The purpose of this appropriation is for travel in connection with the school lunch program, as follows: Out of state travel four hundred dollars; state travel three thousand dollars.

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 103

(Senate Bill No. 105)

AN ACT

PROVIDING FOR THE REVISION, CODIFICATION AND ANNOTATION OF THE LAWS OF THE STATE OF ARIZONA; CREATING A CODE COMMISSION, DEFINING ITS POWERS AND DUTIES, MAKING AN APPROPRIATION THEREFOR; REPEALING INCONSISTENT ACTS AND PARTS OF ACTS AND DECLARING AN EMERGENCY.

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

Section 1. COMMISSION CREATED, MEMBERSHIP. There is hereby created a code commission consisting of the chairman of the judiciary committee of the senate, the chairman of the judiciary committee of the house of representatives, the secretary of state, the president of the state bar of Arizona and the chief justice of the supreme court, the latter of whom shall sit in an advisory capacity.

Sec. 2. MEMBERS' TRAVEL EXPENSES AND SUBSISTENCE. The members of said code commission shall serve without compensation but shall receive the travel expenses and subsistence as provided for other state officers. Travel expenses shall include those incurred in traveling to and from the place of meeting.

Sec. 3. DUTIES. Upon the effective date of this Act, the commission shall at once cause to have the laws of the state of Arizona revised, codified and annotated, such revision, codification and annotation to be thorough and complete. The commission shall not however, undertake to make any change of existing laws, but shall harmonize, clarify and remove inconsistencies where the same are found to exist; it being the intention of this Act that said commission shall in no manner assume to exercise legislative power, but shall otherwise seek to bring about the thorough revision, codification and annotation of the laws of the state of Arizona. The commission shall cause to be prepared a full index to said code and the annotations thereto. The commission shall cause to be prepared proposed legislation wherever necessary to harmonize, clarify and make effective the laws of this state. The commission shall complete its duties under this Act on or before December 31, 1952.

Sec. 4. CHAIRMAN, REPORTS. The commission shall select from its membership its own chairman, who shall report to the next session of the legislature following the effective date of this Act, the progress of said commission in the execution of its duties hereunder. Upon completion of the work of said commission, the chairman shall report to the legislature at the session next following the completion of the work, and said report shall contain the completed work of such revision, codification and annotation, including any proposed legislation recommended by said commission as in section 3 provided.

Sec. 5. POWERS. The commission shall have the power to employ such services, legal, clerical or stenographic, as may be necessary to properly carry out the purpose of this Act and to purchase such supplies and rent such space as may be necessary to carry out its duties hereunder.

Sec. 6. CODE, PRINTING AND PUBLISHING. The said commission shall determine the best manner and means of printing and publishing the code and for this purpose may enter into negotiations with publishing houses looking to the publication of such code when completed and the chairman shall report to the legislature the result of its determination and negotiations.

Sec. 7. APPROPRIATION. There is hereby appropriated out of the money in the state treasury the sum of sixty thousand dollars, which sum or so much thereof as may be necessary to carry out the purpose of this Act, shall be paid by the state treasurer upon the order of said commission from time to time as the same may be required.

Sec. 8. REPEAL. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

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 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 104

(Senate Bill No. 72)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE HIGHWAY DEPARTMENT.

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

Section 1. APPROPRIATION. Out of any unappropriated balances accruing to the state highway fund for the thirty-ninth fiscal year, and in addition and supplemental to the appropriation in subdivision 67 of chapter 124 of the regular session of the nineteenth legislature, there is hereby appropriated for the thirty-ninth fiscal year, for maintenance and betterments, for "personal services", seventy-thousand dollars; for "other current expenditures", fourteen thousand dollars; for "capital outlay", ten thousand dollars.

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

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 105

(Senate Bill No. 58)

AN ACT

RELATING TO CRIMINAL OFFENSES; PROVIDING FOR THE REGISTRATION OF SEX OFFENDERS, AND AMENDING ARTICLE 61, CHAPTER 43, ARIZONA CODE OF 1939, BY ADDING SECTION 43-6117.

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

Section 1. Article 61, chapter 43, Arizona Code of 1939, is amended by adding section 43-6117, to read:

43-6117. REGISTRATION OF SEX OFFENDERS. (a) Every person who has been convicted in any state of an offense defined by sections 43-405, 43-406, 43-407, 43-607, 43-1011, 43-4401 to 43-4405, 43-4901, 43-4904, 43-4905 and 43-5902, Arizona Code of 1939, or other offense involving lewd or lascivious conduct, or of an attempt to commit any such offense, shall, within thirty days after the effective date of this Act or within thirty days after entering any county of the state for the purpose of residing or setting up a temporary domicile for thirty days or more, register with the sheriff of the county. At the time of registering, such person shall sign a statement in writing giving such information as may be required by the state bureau of criminal identification. The sheriff shall fingerprint and photograph such person and within three days thereafter shall send copies of the statement, fingerprints and photographs to the bureau of criminal identification and the chief of police, if any, of the place where the person resides.

(b) Upon changing his address within a county, any person required to register under the provisions of this section shall promptly inform the sheriff in writing of his new address. Within three days after receipt of such information, the sheriff shall forward it to the bureau of criminal identification and the chief of police, if any, of the place from which the person moves, and shall forward a copy of the statement, fingerprints and photograph of such person to the chief of police, if any, of the place to which the person has moved.

(c) No statement, photograph or fingerprint required by this section shall be open to any person other than a regularly employed law enforcement officer.

(d) Any person who, being subject to registration under

the provisions of this section, fails to register as prescribed by subsection (a), is guilty of a misdemeanor.

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

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 106

(Senate Bill No. 102)

AN ACT

RELATING TO TAXATION; PROVIDING FOR THE TAXATION OF CORPORATIONS AND ASSOCIATIONS ENGAGED IN THE BUSINESS OF USING MONEY WHEREWITH TO MAKE MONEY FOR THE OWNERS OF THEIR SHARES MEASURED BY THE NET INCOME OF SUCH CORPORATIONS OR ASSOCIATIONS, PROVIDING FOR THE TAXATION OF REAL PROPERTY OWNED BY SUCH CORPORATIONS AND ASSOCIATIONS, AND CONTINUING ARTICLES 17 AND 19, TITLE 73, ARIZONA CODE 1939, IN FORCE.

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

Section 1. TAXATION. (a) Every corporation and association primarily engaged in the business of using money wherewith to make money for the owners of the shares of such corporation or association located or doing business within the state shall annually pay a tax measured by its net income received after December 31, 1950, from all sources, including interest on bonds and other securities issued by or under authority of the United States, the state of Arizona or any political or other subdivision, or municipal or other public corporation thereof, computed at the rate of five per cent of the amount of such net income. The tax imposed by this section shall be in lieu of any tax on the shares of stock or on net income of any such corporation or association.

(b) For the purposes of this Act "net income" means the

gross income of any such corporation or association, as defined by section 73-1506, Arizona Code of 1939, and subsection (a) of this section, less the deductions allowable under sections 73-1510 and 73-1511, Arizona Code 1939.

Sec. 2. APPLICATION OF INCOME TAX ACT. The provisions of the income tax Act of 1933 (article 15, chapter 73, Arizona Code 1939) not in conflict with this Act, shall be applicable to the tax prescribed in section 1.

Sec. 3. DISTRIBUTION OF TAX. The tax paid by any corporation or association primarily engaged in the business of using money wherewith to make money under the provisions of section 1 shall be distributed by the state treasurer, fifty per cent thereof to the general fund of the state, and twenty-five per cent to the county and twenty-five per cent to the city in which the offices of such corporation or association are located. The object for which the said tax is imposed by section 1 is to assist in defraying the necessary and ordinary expenses of the state, counties, cities and towns.

Sec. 4. TAX ON REAL PROPERTY. Beginning January 1, 1951, the real property of every corporation or association primarily engaged in the business of using money wherewith to make money for the owners of the shares of such corporation or association located or doing business within the state shall be assessed and taxed as other real property is taxed in the state of Arizona and in the political subdivisions wherein the real property is situated, and the proceeds thereof shall be used for the same purposes as taxes levied and assessed on other real estate.

Sec. 5. EXCEPTION. The provisions of article 17 (chapter 11, Laws of 1943) and article 19 (chapter 40, Laws of 1945), of title 73, Arizona Code 1939, are hereby continued in force and the tax herein provided shall not apply to the institutions named in said chapters.

Sec. 6. NO APPLICABILITY TO INSURANCE BUSINESS. The provisions of this Act shall not apply to those corporations engaged in insurance businesses described in chapter 61, article 1, Arizona Code 1939.

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 107

(Senate Bill No. 120)

AN ACT

RELATING TO VETERANS; CREATING THE ARIZONA VETERANS' SERVICE COMMISSION; PROVIDING FOR THE TRANSFER OF RECORDS AND FUNDS; AND REPEALING SECTIONS 15-101 AND 15-102, AND SECTIONS 15-201 AND 15-202, OF ARTICLE 2, CHAPTER 15, ARIZONA CODE OF 1939.

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

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

"commission" means the Arizona veterans' service commission;

"director" means the director of veterans' affairs;

"veteran" means a citizen of the United States regularly enlisted, drafted, inducted or commissioned, and who was accepted for and assigned to active duty in the armed forces of the United States.

Sec. 2. ARIZONA VETERANS' SERVICE COMMISSION. The Arizona veterans' service commission shall consist of five members who shall be appointed by the governor with the consent of the Senate. Members shall be veterans, and shall be appointed from a list of three names submitted by each veterans' organization in the state holding a charter granted by the Congress of the United States. No more than two members shall be appointed from any list so submitted. Of the members first appointed one each shall serve for a term of one, two, three, four and five years respectively. Thereafter appointment shall be for a full term of five years. Appointment to fill a vacancy caused other than by expiration of term shall be for the unexpired portion thereof. Members of the commission shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of official duties as provided by law for public officers. The member serving in the last year of his term of office shall be chairman of the commission.

Sec. 3. POWERS AND DUTIES OF COMMISSION. (a) The commission shall: 1. have authority to act as guardian of the estate of any insane or incompetent veteran, or of the

minor children of any veteran; 2. provide emergency relief for veterans and their dependents, and to that end cooperate with the state, the United States, or any political subdivision of either established for the purpose of extending emergency relief to veterans; 3. disseminate information relating to laws beneficial to veterans or to the widows and children thereof; 4. assist veterans and the widows, children, personal representatives or heirs thereof in establishing any right or benefit accruing thereto; 5. assist veterans in obtaining employment preferences authorized by law; 6. cooperate with the state, the United States, or with a political subdivision of either established for the beneficial interest of veterans, and to that end enter into agreements and contracts deemed necessary to protect the rights or benefits extended to veterans, and, 7. prescribe rules and regulations not in conflict with law deemed necessary for the administration of the provisions of this Act, including rules and regulations governing the granting of emergency relief. A claim for emergency relief submitted to the commission under the provisions of item 7 shall, upon approval by the director, be paid by the state treasurer on a warrant issued by the state auditor. Claims for emergency relief as provided herein shall not exceed the total made available therefor in the general appropriations Bill.

(b) The commission shall be deemed a public corporation and may sue or be sued in its corporate name. The commission shall adopt an official seal, and not later than the first day of December of each year shall submit to the governor a written report of its activities.

Sec. 4. DIRECTOR AND EMPLOYEES. (a) The commission shall, within ten days after appointment of the members thereof and with the advice and consent of the governor, appoint a director of veterans' affairs and such other assistants as may be deemed necessary, each of whom shall be a veteran, except that stenographers may be employed from among the wives, mothers, widows, sisters or children of veterans.

(b) The director shall be the executive officer of the commission. In the name of the commission he shall direct the performance of all undertakings required by the commission in the exercise of its powers and duties, and shall execute all official documents and affix thereto the official seal of the commission. The director and the executive assistants of the commission may administer oaths and affirmations, and execute attestations and certificates in any case in which a magistrate or other public officer may administer oaths.

(c) The director shall receive an annual salary of not exceeding four thousand eight hundred dollars.

Sec. 5. APPOINTMENT AS GUARDIAN. The commission may, without collecting guardianship fees therefor and without limit as to the number of wards, institute in a court of competent jurisdiction a proceeding for appointment as guardian of the estate of any minor child of a veteran or of the estate of any insane or incompetent veteran, as provided by chapter 42, Arizona Code of 1939, as amended.

Sec. 6. ACTION AS GUARDIAN WITHOUT BOND. In any proceeding in which the commission is appointed guardian of the estate of a minor child of a veteran or of the estate of an incompetent or insane veteran, in which the assets of the estate other than real property and securities in the nature of registered bonds does not exceed the sum of three hundred dollars, the commission shall act without bond, and the court having jurisdiction shall enter such fact in its order of appointment.

Sec. 7. TRANSFER OF RECORDS AND FUNDS. All files, records, equipment, property, funds and balances of funds, now in the possession of the veterans' service officer, together with all appropriations made to the veterans' service officer are hereby transferred to the Arizona veterans' service commission.

Sec. 8. REPEAL. Sections 15-101 and 15-102, and sections 15-201 and 15-202, of article 2, chapter 15, Arizona Code of 1939, are repealed. This section does not negative an implied repeal of any statute which conflicts with this Act.

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 108

(Senate Bill No. 95)

AN ACT

RELATING TO ARBITRATION; PROVIDING FOR THE APPOINTMENT OF ARBITRATORS AND AMENDING SECTION 27-301, ARIZONA CODE OF 1939.

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

Section 1. Sec. 27-301, Arizona Code of 1939, is amended to read:

27-301. RIGHT TO ARBITRATE, AGREEMENT, ARBITRATORS. Persons may submit any dispute, controversy, or right of action to arbitration, upon signing an agreement in writing to arbitrate the matter in dispute, naming the parties as plaintiff and defendant. In the agreement each party shall name for himself one arbitrator who shall not be related to either party by consanguinity or affinity, possessing the qualifications of a juror, and who is not interested in the result of the matter to be submitted for his decision. When a party to an arbitration agreement fails to appoint a qualified arbitrator within ten days of the date of the agreement, or when an arbitrator appointed by the agreement fails to qualify, or fails or refuses to act for any reason, the judge of the court in which the arbitration agreement is filed shall, upon application in writing of any party to the agreement and after notice to the other party thereto, appoint an arbitrator to act in the arbitration; the arbitrator so appointed shall have the qualification herein provided, and shall have all the duties, powers and rights of an arbitrator as provided in 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 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 109

(Senate Bill No. 79)

AN ACT

RELATING TO BANKS AND OTHER FINANCIAL INSTITUTIONS, AND AMENDING SECTION 51-218, ARIZONA CODE OF 1939.

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

Section 1. Sec. 51-218, Arizona Code of 1939, is amended to read:

51-218. LEGAL RESERVES. (a) Commercial banks and savings banks shall maintain total reserves equal to the fol-

lowing percentages of the aggregate amount of their deposits, exclusive of deposits of United States, postal savings funds and state, county, municipal, and other deposits of public moneys which are secured, as required by law: 1. commercial banks, ten per cent, and, 2. savings banks, five per cent. Such reserves shall be maintained in lawful money of the United States or in solvent credits on deposit in a reserve depository or depositories which meet the qualifications prescribed. A bank may keep the legal reserve on deposit in a depository or depositories designated by it, which, except as otherwise provided in this section, shall be a bank, trust company or national banking association approved by the superintendent. Not more than twenty-five per cent of its legal reserve on deposit shall be kept in any one depository having a capital stock and surplus of less than two hundred thousand dollars, and such reserve on deposit shall not exceed fifteen per cent of the capital stock and surplus of the reserve depository. No bank shall be a reciprocal reserve depository for any other. A bank having both commercial and savings departments shall maintain the legal reserve for each department.

(b) Should the superintendent determine that sound banking practice makes such action advisable, he may establish by regulation and from time to time amend the same, the requirements with respect to legal reserves of commercial banks and savings banks, or either, which are not members of the federal reserve system. The reserves so established shall in no instance be less than those prescribed by this Act, nor more than double such requirement.

(c) A report showing the average daily deposits and the amount and character of reserves maintained against such deposits shall be submitted to the superintendent monthly by each commercial and savings bank. Such report shall be in the form prescribed by the superintendent and shall be transmitted not later than the tenth day of the month next succeeding the period covered thereby.

(d) If a commercial bank or savings bank fails to maintain its total reserves as prescribed by this Act, the superintendent may impose upon it a penalty based upon the period of time such deficiency continues, at the rate per annum of: 1. six per cent upon a deficiency not exceeding two per cent of deposits; 2. eight per cent upon an additional deficiency exceeding two per cent and not exceeding three per cent of deposits; 3. ten per cent upon an additional deficiency exceeding three per cent and not exceeding four per cent of deposits, and, 4. twelve per cent upon an additional deficiency in excess of four per cent of deposits.

(e) If the total reserves of a commercial bank or savings bank fall below the amount prescribed by this section such bank shall make no new loans or discounts except by discount of bills of exchange on sight, nor pay any dividends until its reserves have been restored to such amount.

(f) If a commercial bank or savings bank fails to maintain its reserves as prescribed by this section, the superintendent may notify such bank to restore its reserves and if it fails to do so within thirty days thereafter it may be deemed insolvent and proceeded against as provided in this chapter.

(g) If any commercial bank which is a member of a federal reserve bank shall comply with the reserve requirements of the federal reserve Act, such compliance shall be in lieu of and shall relieve such bank from compliance with the provisions of this section.

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

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 110

(Senate Bill No. 57)

AN ACT

RELATING TO CRIMINAL OFFENSES; PRESCRIBING INCREASED PUNISHMENT FOR OFFENDERS PREVIOUSLY CONVICTED, AND AMENDING SECTION 43-6111, ARIZONA CODE OF 1939.

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

Section 1. Section 43-6111, Arizona Code of 1939, is amended to read:

43-6111. INCREASED PUNISHMENT. Any person who, having been previously convicted for petit larceny, molesting a child under the age of sixteen years, contributing to the

delinquency of a minor, or an offense involving lewd or lascivious conduct, or for any offense punishable by imprisonment in the state prison, commits any crime after such conviction, is punishable upon conviction of such subsequent offense as follows: 1. if for an offense punishable for a first conviction by imprisonment for a term exceeding five years, by imprisonment not less than ten years; 2. if for an offense punishable for a first conviction by imprisonment not exceeding five years, by imprisonment not exceeding ten years, or, 3. if such subsequent conviction is for petit larceny, molesting a school child, contributing to the delinquency of a minor, or an offense involving lewd or lascivious conduct, or an attempt to commit any offense punishable by imprisonment not exceeding five years. The punishments prescribed by this section must be substituted for those prescribed for a first offense if previous conviction is charged in the indictment or information and found by the jury.

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

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 111

(Senate Bill No. 60)

AN ACT

RELATING TO VAGRANCY; PRESCRIBING PENALTIES FOR MOLESTING CHILDREN OR LOITERING, AND AMENDING SECTION 43-5902, ARIZONA CODE OF 1939.

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

Section 1. Sec. 43-5902, Arizona Code of 1939, is amended to read:

43-5902. MOLESTING CHILDREN OR LOITERING. Any person who molests a child under the age of sixteen years, or who without legitimate reason loiters about a school where children are in attendance or a nearby public place frequented by school children, or who loiters in or about a public toilet in

a park, shall be deemed a vagrant, and upon conviction therefor shall be punished by a fine of not more than three hundred dollars, imprisonment in the county jail for not more than six months, or both. A person convicted under the provisions of this section who has previously been convicted of the same offense, or of an offense under the provisions of sections 43-405, 43-406, 43-407, 43-607, 43-1011, 43-4401 to 43-4405, 43-4901, 43-4904, 43-4905 or 43-5902, Arizona Code of 1939, or of any offense involving lewd or lascivious conduct, shall be punished by imprisonment for not more than five years.

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

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 112

(Senate Bill No. 104)

AN ACT

RELATING TO INTERCOUNTY HIGHWAYS, AND AMENDING SECTION 59-209, ARIZONA CODE ANNOTATED, 1939, AS AMENDED, AND PROVIDING FOR COOPERATIVE AGREEMENTS BETWEEN THE BOARD OF SUPERVISORS OF THEIR RESPECTIVE COUNTIES, ENABLING THEM TO SECURE FEDERAL FUNDS ON INTERCOUNTY HIGHWAYS.

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

Section 1. Sec. 59-209, Arizona Code Annotated, 1939, as amended, is amended by adding paragraph (a) thereto so that said section, as amended, will read as follows:

59-209. DESIGNATION OF SECONDARY STATE HIGHWAYS; METHODS OF PROCEDURE, CONSTRUCTION, IMPROVEMENT, REPAIR AND MAINTENANCE. Upon petition of the board of supervisors of any county the state highway commission shall, if the commission decides that the public convenience be subserved and such designation will not

interfere with the completion and upkeep of the present state highway system designate as a secondary state highway any intercounty state route which extends across the border of such county, and for a distance of not less than thirty miles on each side thereof. Such secondary state highway shall be ordered constructed, improved, repaired and maintained under the jurisdiction of the state highway engineer, subject to the approval of a majority of the board of supervisors of both counties. The construction, improvement, repair and maintenance of said secondary highway shall be borne in the following manner: the state shall bear one-third of such costs; and each county through which the secondary state highway extends shall bear a pro rata share of such costs out of the revenues accruing to such counties from their respective apportionments of the motor vehicle fuel tax, based on the number of miles said secondary state highway extends in each county.

(a) When two or more counties desire to establish, open, relocate, or construct any intercounty highway which extends across the borders of such counties and for the purpose of securing federal aid in the construction thereof, they may enter into cooperative agreements with each other, which agreements may provide for the amount of money to be advanced by each county towards the construction thereof, regardless of the county in which the money is expended. Upon agreement being reached, the counties are authorized to request the Arizona state highway department to include such intercounty highway involved, in the federal aid secondary system. Upon approval of such inclusion in the system, the counties and the Arizona highway department are authorized to enter into a cooperative agreement for the construction of said highway by the Arizona highway department with moneys as furnished by the counties and with federal aid.

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 113

(Senate Bill No. 42)

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR THE REGISTRATION OF VEHICLES OF NONRESIDENTS,

AND AMENDING SECTION 66-225, ARIZONA CODE OF 1939.

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

Section 1. Sec. 66-225, Arizona Code of 1939, is amended to read:

66-225. REGISTRATION OF VEHICLES OF NONRESIDENTS. (a) Except as hereinafter provided, every foreign vehicle owned by a nonresident and operated in the state for the transportation of passengers or property for compensation or in the business of a nonresident carried on in this state, or for the transportation of property, shall be registered and licensed in the same manner as is required in the case of motor vehicles, trailers or semi-trailers not theretofore registered or licensed.

(b) In case it is desired to operate any such vehicle in this state for a period not to exceed three months in any registration year, if such vehicle is duly registered and licensed under the laws of any other state or county, the owner may make application to the vehicle division in the manner and form prescribed, for the registration and licensing of such vehicle for the period named and assign an appropriate certificate same in this state. The application shall be accompanied by an amount equal to one-tenth of the full annual registration and unladen weight fees applicable to the vehicle as prescribed by section 66-256, for each month or fraction thereof that the vehicle is to be so operated in this state. The minimum fee for such licensing and registration shall be three dollars fifty cents. The vehicle division, if satisfied as to the facts stated in the application, shall register and license the vehicle for the period named and assign an appropriate certificate or license, which shall at all times be displayed upon the vehicle in the manner prescribed by the division, while the same is being operated or driven upon any highway of the state. If any such vehicle is operated in the state beyond the period for which such certificate or license is issued, the owner shall apply for and obtain the registration of the vehicle, and pay the fees for the remaining portion of the registration year.

(c) A nonresident owner of a foreign vehicle registered and licensed in a state adjoining Arizona, being used in this state for other than the transportation of passengers or property for compensation or in the business of a nonresident carried on in this state, shall not be required to pay the registration and unladen weight fees prescribed in section 66-256, provided the nonresident owner and vehicle are domiciled within twenty-five miles of the Arizona border, and that the state in which

the owner has his residence and in which such vehicle is registered exempts from the payment of registration and unladen fees like vehicles from this state.

(d) An owner seeking exemption as provided in subsection (c) shall apply to the motor vehicle division for a special registration permit, setting forth that the vehicle is to be used within this state for other than the transportation of passengers or property for compensation or in the business of a nonresident carried on in this state, and supplying such other information as the division may require, and shall make affidavit thereto. If satisfied that the applicant is entitled to exemption, the motor vehicle division shall issue a special permit to operate, which shall be distinctive in form, show the date issued, a brief description of the vehicle, and a statement that the owner has procured registration of such vehicle as a nonresident. Said permit shall be valid for the period for which the registration plate was issued by the state of which the owner is a resident.

(e) Every foreign vehicle owned by a nonresident and operated in this state other than for the transportation of passengers or property for compensation, or for the transportation of property, or in the business of a nonresident carried on in this state, shall be registered within ten days after the beginning of operation in the state in like manner as vehicles owned by residents, and no fee shall be charged for such registration, nor shall any number plates be assigned to such vehicle, but the vehicle division shall issue to such nonresident owner a permit distinctive in form, containing the date issued, a brief description of the vehicle, and a statement that the owner has procured registration of the vehicle as a nonresident. No such nonresident owner shall operate any such vehicle upon the highways of this state, either before or while it is registered as provided in this section, unless there be displayed thereon the registration number plates assigned to the vehicle for the current calendar year, by the state or country of which the owner is a resident, nor unless the permit prescribed by this subsection is displayed on the windshield of the vehicle in the manner prescribed by the division. Such permit shall be valid for the period for which the registration plate was issued by the state of which the owner is a resident.

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 114

(House Bill No. 276)

AN ACT

RELATING TO INCOME TAXATION, THE ADMINISTRATION, CORRECTION, ASSESSMENT AND COLLECTION THEREOF; AMENDING SECTIONS 73-1505, 73-1512, 73-1536, 73-1538, 73-1539 AND 73-1545, ARIZONA CODE OF 1939; AND REPEALING INCONSISTENT ACTS OR PARTS OF ACTS.

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

Section 1. Section 73-1505, Arizona Code of 1939 is amended to read:

73-1505. ADMINISTRATION. The state tax commission shall administer and enforce the provisions of this Act.

(a) The commission may from time to time make such rules and regulations, not inconsistent with this Act, as it may deem necessary.

(b) In addition to all other powers of assessment granted it by law, the commission shall possess the power to assess incomes.

(c) For the purpose of ascertaining the correctness of any report of income, or making an estimate of the taxable income of any taxpayer, or for the purpose of ascertaining if any person is subject to taxation hereunder, the commission, through its duly authorized agents, shall have power to examine any books, papers, records or memoranda bearing upon such matters, and may secure from the United States government copies of any return of income tax by a person to the United States government, together with copies of any final assessment or recomputation of income tax made by the United States government with respect to income tax payable to it, together with copies of any records of the United States government disclosing the names of persons making income tax returns to the United States government who are, or may be, subject to the imposition of tax hereunder and to require the attendance of the taxpayer or of any other person having knowledge in the premises, administer oaths, take testimony and require proof material for its information, by the same means and in the same manner as allowed to courts of record. If any person summoned to appear to testify or to produce books, papers,

records, or other data, shall refuse to do so, the superior court for the county in which such person resides shall have jurisdiction by appropriate process to compel such attendance, testimony, or production of books, papers, records, or other data.

(d) The president, cashier or other responsible accounting officer of every commercial bank, savings bank or trust company, or other financial institution, and every person or company engaged in the banking business, shall keep and maintain records which shall clearly disclose and reflect a true statement of all interest paid by them, and shall on request of the commission or its duly authorized agent, allow an inspection of said records by an agent of the commission.

(e) All agents or representatives of the commission shall, for identification purposes, have credentials signed by the commission.

(f) The commission shall have power to appoint and employ such agents, specialists and clerks, within the limits of appropriations and compensation prescribed by law as it may deem necessary to fully effectuate the purposes of this Act.

Sec. 2. Section 73-1512, Arizona Code of 1939, is amended to read:

73-1512. DEDUCTIONS—PERSONS OTHER THAN CORPORATIONS. In addition to the deductions allowed in section 73-1510, persons other than corporations shall be entitled to the following deductions:

(a) Inheritance taxes paid during the year with respect to the business or property from which the income is derived.

(b) Interest paid within the year on existing indebtedness; provided, and not otherwise, the taxpayer shall file the report required by section 73-1516, subsection (f). No deductions shall be allowed for interest paid on an indebtedness created for the purchase, maintenance or improvement of property or the conduct of business the income from which property or business would not be taxable under this Act.

(c) Taxes paid within the year on the family home of the taxpayer.

Sec. 3. Section 73-1536, Arizona Code of 1939, is amended to read:

73-1536. LIMITATION ON CORRECTIONS. Corrections or additional assessments of income may be made at any time within three (3) years after the close of the period covered by a report of income; provided that if for any year no return is filed, income of any such year may be assessed when discovered; provided, however, that if for any year the federal government shall make a correction or additional assessment of income for federal income tax purposes, then a correction or additional assessment of income hereunder may be made at any time within said three (3) year period or within ninety (90) days after such federal correction or additional assessment shall have become final, whichever date is later.

Sec. 4. Section 73-1538, Arizona Code of 1939, is amended to read:

73-1538. NOTICE OF CORRECTION OR OF ASSESSMENT,—PROTEST. (a) When a correction or assessment has been made as provided in sections 73-1534 and 73-1535 the commission shall give the taxpayer written notice thereof by registered mail or by serving the same in the same manner as a superior court summons. Any person aggrieved by such correction or assessment of his income may within forty five (45) days after receipt of the notice, file with the commission a written protest explaining in detail, his objections to such correction or assessment.

(b) If, within such period, the taxpayer does not file such protest, the correction or assessment shall be final and the additional tax, if any, shall become immediately delinquent.

Sec. 5. Section 73-1539, Arizona Code of 1939, is amended to read:

73-1539. HEARING BY COMMISSION. Upon receipt of a protest, as provided in section 73-1538, the commission shall promptly fix a date and place for a hearing thereon and shall hear the taxpayer at the time and place so set. If the commission shall not hold a hearing upon such protest within six (6) months after the receipt of the same, the objections of the taxpayer shall be deemed correct and the tax forthwith shall be recomputed in accordance with the taxpayer's objections and the amount of refund, if any, shall be forthwith certified to the auditor, or if there be an additional assessment, the taxpayer shall be given written notice thereof by registered mail, or by service in the same manner as a superior court summons and such additional tax shall become delinquent five (5) days after the date of the receipt of such notice of the taxpayer.

The taxpayer may, by filing a written consent thereto with

the commission, extend the time within which the hearing may be held, but such writing shall specify the period of extension. If the commission, after having held a hearing as provided herein, shall not render its decision within six (6) months after the close of such hearing, the objections of the taxpayer shall be deemed well taken and the tax shall forthwith be recomputed in accordance with the taxpayer's objections and the refund, if any, shall be forthwith certified to the auditor for payment, or if there be an additional assessment as a result of such recomputation the amount thereof shall be entered upon the records of the commission and shall become delinquent thirty days (30) days after the end of such six (6) months period.

Sec. 6. Section 73-1545, Arizona Code of 1939, is amended to read:

73-1545. COLLECTION OF DELINQUENT TAXES. (a) When the assessment of any tax, penalty or interest thereon imposed under this Act shall become final and delinquent, the commission shall forthwith issue its warrant in such number of copies as may be required for the collection thereof. The warrant shall be issued under the official seal of the commission and shall be signed by the chairman of the commission or the director of the income tax division. The warrant shall be in such form as shall be prescribed by the commission, and shall contain the name of the taxpayer, the amount of tax, penalty and interest, the period for which due and the date of accrual. The commission shall forthwith cause the warrant to be filed with the clerk of the superior court of each county in which the taxpayer has real or personal property. No fee shall be charged for such filing. Upon such filing the warrant shall constitute a judgment against the taxpayer in favor of the state of Arizona, with the same force and effect of a judgment of said superior court. The same process shall be available for the collection of such judgment as is available for the collection of other superior court judgments for the payment of money, but no bond shall be required for the issuance and execution of such process, nor shall any fees be charged therefor.

(b) Every tax imposed by this Act, and all increases, interest and penalties thereon shall become, from the time the same is due and payable, a personal debt from the person liable to the state of Arizona.

(c) An action may be brought at any time by the attorney-general, at the instance of the commission, in the name of the state, to recover the amount of any taxes, penalties and interest due under this Act.

Sec. 7. All acts or parts or acts inconsistent with this Act are hereby repealed.

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 115

(House Bill No. 144)

AN ACT

RELATING TO THE LICENSING OF PERSONS OPERATING MOTOR VEHICLES; TO MAKE UNIFORM THE LAW PRESCRIBING THE LICENSING OF PERSONS OPERATING MOTOR VEHICLES; PROVIDING FOR ENFORCEMENT, DEFINING CRIMES, AND FIXING PENALTIES; REPEALING SECTIONS 66-233, 66-238 TO 66-247 INCLUSIVE, AND 66-249 TO 66-255 INCLUSIVE, ARIZONA CODE ANNOTATED, 1939, AND REPEALING ALL ACTS AND PARTS OF ACTS INCONSISTENT WITH THE PROVISIONS OF THIS ACT.

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

Section 1. DEFINITIONS. The following words and phrases when used in this Act shall, for the purpose of this Act, unless the context otherwise requires, have the meanings respectively ascribed to them:

"commission" means the Arizona state highway commission;

"department" means the highway department of this state acting directly or through its duly authorized officers and agents;

"vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks;

"motor vehicle" means every vehicle which is self-propelled;

"farm tractor" means every motor vehicle designed and used primarily as a farm implement of husbandry;

"school bus" means every motor vehicle owned by a public or governmental agency, or other institution, and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school;

"person" means every natural person, firm, copartnership, association, or corporation;

"operator" means every person, other than a chauffeur, who drives or is in actual physical control over a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle;

"chauffeur" means every person who is employed by another for the principal purpose of driving a motor vehicle and every person who drives a school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation;

"owner" means a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this Act;

"nonresident" means every person who is not a resident of this state;

"street" or "highway" means the entire width between the boundary lines of every way when any part thereof is open to the use of the public for purposes of vehicular travel;

"suspension" means that the driver's license and privilege to drive a motor vehicle on the public highways are temporarily withdrawn but only during the period of such suspension;

"revocation" means that the driver's license and privilege to drive a motor vehicle on the public highways are terminated and shall not be renewed or restored, except that an application for a new license may be presented and acted upon by the department after the expiration of at least one year after the date of revocation;

"cancellation" means that a driver's license is annulled and terminated because of some error or defect or because the licensee is no longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation.

Sec. 2. OPERATORS AND CHAUFFEURS MUST BE LICENSED. (a) No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon a highway in this state unless such person has a valid license as an operator or chauffeur under the provisions of this Act. No person shall drive a motor vehicle as a chauffeur unless he holds a valid chauffeur's license.

(b) Any person holding a valid chauffeur's license hereunder need not procure an operator's license.

(c) Any person licensed as an operator or chauffeur hereunder may exercise the privilege thereby granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations.

Sec. 3. WHAT PERSONS ARE EXEMPT FROM LICENSE. The following persons are exempt from license hereunder:

1. Any person while operating a motor vehicle in the service of the armed forces of the United States;

2. Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway;

3. A nonresident who is at least sixteen years of age and who has in his immediate possession a valid operator's license issued to him in his home state or country may operate a motor vehicle in this state only as an operator;

4. A nonresident who is at least eighteen years of age and who has in his immediate possession a valid chauffeur's license issued to him in his home state or country may operate a motor vehicle in this state either as an operator or chauffeur subject to the age limits applicable to chauffeurs in this state except that any such person must be licensed as a chauffeur hereunder before accepting employment as a chauffeur from a resident of this state;

5. Any nonresident who is at least eighteen years of age, whose home, state or country does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than ninety days in any calendar year, if the motor vehicle so operated is duly registered in the home state or country of such nonresident.

Sec. 4. WHAT PERSONS SHALL NOT BE LICENSED. The department shall not issue any license hereunder:

1. To any person, as an operator, who is under the age of sixteen years, except that the department may issue a restricted license as hereinafter provided to any person who is at least fifteen years of age;

2. To any person, as a chauffeur, who is under the age of eighteen years;

3. To any person, as an operator or chauffeur, whose license has been suspended during such suspension, nor to any person whose license has been revoked, except as provided in section 26;

4. To any person, as an operator or chauffeur, who is an habitual drunkard, or is addicted to the use of narcotic drugs;

5. To any person, as an operator or chauffeur, who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

6. To any person, as an operator or chauffeur, who is required by this Act to take an examination, unless such person shall have successfully passed such examination;

7. To any person who is required under the provisions of the motor vehicle financial responsibility laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

8. To any person when the department has good cause to believe that the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare.

Sec. 5. CLASSIFICATION OF CHAUFFEURS—SPECIAL RESTRICTIONS. (a) The department upon issuing a chauffeur's license shall indicate thereon the class of license so issued and shall appropriately examine each applicant accord-

ing to the class of license applied for and may impose such rules and regulations for the exercise thereof as it may deem necessary for the safety and welfare of the traveling public.

(b) No person who is under the age of twenty-one years shall drive any school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation nor in either event until he has been licensed as a chauffeur for either such purpose and the license so indicates. The department shall not issue a chauffeur's license for either such purpose unless the applicant has had at least one year of driving experience prior thereto and has filed with the department one or more certificates signed by a total of at least three responsible people to whom he is well known certifying as to his good character and habits and the department is fully satisfied as to the applicant's competency and fitness to be so employed.

Sec. 6. INSTRUCTION PERMITS AND TEMPORARY LICENSES. (a) Any person who is at least fifteen years of age may apply to the department for an instruction permit. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a motor vehicle upon the public highways for a period of sixty days when accompanied by a licensed operator or chauffeur who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle. Any such instruction permit may be renewed or a new permit issued for an additional period of ninety days.

(b) The department upon receiving proper application may in its discretion issue a restricted instruction permit effective for a school year or more restricted period to an applicant who is enrolled in a driver training program approved by the department even though the applicant has not reached the legal age to be eligible for an operator's license. Such instruction permit shall entitle the permittee when he has such permit in his immediate possession to operate a motor vehicle only on a designated highway or within a designated area but only when approved instructor is occupying a seat beside the permittee.

(c) The department may in its discretion issue a temporary driver's permit to an applicant for an operator's license permitting him to operate a motor vehicle while the department is completing its investigation and determination of all facts relative to such applicant's right to receive an operator's license. Such permit must be in his immediate possession while

operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

Sec. 7. APPLICATION FOR LICENSE OR INSTRUCTION PERMIT. (a) Every application for an instruction permit or for an operator's or chauffeur's license shall be made upon a form furnished by the department. Every application shall be accompanied by a $2.00 fee and payment of such fee shall entitle the applicant to not more than three attempts to pass the examination within a period of six months from the date of application.

(b) Every application shall state the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal.

Sec. 8. APPLICATIONS OF MINORS. (a) The application of any person under the age of eighteen years for an instruction permit or operator's license shall be signed and verified before a person authorized to administer oaths by both the father and mother of the applicant, if both are living and have custody of him, or in the event neither parent is living then by the person or guardian having such custody or by an employer of such minor, or in the event there is no guardian or employer then by other responsible person who is willing to assume the obligation imposed under this Act upon a person signing the application of a minor.

(b) Any negligence or willful misconduct of a minor under the age of eighteen years when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of such minor for a permit or license, which person shall be jointly and severally liable with such minor for any damage caused by such negligence or willful misconduct, except as otherwise provided in the next succeeding paragraph.

(c) In the event a minor deposits or there is deposited upon his behalf proof of financial responsibility in respect to the operation of a motor vehicle owned by him, or if not the owner of a motor vehicle, then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, then the department may accept the application of such

minor when signed by one parent or guardian of such minor, and while such proof is maintained such parents or guardian shall not be subject to the liability imposed under the preceding paragraph of this section.

Sec. 9. RELEASE FROM LIABILITY. Any person who has signed the application of a minor for a license may thereafter file with the department a verified written request that the license of said minor so granted be cancelled. Thereupon the department shall cancel the license of said minor and the person who signed the application of such minor shall be relieved from the liability imposed under this Act by reason of having signed such application on account of any subsequent negligence or willful misconduct of such minor in operating a motor vehicle.

Sec. 10. CANCELLATION OF LICENSE UPON DEATH OF PERSON SIGNING MINOR'S APPLICATION. The department upon receipt of satisfactory evidence of the death of the persons who signed the application of a minor for a license shall cancel such license and shall not issue a new license until such time as a new application, duly signed and verified, is made as required by this Act. This provision shall not apply in the event the minor has attained the age of eighteen years.

Sec. 11. EXAMINATION OF APPLICANTS. The department shall examine every applicant for an operator's or chauffeur's license, except as otherwise provided in this section. Such examination shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, his knowledge of the traffic laws of this state, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle and such further physical and mental examination as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways. The department shall make provision for giving an examination either in the county where the applicant resides or at a place adjacent thereto reasonably convenient to the applicant within not more than thirty days from the date the application is received.

Sec. 12. LICENSES ISSUED TO OPERATORS AND CHAUFFEURS. (a) The department shall, upon payment of $2.00 issue to every applicant qualifying therefor an operator's or chauffeur's license as applied for, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signa-

ture of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

(b) Every chauffeur's license shall bear thereon a photograph of the licensee, which shall be furnished by him.

Sec. 13. LICENSE TO BE CARRIED AND EXHIBITED ON DEMAND. Every licensee shall have his operator's or chauffeur's license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a justice of the peace, a police officer, or a field deputy or inspector of the department. However, no person charged with violating this section shall be convicted if he produces in court or the office of the arresting officer an operator's or chauffeur's license theretofore issued to him and valid at the time of his arrest.

Sec. 14. RESTRICTED LICENSES. (a) The department upon issuing an operator's or chauffeur's license shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee. The department furthermore shall have the authority to impose restrictions suitable to the licensee's driving ability with respect to areas, locations, highways within this state, or with respect to the time of day or night that the licensee shall be permitted to drive a motor vehicle or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) The department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

(c) The department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a hearing as upon a suspension or revocation under this Act.

(d) It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

Sec. 15. DUPLICATE CERTIFICATES. In the event that

an instruction permit or operator's or chauffeur's license issued under the provisions of this Act is lost or destroyed, the person to whom the same was issued may upon payment of fifty cents fee obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the department that such permit or license has been lost or destroyed.

Sec. 16. EXPIRATION OF LICENSE. (a) Every operator's license issued prior to July 1, 1951 shall expire on the birthday of the licensee in the year indicated in the following schedule:

1. Licenses issued prior to January 1, 1941 shall expire on the birthday of the licensee in the year 1952.

2. Licenses issued between December 31, 1940 and January 1, 1947 shall expire on the birthday of the licensee in the year 1953.

3. Licenses issued between December 31, 1946 and July 1, 1951 shall expire on the birthday of the licensee in the year 1954.

(b) Licenses issued as renewals of licenses expiring as hereinbefore provided, shall expire three years from the licensee's birthday in the year in which the original license expired.

(c) Every original operator's license issued after June 30, 1951 shall expire on the birthday of the applicant three years from the last previous birthday of applicant.

(d) Thereafter, all operators' licenses shall be renewed for a period of three years from the expiration dates as hereinbefore established. Every license shall be renewable on or before its expiration, upon application and payment of the required fee. The department may require an examination of the applicant as upon original application.

(e) Every chauffeur's license issued prior to July 1, 1951 with an expiration date of December 31, 1951 is hereby extended to expire on the birthday of the licensee in 1952, provided the licensee's birthday is prior to July 1, 1952; also provided that if the birthday falls on a date between June 30, 1951 and January 1, 1952 the license shall expire on June 30, 1952. Licenses issued as renewals of chauffeurs' licenses hereinbefore mentioned, shall expire on the birthday of the licensee in the year 1953.

(f) Every chauffeur's license issued after June 30, 1951

shall expire on the birthday of the applicant two years from the last previous birthday of the applicant. In no event shall any chauffeur's original or renewal license be issued for a period longer than two years. Chauffeurs' licenses may be renewed within thirty days prior to their expiration, upon payment of the fees as required by law. The department may require an examination of the applicant as upon an original application.

Sec. 17. NOTICE OF CHANGE OF ADDRESS OR NAME. Whenever any person after applying for or receiving an operator's or chauffeur's license shall move from the address named in such application or in the license issued to him or when the name of a licensee is changed by marriage or otherwise such person shall within ten days thereafter notify the department in writing of his old and new addresses or of such former and new names and of the number of any license then held by him.

Sec. 18. RECORDS TO BE KEPT BY THE DEPARTMENT. (a) The department shall file every application for a license received by it and shall maintain suitable indexes containing, in alphabetical order:

1. All applications denied and on each thereof note the reasons for such denial;

2. All applications granted; and

3. The name of every licensee whose license has been suspended or revoked by the department and after each such name note the reasons for such action.

(b) The department shall also file all abstracts of court records of convictions received by it under the laws of this state and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents, in which he has been involved, shall be readily ascertainable and available for the consideration of the department upon any application for renewal of license and at other suitable times.

Sec. 19. AUTHORITY OF DEPARTMENT TO CANCEL LICENSE. (a) The department is hereby authorized to cancel any operator's or chauffeur's license upon determining that the licensee was not entitled to the issuance thereof hereunder or that said licensee failed to give the required or correct in-

formation in his application or committed any fraud in making such application.

(b) Upon such cancellation, the licensee must surrender the license so cancelled to the department.

Sec. 20. SUSPENDING PRIVILEGES OF NONRESIDENTS AND REPORTING CONVICTIONS. (a) The privilege of driving a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to suspension or revocation by the department in like manner and for like cause as an operator's or chauffeur's license issued hereunder may be suspended or revoked.

(b) The department is further authorized, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

Sec. 21. SUSPENDING RESIDENT'S LICENSE UPON CONVICTION IN ANOTHER STATE. The department is authorized to suspend or revoke the license of any resident of this state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be grounds for the suspension or revocation of the license of an operator or chauffeur.

Sec. 22. WHEN COURT TO FORWARD LICENSE TO DEPARTMENT AND REPORT CONVICTIONS. (a) Whenever any person is convicted of any offense for which this Act makes mandatory the revocation of the operator's or chauffeur's license of such person by the department the court in which such conviction is had shall require the surrender to it of all operator's and chauffeur's licenses then held by the person so convicted and the court shall thereupon forward the same together with a record of such conviction to the department.

(b) Every court having jurisdiction over offenses committed under this Act, or any other act of this state or municipal ordinance regulating the operation of motor vehicles on highways shall forward to the department a record of the conviction of any person in said court for a violation of any said laws other than regulations governing standing or parking, and may recommend the suspension of the operator's or chauffeur's license of the person so convicted.

(c) For the purposes of this Act the term "conviction" shall mean a final conviction. Also, for the purposes of this Act a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

Sec. 23. MANDATORY REVOCATION OF LICENSE BY DEPARTMENT. The department shall, in addition to the grounds for mandatory revocation provided for in the uniform act regulating traffic on highways, forthwith revoke the license of any operator or chauffeur upon receiving a record of such operator's or chauffeur's conviction of any of the following offenses, when such conviction has become final:

1. Manslaughter resulting from the operation of a motor vehicle;

2. Driving a motor vehicle while under the influence of a narcotic drug;

3. Any felony in the commission of which a motor vehicle is used;

4. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

5. Perjury or the making of a false affidavit or statement under oath to the department under this Act or under any other law relating to the ownership or operation of motor vehicles;

6. Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of twelve months.

Sec. 24. AUTHORITY OF DEPARTMENT TO SUSPEND OR REVOKE LICENSE. (a) The department is hereby authorized to suspend the license of an operator or chauffeur without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

1. Has committed an offense for which mandatory revocation of license is required upon conviction;

2. Has been involved as a driver in any accident resulting in the death or personal injury of another or serious property damage;

3. Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

4. Is an habitually reckless or negligent driver of a motor vehicle;

5. Is incompetent to drive a motor vehicle;

6. Has permitted an unlawful or fraudulent use of such license;

7. Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation.

(b) Upon suspending the license of any person as hereinbefore in this section authorized, the department shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practical within not to exceed twenty days after receipt of such request in the county wherein the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the commission or their duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon such hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may extend the suspension of such license or revoke such license.

Sec. 25. DEPARTMENT MAY REQUIRE REEXAMINATION. The department having good cause to believe that a licensed operator or chauffeur is incompetent or otherwise not qualified to be licensed, may upon written notice of at least five days to the licensee require him to submit to an examination. Upon the conclusion of such examination the department shall take action as may be appropriate and may suspend or revoke the license of such person or permit him to retain such license, or may issue a license subject to restrictions as permitted under section 14. Refusal or neglect of the licensee to submit to such examination shall be ground for suspension or revocation of his license.

Sec. 26. PERIOD OF SUSPENSION OR REVOCATION. (a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for

a period of more than one year, except as permitted under section 32.

(b) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of one year from the date on which the revoked license was surrendered to and received by the department such person may make application for a new license as provided by law but the department shall not then issue a new license unless and until it is satisfied after investigation of the character habits, and driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways.

Sec. 27. SURRENDER AND RETURN OF LICENSE. The department upon suspending or revoking a license shall require that such license shall be surrendered to and be retained by the department except that at the end of the period of suspension such license so surrendered shall be returned to the licensee.

Sec. 28. NO OPERATION UNDER FOREIGN LICENSE DURING SUSPENSION OR REVOCATION IN THIS STATE. Any resident or nonresident whose operator's or chauffeur's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this Act shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction, or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this Act.

Sec. 29. RIGHT OF APPEAL TO COURT. Any person denied a license or whose license has been cancelled, suspended, or revoked by the department except where such cancellation or revocation is mandatory under the provisions of this Act shall have the right to file a petition within thirty days thereafter for a hearing in the matter in the superior court in the county wherein such person shall reside and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon thirty days' written notice to the commission, and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a license or is subject to suspension, cancellation, or revocation of license under the provision of this Act.

Sec. 30. UNLAWFUL USE OF LICENSE. It is a misde-

meanor for any person:

1. To display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended, fictitious, or fraudulently altered operator's or chauffeur's license;

2. To lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another;

3. To display or represent as one's own any operator's or chauffeur's license not issued to him;

4. To fail or refuse to surrender to the department upon its lawful demand any operator's or chauffeur's license which has been suspended, revoked, or cancelled;

5. To use a false or fictitious name in any application for an operator's or chauffeur's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;

6. To permit any unlawful use of an operator's or chauffeur's license issued to him; or

7. To do any act forbidden or fail to perform any act required by this Act.

Sec. 31. MAKING FALSE AFFIDAVIT PERJURY. Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this Act to be sworn to or affirmed, is guilty of perjury and upon conviction shall be punishable by fine or imprisonment as other persons committing perjury are punishable.

Sec. 32. DRIVING WHILE LICENSE SUSPENDED OR REVOKED. (a) Any person who drives a motor vehicle on any public highway of this state at a time when his privilege so to do is suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than two days nor more than six months and there may be imposed in addition thereto a fine of not more than $300.00.

(b) The department upon receiving a record of the conviction of any person under this section upon a charge of driving a vehicle while the license of such person was suspended shall extend the period of such suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a

new license for an additional period of one year from and after the date such person would otherwise have been entitled to apply for a new license.

Sec. 33. PERMITTING UNAUTHORIZED MINOR TO DRIVE. No person shall cause or knowingly permit his child or ward under the age of eighteen years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or in violation of any of the provisions of this Act.

Sec. 34. PERMITTING UNAUTHORIZED PERSON TO DRIVE. No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of this Act.

Sec. 35. EMPLOYING UNLICENSED CHAUFFEUR. No person shall employ as a chauffeur of a motor vehicle any person not then licensed as provided in this Act.

Sec. 36. RENTING MOTOR VEHICLE TO ANOTHER. (a) No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed hereunder or, in the case of a nonresident, then duly licensed under the laws of the state or country of his residence except a nonresident whose home state or country does not require that an operator be licensed.

(b) No person shall rent a motor vehicle to another until he has inspected the operator's or chauffeur's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his presence.

(c) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer or officers or employee of the department.

Sec. 37. PENALTY FOR MISDEMEANOR. (a) It is a misdemeanor for any person to violate any of the provisions of this Act unless such violation is by this Act or other law of this state declared to be a felony.

(b) Unless another penalty is in this Act or by the laws of this state provided, every person convicted of a misdemeanor

for the violation of any provisions of this Act shall be punished by a fine of not more than $300.00 or by imprisonment for not more than six months, or by both such fine and imprisonment.

Sec. 38. UNIFORMITY OF INTERPRETATION. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Sec. 39. SHORT TITLE. This Act may be cited as the uniform motor vehicle operator's and chauffeur's license act.

Sec. 40. CONSTITUTIONALITY. If any part or parts of this Act shall be held to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this Act. The legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Sec. 41. REPEAL. Sections 66-233, 66-238 to 66-247 inclusive, and 66-249 to 66-255 inclusive, Arizona Code Annotated, 1939, are repealed, and all acts and parts of acts inconsistent with the provisions of this Act are repealed.

Sec. 42. TIME OF TAKING EFFECT. This Act shall take effect from and after the first day of July, 1951.

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 116

(House Bill No. 112)

AN ACT

RELATING TO EDUCATION, AND PROVIDING FOR THE ADMINISTRATION OF STUDENT ACTIVITIES MONEY AND OTHER RECEIPTS OF COMMON SCHOOLS, HIGH SCHOOLS AND JUNIOR COLLEGES.

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

Section 1. DEFINITIONS. (a) All money raised with the

approval of the board of trustees or board of education of a common or high school or junior college district by the efforts of students in pursuance of or in connection with all activities of student organizations, school book stores, clubs, athletic activities, school plays and other student entertainment shall be deemed to be student activities money.

(b) Money received from rental of district property, tuition fees and other district receipts are school moneys, and shall be deposited with the county treasurer to the credit of the district, to be expended as provided by law for other school funds.

Sec. 2. ADMINISTRATION OF STUDENT ACTIVITIES MONEY. (a) The board of any district having student activities money shall appoint a student activities treasurer, to whom all such money shall be paid. He shall deposit the money in a bank in an account to be known as the student activities fund. Disbursements from the fund shall be by check, signed by the student activities treasurer, and one other person appointed by the board of trustees. In the event bank facilities are not available, an administrator in the school shall be designated by the board as student activities treasurer. The student activities treasurer shall give a bond in an amount to be determined by the board, and the cost thereof shall be a charge against the district.

(b) Accounts showing the balances due the respective student organizations set forth in subsection (a), section 1 of this Act, shall be kept by the student activities treasurer, and shall be open to inspection by officers of the student bodies concerned. Every student activities fund shall be audited at least once each year by the state examiner or by a qualified accountant employed by the board of trustees, and the reports of such audit shall be a public record.

Sec. 3. RECORD AND AUDIT OF DEPOSITS. (a) The student activities treasurer shall maintain an accurate detailed record of all deposits in and expenditures from the student activities fund. The record shall be made in such form as the board of education or board of trustees of the school district may prescribe. Copies of such record shall be presented to the board of education or the board of trustees of the school district not less than once during each calendar month.

(b) All activity moneys deposited as provided in this Act shall be audited annually by a qualified accountant approved by the board of education or board of trustees, and the cost thereof shall be charged against the district. A copy of the audit shall be filed with the board of education or board of trustees of the school district.

Sec. 4. REVOLVING FUND. The board of education or board of trustees of a school district may by resolution entered upon the minutes of its meeting establish a revolving fund for the purpose of meeting necessary current expenses connected with student activities as defined by this Act. The amount of the revolving fund shall be determined by the board establishing the same and provision for its establishment included in the budget. The amount of money provided in the revolving fund shall, at the end of each fiscal school year, be returned to the credit of the school district and the fund re-established as provided in this section.

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 117

(House Bill No. 243)

AN ACT

RELATING TO VOTING TRUSTS.

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

Section 1. By written agreement, certificates for shares of any corporation of this state may be deposited within or outside this state by the holder or holders thereof with any person or persons as trustee or trustees, or with any depositary designated by or pursuant to such agreement to act for such trustee or trustees, for the purpose and with the effect of vesting in such trustee or trustees or a majority of such trustees, or in such person or persons as may be designated by or pursuant to such agreement, all or such of the voting, consenting or other rights in or in respect of the shares represented by such certificates or for such other lawful purposes as may be specified in such agreement, and upon such terms, provisions and conditions as may be stated therein. Any such trustee may be a corporation if authorized to act as trustee.

Sec. 2. No such agreement which confers the voting or consenting rights of said shares shall be made irrevocable for a period of more than ten years, unless the voting or consenting rights granted thereby are coupled with an interest in the shares to which such rights relate, except that if such agreement so provides, such irrevocable rights may from time to

time be extended for additional periods of not more than ten years each as to shares deposited under such agreement whose beneficial owners assent in writing thereto. Such rights shall be deemed to be coupled with an interest in the shares if reserved or given (a) in connection with an option, authority or contract to buy or sell such shares or a part thereof, or (b) in connection with the pledge of such shares or a part thereof to secure the performance or nonperformance of any act, or (c) in connection with the performance or nonperformance of any act, or agreement therefor, by the corporation issuing such shares, or (d) in connection with any other act or thing constituting an interest sufficient in law to support a power coupled therewith.

Sec. 3. The trustee or trustees under any such agreement may issue or cause to be issued by the depositary thereunder, voting trust or appropriate certificates registered in the name of the owners thereof, which, unless otherwise stated on the certificates, shall be transferrable in the same manner and with the same effect as the stock certificates represented thereby.

Sec. 4. An executed counterpart of such agreement may and, upon the signed written demand of the corporation or any shareholder of record, shall be filed by the trustee or trustees with the secretary of the corporation, and, upon such filing, shall be open to inspection by any shareholder at the office of the corporation at all reasonable times. An executed counterpart of all amendments and extensions of each such agreement which has been so filed shall be filed by the trustee or trustees with the secretary of the corporation, and, upon such filing, shall be open to such inspection.

Sec. 5. The certificates for shares so deposited shall be surrendered to the issuing corporation, which shall thereupon issue and deliver new certificates as specified in a writing signed by such trustee or trustees and delivered to such issuing corporation. In the issue and delivery of the new certificates such issuing corporation may rely upon such writing and shall not be liable for any act done in reliance thereon.

Sec. 6. Shares issued by a foreign corporation may be made the subject of an agreement under this statute.

Sec. 7. Such agreement shall terminate as to any shares deposited thereunder whose beneficial ownership shall be lawfully acquired by the corporation issuing them.

Sec. 8. The beneficial owner of any shares on deposit under any such agreement shall have the same right to examine

the books and records of the corporation which issued the shares so held on deposit as such owner would have as the record owner thereof at the time such right is asserted.

Sec. 9. The rights conferred by this statute shall be in addition to rights otherwise provided by law.

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 118

(House Bill No. 164)

AN ACT

RELATING TO SPIRITUOUS LIQUORS; PRESCRIBING PENALTIES, AND AMENDING SECTION 72-114, ARIZONA CODE OF 1939.

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

Section 1. Section 72-114, Arizona Code of 1939, is amended to read:

72-114. PENALTIES. A person who violates any of the provisions of this Act is guilty of a misdemeanor, and upon the first two convictions shall be punished by a fine of not less than one hundred nor more than three hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months, or both. A person convicted more than twice under the provisions of this Act shall be punished for each successive conviction by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment not less than thirty days nor more than one year, or both.

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

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 119

(House Bill No. 116)

AN ACT

RELATING TO THE SCHOOL LUNCH PROGRAM; PROVING FOR THE ACCEPTANCE AND DISBURSEMENT OF FEDERAL FUNDS, AND AMENDING SECTION 54-1802, ARIZONA CODE OF 1939.

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

Section 1. Section 54-1802, Arizona Code of 1939, is amended to read:

54-1802. ACCEPTANCE OF FEDERAL FUNDS. (a) 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 the school lunch program. 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.

(b) Notwithstanding any provision of the budget and financial administration act of 1943 limiting the drawing of warrants after the expiration of the fiscal year in which an obligation is incurred, the state board of education may accept and direct the allocation of federal funds apportioned to the state for use in connection with school lunch programs, which are received and the allocation thereof effected not later than six months after the expiration of the fiscal year for which such allocation is made.

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 120

(House Bill No. 178)

AN ACT

RELATING TO ARIZONA HIGHWAY DEPARTMENT AND

AMENDING SECTIONS 59-101 AND 59-104, ARIZONA CODE OF 1939, AS AMENDED.

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

Section 1. Section 59-101, Arizona Code of 1939, as amended, is amended to read:

59-101. HIGHWAY DEPARTMENT AND HIGHWAY COMMISSION. (a) The highways of the state shall be administered by the Arizona highway department. Control of the department is vested in the state highway commission. (b) The state highway commission shall consist of five (5) members, one from each of the five highway districts into which the state shall be divided, as follows:

1. First District. Maricopa and Yuma counties.

2. Second District. Pima, Pinal and Santa Cruz counties.

3. Third District. Cochise, Graham and Greenlee counties.

4. Fourth District. Apache, Gila and Navajo counties.

5. Fifth District. Coconino, Mohave and Yavapai counties. (c) The members of the commission shall be appointed by the governor with the advice and consent of the senate, one for a term ending January 31, 1940; one each for terms ending one, two, three and four years thereafter. Following the expiration of such terms, respectively, the term of each member shall be five (5) years. (d) Each member shall receive a salary of twenty dollars ($20.00) per day, for not to exceed one hundred twenty-five days in any year, and the same travel allowance and mileage as is provided for other state officers. Said salary, travel allowance and mileage shall be allowed for attendance at stated or special meetings, and for all highway services performed by the members at any place within or without the state when authorized by the commission.

Sec. 2. Section 59-104, Arizona Code of 1939, as amended, is amended to read:

59-104. OFFICES, OFFICERS AND MEETINGS—MAJORITY TO ACT. Permanent offices of the commission shall be maintained in the building of the department. The commission may meet, where necessary, at any place within the state and perform all functions and duties with like effect as if performed at its permanent offices. The commission shall

meet, for the purpose of organizing at its offices on January 31st of each year. The commissioner having the shortest time to serve, and not holding his office to fill a vacancy, shall be the chairman and shall preside at all sessions. In case of absence of the chairman, the commissioner having in like manner the shortest term to serve and not holding his office to fill a vacancy, shall preside. The commission shall hold such other regular meetings as it may determine. Special meetings may be called by the chairman, with the concurrence of not less than two (2) members, or by the secretary, with the consent and approval of not less than three (3) members. Such concurrence, consent and approval shall be in writing or by telegraph. The concurrence of a majority of all the members is necessary for the authorization of any action.

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 121

(House Bill No. 198)

AN ACT

RELATING TO INSURANCE; PRESCRIBING PENALTIES; AMENDING SECTION 61-202, ARIZONA CODE OF 1939, AS AMENDED; AMENDING ARTICLE 3, CHAPTER 61, ARIZONA CODE OF 1939, AS AMENDED, BY ADDING TWO NEW SECTIONS TO BE KNOWN AS SECTIONS 61-348 AND 61-349; AMENDING SECTIONS 61-703, 61-711, 61-901 AND 61-903, ARIZONA CODE OF 1939, AS AMENDED; AND AMENDING ARTICLE 10 OF CHAPTER 61, ARIZONA CODE OF 1939, AS AMENDED, BY ADDING A NEW SECTION TO BE KNOWN AS SECTION 61-1009a.

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

Section 1. Section 61-202, Arizona Code of 1939, as amended, is amended to read:

61-202. CAPITAL STOCK REQUIREMENTS; LIMITATIONS ON RISKS; LIMITED CAPITAL STOCK COMPANIES. An insurance company may be licensed by the corporation commission to make insurance in this state in the classes specified in section 61-102, subject to the following requirements:

1. To make insurance in class one, a stock insurance company shall have a capital stock fully paid of not less than two hundred thousand dollars and a surplus of not less than fifty thousand dollars. Such company may also make insurance in class twelve when it has additional capital of not less than fifty thousand dollars. Such company may also make insurance in class thirteen.

2. To make insurance in class two or class three, or both, except as provided in paragraph 7 hereof, a stock life insurance company shall have a capital stock fully paid of not less than one hundred thousand dollars and a surplus of not less than fifty thousand dollars, and no such company shall make insurance for any single assured in class two or class three, or a combination thereof, under which the maximum possible benefits exceed ten per cent of the surplus of the company, as shown by the last report to the corporation commission, without protecting such excess by non-cancellable reinsurance in a solvent company licensed to do business in the state of Arizona. The corporation commission may exempt from this provision any life insurance company doing a bona fide business in this state on January 1, 1913, and having an unimpaired capital and surplus of not less than one hundred fifty thousand dollars. Any such company, the articles of which permit it to make life, accident, health and liability insurance, and which has a capital of not less than three hundred fifty thousand dollars and a surplus of one hundred fifty thousand dollars, shall be permitted to transact such kinds of business.

3. To issue contracts of guaranty or title insurance in class eleven, a title insurance company shall have a capital stock fully paid of not less than one hundred thousand dollars and shall maintain on deposit with the state treasurer through the commission a guarantee fund in authorized securities of not less than fifty thousand dollars. This paragraph shall not apply to persons engaged in preparing and issuing abstracts of, but not guaranteeing or insuring, title to property and certifying the correctness thereof.

4. To make insurance in class four a fidelity and surety stock insurance company shall have capital stock fully paid of not less than two hundred thousand dollars and a surplus of not less than fifty thousand dollars. Such company may also make insurance in class five when it has an additional capital of not less than one hundred thousand dollars, and, in classes three, six, seven, eight, nine, twelve and thirteen when it has additional capital of not less than fifty thousand dollars. Such company may also make insurance in class ten, but shall not make insurance in any other class.

5. To make insurance in class five, a liability stock insurance company shall have a capital stock fully paid of not less than two hundred thousand dollars and a surplus of not less than fifty thousand dollars. Such company may also make insurance in class four when it has an additional capital of not less than one hundred thousand dollars, and in classes three, six, seven, eight, nine, ten, twelve and thirteen when it has additional capital of not less than fifty thousand dollars, but shall not make insurance in any other class.

6. To make insurance in any of classes three, six, seven, eight, nine, ten, twelve and thirteen, a stock insurance company shall have a capital stock fully paid of not less than one hundred thousand dollars and a surplus of not less than fifty thousand dollars. Such company may make insurance in more than one of said classes when it has an additional capital of not less than fifty thousand dollars.

7. (a) To make insurance in class two or class three, or both, a limited capital stock company shall have a capital stock fully paid of not less than twenty-five thousand dollars and a surplus of not less than ten thousand dollars, but no such company shall make insurance for any single assured in class two under which the maximum possible benefits exceed three thousand dollars, nor in class three under which the maximum possible benefits exceed five thousand dollars, nor shall any such company make endowment or annuity contracts. Such companies shall be subject to all laws regulating life and disability insurance companies in this state not inconsistent with the provisions of this subsection.

(b) A benefit insurance corporation or a benefit stock corporation organized under the provisions of article 10, chapter 61, Arizona Code of 1939, may, with the approval of not less than fifty-one per cent of the members of the benefit insurance corporation or fifty-one per cent of the stockholders of the benefit stock corporation voting in person or by proxy, convert to or be fully reinsured by a limited capital stock company. For the purpose of computing reserves on policies issued by a benefit insurance corporation prior to its conversion or reinsurance, said benefit insurance contracts shall be considered to have been on a renewable term basis prior to the date of such conversion or reinsurance. Except for the maintenance of such reserves, compliance herewith shall in no wise modify, change or annul any existing contract or obligation of the corporation and any and all such contracts and liabilities shall continue in full force and effect to the same extent as though such benefit insurance corporation or benefit stock corporation had not been converted or reinsured, but all contracts and policies made subsequent thereto shall be construed

and interpreted hereunder. Any such conversion or reinsurance shall in no wise prejudice, impede or impair any pending action or proceeding or any previously acquired rights.

(c) A foreign corporation may qualify as a limited capital stock company and be authorized to make such insurance in this state only if the state of its domicile has authorized Arizona limited capital stock companies to make insurance therein.

Sec. 2. Article 3, chapter 61, Arizona Code of 1939, as amended, is amended by adding two new sections to be numbered sections 61-348 and 61-349, to read:

61-348. INVESTMENTS IN PUBLIC UTILITY BONDS, MUNICIPAL UTILITY BONDS AND LOCAL IMPROVEMENT BONDS. In addition to all investments now authorized by law, any domestic or foreign insurance company authorized to transact business in this state, may invest its capital and accumulations in the following securities:

(a) An insurer may invest and have invested at any one time not in excess of an aggregate of twenty per cent of its admitted assets as shown by its last annual statement to the commission in the bonds of any telegraph or telephone corporation, or corporation engaged in furnishing gas, electricity, heat, light, power, water or transportation directly or indirectly to the public in the United States or Canada, when such bonds are secured by first mortgages on real property together with improvements thereon worth fifty per cent more than the amount of the total issue of said bonds and when no default in payment of principal or interest on the bonds to be purchased has occurred within five years of the date of investment therein, or, if such bonds were issued less than five years prior to the date of investment, no default in payment of principal or interest has occurred on the bonds to be purchased nor on any other bonds of the issuer within five years of such investment.

(b) An insurer may invest and have invested at any one time not in excess of an aggregate of twenty per cent of its admitted assets as shown by its last annual statement to the commission in the bonds of any municipal or county utility within the United States or Canada which are payable from revenues or earnings specifically pledged for the payment of the principal and interest on such bonds, for the payment of which a lawful sinking fund has been established and is being maintained, and if no default in payment of principal or interest on the bonds to be purchased has occurred within five years of the date of investment therein, or, if such bonds

were issued less than five years prior to the date of investment, no default in payment of principal or interest has occurred on the bonds to be purchased nor on any other bonds of the issuer within five years of such investment.

(c) An insurer may invest and have invested at any one time not in excess of an aggregate of twenty per cent of its admitted assets as shown by its last annual statement to the commission in bonds issued by any local improvement district in this or any other state to finance local improvements authorized by law if the principal and interest on such bonds is payable from assessments on real property within such local improvement district. No such investment shall be made unless the face value of the issue of such bonds does not exceed fifty per cent of the market value of the real property and improvements upon which such bonds or the assessments for the payment of principal and interest thereon are liens inferior only to the lien for general taxes. No such investment shall be made unless no default in payment of principal or interest on the bonds to be purchased has occurred within five years of the date of investment therein, or, if such bonds were issued less than five years prior to the date of investment, no default in payment of principal or interest has occurred on the bonds to be purchased nor on any other bonds of the issuer within five years of such investment.

61-349. ASSETS OF COMPANIES PURCHASED, MERGED OR REINSURED. The investments legally held by any insurance company that is purchased, merged or fully reinsured by a domestic insurance company shall be legal investments of the company so acquiring said investments and the acquiring company may continue the investment of its capital and accumulations in such investments to the extent of the investment therein by the purchased, merged or reinsured company and until the maturity or liquidation of such investments, notwithstanding that any or all of such investments be not authorized under this chapter but the acquiring company shall invest no additional funds in any investment not specifically authorized herein.

Sec. 3. Sec. 61-703, Arizona Code of 1939, as amended, is amended to read:

61-703. MEDICAL EXAMINATION. No life insurance company shall enter into any contract of insurance in excess of ten thousand dollars, upon lives within this state without previously causing to be made a medical examination of the insured by a licensed physician and surgeon. This provision shall not apply to reinstatements of policies previously in force in the company, annuity contracts, contracts combining

annuities and life insurance, or the insurance of groups of lives of persons employed in the same company, factory or business enterprise, nor to the conversion of any individual certificate issued in connection with such insurance of groups of lives to another form of insurance contract. Any company violating this section, or any person soliciting, effecting, or attempting to effect a contract of insurance contrary to the provisions hereof shall be fined not less than one hundred nor more than one thousand dollars for each offense.

Sec. 4. Sec. 61-711, Arizona Code of 1939, is amended to read:

61-711. GENERAL OR BLANKET POLICIES NOT AFFECTED. Nothing in this chapter shall affect any general or blanket policy of insurance issued to any municipal corporation or department thereof, or to any corporation, copartnership, association, or individual employer, police or fire department, underwriter's corps, salvage bureau or like association, organization or trustee or trustees for any of these, when the officers, members or employees, classes of departments or beneficiaries thereof are insured against specified accidental bodily injuries or disease while exposed to the hazards of the occupations or otherwise for a premium intended to cover the risks of all persons insured under such policy; nor shall anything in the two preceding sections apply to or affect contracts of life insurance, or contracts supplemental thereto, which contain provisions intended to safeguard such life insurance against lapse, or that provide a special surrender value therefor in the insured shall, by reason of accidental bodily injury or disease, be unable to continue the premium payment thereon.

Sec. 5. Sec. 61-901, Arizona Code of 1939, is amended to read:

61-901. SOCIETIES DEFINED; OPERATING ON LODGE SYSTEM. Any corporation or association without capital stock, organized and carried on solely for the mutual benefit of its members and their beneficiaries, and not for profit and having a lodge system with ritualistic form of work and representative form of government, and which shall make provision for the payment of benefits in accordance with the following section, is a fraternal benefit society. Any society having a supreme governing or legislative body and subordinate lodges into which members shall be elected, initiated and admitted in accordance with its laws and ceremonies, which subordinate lodges or branches are required by the laws of such societies to hold regular or stated meetings at least once in each month, shall be deemed to operate on the lodge system.

Such society has a representative form of government when it provides in its laws for a supreme legislative or governing body, composed of representatives elected, directly or indirectly, by the members, together with such other members as may be prescribed by its laws; provided, that the elective members shall constitute a majority in the number and have not less than two-thirds of the votes, nor less than the votes required to amend its constitution and laws; provided, further, that the meetings of the supreme or governing body, and the election of officers, representatives or delegates, shall be held as often as once in four years. The members, officers, representatives or delegates of a fraternal benefit society shall not vote by proxy, but voting may be in person, through delegates, or by mail on ballots the form of which has been first approved by the commission; provided such ballots are mailed in sealed envelopes directly to the commission for tallying by the person voting.

Such societies shall be governed by this article, except as herein provided, and shall be exempt from all other provisions of insurance laws, except that any such society issuing any form of insurance other than fraternal benefit insurance shall be subject to all the provisions of this chapter governing companies issuing such other forms of insurance.

Sec. 6. Sec. 61-903, Arizona Code of 1939, as amended, is amended to read:

61-903. BENEFICIARIES; CHANGING. No beneficiary shall have or obtain any vested interest in the proceeds of any certificate until such certificate has become due and payable in conformity with the provisions of the membership contract. The insured member shall have the right at all times to change the beneficiary or beneficiaries in accordance with the constitution, by-laws, rules or regulations of the society. Every society may by its constitution, by-laws, rules or regulations limit the scope of beneficiaries.

Sec. 7. Article 10 of chapter 61, Arizona Code of 1939, as amended, is amended by adding a new section 61-1009a, to read:

61-1009a. PREMIUM RATES; METHOD OF VALUATION; RESERVES; AUTHORIZED INVESTMENTS OF MORTUARY FUNDS. (1) The premium rates to be charged for the insurance granted in the policies hereunder shall be based upon the commissioner's 1941 standard ordinary mortality table or the 1941 standard industrial mortality table with interest not exceeding three and one-half percent per

annum under either table. Valuations shall be made at the option of the corporation according to either the yearly renewable term or preliminary term method, and policy reserves shall be maintained in accordance therewith. Such corporation may extend the mortality tables down to age one and have the right to prescribe the rates and benefits for ages below ten years. The policy shall state the reserve basis, interest rate and the method of valuation.

(2) That portion of the mortuary fund deposited with the state treasurer may be invested in the securities set forth in subsections 1 and 2 of sections 61-325, 61-346 and 61-348, Arizona Code of 1939, as amended, and such securities, together with the assignments thereof shall be deposited with and held by the state treasurer in accordance with section 61-1007, Arizona Code of 1939.

(3) That portion of the mortuary fund not deposited with the state treasurer may be invested in the securities set forth in subsections 1 and 2 of sections 61-325, 61-346 and 61-348, Arizona Code of 1939, as amended.

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 122

(House Bill No. 175)

AN ACT

RELATING TO THE GIVING OF PROOF OF FINANCIAL RESPONSIBILITY AND SECURITY BY OWNERS AND OPERATORS OF MOTOR VEHICLES; PROVIDING FOR SUSPENSION OF LICENSES; PRESCRIBING PENALTIES; MAKING UNIFORM THE LAW RELATING TO THE SUBJECT MATTER OF THIS ACT; AND REPEALING SECTION 66-248, ARIZONA CODE OF 1939.

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

Section 1. DEFINITIONS. As used in this Act, unless the context otherwise requires:

"Commission". The Arizona state highway commission.

"Department". The highway department of this state acting directly or through its duly authorized officers and agents.

"Director of Insurance" means the director of the insurance division of the corporation commission.

"Motor Vehicle Division". Division of motor vehicles of the department acting directly or through its duly authorized officers and agents as designated by the commission.

"Motor Vehicle Superintendent", or "superintendent" means superintendent of division.

"Judgment". Any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance, or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

"License". Any license, temporary instruction permit, or temporary license issued under the laws of this state pertaining to the licensing of persons to operate motor vehicles.

"Motor Vehicle". Every vehicle which is self-propelled.

"Nonresident". Every person who is not a resident of this state.

"Nonresident operating privilege". The privilege conferred upon a nonresident by the laws of this state pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him in this state.

"Operator". Every person, other than a chauffeur, who drives or is in actual physical control over a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

"Owner". A person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession

vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this Act.

"Person". Every natural person, firm, copartnership, association, or corporation.

"Proof of financial responsibility". Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance, or use of a motor vehicle, in the amount of $5,000.00 because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of $10,000.00 because of bodily injury to or death of two or more persons in any one accident, and in the amount of $1,000.00 because of injury to or destruction of property of others in any one accident.

"Registration". Registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles.

"State". Any state, territory, or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

Sec. 2. SUPERINTENDENT TO ADMINISTER ACT — APPEAL TO COURT. (a) The superintendent shall administer and enforce the provisions of this Act and may make rules and regulations necessary for its administration and shall provide for hearings upon request of persons aggrieved by orders or acts of the superintendent under the provisions of sections 5 to 12 inclusive.

(b) Any persons aggrieved by an order or act of the superintendent under the provisions of sections 5 to 12 inclusive, may, within 10 days after notice thereof, file a petition in the superior court of the county in which such person resides for a trial de novo to determine whether such order or act is lawful and reasonable. The filing of such a petition shall not suspend the order or act of the superintendent unless a stay thereof shall be allowed by a judge of said court pending final determination of the matter. The court shall summarily hear the petition and may make any appropriate order or decree.

(c) The commission shall cause to be printed for distribution to the public the rules and regulations made by the super-

intendent, as provided herein, for the administration of this Act, and shall furnish the same to any person upon application therefor.

Sec. 3. SUPERINTENDENT TO FURNISH OPERATING RECORD. The superintendent shall upon request furnish any person a certified abstract of the operating record of any person subject to the provisions of this Act, which abstract shall also fully designate the motor vehicles, if any, registered in the name of such person, and, if there shall be no record of any conviction of such person by violating any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the superintendent shall so certify. Such abstracts shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident.

Sec. 4. EFFECT OF FAILURE TO REPORT ACCIDENTS. The superintendent shall suspend the license or any nonresident's operating privilege of any person who willfully fails, refuses, or neglects to make reports of a traffic accident as required by the laws of this state.

Sec. 5. SECURITY REQUIRED FOLLOWING ACCIDENT—EXCEPTIONS. (a) The superintendent shall, within 60 days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death or damage to the property of any one person in excess of $100.00, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle within this state, and if such owner is a nonresident the privilege of the use within this state of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in a sum which shall be sufficient in the judgment of the superintendent to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against such operator or owner; provided notice of such suspension shall be sent by the superintendent to such operator and owner not less than 10 days prior to the effective date of such suspension and shall state the amount required as security.

(b) This section shall not apply under the conditions stated in section 6 or to any of the following:

1. To such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;

2. to such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;

3. to such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the superintendent, covered by any other form of liability insurance policy or bond; or

4. to any person qualifying as a self-insurer under section 34.

(c) No such policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this state, except that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company if not authorized to do business in this state shall execute a power of attorney authorizing the superintendent to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs of not less than $5,000.00 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than $10,000.00 because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than $1,000.00 because of injury to or destruction of property of others in any one accident.

Upon receipt of notice of such accident, the insurance company or surety company which issued such policy or bond shall furnish for filing with the superintendent a written notice that such policy or bond was in effect at the time of such accident.

Sec. 6. EXCEPTIONS TO REQUIREMENT OF SECURITY. The requirements as to security and suspension in section 5 shall not apply:

1. To the operator or the owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of any one other than such operator or owner;

2. to the operator or the owner of a motor vehicle if at the time of the accident the vehicle was stopped, standing, or parked, whether attended or unattended, except that the requirements of this Act shall apply in the event the superintendent determines that any such stopping, standing, or parking of the vehicle was illegal or that the vehicle was not equipped with lighted lamps or illuminating devices when and as required by the laws of this state and that any such violation contributed to the accident;

3. to the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such motor vehicle without such permission;

4. If, prior to the date that the superintendent would otherwise suspend license and registration or nonresident's operating privilege under section 5, there shall be filed with the superintendent evidence satisfactory to him that the person who would otherwise have to file security has been released from liability or been finally adjudicated not to be liable or has executed a warrant for confession of judgment, payable when and in such installments as the parties have agreed to, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident.

Sec. 7. DURATION OF SUSPENSION. The license and registration and nonresident's operating privilege suspended as provided in section 5 shall remain so suspended and shall not be renewed nor shall any such license or registration be issued to such person until:

1. Such person shall deposit or there shall be deposited on his behalf the security required under section 5; or

2. one year shall have elapsed following the date of such accident and evidence satisfactory to the superintendent has been filed with him that during such period no action for damages arising out of such accident has been instituted; or

3. evidence satisfactory to the superintendent has been filed with him of a release from liability, or a final adjudication of nonliability, or a warrant for confession of judgment, or a duly acknowledged written agreement, in accordance with subdivision 4 of section 6; provided, however, in the event there shall be any default in the payment of any install-

ment under any confession of judgment, then, upon notice of such default, the superintendent shall forthwith suspend the license and registration or nonresident's operating privilege of such person defaulting which shall not be restored unless and until the entire amount provided for in said confession of judgment has been paid; and provided, further, that in the event there shall be any default in the payment of any installment under any duly acknowledged written agreement, then, upon notice of such default, the superintendent shall forthwith suspend the license and registration or nonresident's operating privilege of such person defaulting which shall not be restored unless and until (1) such person deposits and thereafter maintains security as required under section 5 in such amount as the superintendent may then determine, or (2) 1 year shall have elapsed following the date when such security was required and during such period no action upon such agreement has been instituted in a court in this state.

Sec. 8. APPLICATION TO NONRESIDENTS, UNLICENSED DRIVERS, UNREGISTERED MOTOR VEHICLES AND ACCIDENTS IN OTHER STATES. (a) In case the operator or the owner of a motor vehicle involved in an accident within this state has no license or registration, or is a nonresident, he shall not be allowed a license or registration until he has complied with the requirements of this Article to the same extent that would be necessary if, at the time of the accident, he had held a license and registration.

(b) When a nonresident's operating privilege is suspended pursuant to section 5 or section 7, the superintendent shall transmit a certified copy of the record of such action to the official in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides, if the law of such other state provides for action in relation thereto similar to that provided for in subsection (c) of this section.

(c) Upon receipt of such certification that the operating privilege of a resident of this state has been suspended or revoked in any such other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, under circumstances which would require the superintendent to suspend a nonresident's operating privilege had the accident occurred in this state, the superintendent shall suspend the license of such resident if he was the operator, and all of his registrations if he was the owner of a motor vehicle involved in such accident. Such suspension shall continue until such resident furnishes evidence of his compliance

with the law of such other state relating to the deposit of such security.

Sec. 9. FORM AND AMOUNT OF SECURITY. (a) The security required under sections 5 to 10 inclusive shall be in such form and in such amount as the superintendent may require but in no case in excess of the limits specified in section 5 in reference to the acceptable limits of a policy or bond. The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made and, at any time while such deposit is in the custody of the superintendent or state treasurer, the person depositing it may, in writing, amend the specification of the person or persons on whose behalf the deposit is made to include an additional person or persons; provided, however, that a single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.

(b) The superintendent may reduce the amount of security ordered in any case within 6 months after the date of the accident if, in his judgment, the amount ordered is excessive. In case the security originally ordered has been deposited the excess deposited over the reduced amount ordered shall be returned to the depositor or his personal representative forthwith, notwithstanding the provisions of section 10.

Sec. 10. CUSTODY, DISPOSITION, AND RETURN OF SECURITY. Security deposited in compliance with the requirements of sections 5 to 10 inclusive shall be placed by the superintendent in the custody of the state treasurer and shall be applicable only to the payment of a judgment or judgments rendered against the person or persons on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not later than 1 year after the date of such accident, or within 1 year after the date of deposit of any security under subdivision 3 of section 7 or to the payment in settlement, agreed to by the depositor, of a claim or claims arising out of such accident. Such deposit or any balance thereof shall be returned to the depositor or his personal representative when evidence satisfactory to the superintendent has been filed with him that there has been a release from liability, or a final adjudication of nonliability, or a warrant for confession of judgment, or a duly acknowledged agreement, in accordance with subdivision 4 of section 6, whenever, after the expiration of 1 year from the date of the accident, or within 1 year after the date of deposit of any security under subdivision 3 of section 7, the superintendent shall be given reasonable evidence that there is no such action pending and no judgment rendered in such action left unpaid.

Sec. 11. MATTERS NOT TO BE EVIDENCE IN CIVIL SUITS. Neither the report required by section 4, the action taken by the superintendent pursuant to sections 4 to 10 inclusive, the findings, if any, of the superintendent upon which action is based, nor the security filed as provided in sections 5 to 10 inclusive, shall be referred to in any way, or be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages.

Sec. 12. COURTS TO REPORT NONPAYMENT OF JUDGMENTS. (a) Whenever any person fails within 60 days to satisfy any judgment, it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this state, to forward to the superintendent immediately after the expiration of said 60 days, a certified copy of such judgment.

(b) If the defendant named in any certified copy of a judgment reported to the superintendent is a nonresident, the superintendent shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registration certificates of the state of which the defendant is a resident.

Sec. 13. SUSPENSION FOR NONPAYMENT OF JUDGMENTS—EXCEPTIONS. (a) The superintendent upon receipt of a certified copy of a judgment, shall forthwith suspend the license and registration and any nonresident's operating privilege of any person against whom such judgment was rendered, except as hereinafter otherwise provided in this section and in section 16.

(b) If the judgment creditor consents in writing, in such form as the superintendent may prescribe, that the judgment debtor be allowed license and registration or nonresident's operating privilege, the same may be allowed by the superintendent in his discretion, for 6 months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in section 16, provided the judgment debtor furnishes proof of financial responsibility.

(c) Any person whose license, registration, or nonresident's operating privilege has been suspended or is about to be suspended or shall become subject to suspension under the provision of sections 12 to 29 inclusive, may be relieved from the effect of such judgment as hereinbefore prescribed in sections 12 to 29 inclusive, by filing with the superintendent an affidavit stating that at the time of the accident upon which such

judgment has been rendered the affiant was insured, that the insurer is liable to pay such judgment, and the reason, if known, why such insurance company has not paid such judgment. Such a person shall also file the original policy of insurance or a certified copy thereof, if available, and such other documents as the superintendent may require to show that the loss, injury, or damage for which such judgment was rendered, was covered by such policy of insurance. If the superintendent is satisfied from such papers that such insurer was authorized to issue such policy of insurance at the time and place of issuing such policy and that such insurer is liable to pay such judgment, at least to the extent and for the amounts required in this Act, the superintendent shall not suspend such license or registration or nonresident's operating privilege, or if already suspended shall reinstate them.

Sec. 14. SUSPENSION TO CONTINUE UNTIL JUDGMENTS PAID AND PROOF GIVEN. (a) Such license, registration, and nonresident's operating privilege shall remain so suspended and shall not be renewed, nor shall any such license or registration be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is satisfied in full or to the extent hereinafter provided, and until the said person gives proof of financial responsibility subject to the exemptions stated in sections 13 and 16 of this Act.

(b) A discharge in bankruptcy following the rendering of any such judgment shall relieve the judgment debtor from any of the requirements of sections 12 to 29 inclusive.

Sec. 15. PAYMENTS SUFFICIENT TO SATISFY REQUIREMENTS. (a) Judgments herein referred to shall, for the purpose of this Act only, be deemed satisfied:

1. When $5,000.00 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

2. when, subject to such limit of $5,000.00 because of bodily injury or death of one person, the sum of $10,000.00 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

3. when $1,000.00 has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

(b) Provided, however, payments made in settlements of any claims because of bodily injury, death, or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section.

Sec. 16. INSTALLMENT PAYMENT OF JUDGMENTS —DEFAULT. (a) A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

(b) The superintendent shall not suspend a license, registration, or nonresident's operating privilege, and shall restore any license, registration, or nonresident's operating privilege suspended following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains such an order permitting the payment of such judgment in installments, and while the payment of any said installment is not in default.

(c) In the event the judgment debtor fails to pay any installment as specified by such order, then upon notice of such default, the superintendent shall forthwith suspend the license, registration, or nonresident's operating privilege of the judgment debtor until such judgment is satisfied, as provided in this Act.

Sec. 17. PROOF REQUIRED UPON CERTAIN CONVICTIONS. (a) Whenever the superintendent under any law of this state, suspends or revokes the license of any person upon receiving record of a conviction or a forfeiture of bail, the superintendent shall also suspend the registration for all motor vehicles registered in the name of such person, except that he shall not suspend such registration, unless otherwise required by law, if such person has previously given or shall immediately give and thereafter maintain proof of financial responsibility with respect to all motor vehicles registered by such person.

(b) Such license and registration shall remain suspended or revoked and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person, nor shall any motor vehicle be thereafter registered in the name of such person until permitted under the motor vehicle laws of this state and not then unless and until he shall give and thereafter maintain proof of financial responsibility.

(c) If a person is not licensed, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, or for operating a motor vehicle upon the highways without being licensed to do so, or for operating an unregistered motor vehicle upon the highways, no license shall be thereafter issued to such person and no motor vehicle shall continue to be registered or thereafter be registered in the name of such person until he shall give and thereafter maintain proof of financial responsibility.

(d) Whenever the superintendent suspends or revokes a nonresident's operating privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility.

Sec. 18. ALTERNATE METHODS OF GIVING PROOF. Proof of financial responsibility when required under this Act may be given by filing:

1. A certificate of insurance as provided in section 19 or section 20; or

2. a bond as provided in section 24; or

3. a certificate of deposit of money or securities as provided in section 25.

Sec. 19. CERTIFICATE OF INSURANCE AS PROOF. (a) Proof of financial responsibility may be furnished by filing with the superintendent the written certificate of any insurance carrier duly authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.

(b) No motor vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility unless such motor vehicle is so designated in such a certificate.

Sec. 20. CERTIFICATE FURNISHED BY NONRESI-

DENT AS PROOF. (a) The nonresident owner of a motor vehicle not registered in this state may give proof of financial responsibility by filing with the superintendent a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the motor vehicle, or motor vehicles, described in such certificate is registered, or if such nonresident does not own a motor vehicle, then in the state in which the insured resides, provided such certificates otherwise conforms with the provisions of this Act, and the superintendent shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified:

1. Said insurance carrier shall execute a power of attorney authorizing the superintendent to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state;

2. said insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued herein.

(b) If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility defaults in any said undertakings or agreements, the superintendent shall not thereafter accept as proof any certificate of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues.

Sec. 21. "MOTOR VEHICLE LIABILITY POLICY" DEFINED. (a) A "motor vehicle liability policy" as said term is used in this Act shall mean an owner's or an operator's policy of liability insurance, certified as provided in section 19 or section 20 as proof of financial responsibility, and issued, except as otherwise provided in section 20, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

(b) Such owner's policy of liability insurance:

1. Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

2. shall insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named

insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle as follows: $5,000.00 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, $10,000.00 because of bodily injury to or death of two or more persons in any one accident, and $1,000.00 because of injury to or destruction of property of others in any one accident.

(c) Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(d) Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period, and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this Act as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this Act.

(e) Such motor vehicle liability policy need not insure any liability under any workmen's compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance, or repair of any such motor vehicle nor any liability for damage to property owned by, rented to, in charge of, or transported by the insured.

(f) Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

1. The liability of the insurance carrier with respect to the insurance required by this Act shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be cancelled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy;

2. the satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage;

3. the insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in subdivision 2 of subsection (b) of this section;

4. the policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of the Act shall constitute the entire contract between the parties.

(g) Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this Act. With respect to a policy which grants such excess or additional coverage the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

(h) Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this Act.

(i) Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(j) The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

(k) Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

Sec. 22. NOTICE OF CANCELLATION OR TERMINATION OF CERTIFIED POLICY. When an insurance carrier has certified a motor vehicle liability policy under section 19 or section 20, the insurance so certified shall not be cancelled or terminated until at least 10 days after a notice of cancellation

or termination of the insurance so certified shall be filed in the office of the superintendent, except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

Sec. 23. ACT NOT TO AFFECT OTHER POLICIES. (a) This Act shall not be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this state, and such policies, if they contain an agreement or are endorsed to conform with the requirements of this Act, may be certified as proof of financial responsibility under this Act.

(b) This Act shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of motor vehicles not owned by the insured.

Sec. 24. BOND AS PROOF. (a) Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this state, or a bond with at least two individual sureties each owning real estate within this state, and together having equities equal in value to at least twice the amount of the bond, which real estate shall be scheduled in the bond approved by a judge of a court of record, which said bond shall be conditioned for payment of the amounts specified in section 1. Such bond shall be filed with the superintendent and shall not be cancellable except after 10 days written notice to the superintendent. Upon the filing of notice to such effect by the superintendent in the office of the proper clerk or court of the county or city where such real estate shall be located, such bond shall constitute a lien in favor of the state upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed such bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damage because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use, or operation of a motor vehicle after such bond was filed, upon the filing of notice to that effect by the superintendent in the office of the proper clerk or court of the county or city where such real estate shall be located.

(b) If such a judgment, rendered against the principal on such bond shall not be satisfied within 60 days after it has

become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond.

Sec. 25. MONEY OR SECURITIES AS PROOF. (a) Proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named therein has deposited with him $11,000.00 in cash, or securities such as may legally be purchased by savings bank or for trust funds of a market value of $11,000.00. The state treasurer shall not accept any such deposit and issue a certificate therefor and the superintendent shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

(b) Such deposit shall be held by the state treasurer to satisfy, in accordance with the provisions of this Act, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use, or operation of a motor vehicle after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

Sec. 26. OWNER MAY GIVE PROOF FOR OTHERS. Whenever any person required to give proof of financial responsibility hereunder is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the superintendent shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as herein provided. The superintendent shall designate the restrictions imposed by this section on the face of such person's license.

Sec. 27. SUBSTITUTION OF PROOF. The superintendent shall consent to the cancellation of any bond or certificate of insurance or the superintendent shall direct and the state treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this Act.

Sec. 28. OTHER PROOF MAY BE REQUIRED. Whenever any proof of financial responsibility filed under the provisions of this Act no longer fulfills the purposes for which required, the superintendent shall for the purpose of this Act, require other proof as required by this Act and shall suspend the license and registration or the nonresident's operating privilege pending the filing of such other proof.

Sec. 29. DURATION OF PROOF—WHEN PROOF MAY BE CANCELLED OR RETURNED. (a) The superintendent shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the superintendent shall direct and the state treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this Act as proof of financial responsibility, or the superintendent shall waive the requirement of filing proof, in any of the following events:

1. At any time after 3 years from the date such proof was required when, during the 3-year period preceding the request, the superintendent has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license, registration, or nonresident's operating privilege of the person by or for whom such proof was furnished; or

2. in the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or

3. in the event the person who has given proof surrenders his license and registration to the superintendent.

(b) Provided, however, that the superintendent shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has within 1 year immediately preceding such request been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the superintendent.

(c) Whenever any person whose proof has been cancelled

or returned under subdivision 3 of this section applies for a license or registration within a period of 3 years from the date proof was originally required, any such application shall be refused unless the applicant shall re-establish such proof for the remainder of such 3-year period.

Sec. 30. TRANSFER OF REGISTRATION TO DEFEAT PURPOSE OF ACT PROHIBITED. This Act shall not prevent the owner of a motor vehicle, the registration of which has been suspended hereunder, from effecting a bona fide sale of such motor vehicle to another person whose rights or privileges are not suspended under this Act nor prevent the registration of such motor vehicle by such transferee. This Act shall not in any wise affect the rights of any conditional vendor, chattel mortgagee, or lessor of a motor vehicle registered in the name of another as owner who becomes subject to the provisions of this Act.

Sec. 31. SURRENDER OF LICENSE AND REGISTRATION. Any person whose license or registration shall have been suspended as herein provided or whose policy of insurance or bond, when required under this Act, shall have been cancelled or terminated, or who shall neglect to furnish other proof upon request of the superintendent shall immediately return his license and registration to the superintendent. If any person shall fail to return to the superintendent the license or registration as provided herein, the superintendent shall forthwith direct any peace officer to secure possession thereof and to return the same to the superintendent.

Sec. 32. OTHER VIOLATIONS—PENALTIES. (a) Any person whose license or registration or nonresident's operating privilege has been suspended or revoked under this Act and who, during such suspension or revocation drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway, except as permitted under this Act, shall be fined not more than $300.00 or imprisoned not exceeding 6 months, or both.

(b) Any person willfully failing to return license or registration as required in section 31 shall be fined not more than $300.00 or imprisoned not to exceed 30 days, or both.

(c) Any person who shall forge or, without authority, sign any notice provided for under section 5 that a policy or bond is in effect, or any evidence of proof of financial responsibility, or who files or offers for filing any such notice or evidence of proof knowing or having reason to believe that it is forged

or signed without authority, shall be fined not more than $1,000.00 or imprisoned not more than 1 year, or both.

(d) Any person who shall violate any provision of this Act for which no penalty is otherwise provided shall be fined not more than $300.00 or imprisonment not more than 90 days, or both.

Sec. 33. EXCEPTIONS. This Act shall not apply with respect to any motor vehicle owned by the United States, this state or any political subdivision of this state or any municipality therein; nor, except for sections 4 and 26 of this Act, with respect to any motor vehicle which is subject to the requirements of any provisions of the existing law requiring insurance or other security on certain types of vehicles.

Sec. 34. SELF-INSURERS. (a) Any person in whose name more than 25 motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the superintendent as provided in subsection (b) of this section.

(b) The superintendent may, in his discretion, upon the application of such a person, issue a certificate of self-insurance when he is satisfied that such person is possessed and will continue to be possessed of ability to pay judgments obtained against such person.

(c) Upon not less than 5 days' notice and a hearing pursuant to such notice the superintendent may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within 30 days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

Sec. 35. ASSIGNED RISK PLANS. After consultation with insurance companies authorized to issue automobile liability policies in this state, the director of insurance shall approve a reasonable plan or plans for the equitable apportionment among such companies of applicants for such policies and for motor vehicle liability policies who are in good faith entitled to but are unable to procure such policies through ordinary methods. When any such plan has been approved, all such insurance companies shall subscribe thereto and participate therein. Any applicant for any such policy, any person insured under any such plan, and any insurance company affected, may appeal to the director of insurance from any ruling or decision of the manager or committee designated to operate such plan. Any person aggrieved hereunder by any order

or act of the director of insurance may, within 10 days after notice thereof, file a petition in the superior court of the county in which the director of insurance has his domicile, against the director of insurance, for a review thereof. The court shall summarily hear the petition and may make any appropriate order or decree.

Sec. 36. REPEAL OF EXISTING LAWS. This Act shall in no respect be considered as a repeal of the state motor vehicle laws but shall be construed as supplemental thereto.

Section 66-248, Arizona Code of 1939, is hereby repealed except with respect to any accident, or judgment arising therefrom, or violation of the motor vehicle laws of this state, occurring prior to the effective date of this Act.

Sec. 37. PAST APPLICATION OF ACT. This Act shall not apply with respect to any accident, or judgment arising therefrom, or violation of the motor vehicle laws of this state, occurring prior to the effective date of this Act.

Sec. 38. ACT NOT TO PREVENT OTHER PROCESS. Nothing in this Act shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

Sec. 39. UNIFORMITY OF INTERPRETATION. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those states which enact it.

Sec. 40. SHORT TITLE. This Act may be cited as the motor vehicle safety responsibility act.

Sec. 41. CONSTITUTIONALITY. If any part or parts of this Act shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Sec. 42. EFFECTIVE DATE OF ACT. This Act shall take effect January 1, 1952.

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 123

(House Bill No. 8)

AN ACT

RELATING TO PRODUCTION AND CONSERVATION OF OIL AND GAS; PRESCRIBING PENALTIES AND FORFEITURES; AND REPEALING ARTICLE 14, CHAPTER 11, ARIZONA CODE OF 1939.

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

Section 1. SHORT TITLE. This Act may be cited as "Oil and Gas Conservation Act of 1951".

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

"commissioner" means the state land commissioner;

"person" includes corporation, association, partnership, receiver, trustee, guardian, executor, administrator, fiduciary, representative, or any group acting as a unit, and includes any department, agency, or instrumentality of the state or of any governmental subdivision thereof;

"oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, produced at a well in liquid form by ordinary production methods and which are not the result of condensation of gas;

"gas" means natural gas, including casinghead gas, and all other hydrocarbons not defined as oil;

"pool" means an underground reservoir containing a common accumulation of oil or gas or both, and includes each zone of a general structure completely separated from any other zone in the structure;

"field" means the general area which is or appears to be underlaid by not less than one pool, including underground reservoirs containing oil or gas or both;

"owner" means the person having the right to drill into, produce, and appropriate the production of oil or gas or both from a pool;

"royalty owner" means a person possessing an interest in the production, but who is not an owner;

"producer" means the owner of a well capable of producing oil or gas;

"product" means oil, gas, or any product, by-product, mixture, or blend thereof;

"illegal oil" and "illegal gas" means oil or gas produced within the state from any well during any time in which the well has produced in excess of the amount allowed by law or any rule, regulation, or order of the commissioner;

"illegal product" means any product derived, in whole or in part, from illegal oil or gas;

"waste" means and includes (1) physical waste, as that term is generally understood in the oil and gas industry, (2) the inefficient, excessive, or improper use of, or the unnecessary dissipation of reservoir energy, (3) the locating, spacing, drilling, equipping, operating, or producing of any oil or gas well or wells in a manner which causes, or tends to cause, reduction in the quantity of oil or gas ultimately recoverable from a pool under prudent and proper operations, or which causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas, (4) the inefficient storing of oil, and (5) the production of oil or gas in excess of transportation or marketing facilities or in excess of reasonable market demand;

"reasonable market demand" means the amount of oil reasonably needed for current consumption, use, storage, and working stock, within and without the state, or the amount of gas of any type reasonably needed to supply current consumption and use;

"drainage unit" or "drilling unit" means the maximum area in a pool which may be drained efficiently by one well so as to produce the reasonable maximum amount of recoverable oil or gas in such area;

"net drainage" means drainage not equalized by counter-drainage;

"developed area" or "developed unit" means a drainage unit having a well completed therein capable of producing oil or gas in paying quantities;

"certificate of compliance" means a certificate issued by

the commissioner prior to connection of an oil or gas well with a pipe line, showing compliance with the conservation laws of the state and conservation rules, regulations, and orders of the commissioner;

"certificate of clearance" means a permit approved and issued or registered by the commissioner, for the transportation or delivery of oil, gas, or products thereof; and

"fund" means the oil and gas conservation fund.

Sec. 3. DECLARATION OF POLICY. (a) It is declared to be the public policy of the state to (1) conserve the natural resources of oil and gas and products thereof; (2) prevent waste of the same; (3) provide for the protection and adjustment of the correlative rights of the owners of land wherein such natural resources lie and of the owners and producers of oil and gas resources and products thereof, and of others interested therein; (4) encourage the development of the natural resources of oil and gas and their products; (5) encourage the continuous and economic supply thereof and the demand therefor; (6) safeguard the health, property, and public welfare of citizens of the state and other interested persons; and (7) to promote all purposes indicated by the provisions of this Act.

(b) It is the intention that this Act shall be administered by the commissioner as provided herein until the creation of the oil and gas conservation commission, hereinafter referred to, and the qualification of its members. At the session of the legislature next following the discovery and production of oil or gas in the state of Arizona, the legislature will provide for this Act to be administered by an oil and gas conservation commission of three (3) or more persons, the commissioner to be an ex-officio member and chairman of the commission. Upon the creation of the commission and the qualification of its members, all of the functions, powers, authority, duties, and responsibilities vested in and imposed upon the commissioner by this Act shall be transferred to and exercised by the oil and gas conservation commission.

(c) This section shall not be construed to limit, restrict, or modify the provisions of this Act.

Sec. 4. WASTE. (a) Waste of oil or gas is unlawful and is prohibited.

(b) The commissioner shall make such inquiries as he may think proper to determine whether waste exists or is immi-

nent. In the exercise of such power the commissioner may (1) collect data; (2) make investigations and inspections; (3) examine property, leases, papers, books, and records, including drilling records and logs; (4) examine, check, test and gauge oil and gas wells, tanks, refineries, and modes of transportation; (5) hold hearings; (6) require the keeping of records and the making of reports; and (7) take such action as he may deem necessary to enforce and effectuate the provisions of this Act.

(c) The commissioner may, in order to prevent waste and avoid the drilling of unnecessary wells permit the cycling of gas in any pool or portion thereof, or the introduction of gas or other substance into an oil or gas reservoir for the purpose of repressuring such reservoir, maintaining pressure, or carrying on secondary recovery operations of any type. The commissioner shall permit the pooling or integration of separate tracts when reasonably necessary in connection with such operations.

Sec. 5. DRILLING UNITS. (a) For the prevention of waste, to protect and enforce the correlative rights of owners in a pool, and to avoid the augmenting and accumulation of risks arising from the drilling of an excessive number of wells, or the reduced recovery which might result from too small a number of wells, the commissioner shall, after a hearing, establish a drilling unit or units for each pool. The establishment of a unit for gas shall be limited to the production of gas.

(b) Each well permitted to be drilled on a drilling unit shall be drilled under such rules and regulations and in accordance with such spacing pattern as the commissioner may prescribe for the pool in which the well is located. Exceptions to the rules and spacing pattern may be granted where it is shown, after notice and hearing, that the unit is partly outside the pool, or, for some other reason, a well so located on the unit would be non-productive, or topographical conditions are such as to make the drilling at such location unduly burdensome. In the event an exception is granted, the commissioner shall take such action as will offset any advantage which the person securing the exception may have over other producers by reason of the drilling of the well as an exception, and so that drainage from developed units to the tract with respect to which the exception is granted will be prevented or minimized, and the producer of the well drilled as an exception will be allowed to produce no more than a just and equitable share of the oil and gas in the pool.

Sec. 6. POOLING OF INTERESTS. (a) When two or more separately owned tracts of land are embraced within an estab-

lished drilling unit, persons owning the drilling rights therein and the right to share in the production therefrom may agree to pool their interests and develop their lands as a drilling unit. In the event such persons do not agree to pool their interests, the commissioner may, for the prevention of waste, for the protection of correlative rights, or to avoid the drilling of unnecessary wells, enter an order pooling and integrating their interests for the development of their lands as a drilling unit. Orders effectuating such pooling shall be made after notice and hearing, and shall be upon terms and conditions which will afford to the owner of each tract the opportunity to recover or receive his just and equitable share of the oil and gas in the pool without unnecessary expense. Operations incident to the drilling of a well upon any portion of a unit covered by a pooling order shall be deemed for all purposes to be the conduct of such operations upon each separately owned tract in the unit by the several owners thereof. The portion of the production allocated to the owner of each tract included in a drilling unit formed by a pooling order shall, when produced, be considered as if it had been produced from such tract by a well drilled thereon. In the event such pooling is effectuated, the cost of development and operation of the pooled unit chargeable by the operator to the other interested owners shall be limited to the actual and reasonable expenditures required for such purpose, including a reasonable charge for supervision. As to owners who refuse to agree upon pooling, the order shall provide for reimbursement for costs chargeable to each such owner out of, and only out of, production from the unit belonging to such owner. In the event of a dispute relative to such costs, the commissioner shall, upon notice to all interested parties and hearing thereon, determine the proper costs. Appeals may be taken from such determination as from any other order of the commissioner. If one or more of the owners shall drill and operate, or pay the expense of drilling and operating, the well for the benefit of others, then, in addition to any other rights conferred by the pooling order, the owner or owners so drilling or operating shall have a lien on the share of production from the unit accruing to the interest of each of the other owners for the payment of his proportionate share of such expenses. All the oil and gas subject to the lien, or so much thereof as shall be necessary, shall be marketed and sold by the creditor, and the proceeds applied in payment of the expenses secured by such lien, with the balance, if any, payable to the debtor.

(b) The commissioner shall, in all instances where a unit has been formed out of lands or areas of more than one ownership, require the operator, upon request of an owner, but subject to the right of the operator to market production and collect the proceeds with respect to an owner in default, as

provided in the preceding subsection (a), to deliver to the owner or his assigns his proportionate share of the production from the well common to the drilling unit. The owner receiving his share shall provide at his own expense proper receptacles for the receipt and storage thereof.

(c) In the event the persons owning and drilling or other rights in separate tracts embraced within a drilling unit fail to agree upon the pooling of the tracts and the drilling of a well on the unit, and if the commissioner is without authority to require pooling as provided by this section, then, subject to all other applicable provisions of this Act, the owner of each tract embraced within the drilling unit may drill on his tract, but the allowable production from the tract shall be such proportion of the allowable production for the full drilling unit as the area of such separately owned tract bears to the full drilling unit.

(d) An agreement for repressuring or pressure-maintenance operations, cycling or recycling operations, including the extraction and separation of liquid hydrocarbons from natural gas in connection therewith, or for carrying on any other method of unit or cooperative development or operation of a field or pool or a part of either, is authorized and may be performed, and shall not be held or construed to violate any of the statutes of this state relating to trusts, monopolies, or contracts and combinations in restraint of trade, if, after notice and a public hearing, the agreement is approved by the commissioner as being in the public interest, protective of correlative rights, and reasonably necessary to increase ultimate recovery or to prevent waste of oil or gas. Such agreements shall bind only the persons who execute them, and their heirs, successors, assigns, and legal representatives.

Sec. 7. REGULATION OF DRILLING IN POOLS. (a) The commissioner shall, upon notice and hearing, regulate the drilling and location of wells in any pool and the production therefrom to prevent reasonably avoidable net drainage from each developed unit so that each owner in a pool shall have the right and opportunity to recover his fair and equitable share of the recoverable oil and gas in such pool.

(b) A rule, regulation, or order of the commissioner prescribed under the provisions of this section shall not be of such effect as to (1) make it necessary for a producer from, or an owner of, a tract of land in a pool, in order to obtain his just and equitable share of the production of the pool, to drill and operate a well on such tract in addition to such wells as may without waste produce his share, or (2) occasion net

drainage unless wells are drilled and operated on the tract in addition to such wells thereon as can without waste produce the tract's just and equitable share of the production of the pool.

Sec. 8. REGULATION OF PRODUCTION. (a) Whenever the commissioner limits the total amount of oil or gas which may be produced in this state, he shall allocate or distribute the allowable production among the pools therein on a reasonable basis, avoiding undue discrimination among the pools. In allocating the allowable for the state and in fixing allowables for pools producing oil or gas, the commissioner shall (1) take into account producing conditions and other relevant facts with respect to such pools, including the separate needs for oil and gas; (2) formulate rules setting forth standards or a program for the distribution of the allowable for the state, and (3) distribute the allowable for the state in accordance with such standards or program. Where conditions in one pool or area are substantially similar to those in another pool or area, the same standards or program shall be applied to such pools and areas so that insofar as practicable a uniform program will be followed. The commissioner shall permit the production of a sufficient amount of natural gas from any pool to supply the reasonable market demand for such gas for light and fuel purposes if such production can be obtained without waste. If the amount allocated to a pool as its share of the allowable for the state is in excess of the amount which the pool should produce to prevent waste, the commissioner shall fix the allowable for the pool so that waste will be prevented.

(b) When the commissioner limits the total amount of oil or gas which may be produced in any pool to an amount less than that which the pool can produce, he shall allocate or apportion the allowable production among the producers in the pool so as to prevent reasonably avoidable drainage from each developed unit which is not equalized by counter-drainage, and so that each producer will have the opportunity to produce or receive his just and equitable share. After the effective date of any rule, regulation, or order of the commissioner fixing the allowable production of oil or gas for any pool, no person shall produce from any well, lease, or property, more than the allowable production which is applicable thereto, nor shall such amount be produced in a different manner than that which is authorized.

(c) In order to protect correlative rights in gas pools, the commissioner, in addition to allocating expected market demand for gas from a pool among the gas wells therein, shall, during the calendar month next succeeding each calendar

month during which gas is taken from a pool, determine the overproduction and underproduction of each gas well in the pool based on an allocation among the wells of the gas actually taken from the pool during the preceding calendar month, compared to the actual production therefrom. The commissioner shall adopt rules and regulations requiring the adjustment of overproduction and permitting the adjustment of underproduction so that each producer from the pool will have the opportunity to produce and receive his just and equitable share of the gas actually taken from such pool.

Sec. 9. COST OF DRILLING WELLS. The owner and producer of a discovery well located in a new field or pool shall certify to the commissioner an itemized list of expenses incurred in the actual drilling of such well. The commissioner shall investigate the costs and shall certify the amount found by him to be correct. A discovery well shall not be liable to the restrictions of this Act until the cost of drilling has been recovered in oil or gas from the discovery well, but such well shall not be permitted to produce at a rate which will cause underground waste or injury to the pool from which it is producing. The cost having been recovered, the discovery well shall be subject to the terms of this Act as other wells in the field.

Sec. 10. CERTIFICATE OF COMPLIANCE. (a) An owner or operator of an oil or gas well shall, before connecting with an oil or gas pipe line, secure from the commissioner a certificate showing compliance with the conservation laws of the state and the conservation rules, regulations and orders of the commissioner. No operator of a pipe line shall connect with any well until the owner or operator of the well shall furnish a certificate of compliance.

(b) The commissioner may cancel any certificate of compliance issued under the provisions of this section when it appears, after due notice and hearing, that the owner or operator of a well has violated or is violating an oil or gas conservation law of the state or a rule, regulation or order of the commissioner promulgated thereunder. Upon notice from the commissioner to the operator of a pipe line connected to any such oil or gas well that the certificate of compliance has been cancelled, the operator of such pipe line shall disconnect from the well, and it shall be unlawful for the operator of the pipe line to transport oil or gas therefrom until a new certificate of compliance has been issued by the commissioner. The owner or operator of a well shall not produce oil or gas therefrom unless a certificate of compliance is in effect covering such well.

(c) Nothing in this section shall be construed to prevent a temporary connection of not more than seven days' duration with any well in order to take care of production and prevent waste until opportunity has been given the owner or operator of the well to secure a certificate of compliance.

Sec. 11. CERTIFICATE OF CLEARANCE. (a) The sale, purchase, or acquisition, or the transportation, refining, processing, or handling in any way of illegal oil or gas or illegal product is unlawful, but until such time as the commissioner provides for certificates of clearance, or some other method affording an opportunity to determine whether a contemplated transaction involves illegal oil or gas or illegal product, no penalty shall be imposed except as provided by subsection (b).

(b) Penalties may be imposed for each transaction prohibited by this section when the person committing the same knows that illegal oil or gas or illegal product is involved in the transaction, or when such person could have known or determined such fact by the exercise of reasonable diligence or from facts within his knowledge. Penalties as provided in this Act shall apply, regardless of lack of actual notice or knowledge, to any sale, purchase, or acquisition, and to the transportation, refining, sale, purchase or handling in any way without a certificate of clearance, of illegal oil and gas or illegal product, where administrative provision is made for identifying the character of the commodity as to its legality.

Sec. 12. CONFISCATION PROCEEDINGS. (a) Illegal oil and gas and illegal products shall be seized and sold as contraband. The sale shall not take place unless the court shall find in a proceeding held as provided by this section, that the commodity involved is contraband. In the event the commissioner believes that illegal oil or gas or illegal product is subject to seizure and sale, he shall, through the attorney general, bring a civil action in rem for that purpose in the superior court of the county in which the commodity is found, or the action may be maintained in connection with any suit or cross action for injunction, or for penalty relating to any prohibited transaction involving illegal oil or gas or illegal product. Any interested person adversely affected by seizure and sale may intervene in the suit to protect his rights. The action shall proceed in the name of the state as plaintiff against the illegal oil or gas or illegal product as defendant, and no bond shall be required of the plaintiff.

(b) Upon filing of the complaint, the clerk of the court shall issue a summons directed to the sheriff of the county or to such person as the court may authorize to serve process, requiring him to summon all persons interested in the illegal

oil or gas or illegal product mentioned in the complaint to appear and answer within thirty days after the issuance and service of summons. Such persons need not be named or otherwise identified. The summons shall contain the style and number of the suit and a brief statement of the nature of the cause of action. It shall be served by posting one copy thereof at the courthouse door of the county in which the commodity is alleged to be located, and by posting another copy near the place where the commodity is located. Copies of the summons shall be posted not less than five days before the return day stated therein, and posting shall be deemed constructive possession of the commodity by the state. A copy of the summons shall be published once each week for three weeks in a newspaper published in the county where the suit is pending. No judgment shall be pronounced by a court condemning such commodity as contraband until five days from the last publication of the summons. Proof of service by the person authorized by the court to serve process shall be by the affidavit of the person making the service and proof of service by the sheriff shall be by return as required by law with respect to service of process in civil actions.

(c) Where it appears by a verified pleading on the part of the plaintiff, or by affidavit, that grounds for the seizure and sale exist, the clerk, in addition to the summons, shall issue an order of seizure, which shall be signed by the clerk and bear the seal of the court. The order of seizure shall specifically describe the illegal oil or gas or illegal product so that it may be identified with reasonable certainty. It shall direct the sheriff to whom addressed to take into his actual or constructive custody the illegal oil or gas or illegal product described in the order, and to hold the same subject to the orders of the court. The order of seizure shall be executed as a writ of attachment is executed. No bond shall be required before the issuance of the order of seizure, and the sheriff shall be responsible upon his official bond for the proper execution thereof. The sheriff shall receive, for his service, a fee as in case of seizure of personal property, to be assessed as other costs in the cause.

Sec. 13. SALE OF ILLEGAL OIL OR GAS OR ILLEGAL PRODUCTS. (a) Sale and notice of sale of illegal oil or gas or illegal product seized under the authority of this Act, shall be in accordance with the laws of the state relating to the sale of personal property under execution. For his services at such sale the sheriff shall receive a fee and expenses in the amount and manner provided by law for sales of personal property, to be paid out of the proceeds of the sale, and to be fixed by the court ordering the sale.

(b) The court may order the commodity to be sold in specified lots or portions, and at specified intervals. Title to the amount sold shall pass as of the date of the act which is found by the court to make the commodity contraband. The judgment shall provide for payment of the proceeds of the sale into the oil and gas conservation fund, after first deducting the costs in connection with the proceedings and sale, and after paying to any royalty owner intervening as an interested party in the suit who has established his title to the oil or gas royalty interest, the value of his interest in the oil or gas. The amount sold shall be treated as legal oil, legal gas, or legal product, in the hands of the purchaser, but the purchaser and the commodity shall be subject to all applicable laws, rules, regulations, and orders with respect to further sale, purchase, or acquisition, and with respect to the transportation, refining, processing, or handling in any way of the commodity purchased.

(c) The producer, owner, or other party contesting the validity of a seizure and having an interest in securing the release of the seized oil, gas, or other product, may obtain the release thereof upon furnishing a bond issued by a corporate surety company duly qualified to do business in the state, in an amount double the current market value of the oil, gas, or other product held under seizure. The bond shall be conditioned and approved in the same manner as a replevin bond.

(d) Nothing in this Act shall deny or abridge any cause of action a royalty owner, lien holder, or other claimant may have because of the forfeiture of the illegal oil or gas, or illegal product, against the person whose act resulted in such forfeiture. All illegal oil, gas, or other illegal product sold as provided in this section shall be sold as provided by law in cases of personal property sold under execution.

Sec. 14. PERMIT. A person desiring to drill a well in search of oil or gas shall notify the commissioner of such intent on a form prescribed by the commissioner, and shall pay a fee of twenty-five dollars for each well. Upon receipt of notification and the fee, the commissioner shall promptly issue such person a permit to drill, unless the drilling of the well is contrary to law, or to a rule, regulation, or order of the commissioner. The drilling of the well is prohibited until a permit to drill is obtained in accordance with the provisions of this section.

Sec. 15. COMMISSIONER. The state land commissioner is vested with power and authority, and it shall be his duty, to administer and enforce the provisions of this Act. He shall give bond in such sum and with such sureties as the governor

may direct, conditioned on the faithful accounting of all funds coming into his hands under the provisions of this Act. The commissioner shall be reimbursed for necessary travel and other expenses incurred in the performance of his duties.

Sec. 16. POWERS AND DUTIES. (a) The commissioner shall have jurisdiction and authority over such persons and property as may be deemed necessary to administer and enforce the provisions of this Act and all other laws relating to the conservation of oil and gas. The commissioner or his representative or employee may, at any time, enter upon property and inspect all wells drilled for oil or gas and well records, and shall have such control of property, machinery and appliances as may be necessary to gauge the wells.

(b) The commissioner may, with the approval of the governor, employ personnel necessary to carry out the provisions of this Act and fix their compensation. He may (1) administer oaths to a witness in any hearing, investigation, or proceeding held under the provisions of this Act or any other law relating to the conservation of oil and gas; (2) issue subpoenas requiring the attendance and testimony of witnesses and the production of such books, papers, and records, as may be deemed material or necessary, and direct service of such subpoenas by a sheriff or other officer authorized by law to serve process; and (3) prescribe such rules and regulations and do all acts necessary or advisable to carry out the provisions of this Act.

Sec. 17. RULES AND REGULATIONS. (a) The commissioner shall make such rules and amend same as may from time to time be deemed necessary for the proper administration and enforcement of this Act, including rules, regulations, and orders:

1. Requiring the drilling, casing, and plugging of wells to be done in such manner as to prevent (a) escape of oil or gas from one stratum to another; (b) the intrusion of water into an oil or gas stratum from a separate stratum; (c) the pollution of fresh water supplies by oil, gas, or salt water; and (d) to prevent waste.

2. Requiring the making of reports showing the location of oil and gas wells, and requiring the filing of logs and drilling records within six months from the time of completion of any well drilled for oil or gas.

3. Requiring a reasonable bond with good and sufficient surety conditioned on the performance of the duties prescribed in items 1 and 2 of this subsection, and including the duty to plug each dry or abandoned well.

4. Preventing the drowning by water of any stratum or part thereof capable of producing oil or gas in paying quantities, and preventing the premature and irregular encroachment of water which reduces or tends to reduce the total ultimate recovery of oil or gas from any pool.

5. Requiring the operation of wells with efficient gas-oil ratio and fixing the limits of such ratios.

6. Preventing blow-outs, caving, and seepage.

7. Preventing creation of unnecessary fire hazards.

8. Requiring the identification of the ownership of all oil and gas wells, producing leases, refineries, tanks, plants, structures, and storage and transportation equipment and facilities.

9. Regulating the shooting, perforating, and chemical treatment of wells.

10. Regulating gas cycling operations.

11. Regulating secondary recovery methods, including the introduction of gas, air, water, or other substance into producing formations.

12. Regulating the spacing of wells and establishing drilling units.

13. Limiting, allocating, and apportioning the production of oil and gas from any pool or field for the prevention of waste, and allocating production between tracts of land under separate ownership in a pool on a fair and equitable basis to the end that each tract shall be permitted to produce not more than its just and equitable share from such pool.

14. Preventing, insofar as practicable, reasonably avoidable drainage from each developed unit, not equalized by counterdrainage.

15. Requiring a producer of oil or gas to submit for each oil or gas well operated, and on a form prescribed by the commissioner, a monthly report of the actual production from each such oil or gas well.

16. Requiring all persons making settlement with the owner of oil or gas interests to render statements to such owner

showing the quantity and gravity purchased and the price per barrel of oil, or the price per one thousand cubic feet of gas.

17. Requiring, either generally or in a particular area, a certificate of clearance for the transportation or delivery of oil, gas, or any product thereof.

(b) No rule, regulation, or order, or change, renewal, or extension thereof, except as otherwise provided by this Act, shall, in the absence of an emergency, be made by the commissioner under the provisions of this Act except after a public hearing, and not less than ten days' notice thereof. Notice shall be given by publication in a newspaper of general circulation in the state. On or before December first each year the commissioner shall designate by general order the newspaper in which such publications will be made during the following calendar year. In any instance the commissioner in his discretion may give additional notice by personal service made by an officer authorized to serve process or by an agent of the commissioner, in the same manner as provided by law for the service of summons in civil actions in the superior court. Proof of service by the person authorized by the commissioner to publish the notice or, in case of personal service, by the agent of the commissioner, shall be by the affidavit of such person or agent, and proof of service by the sheriff shall be by return as required by law with respect to service of process in civil actions.

(c) In the event an emergency is found by the commissioner to exist, which emergency in his judgment requires the making, changing, renewal, or extension of a rule, regulation, or order without first having a hearing, the emergency rule, regulation, or order shall have the same validity as if a hearing had been held after due notice. The emergency rule, regulation, or order shall remain in force not to exceed fifteen days from the effective date thereof, but in any event shall expire when a rule, regulation, or order with respect to the subject matter of the emergency rule, regulation or order becomes effective after due notice and hearing.

Sec. 18. HEARINGS. (a) Any interested person shall, by written request, have the right to have the commissioner call a hearing for the purpose of taking action in respect to any matter within the jurisdiction of the commissioner. Hearings shall be held at such time and place as the commissioner may direct, and any person having an interest in the subject matter of the hearing shall have the right to appear and be heard. Upon receipt of such request, the commissioner shall promptly call a hearing, and, not more than thirty days thereafter, shall

take such action with regard to the subject matter thereof as he may deem appropriate.

(b) The commissioner shall prescribe rules of order and procedure in hearings or other proceedings held under this Act and shall, upon request, promptly furnish without charge copies thereof. The commissioner shall appoint a competent shorthand reporter to be present throughout all public hearings. The reporter shall be sworn by the commissioner faithfully to perform the duties of a shorthand reporter. The commissioner shall have the same control and authority over the reporter for the commissioner that the judge of a superior court exercises over a court reporter for the superior court, and the duties of the reporter for the commissioner shall, insofar as applicable, be the same as those fixed by law for a court reporter.

Sec. 19. REFUSAL TO TESTIFY. (a) No person shall be excused from attending and testifying, or from producing books, papers, and records before the commissioner or a court, or from obedience to the subpoena of the commissioner or a court on the ground that such testimony or evidence may tend to incriminate him or subject him to a penalty or forfeiture, nor shall any natural person be subject to criminal prosecution or penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may be required to testify or produce evidence before the commissioner or court, or in obedience to any such subpoena, but no person testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

(b) Nothing in this section shall be construed to require any person to produce books, papers, or records, or to testify in response to any inquiry not pertinent to some question lawfully before the commissioner or court for determination.

Sec. 20. REFUSAL TO OBEY SUBPOENA. In the event of failure or refusal on the part of a person to comply with a subpoena issued by the commissioner, or in the event of refusal of a witness to testify or answer to a matter regarding which he may be lawfully interrogated, the judge of the superior court of the county of residence of such person, if a resident of the state, or the judge of the superior court of the county in which the land or any part thereof lies out of which the controversy arises, if the person is not a resident of the state, may, on application of the commissioner, issue an attachment for such person and compel him to comply with the subpoena and to attend before the commissioner and produce such documents and give testimony upon such matters as may be required. The court shall have power to punish for con-

tempt as in case of disobedience of a subpoena issued by the court, or for refusal to testify therein.

Sec. 21. COURT REVIEW. (a) Any person adversely affected by and dissatisfied with this Act, or any rule, regulation, or order made by the commissioner hereunder, may bring a civil suit against the commissioner in the superior court for Maricopa county, or for a county in which all or a part of plaintiff's property affected by the act, rule, regulation, or order is located, and not elsewhere, to test the validity of the act, rule, regulation, or order, and to secure an injunction and other appropriate relief.

(b) A suit involving a test of the validity of any provision of this Act, or a rule, regulation, or order, shall be advanced for trial and be determined as expeditiously as feasible, and no postponement or continuance thereof shall be granted unless deemed imperative by the court. In the trial the burden of proof shall be upon the complaining party, and the act, rule, regulation, or order complained of shall be prima facie valid. The court shall consider all the evidence, shall pass on the credibility of witnesses and the weight to be given to their testimony, and shall determine independently all issues of fact and of law with respect to the validity and reasonableness of the act, provision, rule, regulation, or order complained of.

Sec. 22. ATTORNEY. The attorney general shall be the attorney for the commissioner. The commissioner may in cases of emergency or in special cases, upon request of the attorney general, retain additional counsel to assist the attorney general, and for such purpose may employ any funds available under this Act.

Sec. 23. RECORDS. (a) All rules, regulations and orders made by the commissioner shall be in writing and entered in full in a book kept for the purpose by the commissioner. Such book shall be a public record and open to inspection at all times during reasonable office hours. A copy of any rule, regulation, or order certified by the commissioner shall be received in evidence in all courts of the state with the same effect as the original.

(b) All well logs, casing records, compiled data and other information shall be properly indexed and suitably recorded in the permanent records of the commissioner and shall be open to inspection by the public at all times during reasonable office hours. The well records of a well drilled in unproven territory shall not be subject to inspection until six months after completion of the well.

Sec. 24. FUNDS. All moneys collected by the commissioner under the provisions of this Act, shall be remitted by him to the state treasurer for deposit in a special fund to be known as the oil and gas conservation fund. Expenses incident to the administration of this Act shall be paid out of the oil and gas conservation fund, subject to legislative appropriation.

Sec. 25. ENFORCEMENT. (a) When it appears that a person is violating or threatening to violate any provision of this Act or a rule, regulation, or order made hereunder, and such person fails or refuses, on notice by the commissioner, to cease such violation or threat of violation, the commissioner may bring suit in the superior court of the county of residence of the offending person or in the county in which violation is alleged to have occurred or is threatened, to restrain such person from continuing violation or from carrying out a threat of violation. The commissioner may obtain a prohibitory or mandatory injunction, including a temporary restraining order and preliminary injunction, and, where appropriate, an injunction restraining the defendant from moving or disposing of illegal oil or gas, or illegal product. Upon the filing of any such suit, summons issued to such person may be directed to the sheriff of any county in this state for service by such sheriff or a deputy. In any such suit the court shall have jurisdiction to grant to the commissioner, without bond or other undertaking, such prohibitory and mandatory orders and injunctions as the facts may warrant.

(b) In the event the commissioner fails to bring suit within ten days to enjoin an actual or threatened violation of any statute relating to conservation of oil and gas, or of any provision of this Act or a rule, regulation, or order made hereunder, any person or party in interest adversely affected by such violation, who has notified the commissioner in writing of the violation and requested the commissioner to sue, may bring suit in the superior court of any county in which the commissioner could have brought suit to prevent the violation. The commissioner shall be made a party to the suit. If in such suit the court holds that injunctive relief should be granted, then the commissioner shall be substituted for the person who brought the suit, and the injunction shall be issued as if the commissioner had at all times been the complainant.

Sec. 26. INJUNCTIONS AND RESTRAINING ORDERS. (a) No temporary restraining order or injunction shall be granted against the commissioner or his agent, employee, or representative to restrain enforcement of a statute relating to the conservation of oil and gas, or any provision of this Act or rule, regulation, or order made hereunder, except after notice to the commissioner and all other defendants, and a

hearing. At the hearing a restraining order or injunction shall not be granted unless it is shown that the act done or threatened is unlawful, or that the provision of law, rule, regulation, or order complained of is invalid and, if enforced, will cause irreparable injury to the complainant. An order granting temporary or injunctive relief shall state the nature and extent of the invalidity of the statute, rule, regulation, or order complained of, and shall contain a statement of the probable damage relied upon by the court as justifying temporary injunctive relief.

(b) No temporary injunction or restraining order against the commissioner or an agent, employee, or representative thereof, shall become effective until the complainant shall execute a bond in such amount and conditioned as the court may direct. The bond shall be made payable to the clerk of the court, shall be approved by the judge of the court, and shall be for the use and benefit of all persons who may be injured by the acts done under the protection of the restraining order or injunction. Any suit upon the bond by any person claiming injury must be brought within not more than six (6) months after the date of the final determination of the validity, in whole or in part of the act, rule, regulation, or order, the enforcement of which was restrained or enjoined.

Sec. 27. PENALTIES. (a) Any person who violates any provision of this Act, or any rule, regulation, or order of the commissioner, shall be subject to a civil penalty of not more than one thousand dollars ($1,000.00) for each act of violation and for each day that such violation continues.

(b) Any person who, for the purpose of evading this Act, or any rule, regulation, or order of the commissioner, shall make or cause to be made any false entry in any report, record, account, or memorandum required by this Act, or by any such rule, regulation, or order, or shall omit, or cause to be omitted, from any such report, record, account, or memorandum, full, true and correct entries as required by this Act, or by any such rule, regulation, or order, or shall remove from this state or destroy, mutilate, alter, or falsify any such record, account, or memorandum, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than five thousand dollars ($5,000.00) or imprisonment for a term not exceeding six (6) months, or to both such fine and imprisonment.

(c) Any person knowingly aiding or abbetting any other person in the violation of any provision of this Act, or any rule, regulation, or order of the commissioner, shall be subject to

the same penalty and punishment as that prescribed by this Act for the violation by such other person.

(d) The penalties provided in this section shall be recoverable by suit filed by the attorney general, in the name and on behalf of the state, in the superior court of the county in which the defendant resides, or in which any defendant resides if there be more than one defendant, or in the superior court of any county in which the violation occurred. The payment of any such penalty shall not operate to legalize, so that it is no longer contraband, any oil, gas, or product involved in the violation for which the penalty is imposed, and shall not relieve a person on whom the penalty is imposed from liability to any other person for damages arising out of such violation.

Sec. 28. APPEALS. In any case involving this Act, or any rule, regulation, order, action, or procedure thereunder, any party shall have the right to appeal from the superior court to the supreme court of Arizona, in accordance with the general laws of this state relating to procedure in appeals in civil cases.

Sec. 29. REPEAL. Article 14, chapter 11, Arizona Code of 1939, is repealed. This section does not negative an implied repeal of any statute which conflicts with this Act.

Sec. 30. PARTIAL INVALIDITY. If any part or parts of this Act, or the application thereof to any person or circumstances, be held unconstitutional, such invalidity shall not affect the validity of the remaining portions of this Act, or the application thereof to other persons or circumstances. The legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Sec. 31. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 124

(House Bill No. 9)

AN ACT

RELATING TO STATE LANDS; PROVIDING FOR THE ISSUANCE OF LEASES OF STATE LANDS FOR THE EXPLORATION FOR AND DEVELOPMENT OF OIL, GAS AND OTHER HYDROCARBON SUBSTANCES WHICH MAY BE PROCURED AND PRODUCED THEREFROM; REPEALING SECTIONS 11-1301, 11-1302, 11-1303, 11-1304, 11-1305, 11-1306, 11-1307, 11-1308, 11-1309, 11-1310, 11-1311, 11-1312, 11-1313, 11-1314, 11-1315, 11-1317, 11-1318, 11-1319, 11-1320, 11-1321, 11-1322 AND 11-1323, ARIZONA CODE OF 1939.

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

Section 1. SHORT TITLE. This Act may be cited as the Arizona oil and gas leasing Act of 1951.

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

(a) "department" means the state land department;

(b) "lease" as used herein, shall mean an oil and gas lease issued pursuant to the provisions of this Act;

(c) "lessee" means the holder of an oil and gas lease issued pursuant to this Act; and shall also include any assignee of an original lessee;

(d) "surface lease" means a lease on the surface of any state land for grazing, agricultural, commercial, or homesite purposes;

(e) "surface lessee" means the holder of a lease on the surface of any state land for grazing, agricultural, commercial, or homesite purposes;

(f) "oil and gas" and "oil or gas" when used herein shall be deemed to include "oil, gas and other hydrocarbon substances"; and

(g) "produced" when used herein shall be deemed to include the words "procured and produced";

(h) "state lands" means any land or any interest therein owned or held in trust, or otherwise, by the state, including but not limited to leased school or university lands.

(i) "dehydrating" means the removal of water and sands from the oil produced.

Sec. 3. LEASING OF STATE LANDS FOR OIL AND GAS. The department, subject to the provisions of this Act, is hereby authorized and empowered to lease state lands for oil and gas and to issue oil and gas leases thereon as follows:

(a) When the state lands are not located within any known geological structure of a producing oil and gas field, as determined pursuant to subsection (c) hereof, the person making the first application for the lease shall be issued a lease covering such lands without competitive bidding:

(1) Such noncompetitive leases shall provide for the payment by the lessee of a royalty of twelve and one-half percent of all oil, gas and other hydrocarbons produced, saved, sold and removed from the lands of the market value thereof at the well as of the time of sale or removal from the lands, as the department may elect.

(2) Such leases shall provide for an annual rental of one dollar and twenty-five cents per acre per year, until oil or gas in paying quantities is discovered on the lands covered by the lease. Such rental shall be payable as follows: (a) Twenty-five cents cash per acre per year in advance until oil or gas in paying quantities is discovered upon the lands covered by the lease. (b) The balance in the amount of one dollar per acre per year, such balance being determined as though it were payable in advance for each year of rental, as a cash bonus to be paid by the lessee within ninety days after the discovery of oil or gas in paying quantities upon the land covered by the lease. The subsequent rental payments from date of such discovery of oil or gas in paying quantities upon the land covered by the lease shall be at the rate of one dollar per acre per year and shall be credited on the royalty payments for that year. All leases shall provide for a minimum rental of eighteen dollars per year.

(3) Such leases shall be for a term of five years and as long thereafter as oil, gas or other hydrocarbon substances are procured and produced therefrom in paying quantities. Such lease upon which drilling operations are being diligently prosecuted on the expiration date thereof, shall continue in effect for a period of two years and so long thereafter as oil,

gas or other hydrocarbon substances are procured and produced in paying quantities from the lands.

(4) Each lease shall provide that the state's royalties shall be computed after deducting any oil or gas reasonably used in operations on the lease and after deducting the cost of dehydrating the oil production therefrom including the cost of extraction of liquid products from the gas produced.

(5) Such leases shall contain such other terms and provisions, not inconsistent with the provisions of this Act or other laws of the state, as in the opinion of the department, are for the best interest of the state of Arizona.

(6) Not more than 2560 acres of land confined to an area of six miles square shall be included in any one lease. The lands shall be in as compact a body as possible but may include noncontiguous land within said six mile area if the maximum acreage of contiguous land is not available.

(7) No person, association or corporation shall take or hold at any one time noncompetitive oil or gas leases (including leases issued under section 11 hereof) issued hereunder exceeding in the aggregate 15,360 acres.

(8) Noncompetitive oil and gas leases committed to unit operation, as provided in section 7 hereof, shall be exempt from the acreage limitation mentioned in subsection 3 (a) (7) hereof.

(9) Each lease shall provide that any combination, understanding or agreement entered into by the lessee, written, verbal or otherwise, for the purpose of delaying the discovery or development of oil or gas is an illegal practice, and that upon legal determination thereof shall constitute grounds for cancellation of the lease. Appropriate proceedings may be instituted by the attorney general against the lessee in the county in which the land, or any part thereof, is located. The provisions of this section shall not apply to a unit plan or operations entered into under the provisions of this Act, or to any plan or operation authorized by any conservation law of this state.

(10) Applications for noncompetitive leases shall be in writing addressed to the department and shall contain a description of the lands sufficient to identify same, the name and address of the applicant, and shall be accompanied by a filing fee of ten dollars and the rental payment for the first year. Each application shall be stamped when received by the de-

partment with a stamp showing the date and hour of the day when received. If valid applications covering the same lands are filed simultaneously the department shall provide by general regulation for a drawing between the applicants to determine which applicant shall be entitled to a lease of such lands. In the event the lease is not issued to an applicant, the rental payment shall be refunded to the applicant.

(11) The department may withdraw from leasing any specific area of land not located within any known geological structure of a producing oil and gas field, where it appears that such withdrawal is in the interest of the state; provided no lands shall be withdrawn by the department without the consent of a committee formed by the following officers: The governor of the state, the attorney general, and the dean of the college of mines of the university of Arizona, of which committee the governor shall be the chairman. The committee shall consider the proposed withdrawal presented by the department and determine whether such withdrawal shall be permitted. Such land after being withdrawn from leasing may again be offered for leasing at such time as the department may deem to be in the best interests of the state, subject to the advice and consent of the aforementioned committee and pursuant to such notice as the committee may deem necessary.

(b) When state lands are located within a known geological structure of a producing oil or gas field, as determined pursuant to subsection (c) hereof, such lands shall be leased only by sealed bids, as follows:

(1) Upon receipt of an application to lease any of such lands or whenever, in the opinion of the department, there shall be a demand for the purchase of leases of any such lands, the department shall offer such tract or tracts for lease to the highest qualified bidder submitting a sealed bid therefor, on the basis of a cash bonus.

(2) The department shall publish a call for sealed bids twice in a newspaper of general circulation in the state, the last publication to be not less than fifteen days prior to the date fixed for the opening of the bids. All bids, together with a certified check in the amount of the bonus bid, shall be submitted to the department at Phoenix, Arizona, and opened at its office at the time specified. On or before December first of each year, the department shall designate by general order the newspaper in which such publications shall be made during the following calendar year. The successful bidder shall pay the cost of the publication and the reasonable expenses of the sale.

(3) The publication shall contain a description of the land proposed to be leased, the time when the bids will be received and opened, the royalty to be demanded which the department shall fix prior to call for bids at not less than twelve and one-half percent, and an annual rental to be demanded in the amount of one dollar per acre per year, and which said rental for each year shall be credited on the royalty payments for that year.

(4) The publication shall set forth the form of lease which the successful bidder will be required to execute. In lieu of publishing the form of lease in its entirety the publication may specify the form of lease by designating the form number of lease on file with the department, copies of which will be furnished any person on request.

(5) Each such lease shall be for a term of five years and as long thereafter as oil, gas or other hydrocarbon substances are procured and produced in paying quantities from the lands covered by the lease.

(6) Such lease shall contain such other terms and provisions, not inconsistent with the provisions of this Act or other laws of the state, as in the opinion of the department, are for the best interests of the state of Arizona.

(7) Each lease shall provide that the state's royalties shall be computed after deducting any oil or gas reasonably used in operations on the lease and after deducting the cost of dehydrating the oil production therefrom, including the cost of extraction of liquid products from the gas produced.

(8) Each lease shall provide that any combination, understanding or agreement entered into by the lessee, written, verbal or otherwise, for the purpose of delaying the discovery or development of oil or gas is an illegal practice, and that upon legal determination thereof shall constitute grounds for cancellation of the lease. Appropriate proceedings may be instituted by the attorney general against the lessee in the county in which the land, or any part thereof, is located. The provisions of this section shall not apply to a unit plan or operation entered into under the provisions of this Act, or to any plan or operation authorized by any conservation law of this state.

(9) Before offering any state lands for lease under sealed bids the department shall determine the tract or tracts into which the same shall be divided for leasing purposes. Each such tract shall contain not less than one quarter section of

land and not more than two sections of land; provided that a tract containing less than one quarter section of land may be so leased, if such tract is segregated from other state lands not then subject to oil and gas lease. All such tracts shall be in reasonably compact form.

(10) Each offer for lease shall reserve the right in the department to reject any and all bids and to again offer the tract or tracts for lease if the bids received are not acceptable to the department.

(11) Before the acceptance of any bid for a lease under this subsection, the department shall establish to its satisfaction the responsibility of the bidder.

(12) The department shall return all checks accompanying rejected bids.

(c) The department shall from time to time determine and designate the known geological structures of producing oil and gas fields. Such determinations and designations shall be published twice in a newspaper of general circulation in the state, the last publication to be not less than five days from the first date of publication. Such determinations and designations shall become effective from the date of first publication. Until such a determination and designation is made by the department all state lands shall be deemed located not within any known geological structure of a producing oil and gas field. The department may refuse to lease any state lands for oil and gas when such lands are being used by the state or any state department for a state purpose.

Sec. 4. WATER. A lessee shall have the right to develop water for use in its operations subject to the applicable laws of this state pertaining to the drilling of water wells and the use of water produced therefrom. Should any well drilled for oil or gas on a lease issued pursuant to this Act fail to develop oil or gas in paying quantities but shall develop fresh water, the department shall have the option to take over such well should the lessee determine to abandon it as an oil or gas well upon payment by the department to the lessee of the reasonable value of the well casing and other materials necessary to be left in such well, and the lessee shall thereupon be relieved of all further obligations with respect to such well, its completion and abandonment.

Sec. 5. ASSIGNMENT OF LEASE. In the event of the assignment of a lease as to a segregated portion of the land covered thereby, the rentals payable thereunder shall be apportionable as between the several leasehold owners ratably

according to the surface area of each, and default in rental payment by one shall not affect the rights of other leasehold owners under the lease, and if the lease is assigned in whole or in part, liability for the breach of any obligation under the lease shall rest exclusively upon the owner of the lease or the portion thereof who commits such breach. All leases issued under the provisions of this Act shall be assignable in whole or in part, provided, however, any assignment of a part of a lease shall cover not less than a quarter of a quarter section or the approximate equivalent thereof. All assignments shall be on forms prescribed by the department and shall be filed with the department within ninety days from the date when made by depositing a duplicate executed original or a certified copy thereof certified by a notary public. The department shall retain in its files executed duplicate originals of all issued leases and of all assignments deposited with it. All such leases and assignments shall be recorded, as other leases are now recorded, in tract books kept for such purpose by said department. All leases on file and all assignments filed with the department shall be constructive notice to all persons of the contents thereof.

Sec. 6. CONSERVATION LAWS. The development of oil and gas leases issued pursuant to this Act shall be in accordance with the laws of this state now in effect or hereafter enacted relating to the conservation of oil and gas.

Sec. 7. UNIT OPERATION. Each lease issued hereunder shall provide that the lessee, insofar as its interest therein is affected thereby, may join in cooperative or unit plans for the development and operation of oil and gas pools with the United States, its agencies and its or their lessees and permittees, and with private owners and persons holding oil and gas leases on private lands or on state lands. Upon determination by the department that it is for the best interests of the state to commit state lands to a cooperative or unit plan for the development and operation of oil and gas pools, as above provided, the department may, insofar as the state royalties may be affected thereby, join in and consent to any such plan on behalf of the state. Such agreements shall provide for the equitable division on an agreed basis of the oil and gas produced from the unit and for the extension of leases covering any part of the unit so long as oil or gas in paying quantities is produced from any part of the unit, provided no such agreement shall relieve any operator from the obligation to develop reasonably the lands and leases as a whole committed thereto. When such agreements provide for the returning of gas to a formation underlying the unit, they may provide that no royalties are required to be paid on the gas so returned.

Sec. 8. SURFACE USE. The lessee shall have the right to use so much of the surface of the lands as may be reasonably necessary for the conduct of its operations under the lease. The lessee shall be liable for damage caused by it to the state's interest in the surface or to the interest of the surface lessee, if any, and may be required by the department at any time to execute a bond in a reasonable principal amount conditioned upon payment for all such damage. If the lessee and the surface lessee cannot agree on the amount of damage, the same shall be appraised by the department or its agent. Appeal from the judgment of the department may be taken as provided in sections 11-210 and 11-211 of the Arizona Code of 1939.

Sec. 9. SURRENDER. A lessee may surrender any part or all of the lands covered by its lease at any time upon payment to the department of all amounts then due as to the lands so surrendered but no refund of any part of the cash consideration or rental theretofore paid shall be made to the lessee upon any such surrender.

Sec. 10. RULES AND REGULATIONS. The department is authorized to prescribe such rules and regulations as are necessary and appropriate to carry out the purposes of this Act.

Sec. 11. EXISTING LEASES AND PERMITS. Any person holding a lease or permit on lands subject hereto, which lease or permit was issued prior to the effective date of this Act, shall be entitled to exchange such lease or permit for a new lease issued under the provisions of section 3 (a) of this Act, at any time within ninety days after the effective date of this Act. Any unused portion of rental for such lease or permit shall be credited against the first year's rental under such new lease.

Sec. 12. REPEAL. Sections 11-1301, 11-1302, 11-1303, 11-1304, 11-1305, 11-1306, 11-1307, 11-1308, 11-1309, 11-1310, 11-1311, 11-1312, 11-1313, 11-1314, 11-1315, 11-1317, 11-1318, 11-1319, 11-1320, 11-1321, 11-1322, and 11-1323 of the Arizona Code of 1939 and all other laws or parts of laws in conflict herewith are hereby repealed.

Sec. 13. INVALIDITY OF PART OF ACT. Should any section, sentence, clause or provision of this Act be held unconstitutional, the remaining parts thereof shall not be impaired or affected thereby but shall remain as a complete expression of legislative intent.

Sec. 14. EFFECTIVE DATE. This Act shall become ef-

fective when the Congress of the United States amends section 28 of the Enabling Act of the state of Arizona, in such manner as to make valid the amendment of section 3, article X, of the Constitution of Arizona, approved by a majority of the qualified electors voting thereon at the special election held on September 12, 1950, and proclaimed by the governor on October 2, 1950.

Sec. 15. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 125

(House Bill No. 250)

AN ACT

RELATING TO EDUCATION; MAKING AN APPROPRIATION TO THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION, AND AMENDING SECTIONS 54-305 AND 54-306, ARIZONA CODE OF 1939.

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

Section 1. Section 54-305, Arizona Code of 1939, is amended to read:

54-305. APPROPRIATION. There is appropriated annually to the state superintendent of public instruction the sum of six thousand eight hundred dollars, for payment of expenses incurred in the education of children, as provided by section 54-306. This appropriation is exempt from the quarterly allotment or expenditure limitations of section 10-925, providing for the allotment of appropriations to classes and objects.

Sec. 2. Section 54-306, Arizona Code of 1939, is amended to read:

54-306. PURPOSE. Five thousand dollars of the con-

tinuing appropriation made under the terms of section 54-305 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 such appropriation shall be expended by the Pima county school superintendent for the education of crippled children.

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 126

(House Bill No. 232)

AN ACT

RELATING TO SOCIAL SECURITY AND EMPOWERING THE GOVERNOR TO ENTER INTO AN AGREEMENT WITH THE FEDERAL GOVERNMENT EXTENDING THE BENEFITS OF THE FEDERAL SOCIAL SECURITY ACT TO OFFICERS AND EMPLOYEES OF THE STATE AND ITS ELIGIBLE POLITICAL SUBDIVISIONS OTHER THAN THOSE ALREADY UNDER A PUBLIC RETIREMENT SYSTEM AND MAKING AN APPROPRIATION THEREFOR.

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

Section 1. DECLARATION OF POLICY. In order to extend to employees of the state, counties, incorporated cities and towns, school districts, and certain other political subdivisions, and to the dependents and survivors of such employees, the basic protection accorded to others by the old-age and survivors' insurance system embodied in the social security Act, it is hereby declared to be the policy of the legislature, subject to the limitations of this Act, that such steps be taken as to provide such protection to employees of the state, counties, incorporated cities and towns, school districts, and certain political subdivisions, on as broad a basis as is permitted under the social security Act.

Sec. 2. DEFINITIONS. For the purposes of this Act: (a) The term "wages" means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that such term shall not include that part of such remuneration which, even if it were for "employment" within the meaning of the federal

insurance contributions Act, would not constitute "wages" within the meaning of that Act;

(b) The term "employment" means any service performed by an employee in the employ of the state, or any county, incorporated city or town, school district, or described political subdivision thereof, for such employer, except (1) service which in the absence of an agreement entered into under this Act would constitute "employment" as defined in the social security Act; or (2) service which under the social security Act may not be included in an agreement between the state and the federal security administrator entered into under this Act;

(c) The term "employee" means any person in the employ of the state, or any county, incorporated city or town, school district, or described political subdivision thereof, and includes an elective or appointive officer of a state or eligible political subdivision thereof;

(d) The term "state agency" means the employment security commission of Arizona;

(e) The term "federal security administrator" includes any individual to whom the federal security administrator has delegated any of his functions under the social security Act with respect to coverage under such Act of employees of states and their political subdivisions;

(f) The term "political subdivision" includes every county, every incorporated city or town, and every school district within the state, and any other political subdivision as defined in article 13, section 7, of the Constitution of Arizona.

(g) The term "social security Act" means the Act of Congress approved August 14, 1935, chapter 531, 49 Stat. 620, officially cited as the "social security Act", (including regulations and requirements issued pursuant thereto), as such Act has been and may from time to time be amended; and

(h) The term "federal insurance contributions Act" means subchapter A of chapter 9 of the federal internal revenue Code as such Code has been and may from time to time be amended.

Sec. 3. FEDERAL-STATE AGREEMENT. The governor is hereby authorized to enter on behalf of the state into an agreement with the federal security administrator, consistent with the terms and provisions of this Act, for the purpose of extending the benefits of the federal old-age and survivors'

insurance system to employees of the state or any political subdivision thereof as the term political subdivision is defined herein, with respect to services specified in such agreement which constitute "employment" as defined in section 2 of this Act. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate provisions as the state agency and federal security administrator shall agree upon, but except as may be otherwise required by or under the social security Act as to the services to be covered, such agreement shall provide in effect that:

(1) Benefits will be provided for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of title II of the social security Act;

(2) The state will pay to the secretary of the treasury, at such time or times as may be prescribed under the social security Act, contributions with respect to wages (as defined in section 2 of this Act), equal to the sum of the taxes which would be imposed by sections 1400 and 1410 of the federal insurance contributions Act if the services covered by the agreement constituted employment within the meaning of that Act;

(3) Such agreement shall be effective with respect to services in employment covered by the agreement performed after a date specified therein but in no event may it be effective with respect to any such services performed prior to the first day of the calendar year in which such agreement is entered into or in which the modification of the agreement making it applicable to such services, is entered into;

(4) All services which constitute employment as defined in section 2 and are performed in the employ of the state by employees of the state, shall be covered by the agreement; and

(5) All services which (A) constitute employment as defined in section 2, (B) are performed in the employ of an eligible political subdivision of the state, and (C) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the state agency under section 5, shall be covered by the agreement.

Sec. 4. CONTRIBUTIONS BY STATE EMPLOYEES. (a) Every employee of the state whose services are covered by an agreement entered into under section 3 shall be required to

pay for the period of such coverage, into the contribution fund established by section 6, contributions, with respect to wages (as defined in section 2 of this Act), equal to the amount of tax which would be imposed by section 1400 of the federal insurance contributions Act if such services constituted employment within the meaning of that Act. Such liability shall arise in consideration of the employee's retention in the service of the state, or his entry upon such service, after the enactment of this Act.

(b) The contribution imposed by this section shall be collected by deducting the amount of the contribution from wages as and when paid, but failure to make such deduction shall not relieve the employee from liability for such contribution.

(c) If more or less than the correct amount of the contribution imposed by this section is paid or deducted with respect to any remuneration, proper adjustments, or refund if adjustment is impracticable, shall be made, without interest, in such manner and at such times as the state agency shall prescribe.

Sec. 5. PLANS FOR COVERAGE OF EMPLOYEES OF ELIGIBLE POLITICAL SUBDIVISIONS. (a) Each eligible political subdivision of the state is hereby authorized to submit for approval by the state agency a plan for extending the benefits of title II of the social security Act, in conformity with applicable provisions of such Act, to employees of such eligible political subdivisions. Each such plan and any amendment thereof shall be approved by the state agency if it finds that such plan, or such plan as amended, is in conformity with such requirements as are provided in regulations of the state agency, except that no such plan shall be approved unless:

(1) It is in conformity with the requirements of the social security Act and with the agreement entered into under section 3;

(2) It provides that all services which constitute employment as defined in section 2 and are performed in the employ of the eligible political subdivision by employees thereof, shall be covered by the plan;

(3) It specifies the source or sources from which the funds necessary to make the payments required by paragraph (1) of subsection (c) and by subsection (d) are expected to be derived and contains reasonable assurance that such sources will be adequate for such purposes, and provides that, if required by the governor, such eligible political subdivision will

deposit with the secretary of state a bond executed by such political subdivision, with good and sufficient sureties, in such amount as may be required and conditioned that it will promptly make all payments due hereunder to the state agency;

(4) It provides for such methods of administration of the plan by the eligible political subdivisions as are found by the state agency to be necessary for the proper and efficient administration of the plan;

(5) It provides that the eligible political subdivision will make such reports, in such form and containing such information, as the state agency may from time to time require, and comply with such provisions as the state agency or the federal security administrator may from time to time find necessary to assure the correctness and verification of such reports; and

(6) It authorizes the state agency to terminate the plan in its entirety, in the discretion of the state agency, if it finds that there has been a failure to comply substantially with any provision contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the state agency and may be consistent with the provisions of the social security Act.

(b) The state agency shall not finally refuse to approve a plan submitted by eligible political subdivision under subsection (a), and shall not terminate an approved plan, without reasonable notice and opportunity for hearing to the political subdivision affected thereby.

(c) (1) Each eligible political subdivision as to which a plan has been approved under this section shall pay into the contribution fund, with respect to wages (as defined in section 2 of this Act), at such time or times as the state agency may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the state agency under section 3.

(2) Each eligible political subdivision required to make payments under paragraph (1) of this subsection is authorized, in consideration of the employee's retention in, or entry upon, employment after enactment of this Act, to impose upon each of its employees, as to services which are covered by an approved plan, a contribution with respect to his wages (as defined in section 2 of this Act), not exceeding the amount of tax which would be imposed by section 1400 of the federal

insurance contributions Act if such services constituted employment within the meaning of that Act, and to deduct the amount of such contribution from his wages as and when paid. Contributions so collected shall be paid into the contribution fund in partial discharge of the liability of such political subdivision or instrumentality under paragraph (1) of this subsection. Failure to deduct such contribution shall not relieve the employee or employer of liability therefor.

(d) Delinquent payments due under paragraph (1) of subsection (c) may, with interest at the rate of two per centum per annum, be recovered by action in a court of competent jurisdiction against the eligible political subdivision liable therefor or may, at the request of the state agency, be deducted from any other moneys including excise revenue taxes and payments to school districts under the provisions of section 54-601, A. C. A. 1939, as amended, payable to such subdivision by any department or agency of the state.

Sec. 6. CONTRIBUTION FUND. (a) There is hereby established a special fund to be known as the contribution fund. Such fund shall consist of and there shall be deposited in such fund: (1) all contributions, interest, and penalties collected under sections 4 and 5; (2) all moneys appropriated thereto under this Act; (3) any property or securities and earnings thereof acquired through the use of moneys belonging to the fund; (4) interest earned upon any moneys in the fund, and (5) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other moneys received for the fund from any other source. All moneys in the fund shall be mingled and undivided. Subject to the provisions of this Act, the state agency is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of this Act.

(b) The contribution fund shall be established and held separate and apart from any other funds or moneys of the state and shall be used and administered exclusively for the purpose of this Act. Withdrawals from such fund shall be made for, and solely for (A) payment of amounts required to be paid to the secretary of the treasury pursuant to an agreement entered into under section 3; (B) payment of refunds provided for in section 4 (c) of this Act; and (C) refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality.

(c) From the contribution fund the custodian of the fund

shall pay to the secretary of the treasury such amounts and at such time or times as may be directed by the state agency in accordance with any agreement entered into under section 3 and the social security Act.

(d) The treasurer of the state shall be ex-officio treasurer and custodian of the contribution fund and shall administer such fund in accordance with the provisions of this Act and the directions of the state agency and shall pay all warrants drawn upon it in accordance with the provisions of this section and with such regulations as the state agency may prescribe pursuant thereto.

(e) There is hereby appropriated to the contribution fund, the sum of fifty thousand dollars, as a revolving fund, and which in addition to the contributions collected and paid into the contribution fund under sections 4 and 5, shall be available for the purposes of section 6 (b) and (c), in order to make the payments to the secretary of the treasury which the state is obligated to make pursuant to an agreement entered into under section 3.

Sec. 7. RULES AND REGULATIONS. The state agency shall make and publish such rules and regulations, not inconsistent with the provisions of this Act, as it finds necessary or appropriate to the efficient administration of the functions with which it is charged under this Act.

Sec. 8. STUDIES AND REPORTS. The state agency shall make studies concerning the problem of old-age and survivors' insurance protection for employees of the state and local governments and their instrumentalities and concerning the operation of agreements made and plans approved under this Act and shall submit a report to the legislature at the beginning of each regular session, covering the administration and operation of this Act during the preceding calendar year, including such recommendations for amendments to this Act as it considers proper.

Sec. 9. SEVERABILITY. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Sec. 10. REPEAL. All Acts or parts of Acts which are inconsistent with the provisions of this Act are hereby repealed.

Sec. 11. EFFECTIVE DATE. Any agreement entered into

pursuant to this Act shall become effective at any time subsequent to January 1, 1951, as provided for in such agreement.

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

Approved by the Governor—March 28, 1951.

Filed in the Office of the Secretary of State—March 28, 1951.

CHAPTER 127

(Senate Bill No. 4)

AN ACT

RELATING TO RENTAL OF SAFE DEPOSIT BOXES; DEFINING LEGAL RELATIONSHIP OF SAFE DEPOSIT BOX USER; PROVIDING FOR ACCESS FOLLOWING DEATH OF LESSEE OR TERMINATION OF BOX USE; ESTABLISHING A LIEN ON CONTENTS; AND DECLARING AN EMERGENCY.

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

Section 1. LEGAL RELATIONSHIP OF BOX USER. Any banking corporation or association, or trust company, or safe-deposit corporation, may maintain safe deposit boxes and rent the same for a consideration. The relationship between any such bank, trust company or safe deposit company having and maintaining safe deposit boxes for public use, and the user or users of such boxes shall be that of landlord and tenant, respectively, in the absence of a written contract to the contrary; notwithstanding the fact that such bank, trust company or safe deposit corporation prescribes the hours of entry into its safe deposit vault, and also retains and requires the use of a preparation or guard key for the protection of itself and the user of such box. The rights, duties, powers and privileges of any such bank, trust company or safe deposit corporation in any such transaction shall be that of landlord and for all purposes the tenant or lessee shall be deemed by law to be in possession of such box and the contents thereof. The lessor shall not be charged with knowledge of the contents of any such box. The lessor may limit its liability to the lessee by provisions contained within a lease agreement, except, that the

lessor shall be liable for the acts of its officers and employees for failure to exercise ordinary care.

Sec. 2. JOINT TENANCY OF SAFE DEPOSIT BOX. Joint tenancy in and to a safe deposit box may be created by contract, with two or more persons, including minors, named as lessees. The terms of such contract may provide that any one or more of the lessees, or the survivor or survivors of such lessee or lessees shall have access and entry to such safe deposit box and the right to remove the contents from such box whether the other lessee or lessees be living, incompetent or dead; and in case of such removal the lessor shall not be liable for the removal thereof.

Sec. 3. DEATH OF LESSEE. In the event only one lessee is named in the lease agreement covering a safe deposit box rental and such lessee shall die, his safe deposit box may be opened at any time thereafter, in the presence of those persons presenting the key thereto and claiming to be interested in the contents thereof, by two employees of the lessor, one of whom shall be an officer, manager, assistant manager or acting manager of the lessor; and such employees may remove all instruments of a testamentary nature and deposit the same with the superior court, having jurisdiction of the estate, or make delivery to the executor named in a will, taking receipt therefor, and such employees in their discretion may deliver life insurance policies therein contained to the beneficiaries named in such policies. Any and all other contents of such box so opened shall be kept and retained by the bank, trust company or safe deposit company and shall be delivered only to the parties legally entitled to the same. In the event no person presents the key to said safe deposit box within six months after the death of the lessee, two employees of the lessor, one of whom shall be an officer, manager, assistant manager or acting manager, may open the box by forcible entry and remove the contents and deliver the same to the superior court, having jurisdiction of the estate, subject to the payment of rentals, of expenses and repairs. These same provisions shall apply when all of the lessees under a joint tenancy agreement are dead.

Sec. 4. PROVISIONS OF ESTATE TAX ACT NOT AFFECTED. Nothing in this Act shall be construed to affect the provisions of section 40-119, Arizona Code of 1939, as amended.

Sec. 5. DEFAULT OF LESSEE; LIEN ON CONTENTS. The lessor shall have a lien upon the contents of any safe deposit box for the rental thereon. If the lessee shall not pay the rent within six months after the same is due, then the lessor, after giving not less than sixty days' written notice to

the lessee, personally or by registered mail delivered to the latest address shown upon the safe deposit records of the lessor, of its intention to sell the contents of said box for the payment of rent and expenses may open the box forcibly and remove the contents in the presence of two of its employees, one of whom shall be an officer, manager, assistant manager or acting manager thereof. The lessor then shall retain such contents for at least ninety days thereafter and the lessor then may sell any part or all of said contents at public sale by giving notice thereof in like manner as notice is required when chattels are sold under execution, and retain from the proceeds of sale and the rental due it, the costs of opening and repairing the box, and the costs of sale. Any article, item or document without apparent market value may be destroyed after five years from the date of giving or mailing the required notice.

Sec. 6. SURRENDER ON TERMINATION. If the lessee shall fail to surrender possession of any box within six months from the date of the termination of the lease, then the lessor, after giving not less than sixty days' written notice by registered mail to the lessee, personally or by mail delivered to the latest address shown upon the safe deposit records of the lessor, of its intention to enter said box and remove the contents, may open the box forcibly and remove its contents in the presence of two of its employees, one of whom shall be an officer, manager, assistant manager or acting manager thereof. The lessor then shall retain such contents for at least ninety days thereafter and the lessor then may sell any part or all of said contents at public sale by giving notice thereof in like manner as notice is required when chattels are sold under execution, and retain from the proceeds of sale the costs of opening and repairing such box, the costs of sale and any other amounts due the lessor. Any article, item or document without apparent market value may be destroyed after five years from the date of giving or mailing the required notice.

Sec. 7. MINORS. No safe deposit box rental contract shall be invalid or voidable by reason of the minority of the lessee or lessees.

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

Approved by the Governor—March 29, 1951

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 128

(Senate Bill No. 5)

AN ACT

RELATING TO NEGOTIABLE INSTRUMENTS; AMENDING SECTION 52-109, ARIZONA CODE OF 1939.

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

Section 1. Sec. 52-109, Arizona Code of 1939, is amended to read:

52-109. WHEN PAYABLE TO BEARER. The instrument is payable to bearer:

When it is expressed to be so payable; or

When it is payable to a person named therein or bearer; or

When it is payable to the order of a fictitious or non-existing or living person not intended to have any interest in it, and such fact was known to the person making it so payable, or known to his employee or other agent who supplies the name of such payee; or

When the name of the payee does not purport to be the name of any person; or

When the only and last endorsement is an endorsement in blank.

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 29, 1951

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 129

(Senate Bill No. 7)

AN ACT

RELATING TO BANKS AND TO BANK DEPOSITS IN TWO

OR MORE NAMES; PROVIDING FOR PAYMENT TO SURVIVOR OR SURVIVORS, AMENDING SECTION 51-516, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 51-516, Arizona Code of 1939, is amended to read:

51-516. BANK DEPOSITS IN TWO OR MORE NAMES; PAYMENT TO SURVIVOR OR SURVIVORS; PROVISIONS OF ESTATE TAX NOT AFFECTED. Bank deposits may be made in the name of two or more persons, including minors, payable to either or any of them, or payable to either or any of the survivors or the sole survivor, and such deposits, or any part thereof and any interest thereon, may be paid to or on order of any of said persons whether the other or others be living or not; and the receipt, order, or acquittance of the persons so paid shall be valid and sufficient release and discharge to the bank for any payments so made. The term "deposits" shall include certificates of deposit.

Nothing in this section shall be construed to affect the provisions of section 40-119, Arizona Code of 1939, as amended.

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 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 130

(Senate Bill No. 46)

AN ACT

PROVIDING FOR THE LICENSING OF WEATHER CONTROL OR CLOUD MODIFICATION OPERATIONS AND THE MANUFACTURE, SALE, LEASE OR LICENSE OF EQUIPMENT AND SUPPLIES DESIGNED FOR WEATHER CONTROL, PRESCRIBING QUALIFICATIONS

FOR LICENSEES, PROHIBITING UNLICENSED WEATHER CONTROL OR CLOUD MODIFICATION OPERATIONS AND PROVIDING PENALTIES.

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

Section 1. LICENSE. No person or corporation, other than the United States of America and its administrative agencies or the state of Arizona shall, without having first received a license from the state land department of the state of Arizona, conduct any weather control or cloud modification operations or attempt artificially to produce rainfall.

Sec. 2. APPLICATION. Any individuals or corporations who propose to operate weather control or cloud modification projects or attempt to artificially induce rainfall shall, before engaging in any such operation, make application to the state land department of the state of Arizona, for a license to engage in the particular weather control or cloud modification operation contemplated.

Sec. 3. INFORMATION REQUIRED. At the time of applying for such license, the applicant shall pay to the state land department, a fee of one hundred dollars, and shall file an application in such form as may be prescribed by the state land department and furnish a statement showing: 1. the name and address of the applicant; 2. the names of the operating personnel, and if unincorporated all individuals connected with the organization, and if a corporation the names of each of the officers and directors thereof, together with the address of each; 3. the scientific qualifications of all operating or supervising personnel; 4. a statement of all other contracts completed or in the process of completion at the time the application is made, giving the names and addresses of the persons to whom the services were furnished and the areas in which such operations have been or are being conducted; 5. methods of operation that the licensee will use and the description of the aircraft, ground and meteorological services to be utilized; 6. names of the contracting parties within the state of Arizona, including; (a) the area to be served; (b) months in which operations will be conducted; (c) dates when evaluations will be submitted.

Sec. 4. REPORT. Each licensee must within ninety days after the conclusion of any weather control or cloud modification project, file with the state land department a final evaluation of the project and each six months during the operation of any project which has not been completed, each licensee shall file a report, evaluating the operations for the preceding six months in such project. Failure to file the reports in this

section required will constitute grounds for immediate revocation of a license in this Act provided for.

Sec. 5. EQUIPMENT LICENSE. Any individual or corporation engaging in the manufacturing, or selling, or offering for sale, leasing or offering to lease, licensing or offering to license equipment and supplies designed for weather control or cloud modification, shall, before engaging in such manufacture, sale or offering for sale, procure a license from the state land department which such license shall be issued upon the payment of a license fee of ten dollars and the filing of an application which shall show: 1. the name and address of the applicant; 2. the full description of the type and design of the equipment and supplies manufactured and sold by the applicant; 3. the operating technique of such equipment or supplies. Within sixty days after the issuance of a license in this section provided for, and semi-annually thereafter, the licensee must file with the state land department, a copy of all advertising material used in selling or offering for sale, leasing or offering for lease, licensing or offering for license the equipment and supplies manufactured or sold by it. The holder of a license, provided for herein, shall within ten days after each sale of equipment or supplies, report to the state land department, in writing, the exact character and quantity of equipment or supplies sold, the date of the sale and the persons to whom such sale was made. Failure to file a copy of all such advertising material and of all such reports required in this section will constitute grounds for immediate revocation of a license in this section provided for.

Sec. 6. PENALTY. Any person conducting weather control or cloud modification operations without first having procured a license as herein provided, or who shall make a false statement in the application for license, or who shall fail to file any report or evaluation as herein required, or who shall conduct any weather control or cloud modification operation after revocation of his or its license, or who shall violate any other provision of this Act, shall be guilty of a misdemeanor and upon conviction, if an individual he shall be fined not more than one thousand dollars or imprisoned not more than sixty days, or both, and if a corporation, such corporation shall be fined not more than one thousand dollars.

Sec. 7. EXCEPTION. Nothing in this Act shall be construed to prohibit the use and operation of equipment and supplies designed for the purpose of weather control or cloud modification owned by the owner, lessee or licensee of real property used for agricultural purposes, on said property, for his own exclusive benefit.

Sec. 8. EMERGENCY. To preserve the public peace,

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

Approved by the Governor—March 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 131

(Senate Bill No. 47)

AN ACT

FOR THE RELIEF OF N. J. SHAUM & SON.

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

Section 1. APPROPRIATION. The sum of one hundred nineteen dollars twenty-two cents is appropriated to company I, 158th infantry, national guard of Arizona, for the relief of N. J. Shaum & Son, out of the appropriation to the national guard of Arizona for 'other current expenditures' during the thirty-ninth fiscal year, under the provisions of subdivision 59, chapter 124, Laws of 1949, regular session.

Sec. 2. BASIS OF CLAIM. Payment of the sum appropriated shall be in full satisfaction of the claim of N. J. Shaum & Son, for the installation of stove service for company I, 158th infantry, national guard of Arizona, on November 21, 1947, and unpaid for the reason that the claim was not presented within the fiscal year in which the supplies were furnished and service rendered.

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 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 132

(Senate Bill No. 48)

AN ACT

FOR THE RELIEF OF TISSAW SPORTING GOODS COMPANY.

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

Section 1. APPROPRIATION. The sum of three hundred eighty-eight dollars twenty-two cents is appropriated to company I, 158th infantry, national guard of Arizona, for the relief of Tissaw Sporting Goods Company, out of the appropriation to the national guard of Arizona for 'other current expenditures' during the thirty-ninth fiscal year, under the provisions of subdivision 59, chapter 124, Laws of 1949, regular session.

Sec. 2. BASIS OF CLAIM. Payment of the sum appropriated shall be in full satisfaction of the claim of Tissaw Sporting Goods Company, for supplies furnished company I, 158th infantry, national guard of Arizona at Flagstaff, upon the reactivation of company I, from August 25, 1947 to May 17, 1948, and unpaid for the reason that the claim was not presented within the fiscal year in which the supplies were furnished.

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 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 133

(Senate Bill No. 50)

AN ACT

RELATING TO CRIMINAL OFFENSES; DEFINING BURG-

LARY, AND AMENDING SECTION 43-901, ARIZONA CODE OF 1939.

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

Section 1. Sec. 43-901, Arizona Code of 1939, is amended to read:

43-901. BURGLARY. (a) Any person entering a building, dwelling house, office, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, garage, tent, vessel, railroad car or motor vehicle, trailer or semitrailer with intent to commit grand or petit larceny or any felony, and any person entering an outhouse or other building not enumerated in this section with intent to commit a felony, is guilty of burglary.

(b) Burglary committed in the nighttime is burglary of the first degree, punishable upon conviction by imprisonment for not less than one nor more than fifteen years, and burglary committed in the daytime is burglary of the second degree punishable upon conviction by imprisonment for not to exceed five years.

Approved by the Governor—March 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 134

(Senate Bill No. 59)

AN ACT

RELATING TO THE CRIME AGAINST NATURE; PRESCRIBING THE PENALTY THEREFOR, AND AMENDING SECTION 43-406, ARIZONA CODE OF 1939.

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

Section 1. Sec. 43-406, Arizona Code of 1939, is amended to read:

43-406. CRIME AGAINST NATURE. Any person who commits the infamous crime against nature, with mankind or with an animal, shall upon conviction thereof be punished

by imprisonment in the state prison not less than five nor more than twenty years.

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 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 135

(Senate Bill No. 67)

AN ACT

FOR THE RELIEF OF SWITZER'S HARDWARE COMPANY.

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

Section 1. APPROPRIATION. The sum of two hundred thirteen dollars four cents is appropriated to company I, 158th infantry, national guard of Arizona, for the relief of Switzer's Hardware Company, out of the appropriation to the national guard of Arizona for "other current expenditures" during the thirty-ninth fiscal year, under the provisions of subdivision 59, chapter 124, Laws of 1949, regular session.

Sec. 2. BASIS OF CLAIM. Payment of the sum appropriated shall be in full satisfaction of the claims of Switzer's Hardware Company against company I, 158th infantry, national guard of Arizona, remaining unpaid by reason of failure to present the claims within the fiscal year during which funds 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.

(Failed to pass the House with sufficient number of votes to carry the emergency clause.)

Approved by the Governor—March 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 136

(Senate Bill No. 70)

AN ACT

RELATING TO STATE-OWNED MOTOR VEHICLES; REGULATING THE TYPE, NUMBER, PURCHASE, REPAIR AND MAINTENANCE OF MOTOR VEHICLES OWNED AND OPERATED BY THE STATE, ITS OFFICERS AND AGENCIES; PROVIDING FOR THE KEEPING OF RECORDS CONCERNING SUCH MOTOR VEHICLES; PROVIDING FOR THE ADMINISTRATION OF THE ACT; ESTABLISHING A REVOLVING FUND FOR THE OPERATION OF A MOTOR VEHICLE POOL AND FOR THE REPAIR AND MAINTENANCE OF STATE-OWNED MOTOR VEHICLES AND MAKING AN APPROPRIATION THEREFOR; AND PRESCRIBING PENALTIES FOR VIOLATIONS OF THE ACT.

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

Section 1. TYPES OF MOTOR VEHICLES TO BE PURCHASED. All motor vehicles purchased wholly or partially with state funds, except the automobile assigned to the governor, shall be purchased in the low-priced field, and all such motor vehicles shall be standard two-door sedans, standard four-door sedans, coupes or pick-up trucks, with no extra equipment or accessories. With the approval of the director of the department of finance, motor vehicles purchased for use by any state law enforcement agency may be especially equipped for the purposes for which they are to be used. All other state-owned motor vehicles, including trucks, buses, graders, and heavy equipment, not specifically designated by the legislature, must be purchased under the provisions provided for in section 3 of this Act.

Sec. 2. NUMBER OF STATE-OWNED MOTOR VEHICLES. Except as otherwise provided by this Act, the maximum number of motor vehicles that may be owned and operated by each state agency (which term as used in this Act includes boards, commissions, committees, corporations, councils, departments, institutions, and officers) shall be determined by the legislature, or the director of the department of finance.

State agencies not specifically authorized to own or operate a state motor vehicle shall be furnished transportation from the motor vehicle pool provided in section 4 of this Act. The director of the department of finance may authorize the

acquisition of motor vehicles by an agency in excess of the maximum number stipulated, or may authorize the acquisition of motor vehicles by an agency not herein authorized to operate a state motor vehicle, when, after a full investigation, the director is satisfied that the motor vehicle will be driven in excess of fourteen thousand miles each year in the performance of state business, and that the acquisition of the additional motor vehicle is a compelling necessity for the best interests of the state, providing that the necessary funds are available from the agency or department appropriation.

The director of the department of finance may reduce the maximum number of motor vehicles that may be owned and operated by any state agency, when mileage reports filed with the director of the department of finance indicate that a motor vehicle is not being driven in excess of fourteen thousand miles a year, or when the director of the department of finance believes that a reduction in the number would be in the best interests of the state.

Sec. 3. PURCHASE, REPLACEMENT OR SALE OF STATE-OWNED MOTOR VEHICLES. No motor vehicle shall be purchased for any state agency unless a specific item appropriation has been made by the legislature for the purchase of a motor vehicle for such agency. All state motor vehicles shall be purchased by the director of the department of finance, only after obtaining written, sealed, competitive bids, except as provided herein. The director of the department of finance shall advertise for bids on all motor vehicles to be purchased in one newspaper of general circulation in each of two first class counties of the state. Furthermore, such advertisement shall be placed in at least one daily Arizona newspaper having an average daily circulation of fifty thousand copies or more, and each such advertisement shall be published twice in the two newspapers chosen. Such advertisement shall state that sealed bids will be received at the office of the director of the department of finance until a date therein named, the nature of the bids, and that specifications thereof may be seen at the office of said director, or he may call for specifications and bids. These advertisements shall be published at least ten days prior to the date fixed for opening the sealed bids. Bids shall be opened publicly by the director of the department of finance or his authorized agent at the time and place stated in the invitations to bid. The director of the department of finance shall award the purchase to the lowest responsible bidder, or when the state's interest will be served thereby, may reject all bids and renegotiate the purchase. In lieu of letting competitive bids any state agency may, with the approval of the director of the department of finance, negotiate a fleet automobile contract with an automobile manufacturer or distributor.

Prior to endorsing a requisition authorizing the purchase of a replacement motor vehicle, the director of the department of finance must receive a certificate from the superintendent of equipment of the state highway department stating that he has examined the motor vehicle to be replaced, and in his opinion the motor vehicle is no longer capable of rendering economical and satisfactory transportation and should be replaced. The director of the department of finance shall maintain a file of such certificates in his office.

Upon receipt of a certificate from the superintendent of equipment all replaced or surplus motor vehicles shall be sold by the director of the department of finance at public sale to the highest bidder on the basis of sealed, competitive bids. The director of the department of finance shall advertise for bids on all motor vehicles to be sold in one newspaper of general circulation in each of two first class counties of the state. Such advertisement shall state that sealed bids will be received at the office of the director of the department of finance until a date therein named, the nature of the bids, and that descriptions of motor vehicles to be sold may be seen at the office of said director. These advertisements shall be published at least ten days prior to the date fixed for opening the sealed bids. Bids shall be opened publicly by the director for the department of finance or his authorized agent at the time and place stated in the invitations to bid. The award of the sale shall be made to the highest responsible bidder, or when the state's interest will be served thereby, may reject all bids and renegotiate the sale. The proceeds of all such sales shall revert to the state general fund, with the exception that the proceeds from all sales of highway department motor vehicles and equipment shall revert to the general fund of the state highway department.

Sec. 4. MOTOR VEHICLE POOL. A pool of motor vehicles shall be maintained at a convenient location in the city of Phoenix by the department of finance for the purpose of providing transportation for state agencies. The director of the department of finance shall appoint a pool dispatcher who shall, upon request, provide motor vehicle transportation to any state agency and who shall keep the necessary maintenance and mileage records for each pool vehicle. A pool motor vehicle shall be assigned to an agency only for a single trip, and under no circumstances shall a pool vehicle be permanently assigned to any agency or individual. The director of the department of finance, with the approval of the legislature, shall promulgate rules and regulations for the operation of the motor vehicle pool. The director of the department of revenue shall cause to be printed for distribution to the public the rules and regulations made by the director, as provided

herein, for the administration of this Act, and shall furnish the same to any person upon application therefor.

The state department of finance shall charge state agencies a mileage fee for the use of pool vehicles. Subject to approval by the legislature, the director of the department of finance shall fix the mileage fee at an amount sufficient to pay for the cost of operating, maintaining, and replacing pool motor vehicles, including pro rata administration costs. Based upon monthly mileage reports submitted by the pool dispatcher, the department of finance shall render mileage fee bills monthly to state agencies for their use of pool motor vehicles. The mileage fees collected shall be deposited to the credit of the revolving fund provided in section 6.

Sec. 5. MOTOR VEHICLE MAINTENANCE AND REPAIR. All state-owned motor vehicles shall be maintained and repaired by the equipment division of the state highway department, and all gasoline, lubrication jobs, grease jobs, oil changes, tires and car washes for state-owned motor vehicles shall be obtained at the facilities of the state highway department, except that the director of the department of finance may promulgate regulations permitting repair services to be obtained for state-owned motor vehicles from private garages and service stations when an emergency exists. Each claim against state funds for payment to private garages and service stations for services rendered to state-owned motor vehicles shall be examined and approved by the state auditor prior to payment, in order to insure that an emergency existed in each case. The use by state employees of credit cards or other credit arrangements to charge gasoline, lubrication jobs, grease jobs, oil changes, tires and car washes to the state are prohibited; and under emergency circumstances the state employee shall pay for such services and seek reimbursement from the state auditor in the same manner as other travel expenses are reimbursed.

Based upon the records, invoices, and job orders of the state highway department, the department of finance shall bill each state agency monthly for the gasoline, oil, lubrications, tires, washes and other repair and maintenance services including pro rata administrative costs rendered for state-owned motor vehicles, owned and operated by each state agency. The proceeds collected for such services rendered shall be deposited to the credit of the revolving fund provided in section 6.

Sec. 6. REVOLVING FUND. To finance the operation of the motor vehicle pool and the repair and maintenance of state motor vehicles owned and operated by other state agencies as provided in sections 4 and 5 above, the sum of two

hundred thousand dollars is appropriated to the department of finance as a revolving fund. The revolving fund shall be credited with the fees collected by the department of finance for services rendered to other state agencies. It is the intention of the legislature that the motor vehicle pool and repair and maintenance services performed by the equipment division of the state highway department for other state agencies be made financially self-supporting from the fees charged the various state agencies for pool, maintenance and repair services.

The director of the department of finance may make advances from the revolving fund to the state highway department for supplies and services rendered the motor vehicle pool.

Sec. 7. RECORDS FOR AUTOMOTIVE EQUIPMENT. The director of the department of finance or his authorized agent shall keep detailed cost, operation, maintenance, mileage, and custody records for each state-owned automobile. The state highway department and each state agency shall furnish such information and reports as the director of the department of finance requests for the maintenance of the required records.

Sec. 8. SUPERVISION OVER OPERATION OF STATE-OWNED MOTOR VEHICLES. The director of the department of finance is responsible for the economical and efficient operation of state-owned motor vehicles. With the approval of the legislature, the director of the department of finance may promulgate regulations not inconsistent with the provisions of this Act governing the procurement, disposal, use, maintenance, repair and operation of state-owned motor vehicles. The director or department head of each state agency operating its own motor vehicles shall submit a monthly report to the department of finance, showing in summary, cost, operation, maintenance, and mileage information for each state-owned motor vehicle. The director of the department of finance shall review monthly such reports for the purpose of determining whether state-owned motor vehicles are being economically and efficiently operated. The director of the department of finance shall notify an agency head in writing whenever in his opinion, state-owned motor vehicles are being improperly used or uneconomically operated by his agency. If such situations are not remedied by the agency head, the director of the department of finance shall report the circumstances to the legislature and the legislature may reduce the maximum number of state-owned motor vehicles an agency may operate as provided by the legislature. The director of the department of finance shall make a report concerning

the use and operation of state-owned motor vehicles at each regular meeting of the legislature.

Sec. 9. MARKING OF STATE-OWNED MOTOR VEHICLES. All state-owned motor vehicles, except the governor's limousine and certain automobiles used for law enforcement, shall be appropriately marked in contrasting colors with an insignia and lettering, at least four inches high, on the panel of the right and left front doors, and on the back of the motor vehicle. The director of the department of finance, with the approval of the legislature, shall issue regulations governing the marking and painting of state-owned motor vehicles. Furthermore, all state-owned motor vehicles shall be painted yellow. The legislature shall determine those motor vehicles used for criminal investigation purposes which shall be exempt from the marking and painting requirement.

Sec. 10. PENALTIES. It shall be a misdemeanor for any person to use or permit any other person to use any state-owned motor vehicles for purposes other than official state business. The director of the department of finance shall be responsible for the enforcement of this provision concerning the use of state-owned motor vehicles. Improper use of a state-owned motor vehicle by an employee shall constitute grounds for dismissal or suspension by the governor upon the recommendation of the director of the department of finance.

In the event that any agency head or official fails to perform the duties imposed by this Act or violates any regulation promulgated under the authority of this Act, the director of the department of finance, after a due hearing before the governor which shall be subject to review by a court of record, shall direct the state auditor to withhold one day's pay for each day the neglect of duty or violation continues.

Sec. 11. SEVERABILITY. The provisions of the Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Sec. 12. REPEAL. All laws or parts of laws which conflict with this Act are repealed.

Approved by the Governor—March 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 137

(Senate Bill No. 80)

AN ACT

RELATING TO BANKS AND OTHER FINANCIAL INSTITUTIONS; PROVIDING REGULATIONS FOR LOANS OTHER THAN TO OFFICERS, AND AMENDING SECTION 51-204, ARIZONA CODE OF 1939.

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

Section 1. Sec. 51-204, Arizona Code of 1939, is amended to read:

51-204. LOANS OTHER THAN TO OFFICERS. (a) The total liability to any bank of any person for money borrowed directly or indirectly shall at no time exceed fifteen per cent of the amount of the capital stock paid in and of the surplus earned and set aside as a surplus fund of such bank, provided that: loans may be made up to twenty-five per cent of the capital stock and surplus when secured by readily marketable nonperishable, staple commodities in warehouse or in transit.

(b) The discount of bills of exchange drawn in good faith against existing values, and the discount of commercial or business paper actually owned by the person negotiating the same, shall not be construed as borrowing. Deposits of commercial or savings banks with commercial banks or the commercial department of banks having commercial and savings departments, on open accounts, to facilitate business transactions, shall be permitted and shall not be construed as loans.

(c) If the superintendent finds that a bank has allowed loans to be made in excess of the amount provided for in this section, he shall immediately instruct the officers and directors thereof to charge off enough of said loan or loans to bring it within the required limitation, and if he deems it necessary, may levy an assessment against the stockholders of the bank in an amount sufficient to reduce the loans to the required limit, such levy to be made in the manner hereinafter provided for the levying of assessments by the superintendent.

(d) All unsecured loans in excess of one thousand dollars shall be supported by a sworn financial statement of the bor-

rower, made not more than one year prior to the date of the note, and if the note is made for longer than one year, a new statement must be required so that at all times the financial statement must give the true standing of the borrower. In a continuing loan, revised statements must be taken at least once a year, and the old statements retained in the files so that the directors and examiners may note the progress or decline of the borrower, and make their classification accordingly. The superintendent may, whenever it is necessary for the safety and protection of depositors, require as to a specified borrower the furnishing of more current financial statements than are herein prescribed.

(e) No commercial bank shall loan or invest more than twenty-five per cent of its total demand deposits, exclusive of public funds on deposit, in real property. Where a loan is secured by mortgage on real property, the borrower shall furnish a written application for the loan, a financial statement, a written appraisal of the security made by a competent appraiser and a complete abstract of title, together with the written opinion of the title by an attorney, based upon an examination of the abstract, a title insurance policy, or an unlimited certificate of title. Such papers shall be on file with the bank and at all times open to inspection by the superintendent. When buildings are included in the mortgage they shall be insured by the mortgagor for the benefit of the bank, or if the mortgagor neglect to do so, then by the bank at the expense of the mortgagor.

(f) No bank, building and loan association or security company shall loan any of its funds and take as security therefor real property located without the United States.

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 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 138

(Senate Bill No. 81)

AN ACT

RELATING TO THE ASCERTAINMENT OF PRINCIPAL

AND INCOME AND THE APPORTIONMENT OF RECEIPTS AND EXPENSES AMONG TENANTS AND REMAINDERMEN, AND TO MAKE UNIFORM THE LAWS WITH REFERENCE THERETO.

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

Section 1. SHORT TITLE. This Act may be cited as the uniform principal and income Act.

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

"principal" means any realty or personalty which has been so set aside or limited by the owner thereof or a person thereto legally empowered that it and any substitutions for it are eventually to be conveyed, delivered or paid to a person, while the return therefrom or use thereof or any part of such return or use is in the meantime to be taken or received by or held for accumulation for the same or another person;

"income" means the return derived from principal;

"tenant" means the person to whom income is presently or currently payable, or for whom it is accumulated or who is entitled to the beneficial use of the principal presently and for a time prior to its distribution;

"remainderman" means the person ultimately entitled to the principal, whether named or designated by the terms of the transaction by which the principal was established or determined by operation of law;

"trustee" includes the original trustee of any trust to which the principal may be subject and also any succeeding or added trustee.

Sec. 3. APPLICATION OF ACT. This Act shall govern the ascertainment of income and principal, and the apportionment of receipts and expenses between tenants and remaindermen, in all cases where a principal has been established with or, unless otherwise stated hereinafter, without the interposition of a trust, except that in the establishment of the principal provision may be made touching all matters covered by this Act, and the person establishing the principal may himself direct the manner of ascertainment of income and principal and the apportionment of receipts and expenses or grant discretion to the trustee or other person to do so, and

such provision and direction, where not otherwise contrary to law, shall control notwithstanding this Act.

Sec. 4. INCOME AND PRINCIPAL. (a) All receipts of money or other property paid or delivered as rent of realty or hire of personalty or dividends on corporate shares payable other than in shares of the corporation itself, or interest on money loaned, or interest on the rental or use value of property wrongfully withheld or tortiously damaged, or otherwise in return for the use of principal, shall be deemed income unless otherwise expressly provided in this Act.

(b) All receipts of money or other property paid or delivered as the consideration for the sale or other transfer, not a leasing or letting, of property forming a part of the principal, or as a repayment of loans, or in liquidation of the assets of a corporation, or as the proceeds of property taken on eminent domain proceedings where separate awards to tenant and remainderman are not made, or as proceeds of insurance upon property forming a part of the principal except where such insurance has been issued for the benefit of either tenant or remainderman alone, or otherwise as a refund or replacement or change in form of principal, shall be deemed principal unless otherwise expressly provided in this Act. Any profit or loss resulting upon any change in form of principal shall enure to or fall upon principal.

(c) All income after payment of expenses properly chargeable to it shall be paid and delivered to the tenant or retained by him if already in his possession or held for accumulation where legally so directed by the terms of the transaction by which the principal was established, while the principal shall be held for ultimate distribution as determined by the terms of the transaction by which it was established or by law.

Sec. 5. APPORTIONMENT OF INCOME. Whenever a tenant shall have the right to income from periodic payments, which shall include rent, interest on loans, and annuities, but shall not include dividends on corporate shares, and such right shall cease and determine by death or in any other manner at a time other than the date when such periodic payments should be paid, he or his personal representative shall be entitled to that portion of any such income next payable which amounts to the same percentage thereof as the time elapsed from the last due date of such periodic payments to and including the day of the determination of his right is of the total period during which such income would normally accrue. The remaining income shall be paid to the person next entitled to income by the terms of the transaction by which the principal was established. But no action shall be brought

by the trustee or tenant to recover such apportioned income or any portion thereof until after the day on which it would have become due to the tenant but for the determination of the right of the tenant entitled thereto. The provisions of this section shall apply whether an ultimate remainderman is specifically named or not. Likewise when the right of the first tenant accrues at a time other than the payment dates of such periodic payments, he shall only receive that portion of such income which amounts to the same percentage thereof as the time during which he has been so entitled is of the total period during which such income would normally accrue; the balance shall be a part of the principal.

Sec. 6. CORPORATE DIVIDENDS AND SHARE RIGHTS. (a) All dividends on shares of a corporation forming a part of the principal which are payable in the shares of the corporation shall be deemed principal. Subject to the provisions of this section, all dividends payable otherwise than in the shares of the corporation itself, including ordinary and extraordinary dividends and dividends payable in shares or other securities or obligations of corporations other than the declaring corporation, shall be deemed income. Where the trustee shall have the option of receiving a dividend either in cash or in the shares of the declaring corporation, it shall be considered as a cash dividend and deemed income, irrespective of the choice made by the trustee.

(b) All rights to subscribe to the shares or other securities or obligations of a corporation accruing on account of the ownership of shares or other securities in such corporation, and the proceeds of any sale of such rights, shall be deemed principal. All rights to subscribe to the shares or other securities or obligations of a corporation accruing on account of the ownership of shares or other securities in another corporation, and the proceeds of any sale of such rights, shall be deemed income.

(c) Where the assets of a corporation are liquidated, amounts paid upon corporate shares as cash dividends declared before such liquidation occurred or as arrears or preferred or guaranteed dividends shall be deemed income; all other amounts paid upon corporate shares on disbursement of the corporate assets to the stockholders shall be deemed principal. All the disbursements of corporate assets to the stockholders, whenever made, which are designated by the corporation as a return of capital or division of corporate property shall be deemed principal.

(d) Where a corporation succeeds another by merger, consolidation or reorganization or otherwise acquires its assets, and the corporate shares of the succeeding corporation are

issued to the stockholders of the original corporation in like proportion to, or in substitution for, their shares of the original corporation, the two corporations shall be considered a single corporation in applying the provisions of this section. But two corporations shall not be considered a single corporation under this section merely because one owns corporate shares of or otherwise controls or directs the other.

(e) In applying this section the date when a dividend accrues to the person who is entitled to it shall be held to be the date specified by the corporation as the one on which the stockholders entitled thereto are determined, or in default thereof the date of declaration of the dividend.

Sec. 7. PREMIUM AND DISCOUNT BONDS. Where any part of the principal consists of bonds or other obligations for the payment of money, they shall be deemed principal at their inventory value or in default thereof at their market value at the time the principal was established, or at their cost where purchased later, regardless of their par or maturity value; and upon their respective maturities or upon their sale any loss or gain realized thereon shall fall upon or enure to the principal.

Sec. 8. PRINCIPAL USED IN BUSINESS. (a) Whenever a trustee or a tenant is authorized by the terms of the transaction by which the principal was established, or by law, to use any part of the principal in the continuance of a business which the original owner of the property comprising the principal had been carrying on, the net profits of such business attributable to such principal shall be deemed income.

(b) Where such business consists of buying and selling property, the net profits for any period shall be ascertained by deducting from the gross returns during and the inventory value of the property at the end of such period, the expenses during and the inventory value of the property at the beginning of such period.

(c) Where such business does not consist of buying and selling property, the net income shall be computed in accordance with the customary practice of such business, but not in such way as to decrease the principal.

(d) Any increase in the value of the principal used in such business shall be deemed principal, and all losses in any one calendar year, after the income from such business for that year has been exhausted, shall fall upon principal.

Sec. 9. PRINCIPAL COMPRISING ANIMALS. Where

any part of the principal consists of animals employed in business, the provisions of section 8 shall apply; and in other cases where the animals are held as a part of the principal partly or wholly because of the offspring or increase which they are expected to produce, all offspring or increase shall be deemed principal to the extent necessary to maintain the original number of such animals and the remainder shall be deemed income; and in all other cases such offspring or increase shall be deemed income.

Sec. 10. DISPOSITION OF NATURAL RESOURCES. Where any part of the principal consists of property in lands from which may be taken timber, minerals, oil, gas or other natural resources and the trustee or tenant is authorized by law or by the terms of the transaction by which the principal was established to sell, lease or otherwise develop such natural resources, and no provision is made for the disposition of the net proceeds thereof after the payment of expenses and carrying charges on such property, such proceeds, if received as rent on a lease, shall be deemed income, but if received as consideration, whether as royalties or otherwise, for the permanent severance of such natural resources from the lands, shall be deemed principal to be invested to produce income. Nothing in this section shall be construed to abrogate or extend any right which may otherwise have accrued by law to a tenant to develop or work such natural resources for his own benefit.

Sec. 11. PRINCIPAL SUBJECT TO DEPLETION. Where any part of the principal consists of property subject to depletion, such as leaseholds, patents, copyright and royalty rights, and the trustee or tenant in possession is not under a duty to change the form of the investment of the principal, the full amount of rents, royalties or return from the property shall be income to the tenant; but where the trustee or tenant is under a duty, arising either by law or by the terms of the transaction by which the principal was established, to change the form of the investment, either at once or as soon as it may be done without loss, then the return from such property not in excess of five per cent per annum of its fair inventory value or in default thereof its market value at the time the principal was established, or at its cost where purchased later, shall be deemed income and the remainder principal.

Sec. 12. UNPRODUCTIVE ESTATE. (a) Where any part of a principal in the possession of a trustee consists of realty or personalty which for more than a year and until disposed of as hereinafter stated has not produced an average net income of at least one per cent per annum of its fair inventory value or in default thereof its market value at the

time the principal was established or of its cost where purchased later, and the trustee is under a duty to change the form of the investment as soon as it may be done without sacrifice of value and such change is delayed, but is made before the principal is finally distributed, then the tenant, or in case of his death his personal representative, shall be entitled to share in the net proceeds received from the property as delayed income to the extent hereinafter stated.

(b) Such income shall be the difference between the net proceeds received from the property and the amount which, had it been placed at simple interest at the rate of five per cent per annum for the period during which the change was delayed, would have produced the net proceeds at the time of change, but in no event shall such income be more than the amount by which the net proceeds exceed the fair inventory value of the property or in default thereof its market value at the time the principal was established or its cost where purchased later. The net proceeds shall consist of the gross proceeds received from the property less any expenses incurred in disposing of it and less all carrying charges which have been paid out of principal during the period while it has been unproductive.

(c) The change shall be taken to have been delayed from the time when the duty to make it first arose, which shall be presumed, in the absence of evidence to the contrary, to be one year after the trustee first received the property if then unproductive, otherwise one year after it became unproductive.

(d) If the tenant has received any income from the property or has had any beneficial use thereof during the period while the change has been delayed, his share of the delayed income shall be reduced by the amount of such income received or the value of the use had.

(e) In the case of successive tenants the delayed income shall be divided among them or their representatives according to the length of the period for which each was entitled to income.

Sec. 13. EXPENSES OF TRUST ESTATES. (a) All ordinary expenses incurred in connection with the trust estate or with its administration and management, including regularly recurring taxes assessed against any portion of the principal, water rates, premiums on insurance taken upon the estates of both tenant and remainderman, interest on mortgages on the principal, ordinary repairs, trustees' compensation except commissions computed on principal, compensation

of assistants, and court costs and attorneys' and other fees on regular accountings, shall be paid out of income, but such expenses where incurred in disposing of, or as carrying charges on, unproductive estate as defined in section 12, shall be paid out of principal, subject to the provisions of subsection (a), section 12.

(b) All other expenses, including trustees' commissions computed upon principal, cost of investing or reinvesting principal, attorneys' fees and other costs incurred in maintaining or defending any action to protect the trust or the property or assure the title thereof, unless due to the fault or cause of the tenant, and costs of, or assessments for, improvements to property forming part of the principal, shall be paid out of principal. Any tax levied by any authority, federal, state or foreign, upon profit or gain defined as principal under the terms of subsection (b), section 4 shall be paid out of principal, notwithstanding said tax may be denominated a tax upon income by the taxing authority.

(c) Expenses paid out of income according to subsection (a) which represent regularly recurring charges shall be considered to have accrued from day to day, and shall be apportioned on that basis whenever the right of the tenant begins or ends at some date other than the payment date of the expenses. Where the expenses to be paid out of income are of unusual amount, the trustee may distribute them throughout an entire year or part thereof, or throughout a series of years. After such distribution, where the right of the tenant ends during the period, the expenses shall be apportioned between tenant and remainderman on the basis of such distribution.

(d) Where the costs of, or special taxes or assessments for, an improvement representing an addition of value to property held by the trustee as part of principal are paid out of principal, as provided in subsection (b), the trustee shall reserve out of income and add to the principal each year a sum equal to the cost of the improvement divided by the number of years of the reasonably expected duration of the improvement.

Sec. 14. EXPENSES OF NONTRUST ESTATES. (a) The provisions of section 13, so far as applicable and excepting those dealing with costs of, or special taxes or assessments for, improvements to property, shall govern the apportionment of expenses between tenants and remaindermen where no trust has been created, subject, however, to any legal agreement of the parties or any specific direction of the taxing or other statutes; but where either tenant or remainderman has incurred an expense for the benefit of his own estate and

without the consent or agreement of the other, he shall pay such expense in full.

(b) Subject to the exceptions stated in subsection (a) the cost of, or special taxes or assessments for, an improvement representing an addition of value to property forming part of the principal shall be paid by the tenant, where such improvement cannot reasonably be expected to outlast the estate of the tenant. In all other cases a portion thereof only shall be paid by the tenant, while the remainder shall be paid by the remainderman. Such portion shall be ascertained by taking that percentage of the total which is found by dividing the present value of the tenant's estate by the present value of an estate of the same form as that of the tenant, except that it is limited for a period corresponding to the reasonably expected duration of the improvement. The computation of present values of the estates shall be made on the expectancy basis set forth in the American experience tables of mortality and no other evidences of duration or expectancy shall be considered.

Sec. 15. UNIFORMITY OF INTERPRETATION. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those state which enact it.

Sec. 16. ESTATES AFFECTED. This Act shall apply to all estates of tenants or remaindermen which become legally effective after the date of this Act takes effect.

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

Approved by the Governor—March 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 139

(Senate Bill No. 82)

AN ACT

RELATING TO LIABILITY FOR PARTICIPATION IN

BREACHES OF FIDUCIARY OBLIGATIONS, 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 fiduciary Act.

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

"bank" includes commercial banks, savings banks, trust companies, and any person or association of persons, whether incorporated or not, carrying on the business of banking;

"fiduciary" includes a trustee under any trust, expressed, implied, resulting or constructive, executor, administrator, guardian, conservator, curator, receiver, trustee in bankruptcy, assignee for the benefit of creditors, partner, agent, officer of a corporation, public or private, public officer, or any other person acting in a fiduciary capacity for any person, trust or estate;

"person" includes a corporation, partnership, or other association, or two or more persons having a joint or common interest;

"principal" includes any person to whom a fiduciary as such owes an obligation.

A thing is done "in good faith" within the meaning of this Act, when it is in fact done honestly, whether it be done negligently or not.

Sec. 3. APPLICATION OF PAYMENTS MADE TO FIDUCIARIES. A person who in good faith pays or transfers to a fiduciary any money or other property which the fiduciary as such is authorized to receive, is not responsible for the proper application thereof by the fiduciary, and any right or title acquired from the fiduciary in consideration of such payment or transfer is not invalid in consequence of a misapplication by the fiduciary.

Sec. 4. REGISTRATION OF TRANSFER OF SECURITIES HELD BY FIDUCIARIES. If a fiduciary in whose name are registered any shares of stock, bonds or other securities of any corporation, public or private, or company or other association, or of any trust, transfers the same, such corporation or company or other association, or any of the managers of the

trust, or its or their transfer agent, is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in making the transfer, or to see to the performance of the fiduciary obligation, and is liable for registering such transfer only where registration of the transfer is made with actual constructive knowledge that the fiduciary is committing a breach of his obligation as fiduciary in making the transfer, or with knowledge of such facts that the action in registering the transfer amounts to bad faith.

Sec. 5. TRANSFER OF NEGOTIABLE INSTRUMENTS BY FIDUCIARY. If any negotiable instrument payable or endorsed to a fiduciary as such is endorsed by the fiduciary, or if any negotiable instrument payable or endorsed to his principal is endorsed by a fiduciary empowered to endorse such instrument on behalf of his principal, the endorsee is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in endorsing or delivering the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual constructive knowledge of such breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith. If, however, such instrument is transferred by the fiduciary in payment of or as security for a personal debt of the fiduciary to the actual constructive knowledge of the creditor, or is transferred in any transaction known by the transferee to be for the personal benefit of the fiduciary, the creditor or other transferee is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in transferring the instrument.

Sec. 6. CHECK DRAWN BY FIDUCIARY PAYABLE TO THIRD PERSON. If a check or other bill of exchange is drawn by a fiduciary as such, or in the name of his principal by a fiduciary empowered to draw such instrument in the name of his principal, the payee is not bound to inquire whether the fiduciary is committing a breach of his obligation as a fiduciary in drawing or delivering the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual constructive knowledge of such breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith. If, however, such instrument is payable to a personal creditor of the fiduciary and delivered to the creditor in payment of or as security for a personal debt of the fiduciary to the actual constructive knowledge of the creditor, or is drawn and delivered in any transaction known by the payee to be for the personal benefit of fiduciary, the creditor or other payee is liable to the princi-

pal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the instrument.

Sec. 7. CHECK DRAWN BY AND PAYABLE TO FIDUCIARY. If a check or other bill of exchange is drawn by a fiduciary as such or in the name of his principal by a fiduciary empowered to draw such instrument in the name of his principal, payable to the fiduciary personally, or payable to a third person and by him transferred to the fiduciary, and is thereafter transferred by the fiduciary, whether in payment of a personal debt of the fiduciary or otherwise, the transferee is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in transferring the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual constructive knowledge of breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith.

Sec. 8. DEPOSIT IN NAME OF FIDUCIARY AS SUCH. If a deposit is made in a bank to the credit of a fiduciary as such, the bank is authorized to pay the amount of the deposit or any part thereof upon the check of the fiduciary, signed with the name in which such deposit is entered without being liable to the principal, unless the bank pays the check with actual constructive knowledge that the fiduciary is committing a breach of his obligation as fiduciary in drawing the check or with knowledge of such facts that its action in paying the check amounts to bad faith. If, however, such a check is payable to the drawee bank and is delivered to it in payment of or as security for a personal debt of the fiduciary to it, the bank is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the check.

Sec. 9. DEPOSIT IN NAME OF PRINCIPAL. If a check is drawn upon the account of his principal in a bank by a fiduciary who is empowered to draw checks upon his principal's account, the bank is authorized to pay such check without being liable to the principal, unless the bank pays the check with actual constructive knowledge that the fiduciary is committing a breach of his obligation as fiduciary in drawing such check, or with knowledge of such facts that its action in paying the check amounts to bad faith. If, however, such a check is payable to the drawee bank and is delivered to it in payment of or as security for a personal debt of the fiduciary to it, the bank is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the check.

Sec. 10. DEPOSIT IN FIDUCIARY'S PERSONAL ACCOUNT. If a fiduciary makes a deposit in a bank to his personal credit of checks drawn by him upon an account in his own name as fiduciary, or of checks payable to him as fiduciary, or of checks drawn by him upon an account in the name of his principal, if he is empowered to draw checks thereon, or of checks payable to his principal and endorsed by him, if he is empowered to endorse such checks, or if he otherwise makes a deposit of funds held by him as fiduciary, the bank receiving such deposit is not bound to inquire whether the fiduciary is committing thereby a breach of his obligation as fiduciary, and the bank is authorized to pay the amount of the deposit or any part thereof upon the personal check of the fiduciary without being liable to the principal, unless the bank receives the deposit or pays the check with the actual constructive knowledge that the fiduciary is committing a breach of his obligation as fiduciary in making such deposit or in drawing such check, or with knowledge of such facts that its action in receiving the deposit or paying the check amounts to bad faith.

Sec. 11. DEPOSIT IN NAMES OF TWO OR MORE TRUSTEES. When a deposit is made in a bank in the name of two or more persons as trustees and a check is drawn upon the trust account by any trustee or trustees authorized by the other trustee or trustees to draw checks upon the trust account, neither the payee nor other holder nor the bank is bound to inquire whether it is a breach of trust to authorize such trustee or trustees to draw checks upon the trust account, and is not liable unless the circumstances be such that the action of the payee or other holder or the bank amounts to bad faith.

Sec. 12. ACT NOT RETROACTIVE. The provisions of this Act shall not apply to transactions taking place prior to the time when it takes effect.

Sec. 13. CASES NOT PROVIDED FOR IN ACT. In any case not provided for in this Act the rules of law and equity, including the law merchant and those rules of law and equity relating to trusts, agency, negotiable instruments and banking, shall continue to apply.

Sec. 14. UNIFORMITY OF INTERPRETATION. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Sec. 15. EMERGENCY. To preserve the public peace,

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

Approved by the Governor—March 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 140

(Senate Bill No. 96)

AN ACT

RELATING TO THE POWERS AND DUTIES OF BOARDS OF TRUSTEES OF SCHOOL DISTRICTS; BOARDS OF EDUCATION OF HIGH SCHOOL DISTRICTS; AMENDING SECTION 54-416, AS AMENDED, ARIZONA CODE ANNOTATED, 1939, AND REPEALING SECTION 54-918, ARIZONA CODE ANNOTATED, 1939

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

Section 1. Section 54-416, Arizona Code Annotated, 1939, as amended, is amended to read:

54-416. BOARD OF TRUSTEES, POWERS AND DUTIES. The powers and duties of the board of trustees of school districts are as follows:

1. The trustees, any two (2) of whom constitute a quorum for the transaction of business, shall meet at the most convenient place in the district, not earlier than the second day, nor later than the second Saturday of January next following the election and organize, electing one of their number president and one of their number clerk, and on the same day, notify the county school superintendent thereof; provided, that no meeting for organization shall be held unless each member has received three (3) days written notice of the same, such notice to be signed by any two (2) members of the board.

2. The board shall prescribe and enforce rules not inconsistent with law or those prescribed by the state board of education for their own government and the government of the schools. They may segregate groups of pupils.

3. The board shall manage and control the school property within their districts; purchase school furniture, apparatus, equipment, library books, and supplies for the use of the schools; rent, furnish, repair and insure the school property of the district; when directed to do so by a vote of the district, construct school buildings, or purchase or sell school sites; make, in the name of the district, conveyances of all property belonging to the district and sold by them, and employ under written contract, all employees of the schools. The board may, at any time after the annual election and qualification of the new members, enter into contracts with teachers, principals, janitors, attendance officers, school physician, school dentist, nurses, and other employees necessary for the succeeding year, and fix their salaries. No relative by affinity or consanguinity within the second degree of any trustee, or the husband or wife of a trustee, shall be employed in the district where he is a trustee, except by the unanimous consent of the board, nor shall any teacher be employed who has not received a certificate of qualification therefor, granted by the proper authorities.

Boards of trustees of districts having an average daily attendance of three hundred (300) or more may employ a certificated superintendent or principal; two (2) or more districts having an average daily attendance of three hundred (300) or more may jointly employ a principal or superintendent whose salary shall be prorated among the districts employing him in accordance with the number of children enrolled in each district. The employment of superintendents of schools or principals may be for any term not exceeding four (4) years. Special teachers in drawing, music, domestic science, manual training, kindergarten, commercial work, agriculture and other special subjects may be employed.

4. The board may expel pupils for misconduct and exclude from the primary grades children under six (6) years of age; shall enforce in school the course of study and the use of textbooks prescribed and adopted by the state board; may appoint district librarians and enforce the rules prescribed for the government of school libraries and shall exclude from schools and school libraries all books, publications or papers of a sectarian, partisan or denominational character.

5. The board of trustees may admit pupils from any other district upon a certificate of educational convenience issued by the county school superintendent. Such attendance, when certified to the county superintendent by the official in charge of the school attended shall be deemed, for the purpose of determining average daily attendance, to be attendance in the common or high school of the county or district of the student's

residence. In the event tuition is charged for nonresidence attendance by the school attended, the county school superintendent shall draw his warrant on the county treasurer in favor of such school for the amount so charged, but not to exceed the average per capita cost of the common or high school of the county in which the pupil attends, whether in or out of the state, and shall charge the amount against the fund of the district or county in which the student resides.

6. The board shall make an annual report on or before the first day of July to the county school superintendent, in the manner and form, and on the blanks prescribed by the state or county superintendent; make a report whenever required, directly to the superintendent of public instruction, or to the county school superintendent; visit every school in the district, and examine carefully into its management, condition and needs, and provide transportation for any child or children when they deem it for the best interest of the district, whether within or without the district, county or state.

7. Boards of trustees may call meetings of the qualified school electors of the district for consultation in regard to any litigation in which the district may be engaged or likely to become engaged, or in regard to any other affairs of the district not otherwise provided for, and upon a petition of fifteen (15) percent of the qualified electors of their district, as shown by the last annual school election, must call such meeting.

8. Boards of trustees may establish kindergartens when, in their opinion, such kindergartens will not interfere with the work of, or maintenance of the efficiency of the grades; and, in the event of the establishment of any such kindergartens, may secure funds for their maintenance as other school funds are secured.

9. The board may establish departments of manual training and household economics; organize, by and with the consent of the county superintendent, intermediate schools composed of the seventh, eighth, and ninth grades of the schools under their jurisdiction; or in union high school districts, organize the seventh and eighth grades as such intermediate schools; and, in the event of the organization of any such intermediate schools, shall secure and receive all funds necessary for the maintenance thereof, in the manner provided by law.

10. The board may include in their annual budget items for the purchase of sites or for erecting or purchasing school buildings, which items the county superintendent shall in-

clude in his estimate to the board of supervisors, and the board of supervisors may, in its discretion, make a sufficient levy on the property of said district to produce the amount asked for; provided, that said levy for such purpose shall not exceed ten cents (10c) on each one hundred dollars ($100.00) of valuation of such property.

11. The board may permit the use, under its direction, and subject to such conditions, rules and regulations as it may prescribe, of the school house or houses within the district as a civic center for such district, where the citizens, parent teachers' association, camp fire girls, boy scout troops, clubs and associations formed for recreational, educational, political, economic, artistic or moral activities of the district may engage in supervised recreational activities and where they may meet and discuss, from time to time, as they may desire, any and all subjects and questions which, in their judgment, may appertain to the educational, political, economic, artistic and moral interests of the citizens of the respective communities in which they reside; provided that such use of said public school houses and grounds for said meetings shall in no wise interfere with such use and occupancy of said public school house and grounds, as is now, or hereafter may be, required for the purpose of said public schools in the state of Arizona.

12. The board may employ such professional personnel as may be deemed necessary for the purpose of making surveys of and recommendations relating to the curricula, physical plant and other requirements of the district.

Sec. 2. REPEAL. Section 54-918, Arizona Code Annotated, 1939, is hereby repealed.

Approved by the Governor—March 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 141

(Senate Bill No. 107)

AN ACT

RELATING TO THE STATE PRISON, AND APPROVING THE EXPENDITURE OF FUNDS APPROPRIATED BY

CHAPTER 95, SESSION LAWS OF 1949, REGULAR SESSION.

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

Section 1. APPROVAL. Expenditure by the state prison of the sum of two hundred thirty thousand nine hundred dollars, of funds appropriated to the state prison under the terms of chapter 95, Session Laws of 1949, regular session, is approved.

Sec. 2. PURPOSE OF EXPENDITURE. The expenditure approved by section 1 is for the following purposes and in the following amounts: 1. construction of a walled annex and the removal and rebuilding of structures on the site, ninety-eight thousand nine hundred dollars; 2. survey and investigation of land to be acquired, including availability of water and soil analysis, five thousand dollars; 3. purchase of land and construction of buildings, ninety-five thousand dollars; 4. drilling and equipment of a well at the old prison ranch and the renovation of the water and irrigation system thereof, twenty-two thousand dollars, and, 5. equipment and capital outlay, ten thousand dollars.

Sec. 3. EXEMPTION. This Act shall be exempt from the provisions of the financial code 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 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 142)

(House Bill No. 40)

AN ACT

RELATING TO INNS; LIMITING THE LIABILITY OF INN-

KEEPERS, AND AMENDING SECTION 62-304, ARIZONA CODE OF 1939.

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

Section 1. Sec. 62-304, Arizona Code of 1939, is amended to read:

62-304. LIABILITY OF INNKEEPER. (a) An innkeeper who maintains a fireproof safe in his inn and gives notice by posting in a conspicuous place in his office or in the room of each guest that money, jewelry, documents and other articles of small size and unusual value may be deposited in such safe, shall not be liable for the loss of or injury to any such article not deposited therein, which injury or loss is not the result of his own act. An innkeeper may refuse to receive for deposit from a guest articles exceeding a total value of five hundred dollars, and unless otherwise agreed to in writing shall not be liable in an amount in excess of five hundred dollars for loss of or damage to property deposited by a guest in such safe unless the loss or damage is the result of the fault or negligence of the innkeeper. The innkeeper shall not be liable for loss of or damage to merchandise samples or merchandise for sale displayed by a guest unless such guest gives prior written notice to the innkeeper of having and displaying the same, and the innkeeper acknowledges receipt of such notice; provided that in no event shall liability for such loss or damage exceed $500.00 unless it results from the fault or negligence of the innkeeper. The liability of an innkeeper to a guest shall be limited to $100.00 for property delivered to the innkeeper to be kept in a storeroom or baggage room and to $75.00 for property deposited in a parcel or checkroom.

(b) For the purpose of this section the term "inn" includes hotel, boarding house, lodging house, apartment house and auto camp.

Approved by the Governor—March 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 143

(House Bill No. 60)

AN ACT

RELATING TO RESIDENCE OF COUNTY OFFICERS, AND

AMENDING SECTION 17-508, ARIZONA CODE OF 1939.

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

Section 1. Sec. 17-508, Arizona Code of 1939, is hereby amended to read:

17-508. RESIDENCE OF COUNTY OFFICERS. The following officers shall reside within the county: Judge of the superior court, clerk of the superior court, treasurer and ex-officio tax collector, clerk of the board of supervisors, sheriff, assessor, county attorney, recorder, and school superintendent.

Approved by the Governor—March 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 144

(House Bill No. 83)

AN ACT

CREATING AN ANATOMY BOARD; PROVIDING FOR THE DISPOSAL OF DEAD HUMAN BODIES FOR SCIENTIFIC PURPOSES; THE NOTICE, RECEIPT, DISTRIBUTION AND USE THEREOF AND THE EXPENSE THEREFOR; PROVIDING FOR EXCEPTIONS; PROVIDING FOR RECORDS, RULES AND REGULATIONS; AND PROVIDING A PENALTY FOR VIOLATION OF THIS ACT.

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

Section 1. CREATION OF BOARD—PURPOSE. The anatomy board of Arizona is hereby created for the purpose of distributing certain dead human bodies as hereinafter described to qualified institutions and persons hereinafter named to be used for the promotion and furtherance of the science and art of medicine and dentistry.

Sec. 2. MEMBERS—TERM—APPOINTMENT—COMPENSATION. The board shall consist of five members, one of whom shall be a member of the faculty of the university of Arizona, one of whom shall be a member of the faculty of the Arizona state college at Tempe, one of whom shall be a prac-

ticing member of the Arizona medical profession, one of whom shall be a practicing member of the Arizona dental profession, and the director of public health who shall serve as chairman. All members of the board except the chairman shall be appointed by and serve at the pleasure of the governor and shall serve without compensation.

Sec. 3. DUTY TO NOTIFY AND DELIVER. It shall be the duty of every public officer, agent and servant of the state, and of every county, city and town, and every public institution supported in whole or in part at public expense, having in his or its possession the dead human body of any person for burial at public expense, to notify the board within twenty-four (24) hours after receipt thereof, and, upon instruction from the board, to deliver such body without fee or reward to the institution or person designated by the board.

Sec. 4. EXCEPTIONS. This Act shall not apply to dead bodies of persons who have died with smallpox, diphtheria or scarlet fever. Nor shall this Act apply if the deceased person during his last illness, without suggestion or solicitation requested to be buried or cremated; or if within twenty-four (24) hours or the time before actual delivery, whichever be the longer, any person claiming to be and satisfying the officer in charge of such body that he is of kindred or is related by marriage to the deceased or a duly authorized representative thereof, shall claim the said body for burial or cremation or request in writing that it be buried at public expense; or if within the time specified above any person claiming to be and satisfying the officer in charge of such body that he is a friend of the deceased, arranges to have the same properly buried or cremated without public expense.

Nothing in this Act shall be construed to prevent any hospital, duly incorporated college or university or any duly licensed physician, surgeon or dentist from acquiring by gift or otherwise from persons having lawful authority to dispose of the same the dead body of any human being for the purpose of post mortem examinations, dissection or other scientific use.

Sec. 5. DELIVERY—EXPENSES. Said board or its agent may take and receive or direct the delivery of such bodies reported to it as aforesaid to such hospitals, colleges and universities, physicians, surgeons and dentists as it may deem entitled thereto and as requested in writing to receive the same, preference being given to hospitals and institutions of higher learning. All expenses of such delivery as may be specified by said anatomy board shall be paid by those receiving the body.

Sec. 6. RECORDS—RULES AND REGULATIONS. The board shall have full power to require such records and information and to establish such rules, regulations and procedures in compliance with and in furtherance of this Act as may be convenient and proper for the discharge of its duties.

Sec. 7. VIOLATION—A MISDEMEANOR. Any person having duties imposed upon him by the provisions of this Act or rules and regulations of the board in furtherance thereof who shall neglect, refuse or omit to perform the same as hereby required shall be deemed guilty of a misdemeanor and shall be liable for a fine of not less than one hundred dollars ($100.00) and not more than one thousand dollars ($1,000.00).

Sec. 8. REPEAL. All acts and parts of acts inconsistent with this Act are hereby repealed.

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 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 145

(House Bill No. 118)

AN ACT

RELATING TO THE ARIZONA TEACHERS' RETIREMENT SYSTEM, PROVIDING FOR THE EMPLOYMENT OF AN EXECUTIVE SECRETARY, AND AMENDING SECTION 54-1721, ARIZONA CODE OF 1939.

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

Section 1. Sec. 54-1721, Arizona Code of 1939, is amended to read:

54-1721. 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 five thousand 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 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 146

(House Bill No. 167)

AN ACT

RELATING TO INSURANCE; PRESCRIBING REGULATIONS, FEES AND PENALTIES; AMENDING SECTIONS 61-322, 61-336, 61-406, 61-407 AND 61-409, ARIZONA CODE OF 1939.

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

Section 1. Section 61-322, Arizona Code of 1939, 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 ($25.00).

2. Filing amended articles of incorporation, charter or by-laws or a certified copy thereof, ten dollars ($10.00).

3. Issuing certificate of authority or license, fifty dollars ($50.00).

4. Renewal of certificate of authority or amended license, thirty dollars ($30.00).

5. Filing annual statement of condition and report of Arizona business, twenty-five dollars ($25.00).

6. Filing rate manuals, rating schedules, rating plans and papers pertinent thereto and corrections and amendments thereof, ten cents (10c) per folio, but not exceeding five dollars ($5.00) 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 (20c).

8. Filing miscellaneous papers, each, one dollar ($1.00).

9. Issuing agent's license to represent companies, two dollars ($2.00).

10. Issuing nonresident agent's license to represent companies, four dollars ($4.00).

Sec. 2. Section 61-336, Arizona Code of 1939, is amended to read:

61-336. AGENTS' LICENSES. Annually on or before the first day of April, each agent representing companies shall procure an agent's license from the commission, and the company represented by him shall pay the prescribed license fee. Should the same person represent several companies each company so represented must pay a like fee.

Sec. 3. Section 61-406, Arizona Code of 1939, is amended to read:

61-406. LICENSE REQUIRED—QUALIFICATIONS—APPLICATION FOR LICENSE. 1. License required. No person shall in this state act as or hold himself out to be an agent, broker, or solicitor, unless then licensed therefor by this state.

No agent, solicitor, or broker shall solicit or take applications for, procure or place for others any kind of insurance for which he is not then licensed.

Any person violating this section shall be subject to a fine of not to exceed two hundred dollars ($200.00) or imprisonment for not to exceed sixty (60) days for each instance of such violation.

2. General qualifications for license. For the protection of

the people of this state the corporation commission shall not issue or renew any such license except in compliance with this article, nor to be exercised by, any person found by it to be untrustworthy or who has not established that he is qualified therefor in accordance with this article.

3. Application for license. Application for any such license shall be made to the corporation commission upon forms as prescribed and furnished by it. As a part of or in connection with any such application the applicant shall furnish information concerning his identity, personal history, experience, business record, purposes, and such other pertinent facts as the corporation commission may reasonably require in order to carry out the provisions of this article.

Any person wilfully misrepresenting any fact required to be disclosed in any such application shall be liable to penalties as provided by this code.

4. Agent's and broker's qualifications. To qualify for an agent's or broker's license an applicant must otherwise comply with this code therefor and must:

(a) Be twenty-one (21) years of age or over;

(b) be a bona fide resident who has resided in this state for a period of at least the six consecutive months immediately prior to applying for such license;

(c) successfully pass any examination as required under section 61-407;

(d) be a person of good moral character;

(e) if for an agent's license, be appointed as its agent by one or more authorized insurers, subject to issuance of the license;

(f) if for broker's license, have had experience either as an agent, general agent, broker, or as an employee of insurance or representatives of insurers, or have had special education or training of sufficient duration and extent reasonably to satisfy the corporation commission that he possesses the qualifications necessary to fulfill the responsibilities of broker.

Sec. 4. Section 61-407, Arizona Code of 1939, is amended to read:

61-407. EXAMINATION OF APPLICANT—ISSUANCE OF LICENSE—TERM—FEES. 1. Examination for license. Each applicant for license as agent, solicitor or broker shall, prior to the issuance of any such license, personally take and pass to the satisfaction of the corporation commission an examination given by the corporation commission as a test of his qualifications and competence; but this requirement shall not apply to:

(a) Applicants for license as a nonresident broker who have fulfilled qualification requirements in their state of residence and who are deemed by the corporation commission to be fully qualified and competent;

(b) applicants for the renewal of licenses in force on the effective date of this code;

(c) applicants for limited licenses as travel insurance agents only. The commission may issue limited licenses as travel insurance agents to persons selling transportation tickets of a common carrier of persons or property who shall act as such agents only as to transportation ticket policies of disability insurance or baggage insurance on personal effects. Such licenses when issued shall be designated as such.

2. Grouping of insurance. The corporation commission may from time to time make reasonable grouping of the kinds of insurance that may lawfully be written in this state for the purpose of prescribing reasonable examinations for agent's, solicitor's, or broker's licenses for each group respectively. For the purposes of this Act such groupings shall be, accident and health, automobile, fire, and casualty insurance; provided that if an agent is appointed by an insurer, whose certificate of compliance is more restricted to lines of insurance than is included in one of the above groupings, an examination may be prescribed which in the opinion of the commission covers the subject for which the applicant is appointed by insurer.

3. Examinations—form, time and place. (a) The answers of the applicant to any such examination shall be written by the applicant under the commission's supervision, and any such written examination may be supplemented by oral examination at the discretion of the commission;

(b) examination of applicants shall be conducted at the office of the corporation commission, or such other places as the commission may determine, at least twice each year;

(c) such examinations shall cover subjects which will test

the applicant's familiarity with the insurance laws of this state, and with the provisions, terms, conditions and effect of the policies or contracts he is proposing to solicit, negotiate or place in effect. The commission may designate a different examination for each license;

(d) all examination papers shall be kept by the commission and open to inspection at reasonable times by the applicant, or an authorized agent, or by a court of competent jurisdiction in a proceeding in which the question of the contents of such papers is properly involved, for a period of ninety (90) days from the date on which the results of the examinations are given, and may then be destroyed.

4. Fees. (a) Examination. The fee to be paid by the applicant at the time of filing application for each examination, shall be as follows: Agent or solicitor, five dollars ($5.00) per classification, not exceeding ten dollars ($10.00) for all classifications, as set forth in paragraph 2 of this section; brokers, ten dollars ($10.00) for all classifications;

(b) Licenses. The fee to be paid to the corporation commission for each license issued shall be paid annually by the licensee and shall be as follows:

Agent	$ 5.00
Solicitor	5.00
Resident broker	5.00
Nonresident broker	10.00

These fees shall be in lieu of all other license fees and taxes for conducting the business of an insurance agent in the state of Arizona, except those provided in section 61-340, Arizona Code of 1939. It shall be unlawful for any insurer, directly or indirectly, to pay these fees;

(c) Expiration and renewal of licenses. Unless either revoked or terminated, licenses issued, renewed or extended, expire annually on July 1. Applications for renewal of licenses received after July 1, will be considered as delinquent and the fees for issuing said licenses shall be doubled, except that if an application for renewal is delinquent beyond the calendar year, it shall be rejected. A person whose application has been rejected, may submit a new application subject to examination as provided in section 61-407.

5. Scope of broker's license. A broker's license shall be issued to cover all classifications.

6. Broker's bond. (a) Every applicant for a broker's license shall file with the application, and shall thereafter maintain in force while so licensed, a bond in favor of the people of the state of Arizona, executed by an authorized corporate surety approved by the corporation commission, in the amount of one thousand dollars ($1,000.00). The bond may be continuous in form, and total aggregate liability on the bond may be limited to the payment of one thousand dollars ($1,000.00). The bond shall be contingent on the accounting by the broker to any person requesting the broker to obtain insurance, for moneys or premiums collected in connection therewith;

(b) Any such bond shall remain in force until the surety is released from liability by the corporation commission, or until the bond is cancelled by the surety. Without prejudice to any liability accrued prior to such cancellation, the surety may cancel the bond upon thirty (30) days advance notice in writing filed with the corporation commission.

7. Broker's authority and commissions. (a) A broker, as such, is not an agent or other representative of an insurer, and does not have power, by his own acts, to bind the insurer upon any risk or with reference to any insurance contract;

(b) an insurer or agent shall have the right to pay to a broker licensed under this article, and such broker shall have the right to receive from the insurer or agent the customary commissions upon insurances placed in the insurer by the broker.

8. Agent, broker license combinations. A licensed agent may be licensed as a broker and be a broker as to insurers for which he is not then licensed as agent. A licensed broker may be licensed as and be an agent as to insurers appointing him as agent. The sole relationship between a broker and an insurer as to which he is licensed as an agent shall, as to transactions arising during the existence of such agency appointment, be that of insurer and agent.

9. Nonresident brokers and agents. (a) The corporation commission may license as a broker, a person who is otherwise qualified therefor under this code but who is not a resident of this state, if by the laws of the state of his residence a similar privilege is extended to residents of this state.

The corporation commission may license as an agent, a person who is otherwise qualified therefor under this code but who is not a resident of this state, provided (1) that the laws of the state of his residence will extend a similar privilege to

residents of this state, (2) the insurer(s) to be represented has qualified with the laws of this state, (3) applicant is not licensed as an insurance broker in the state of his residence;

(b) any such license shall be subject to the same obligations and limitations, and to the commission's supervision as though resident in this state;

(c) the corporation commission may introduce a reciprocal arrangement with the officer having jurisdiction over insurance business in any other state, to accept in lieu of examination of such an applicant residing therein, a certificate of such officer to the effect that the applicant is licensed in such state and has complied with its qualification standards.

Sec. 5. Section 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. a salaried employee of an admitted insurer who is sent to this state by said insurer to take the place of an employee who is licensed as an agent in this state;

(c) a temporary license may be issued for ninety (90) days with the privilege of renewal for another ninety (90) 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 (15) months. No fee shall be charged for a temporary license.

Approved by the Governor—March 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 147

(House Bill No. 170)

AN ACT

RELATING TO THE SLAUGHTER OF ANIMALS; PRESCRIBING FEES, CONDITIONS AND PENALTIES, AND AMENDING SECTION 50-804, ARIZONA CODE OF 1939.

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

Section 1. Section 50-804, Arizona Code of 1939, is amended to read:

50-804. LICENSE FEES, CONDITIONS AND PENALTIES. (a) The board may grant an applicant, upon payment of the fees and presentation of proof of good moral character, a license to slaughter neat animals, horses, mules, asses, sheep or goats, as set forth in such license. The following fee shall be paid for a license to slaughter in any one calendar year: 1. Not to exceed forty-five head of neat animals, horses, mules, or asses, and not to exceed fifty-five head of sheep or goats, five dollars; 2. more than forty-five and not to exceed one hundred fifty head of neat animals, horses, mules or asses and more than fifty-five and not to exceed one hundred sixty head of sheep or goats, fifteen dollars; 3. more than one hundred fifty head of neat animals, horses, mules or asses and more than one hundred sixty head of sheep or goats in any one calendar year, eighty dollars.

(b) For good cause shown the board may, after a hearing, and after notice to the holder of such license of its intention so to do, revoke any license issued hereunder.

(c) It shall be a misdemeanor for any person, other than a producer slaughtering under special permit, to slaughter any neat animals, horses, mules, asses, sheep or goats for sale or exchange, or to offer for sale or exchange any portion thereof, without first procuring a license.

(d) Every peddler, retailer, jobber or handler, excepting only a home consumer, of any meat or meat product, other than canned meat or meat product, shall, before offering such meat or meat product, for sale or exchange, procure a license therefor from the livestock sanitary board, for which he shall pay an annual license fee of ten dollars for each place of business, store, stand, market or vehicle wherein or wherefrom such meat is to be sold or exchanged, and shall keep a

record of the name and address of each person from whom the purchaser obtained such meat or meat product, the date of purchase, quantity and kind of meat purchased, and time and place of purchase, and upon the request of an inspector or peace officer shall exhibit the same to such inspector or peace officer.

Every peddler, jobber or handler, excepting a restaurant or retailer, shall keep a record of the name and address of every person to whom any meat or meat product is sold, the date of sale, the quantity and kind of meat sold, and the time and place of sale, and upon the request of an inspector or peace officer shall exhibit the same to such inspector or peace officer. The records hereinabove required shall be maintained for a period of one year.

(e) If any person acquires a business licensed as provided herein to retail fresh meat, with the good will thereof, and continues to operate the business in substantially the same manner, in the same location and under the same firm name, the board may transfer the license to the new owner, on written application therefor, without payment of license fee. All licenses issued hereunder shall expire on December 31 of the year in which issued.

(f) Any person failing to comply with the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense by a fine of not less than one hundred nor more than one thousand dollars, imprisonment for not less than twenty or more than one hundred days, or both.

Approved by the Governor—March 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951

CHAPTER 148

(House Bill No. 210)

AN ACT

RELATING TO CITIES AND TOWNS, AND AUTHORIZING THE ENACTMENT OF CODES AND PUBLIC RECORDS BY REFERENCE THERETO.

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

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

"municipality" means a city or town organized in accordance with law, including a home rule or charter city;

"code" means a published compilation of rules or regulations prepared by a technical trade association, and includes but is not limited to any building code, plumbing code, electrical wiring code, health or sanitation code, fire prevention code, inflammable liquids code, or any code for the slaughtering, processing and selling of meat and meat products or for the production, pasteurizing and sale of milk and milk products, or any other code which embraces rules and regulations pertinent to a subject which is a proper municipal legislative matter;

"public record" includes any statute, rule or regulation of the federal government, this state, or the municipality desiring to adopt by reference;

"published" means printed, lithographed, multigraphed, mimeographed or otherwise reproduced.

Sec. 2. ADOPTION BY REFERENCE. A municipality may enact the provisions of a code or public record theretofore in existence without setting forth such provisions, but the adopting ordinance shall be published in full. At least three copies of the code or public record shall be filed in the office of the clerk of the municipality and kept available for public use and inspection. A code or public record enacted by reference may be amended in the same manner.

Sec. 3. PENALTY CLAUSE. No penalty clause shall be enacted by reference thereto. A penalty clause contained in a code or public record adopted by reference shall be set forth in full in the adopting ordinance.

Sec. 4. RATIFICATION. The enactment of any municipality which has heretofore adopted a code or public record by reference thereto is ratified and declared effective upon the filing of three copies of the code or public record with the clerk of the municipality.

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 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 149

(House Bill No. 235)

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF THE INDUSTRIAL COMMISSION.

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

Section 1. APPROPRIATION. One hundred seventy-five thousand four hundred seventy-two dollars and eighty-six cents ($175,472.86) is hereby appropriated from the general fund of the state of Arizona for the relief of the industrial commission.

Section 2. PURPOSE. One hundred seventy-three thousand four hundred seventy-five dollars and twenty cents ($173,-475.20) 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 $5,090.27; No. 3 in the amount of $4,634.70; No. 28 in the amount of $13,077.44; No. 29 in the amount of $6,678.17; No. 42 in the amount of $4,556.51; No. 46 in the amount of $21,667.59; No. 47 in the amount of $3,031.46; No. 48 in the amount of $15,226.97; No. 66 in the amount of $13,420.40; No. 67 in the amount of $12,067.58; No. 69 in the amount of $41,334.14 and No. 71 in the amount of $32,689.97) for workmen's compensation insurance earned premiums for the period from January 1, 1945 to June 30, 1950.

One thousand nine hundred ninety-seven dollars and sixty-six cents 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 $117.07; No. 27 in the amount of $72.69; No. 43 in the amount of $250.63; No. 45 in the amount of $231.42; No. 49 in the amount of $388.13; No. 65 in the amount of $62.99; No. 68 in the amount of $45.89; No. 70 in the amount of $718.85; and No. 72 in the amount of $109.99)

for occupational disease earned premiums for the period from January 1, 1945 to June 30, 1950.

Approved by the Governor—March 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 150

(House Bill No. 265)

AN ACT

RELATING TO SANITARY DISTRICTS; AMENDING ARTICLE 10, CHAPTER 68, ARIZONA CODE OF 1939 BY ADDING SECTIONS 68-1028 AND 68-1029; AMENDING SECTION 68-1006 AND 68-1008; PROVIDING FOR RULES AND REGULATIONS GOVERNING CONNECTIONS TO SANITARY DISTRICT SEWERS AND PERMITS FOR SUCH CONNECTIONS; DECLARING THE UNAUTHORIZED CONNECTION TO A SANITARY DISTRICT LINE A MISDEMEANOR; DECLARING THE VIOLATION OF RULES AND REGULATIONS OF THE SANITARY DISTRICT TO BE A PUBLIC NUISANCE; PROVIDING FOR THE ANNEXATION OF NON-CONTIGUOUS TERRITORY TO A SANITARY DISTRICT AND FOR THE CONSENT OF THE BOARD OF DIRECTORS FOR THE ANNEXATION OF TERRITORY.

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

Section 1. Section 68-1006, Arizona Code of 1939, is amended to read:

68-1006. ESTABLISHMENT OF DISTRICT. (a) Upon the hearing, if it appears after consideration of all objections that the petition is signed by the requisite number of owners of real property, that the proposed work is necessary, and that the public health, comfort, convenience, necessity, or welfare will be promoted by the establishment of the district, the board of supervisors, by formal order, shall declare its findings, establish the boundaries, and declare the sanitary district organized under a corporate name by which it shall be known in all proceedings. Thereafter the district shall be a body corporate with the powers of a municipal corporation for the purposes of carrying out the provisions of this Act.

(b) If the board of supervisors finds that the territory set out in the petition should not be incorporated into a sanitary district, it shall dismiss the proceedings and tax the costs against the signers of the petition, and may collect the costs on the bond of the petitioners. If the district is established, certified bills covering the costs of the board of supervisors and the disbursements of the petitioners shall be presented to the board of directors of the district and paid out of the funds of the district.

(c) In the event it appears to the board of supervisors at the hearing that territory not included in the petition should be included within the sanitary district, the real property-owners in the additional territory shall be notified in like manner as provided in connection with the original hearing, and a subsequent hearing shall be held on the question of including the additional territory. In establishing the sanitary district, the board shall eliminate any territory described in the petition which it finds will not be benefited by the establishment of the district.

(d) Additions to and alterations of a sanitary district shall be made in the manner provided for the establishment of the district. Territory annexed to an existing sanitary district need not be contiguous to any territory within the district to which it is annexed. No territory shall be annexed to a sanitary district without the consent of the board of directors of the sanitary district evidenced by a resolution adopted by the majority vote of such board of directors.

Sec. 2. Section 68-1008, Arizona Code of 1939, is amended to read:

68-1008. POWERS OF DISTRICT. In addition to the powers specifically granted, a sanitary district, acting through its board of directors, shall have power to:

1. Acquire by gift, purchase, condemnation, or otherwise, in the name of the district, and to own, control, manage, and dispose of, any real or personal property or interest therein necessary or convenient for the construction and maintenance of, and to construct, maintain, and operate within or without the district, a sewerage system and necessary sewage disposal and treatment plants.

2. Join with any other sanitary district, municipality, or governmental agency in the construction, maintenance, or operation of a sewerage system or sewage disposal or treatment plant, either within or without the district; but no

sewage disposal or treatment plant shall be constructed or maintained in any incorporated city or town, nor within one-half mile thereof, without the unanimous consent of the governing body of the city or town.

3. Sell, lease, or otherwise dispose of any property of the district, or interest therein, whenever the same is no longer required for the purposes of the district or the use of which may be permitted without interfering with the use thereof by the district.

4. Sell or otherwise dispose of any water, sewage effluent, fertilizer, or other by-product resulting from the operation of a sewerage system or sewage disposal or treatment plant.

5. Construct, maintain, and operate such pipe lines and other works as may be necessary for a purpose described in paragraph 4 or to conserve and put to beneficial use any water or sewage effluent recovered from the operation of its sewerage system, plant, or works, by sale or disposition thereof for agricultural or industrial purposes, or by discharging or spreading the same in such manner as to percolate into underground gravels and replenish water resources.

6. Pay expenses incidental to the exercise of its powers.

7. Employ such sanitation experts, surveyors, counsel, and other persons as may be necessary in the exercise of its powers.

8. Formulate and adopt rules and regulations governing connections to the sewer lines of the district and governing connections, outside the limits of an incorporated city or town, to sewer lines which connect to sewer lines of the district and to require permits for any and all such connections.

Sec. 3. Article 10, chapter 68, Arizona Code of 1939, is amended by adding section 68-1028 to read:

68-1028. CONNECTION PERMITS. Any person desiring to make a connection to any sewer line of the district or to any sewer line, outside the limits of an incorporated city or town, which connects with any sewer line of the district shall first obtain a permit from the district for such connection. Any person making any such connection without first having obtained such a permit shall be guilty of a misdemeanor.

Sec. 4. Article 10, chapter 68, Arizona Code of 1939, is amended by adding section 58-1029 to read:

68-1029. UNAUTHORIZED USE—PUBLIC NUISANCE. The discharge of sewage and waste materials into sewer lines of the district or into sewer lines, outside the limits of an incorporated city or town, which connect to sewer lines of the district in violation of rules and regulations formulated and adopted by the district from time to time is hereby declared to be a public nuisance which may be abated as such.

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 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 151

(House Bill No. 302)

AN ACT

MAKING APPROPRIATIONS FOR THE DIFFERENT DEPARTMENTS OF THE STATE, FOR PUBLIC SCHOOLS, AND FOR INTEREST ON THE PUBLIC DEBT.

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

Section 1. Subject to applicable laws, the sums or sources of revenue herein set forth are appropriated for the 40th fiscal year for the purposes and objects herein specified:

Subdivision 1. DEPARTMENT OF LAW

ATTORNEY GENERAL

Personal Services	
Special council assigned to Interstate Stream Commission	$12,000.00
Other Personal Services	63,720.00
State Travel	1,800.00
Out of State Travel	750.00

Subscriptions and Organization Dues	200.00
Other Current Expenditures	4,088.00
Capital Outlay	500.00
Total appropriation from the general fund	$83,058.00

From the Workmen's Compensation Insurance Fund the following is appropriated:

Personal Services	$34,840.00
State Travel	3,000.00
Other Current Expenditures	20,250.00
Capital Outlay—Library Books	1,200.00
Total appropriation from the Workmen's Compensation Insurance Fund	$59,290.00

From the Employment Security Administration Fund the following is appropriated:

Personal Services	$10,552.00
Travel	450.00
Total appropriation from the Employment Security Administration Fund	$11,002.00

From the Arizona Power Authority Fund the following is appropriated:

Personal Services	$6,000.00
Total appropriation from the Arizona Power Authority Fund	$6,000.00

From the State Highway Fund the following is appropriated:

Personal Services	$ 8,520.00
State Travel	200.00

Other Current Expenditures	1,300.00
Total appropriation from the State Highway Fund	$10,020.00
Total appropriation to the Department of Law	$169,370.00

Subdivision 2. DEPARTMENT OF FINANCE
COMMISSIONER OF FINANCE

Personal Services	$10,800.00
Other Current Expenditures	2,000.00
	$12,800.00

BOARD OF FINANCE

Personal Services	$7,500.00
State Travel	1,500.00
	$9,000.00

DIVISION OF ACCOUNTS AND CONTROL

Personal Services	
Comptroller (State Auditor)	$6,000.00
Other Personal Services	91,300.00
Travel—State	250.00
Other Current Expenditures	37,870.00
Capital Outlay	2,500.00
	$137,920.00

DIVISION OF BUDGET

Personal Services	$17,100.00
State Travel	1,500.00
Other Current Expenditures	2,500.00

Capital Outlay—Equipment	1,000.00
	$22,100.00

DIVISION OF PURCHASES AND PROPERTY CONTROL

Personal Services	$ 16,100.00
Other Current Expenditures	2,500.00
Capital Outlay—Equipment	1,000.00
Revolving Fund	25,000.00
	$ 44,600.00

DIVISION OF ADMINISTRATIVE SERVICES

Personal Services	$ 17,400.00
Other Current Expenditures	2,500.00
Capital Outlay	1,000.00
Revolving Fund	10,000.00
	$ 30,900.00
Total Department of Finance	$257,320.00

Subdivision 3. CAPITOL BUILDING AND GROUNDS

Personal Services	$ 66,540.00
Other Current Expenditures	29,000.00
Total appropriation	$ 95,540.00

Subdivision 4. DEPARTMENT OF LIBRARY AND ARCHIVES

Personal Services	$ 38,000.00
State Travel	400.00
Other Current Expenditures	4,300.00

Capital Outlay:	
Equipment	9,000.00
Buildings and Improvements	3,000.00
Total appropriation	$ 54,700.00

Subdivision 5. ESTATE TAX COLLECTION

Personal Services	$ 7,800.00
State Travel	100.00
Other Current Expenditures	1,400.00
Total appropriation	$ 9,300.00

Subdivision 6. GOVERNOR

Personal Services	$ 36,300.00
State Travel	1,500.00
Out of State Travel	2,000.00
Subscriptions and Organization Dues	1,500.00
Entertainment	2,500.00
Insurance	51,498.00
Other Current Expenditures	7,550.00
Capital Outlay	500.00
Total appropriation	$103,348.00

Subdivision 7. TWENTIETH LEGISLATURE

Senate	$ 75,000.00
House of Representatives	275,000.00
Department of Library and Archives for the State Legislative Bureau	40,000.00
	$390,000.00*

*This appropriation is not subject to the provisions in section 10-930, Arizona Code of 1939, relating to lapsing appropriations.

Subdivision 8. SECRETARY OF STATE

Personal Services	$ 24,000.00
Travel—In and Out of State	700.00
Subscriptions and Organization Dues	50.00
Supplements to Code	6,600.00
Other Current Expenditures	4,200.00
Capital Outlay	450.00
Total appropriation	$ 36,000.00

Subdivision 9. STATE EXAMINER

Personal Services	$ 36,200.00
State Travel	10,000.00
Other Current Expenditures	1,815.00
Capital Outlay	350.00
Total Appropriation	$ 48,365.00

Subdivision 10. STATE TAX COMMISSION

Personal Services	
Auditors	$200,000.00
Other Personal Services	200,000.00
State Travel	38,500.00
Out of State Travel	11,250.00
Subscriptions and Organization Dues	250.00

Postage—Income Tax Forms	6,000.00
Luxury Stamps	15,000.00
Other Current Expenditures	68,500.00
Capital Outlay (Exclusive of Automobiles)	9,000.00
Total appropriation	$548,500.00

Subdivision 11. STATE TREASURER

Personal Services	$ 19,120.00
Other Current Expenditures	3,355.00
Capital Outlay	250.00
Total appropriation	$ 22,725.00

Subdivision 12. SUPERIOR COURTS

Salary of Judges	$ 79,500.00
Periodic Court Commissioners	500.00
Total appropriation	$ 80,000.00

Subdivision 13. SUPREME COURT

Personal Services	$ 61,400.00
Other Current Expenditures	2,900.00
Capital Outlay	2,500.00
Total appropriation	$ 66,800.00

Subdivision 14. POST AUDITOR

Personal Services	$ 42,640.00
State Travel	6,800.00
Out of State Travel	600.00

Other Current Expenditures	1,375.00
Capital Outlay	1,500.00
Total appropriation	$ 52,915.00

Subdivision 15. ARIZONA STATE BOARD OF PHARMACY

From the Arizona State Board of Pharmacy Fund the following is appropriated:

Salary of Secretary	$ 3,000.00
Other Personal Services	6,975.00
State Travel	2,000.00
Subscriptions and Organization Dues	25.00
Other Current Expenditures	2,485.00
Capital Outlay	350.00
Total appropriation	$ 14,835.00

Subdivision 16. ARIZONA STATE DENTAL BOARD

From the Arizona State Dental Board Fund the following is appropriated:

Personal Services	$ 1,780.00
State Travel	600.00
Out of State Travel	500.00
Subscriptions and Organization Dues	10.00
Other Current Expenditures	1,415.00
Capital Outlay (Exclusive of Automobiles)	1,500.00
Total appropriation	$ 5,805.00

Subdivision 17. BOARD OF BARBER EXAMINERS

From the Board of Barber Examiners Fund the following is appropriated:

Personal Services	$ 7,050.00
State Travel	2,280.00
Other Current Expenditures	1,205.00
Capital Outlay	100.00
Total Appropriation	$ 10,635.00

Subdivision 18. BOARD OF BEAUTY CULTURIST EXAMINERS

From the Board of Beauty Culturist Examiners Fund the following is appropriated:

Personal Services	$ 12,900.00
State Travel	2,000.00
Subscriptions and Organization Dues	25.00
Other Current Expenditures	3,225.00
Capital Outlay	125.00
Total appropriation	$ 18,275.00

Subdivision 19. 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 and Capital Outlay. 10% shall be credited to the General Fund.

Subdivision 20. DAIRY COMMISSION

Salary of Commissioner	$ 4,200.00
Other Personal Services	9,600.00

State Travel	2,500.00
Other Current Expenditures	850.00
Capital Outlay	425.00
Total appropriation	$ 17,575.00

Subdivision 21. NATUROPATHIC BOARD OF EXAMINERS

From the Naturopathic Board of Examiners Fund the following is appropriated:

Personal Services	$ 640.00
State Travel	110.00
Other Current Expenditures	85.00
Capital Outlay	50.00
Total appropriation	$ 885.00

Subdivision 22. STATE BOARD OF CHIROPODY EXAMINERS

From the State Board of Chiropody Examiners Fund the following is appropriated:

Personal Services	$ 120.00
Other Current Expenditures	15.00
Total appropriation	$ 135.00

Subdivision 23. STATE BOARD OF CHIROPRACTIC EXAMINERS

From the State Board of Chiropractic Examiners Fund the following is appropriated:

Personal Services	$ 1,280.00
Other Current Expenditures	95.00
Total appropriation	$ 1,375.00

Subdivision 24. STATE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

From the State Board of Funeral Directors and Embalmers Fund the following is appropriated:

Personal Services	$ 1,400.00
State Travel	300.00
Subscriptions and Organization Dues	100.00
Other Current Expenditures	450.00
Total appropriation	$ 2,250.00

Subdivision 25. STATE BOARD OF NURSE EXAMINERS

From the State Board of Nurse Examiners Fund the following is appropriated:

Personal Services	$ 12,200.00
State Travel	1,000.00
Out of State Travel	350.00
Other Current Expenditures	2,985.00
Total appropriation	$ 16,535.00

Subdivision 26. STATE BOARD OF OPTOMETRY

From the State Board of Optometry Fund the following is appropriated:

Personal Services	$ 1,000.00
Other Current Expenditures	200.00
Capital Outlay	150.00
Total appropriation	$ 1,350.00

Subdivision 27. STATE BOARD OF OSTEOPATHIC EXAMINERS

From the State Board of Osteopathic Examiners Fund the following is appropriated:

Personal Services	$ 1,500.00
State Travel	300.00
Other Current Expenditures	50.00
Total appropriation	$ 1,850.00

Subdivision 28. DEPARTMENT OF PUBLIC HEALTH, WELFARE AND CORRECTION

COMMISSIONER

Personal Services	
Commissioner	$ 9,000.00
Board Members—per diem	7,500.00
Travel—In and Out of State for Commissioner and Board Members	4,900.00
	$ 21,400.00

DIVISION OF ADMINISTRATION

Personal Services	$ 28,776.00
Travel	7,500.00
Other Current Expenditures	6,400.00
Capital Outlay	5,470.00
	$ 48,146.00

ARIZONA CHILDREN'S COLONY

Lump Sum Appropriation	$100,000.00

INDUSTRIAL SCHOOL

Lump Sum Appropriation	$150,000.00

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.

CARE OF GIRL JUVENILE OFFENDERS

Lump Sum Appropriation	$105,000.00

STATE HOSPITALS FOR THE INSANE

Personal Services	$700,000.00
State Travel	1,600.00
Out of State Travel	5,000.00
Subscriptions and Organization Dues	100.00
Other Current Expenditures	566,800.00
Capital Outlay:	
Equipment (Exclusive of Passenger Automobiles)	10,000.00
Building and Improvements	25,000.00
Livestock	400.00
	$1,308,900.00

In conformity with section 8-209, Arizona Code of 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.

ARIZONA STATE TUBERCULOSIS SANATORIUM

Salary of Supervisor	$ 5,000.00
Other Personal Services	108,845.00
State Travel	300.00
Out of State Travel	500.00

Subscriptions and Organization Dues	50.00
Other Current Expenditures	82,500.00
Capital Outlay—Equipment	13,000.00
	$210,195.00

CRIPPLED CHILDREN'S SERVICE

Lump Sum Appropriation	$265,500.00

PIONEERS' HOME

Personal Services	$ 47,850.00
State Travel	250.00
Subscriptions and Organization Dues	350.00
Other Current Expenditures	84,662.00
	$133,112.00

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.

PRISON

Personal Services	$203,150.00
State Travel	400.00
Out of State Travel	500.00
Subscriptions and Organization Dues	48.50
Discharge Money	5,500.00
Other Current Expenditures	199,275.00
Capital Outlay:	
Livestock	750.00

Equipment, Buildings and Improvements	10,000.00
	$419,623.50

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.

INSTITUTE OF EDUCATIONAL REHABILITATION

Personal Services	$ 94,120.00
State Travel	350.00
Out of State Travel	300.00
Subscriptions and Organization Dues	25.00
Other Current Expenditures	63,025.00
	$157,820.00

DIVISION OF PUBLIC HEALTH

Personal Services	$ 90,000.00
State Travel	5,000.00
Subscriptions and Organization Dues	50.00
Other Current Expenditures	10,525.00
Relief Compensation	2,000.00
Merit System	8,000.00
Capital Outlay	5,000.00
	$120,575.00

In addition to the above appropriation there is hereby appropriated to the Division of Public Health to be available for Current Expenditures and Capital Outlay, all fees collected under the provisions of section 68-118, Arizona Code of 1939, as amended.

DIVISION OF PUBLIC WELFARE

ADMINISTRATION—STATE AND COUNTY OFFICES

Personal Services	$639,172.00
Travel	58,000.00
Other Current Expenditures	37,000.00
Capital Outlay	15,000.00
Total appropriation—State and County Offices	$749,172.00
AID TO THE BLIND	316,350.00
AID TO DEPENDENT CHILDREN	1,272,240.00
OLD AGE ASSISTANCE	3,555,900.00
DIRECT RELIEF	698,400.00
FOSTER HOMES	238,500.00
UNALLOCATED ASSISTANCE	675,710.00
MEDICAL CARE	31,832.00

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 division of public welfare, pursuant to the provisions of section 73-1322, Arizona Code of 1939, as amended by initiative measure, 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.

DIVISION OF DETENTION AND CORRECTION

Personal Services

Director	$ 4,800.00

Other Personal Services	2,100.00
State Travel	300.00
Other Current Expenditures	550.00
Bureau of Criminal Identification	7,500.00
	$ 15,250.00

Subdivision 29. BOARD OF PARDONS AND PAROLES

Board Members—Per Diem	$ 550.00
State Travel	600.00
Other Current Expenditures	150.00
Total appropriation	$ 1,300.00

Subdivision 30. VETERANS SERVICE OFFICER

Salary of Veterans Service Officer	$ 3,000.00
Other Personal Services	2,400.00
Travel and Other Current Expenditures	3,100.00
Veterans Relief Commission Fixed Charges	5,000.00
Total appropriation	$ 13,500.00

Subdivision 31. ARIZONA STATE COLLEGE AT FLAGSTAFF

Lump Sum appropriation	$506,238.00

Any unencumbered balance remaining in the Collections Account on June 30, 1951, and all collections received by the college during the fiscal year when paid into the state treasury are hereby appropriated for personal services, current expenditures, capital outlay, and fixed charges; earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 32. ARIZONA STATE COLLEGE AT TEMPE

Lump Sum appropriation	$1,178,241.00

Any unencumbered balance remaining in the Collections Account on June 30, 1951, and all collections received by the college during the fiscal year when paid into the state treasury are hereby appropriated for personal services, current expenditures, capital outlay, and fixed charges; earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 33. ARIZONA STATE SCHOOL FOR THE DEAF AND BLIND

Personal Services	$155,960.00
State Travel	250.00
Out of State Travel	250.00
Subscriptions and Organization Dues	250.00
Teachers' Retirement	3,224.00
Other Current Expenditures	78,000.00
Capital Outlay:	
Equipment	5,000.00
Truck	1,500.00
Buildings and Improvements	30,000.00
Total Appropriation	$274,434.00

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; earning 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 34. 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 per capita for common school education and $95 per capita for high school education per annum, computed according to average daily attendance in common and high schools during the previous year as shown by the records of the Superintendent of Public Instruction, which shall constitute the aggregate sum to be raised by the state taxation for the support of common and high school education. This amount shall include the following items:

VOCATIONAL EDUCATION

Personal Services	$ 29,750.00
State Travel	3,000.00
Out of State Travel	500.00
Subscriptions and Organization Dues	100.00
Other Current Expenditures	3,455.00
Reimbursement for Vocational Training	75,000.00
Capital Outlay	750.00
	$112,555.00

(The above appropriation is made to enable the state to cooperate with the federal government in carrying out the provisions of an Act of Congress approved February 23, 1917, and acts amendatory or supplementary thereto, providing for the promotion and development of cooperative vocational education.)

VOCATIONAL REHABILITATION

Lump Sum appropriation	$ 25,000.00

(The appropriation is made to enable the state to cooperate with the federal government in carrying out the provisions of an Act of Congress approved June 20, 1920, and subsequent amendments, providing for vocational rehabilitation.)

FOR THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION AND COMMON SCHOOLS, SCHOOL LUNCH PROGRAM*, AND TEXTBOOKS

Personal Services	$ 70,360.00
State Travel	2,000.00
Out of State Travel	200.00
Subscriptions and Organization Dues	50.00
Other Current Expenditures	22,285.50
Textbooks	175,000.00
Capital Outlay	1,550.00
	$271,445.50

(*To carry out provisions of Section 54-305, Arizona Code of 1939, Annotated.)

ARIZONA TEACHERS' RETIREMENT SYSTEM

Fixed charges (for carrying out the provisions of Section 54-1730, Arizona Code of 1939, as amended.)	$160,425.00
Grand Total—Superintendent of Public Instruction	$569,425.50

The balance of the per capita tax, together with the amount of all moneys received from national forest, interest collected on deferred payments on the purchase of state lands, the income from the investment of permanent funds as prescribed by the Enabling Act and the State Constitution, during the fiscal year, when paid into the state treasury, are hereby appropriated for the apportionment to the various counties in accordance with law. No expenditures shall be made except as specifically authorized above.

Subdivision 35. EDUCATION FOR CRIPPLED CHILDREN
Personal Services:

Maricopa County	$ 3,600.00
Pima County	1,800.00
Total appropriation	$ 5,400.00

Subdivision 36. JUNIOR COLLEGES

Phoenix Junior College	$ 75,000.00
Eastern Arizona Junior College	75,000.00
Total appropriation	$150,000.00

Subdivision 37. UNIVERSITY OF ARIZONA

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 university purposes; for capital investment; for repairs and replacements: $2,195,470.00

All collections received by the university during the said fiscal year when paid into the state treasury are hereby appropriated for personal services, current expenditures, capital outlay and fixed charges; earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 38. APPRENTICESHIP COUNCIL

Lump Sum Appropriation $ 4,000.00

Subdivision 39. ARIZONA FRUIT AND VEGETABLE STANDARDIZATION ACT

Lump Sum Appropriation $ 5,800.00

Subdivision 40. BANKING DEPARTMENT

Personal Services	$ 14,000.00
State Travel	2,465.00
Subscriptions and Organization Dues	10.00
Other Current Expenditures	1,185.00

Capital Outlay	100.00
Total appropriation	$ 17,760.00

Subdivision 41. COMMISSION OF AGRICULTURE AND HORTICULTURE

Personal Services	
Agriculture Quarantine Stations	
Inspectors in Charge	$ 21,600.00
Inspectors	120,000.00
Other Personal Services	78,600.00
State Travel	7,500.00
Out of State Travel	250.00
Subscriptions and Organization Dues	50.00
Other Current Expenditures	11,050.00
Total appropriation	$239,050.00

Subdivision 42. CORPORATION COMMISSION

Personal Services	
Salary of Commissioners	$ 18,000.00
Salary of Commission Secretary	4,800.00
Other Personal Services	
Securities Division	10,800.00
Insurance Division	33,740.00
Incorporating Division	9,160.00
Motor Carrier Department	24,640.00
Tariff and Rate Division	7,600.00

Receptionist and Accounting and Cashier Department	8,900.00
Total Personal Services	$117,640.00
State Travel	5,000.00
Out of State Travel	1,400.00
Subscriptions and Organization Dues	500.00
Other Current Expenditures	18,600.00
Capital Outlay:	
Equipment	1,500.00
Buildings and Improvements	425.00
Total appropriation	$145,065.00

Subdivision 43. DEPARTMENT OF LIQUOR LICENSES AND CONTROL

Personal Services	$ 90,400.00
State Travel	45,600.00
Subscriptions and Organization Dues	750.00
Other Current Expenditures	14,000.00
Capital Outlay:	
Radio Equipment	3,000.00
Automobile	2,500.00
Office Equipment	4,580.00
Total appropriation	$160,830.00

Subdivision 44. INDUSTRIAL INSURANCE PREMIUMS

Workmen's Compensation (Exclusive of Highway Department)	$110,000.00

Occupational Disease (Exclusive of Highway Department)	2,500.00
Total appropriation	$112,500.00

Subdivision 45. INDUSTRIAL COMMISSION

Salary of Commissioners	$ 18,000.00
Enforcement of Labor and Minimum Wage Laws:	
Personal Services	9,120.00
State Travel	1,500.00
Subscriptions and Organization Dues	115.00
Other Current Expenditures	1,960.00
Total appropriation	$ 30,695.00

Subdivision 46. INSPECTOR OF WEIGHTS AND MEASURES

Personal Services	$ 11,400.00
State Travel	5,000.00
Out of State Travel	150.00
Other Current Expenditures	750.00
Capital Outlay (Exclusive of Passenger Vehicles	2,700.00
Total appropriation	$ 20,000.00

Subdivision 47. LIVESTOCK SANITARY BOARD
FOR THE LIVESTOCK SANITARY BOARD

Salary of Field Inspectors	$200,904.00
Other Personal Services	26,875.00
State Travel	500.00
Subscriptions & Organization Dues	25.00

Brand Re-recording	4,320.00
Other Current Expenditures	6,080.00
	238,704.00

ANIMAL HUSBANDRY

Lump Sum appropriation	$ 9,000.00

(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

(The above appropriation is made to enable the state to cooperate with the federal wildlife department for the eradication of predatory animals.)

PAYMENT OF BOUNTY

Lump Sum appropriation	$ 15,000.00

RODENT CONTROL

Lump Sum appropriation	$ 8,000.00

(The above appropriation is made to enable the state to cooperate with the federal wildlife department for the control of rodents.)

STATE VETERINARIAN

Personal Services	$ 5,500.00
State Travel	500.00
Out of State Travel	220.00
Subscriptions & Organization Dues	50.00
Other Current Expenditures	680.00
Capital Outlay	50.00
Total appropriation	$ 7,000.00

VOLUNTARY BANGS DISEASE

Lump Sum appropriation	$ 19,000.00

(The above appropriation is made to enable the state to cooperate with the United States bureau of animal industry for the eradication of voluntary bang's disease among animals.)

Total Livestock Sanitary Board	$311,704.00

Subdivision 48. NATIONAL GUARD

Personal Services	$ 72,716.00
State Travel	1,500.00
Out of State Travel	680.00
Subscriptions and Organization Dues	500.00
Other Current Expenditures	44,054.00
Officers' Clothing Allowance	18,420.00
Unit Allowances	27,000.00
Capital Outlay:	
Equipment	2,500.00
Buildings and Improvements	15,000.00
Total appropriation	$182,370.00

Subdivision 49. REAL ESTATE BOARD

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 50. REGISTRAR OF CONTRACTORS.

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 51 SHEEP SANITARY COMMISSION

Personal Services	$ 7,700.00
State Travel	2,150.00
Other Current Expenditures	520.00
Total appropriation	$ 10,370.00

Subdivision 52. BOARD OF ACCOUNTANCY

All collections received during the fiscal year when paid into the state treasury are hereby appropriated for Current Expenditures and Capital Outlay.

Subdivision 53. STATE BOARD OF TECHNICAL REGISTRATION

From the State Board of Technical Registration Fund the following is appropriated:

Personal Services	$ 5,000.00
State Travel	600.00
Out of State Travel	500.00
Subscriptions and Organization Dues	285.00
Other Current Expenditures	1,835.00
Capital Outlay	125.00
Total appropriation	$ 8,345.00

Subdivision 54. STATE EGG INSPECTOR

All collections received during the fiscal year when paid into the state treasury are hereby appropriated for Current Expenditures.

Subdivision 55. STATE MINE INSPECTOR

Personal Services	$ 24,700.00
State Travel	5,000.00

Other Current Expenditures	900.00
Capital Outlay	100.00
Total appropriation	$ 30,700.00

Subdivision 56. STATE VETERINARY BOARD

Personal Services	$ 540.00
State Travel	150.00
Other Current Expenditures	65.00
Total appropriation	$ 755.00

Subdivision 57. STATE HIGHWAY

From any unencumbered balances remaining in the state highway fund as of June 30, 1951, there is hereby appropriated:

ADMINISTRATION, ENGINEERING, MAINTENANCE AND GENERAL ACCOUNTS:

Personal Services	$3,084,052.00
Other Current Expenditures	1,645,121.00
Capital Outlay	776,850.00
	$5,506,023.00

HIGHWAY PATROL

Personal Services	$ 432,654.00
Other Current Expenditures	167,731.00
Capital Outlay	56,232.00
	$ 656,617.00

WAREHOUSE REVOLVING ACCOUNT	$ 80,000.00

PATROL MERIT SYSTEM COUNCIL

Lump Sum Appropriation	$ 6,000.00

TOURIST DEVELOPMENT

Lump Sum Appropriation	$ 150,000.00

UNIFORM CHAUFFEURS' AND OPERATORS' LICENSING

Lump Sum Appropriation	$ 215,515.00

HIGHWAY MAGAZINE*

Lump Sum Appropriation	$ 100,000.00

*In addition to the authorization of $100,000.00 for the Highway Magazine, any unencumbered balance remaining in the Highway Magazine Fund on June 30, 1951, and all receipts from subscriptions and sales during the said fiscal year when paid into the state treasury are hereby appropriated for the purposes stated in section 59-701, Arizona Code of 1939.

Total State Highway Appropriation	$6,714,155.00

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 58. ARIZONA COPPER TARIFF BOARD

Lump Sum appropriation	$ 5,000.00

Subdivision 59. ARIZONA GAME AND FISH COMMISSION

From the Arizona Game and Fish Protection Fund the following is appropriated:

Salary of Director	$ 6,000.00
Other Personal Services	250,543.00
State Travel	40,000.00
Out of State Travel	750.00

Subscriptions and Organization Dues	200.00
Other Current Expenditures	72,700.00
Propagation of Fish and Wildlife (Exclusive of Personal Services)	60,000.00
Capital Outlay:	
Equipment (Exclusive of Passenger Automobiles)	15,000.00
Buildings and Improvements	5,000.00
Wildlife and Fish Restoration	100,000.00*
Total appropriation	$550,193.00

*The above appropriation is made to enable the state to cooperate with the federal government for the preservation of wildlife and fish restoration.

Subdivision 60. ARIZONA INTERSTATE STREAM COMMISSION

Lump Sum appropriation	$ 86,600.00

Subdivision 61. DEPARTMENT OF MINERAL RESOURCES

Lump Sum appropriation	$ 50,000.00

Subdivision 62. STATE DAM AND SUPERVISION

All collections received during the fiscal year when paid into the State Treasury are hereby appropriated for current expenditures.

Subdivision 63. STATE LAND DEPARTMENT

FOR THE STATE LAND DEPARTMENT

Personal Services	$ 88,400.00
State Travel	12,000.00
Out of State Travel	500.00

Subscriptions and Organization Dues	25.00
Business Machine Rental	7,400.00
Other Current Expenditures	9,750.00
Capital Outlay:	
Equipment	750.00
Buildings and Improvements	1,500.00
	$120,325.00

STREAM GAUGING

Lump Sum Appropriation	$ 25,500.00

(This appropriation is made to enable the state to cooperate with the federal government.)

UNDERGROUND WATER DEVELOPMENT

Lump Sum Appropriation	$ 37,500.00

APPEAL BOARD

Lump Sum Appropriation	$ 5,000.00
Total State Land Department	$188,325.00

Subdivision 64. BOND INTEREST AND REDEMPTION REQUIREMENTS

Interest on Bonded Debt	$ 1,162.50
Redemption of Debt	10,000.00
Total appropriation	$ 11,162.50

Subdivision 65. ARIZONA RACING COMMISSION

Personal Services	$ 22,400.00
State Travel	3,000.00
Out of State Travel	500.00

Subscriptions and Organization Dues	800.00
Other Current Expenditures	35,560.00
Total appropriation	$ 62,260.00

Subdivision 66. GOVERNOR ON-THE-JOB-TRAINING

Lump Sum appropriation	$ 2,000.00

Subdivision 67. GOVERNOR—ARIZONA PIONEERS' HISTORICAL SOCIETY

Lump Sum appropriation	$ 6,500.00

Subdivision 68. GOVERNOR—PRESCOTT HISTORICAL SOCIETY

Lump Sum appropriation	$ 5,000.00

Subdivision 69. ARIZONA STATE FAIR COMMISSION

All collections received during the fiscal year when paid into the State Treasury are hereby appropriated for Personal Services, Current Expenditures and Capital Outlay.

Sec. 2. If any section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.

Approved by the Governor—March 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 152

(House Bill No. 119)

AN ACT

RELATING TO BEAUTY CULTURE; PRESCRIBING QUALIFICATIONS, AND AMENDING SECTION 67-306, ARIZONA CODE OF 1939.

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

Section 1. Section 67-306, Arizona Code of 1939, is amended to read:

67-306. QUALIFICATIONS OF BEAUTY CULTURIST. (a) Any person shall be qualified to receive a certificate to practice as a beauty culturist who: 1. is at least eighteen years of age; 2. is of good moral character and temperate habits; 3. satisfactorily passes an examination to practice beauty culture; 4. has an eighth grade elementary school education and at least two years in high school, and, 5. has graduated after a course of not less than eighteen hundred hours in a beauty culture school approved by the board, or has graduated from an approved school of cosmetology and served an apprenticeship, as an apprentice cosmetician, begun before the date on which this Act takes effect, under the provisions of article 1, chapter 67, Arizona Code of 1939, or has completed a course in a beauty culture school of some other state or county which has substantially the same requirements for registration as prescribed by this Act, or has had at least three years practical experience under a license issued by such other state or county.

(b) An applicant for a certificate as a beauty culturist who fails to satisfactorily pass an examination shall pay the required fee before he may again take the examination.

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

(Failed to pass the Senate with sufficient votes to carry emergency clause.)

Approved by the Governor—March 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 153

(House Bill No. 254)

AN ACT

RELATING TO DAIRIES AND DAIRYING, PRESCRIBING RULES AND REGULATIONS FOR THE PRODUCTION,

DISTRIBUTION, MANUFACTURING AND HANDLING OF DAIRY PRODUCTS; CREATING THE OFFICE OF STATE DAIRY COMMISSIONER, PRESCRIBING HIS DUTIES AND FIXING HIS SALARY; POWERS AND DUTIES OF THE DIVISION OF PUBLIC HEALTH; PRESCRIBING PENALTIES; AND REPEALING SECTIONS 50-901 TO 50-954, INCLUSIVE, ARIZONA CODE OF 1939.

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

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

"grade A milk" and "grade A cream" shall have the meaning set forth in the unabridged form of the 1939 edition of the United States public health milk ordinance and code;

"commissioner" means the state dairy commissioner or an authorized representative thereof;

"condensed milk", "evaporated milk" or "condensed skim milk" means milk from which a considerable part of the water has been removed, the standard composition of which is that prescribed by the secretary of the United States department of agriculture, but containing not less than eighteen per cent milk solids;

"manufacturing milk" or "manufacturing cream" means milk or cream not conforming to the requirements of the United States public health milk ordinance and code;

"half and half" means milk containing not less than eleven per cent or more than eighteen per cent milk fat;

"frozen custard" or "French ice cream" includes parfaits and similar products produced by the combining, cooking and freezing of a dairy product with eggs or parts thereof;

"iced milk" means a frozen product the principal ingredient of which is milk;

"frozen dairy product" includes ice cream, frozen custard, French ice cream, and iced milk;

"butter" means the clean and nonrancid product containing not less than eighty per cent milk fat, produced by gathering the fat of milk or cream into a mass, containing a small portion of other milk constituents, and with or without salt or harmless coloring matter;

"cheese" means the solid or semisolid product made by coagulating the casein of milk, skim milk, cream, goat's milk or sheep's milk by the use of rennet, pepsin, lactic acid or other coagulating agent approved by the commissioner;

"pasteurized cheese" or "pasteurized-blended cheese" means the clean, sound pasteurized product made by combining one or more lots of cheese into a homogeneous plastic mass with the aid of heat and water;

"emulsified cheese" or "process cheese" means the modified cheese made by combining one or more lots of cheese into a homogeneous plastic mass, with the aid of heat and with or without water, and with the incorporation of not more than three per cent of a suitable emulsifying agent;

"whole milk cheese" or "full cream cheese" means cheese containing in its total milk solids not less than fifty per cent pure milk fat;

"part-skim No. 1 cheese" means cheese containing in its total milk solids not less than thirty per cent pure milk fat;

"part-skim No. 2 cheese" means cheese containing in its total milk solids less than thirty but not less than sixteen and one-half per cent pure milk fat;

"skim cheese" means cheese containing in its total milk solids less than sixteen and one-half per cent pure milk fat;

"cream cheese" means unripened cheese made by the neufchatel or similar process, from cream, milk or skim milk enriched with cream or milk in an amount sufficient to produce a cheese containing in its water free substance not less than sixty-five per cent pure milk fat, and not more than fifty-six per cent moisture;

"uncreamed cottage cheese" means cheese made from pure pasteurized fresh milk or skim milk, with or without harmless coloring matter, and sold fresh without molding into forms;

"creamed cottage cheese" means uncreamed cottage cheese to which has been added a quantity of pure fresh pasteurized sweet cream sufficient to produce a product containing not less than four per cent pure milk fat;

"manufacturing milk processing plant" means a plant manufacturing and processing manufacturing milk, and manufacturing ice cream or ice cream mix;

"milk distributing plant" means a plant processing and distributing milk and milk products other than products made from manufacturing milk;

"ultimate consumer" means the person actually drinking or consuming milk or a milk product;

"milk holding tank" means a stationary tank used to measure milk or cream;

"measuring device" includes a measuring rod and a transparent measuring tube;

"producer-distributor" means a producer of milk handling his own product exclusively and distributing the same as milk;

"producer-manufacturer" means a producer of milk handling his own product exclusively, and manufacturing milk products therefrom and distributing the same;

"pasteurized" means milk every particle of which has been held at a temperature of not less than one hundred forty-three degrees Fahrenheit for a period of not less than thirty minutes, or at a temperature of not less than one hundred sixty degrees Fahrenheit for a period of not less than fifteen seconds, in approved and properly operated equipment, or to any other process demonstrated to be equally efficient and approved by the commissioner.

Sec. 2. APPLICATION OF STANDARD MILK ORDINANCE. Unless otherwise provided by law, the production, transportation, handling and sale of milk and milk products, and the inspection of dairy herds, dairies and milk plants shall in all respects be regulated in accordance with the terms of the unabridged form of the 1939 edition of the United States public health service milk ordinance and code, a certified copy of which shall be on file in the office of the secretary of state. The words "health officer" when used in such milk ordinance and code shall be deemed to mean the state dairy commissioner or his authorized representative, except as to such powers and duties relating to health and sanitation, such powers and duties are hereby vested in and imposed upon the division of public health, and the provisions of the milk code and ordinance shall be deemed to apply to the state of Arizona.

Sec. 3. REGULATING SALE OF MILK. From and after the date on which this Act takes effect, no milk, cream, vita-

min D milk, homogenized milk, reconstituted or recombined milk or cream, skim milk, milk beverage, or skim milk beverage shall be sold to the final consumer, or restaurants, soda fountains, grocery stores, or similar establishments except grade A raw or pasteurized and/or certified raw or pasteurized milk, cream, vitamin D milk, homogenized milk, reconstituted or recombined milk or cream, skim milk, milk beverage, or skim milk beverage, and no other milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments except grade A raw or pasteurized and/or grade B pasteurized, and/or grade C pasteurized milk products; provided, that when any milk distributor fails to qualify for one of the above grades the dairy commissioner is authorized to revoke his permit, or in lieu thereof to degrade his product and permit its sale during a temporary period not exceeding thirty days or in emergencies such longer period as he may deem necessary.

Sec. 4. ISSUANCE OF LICENSES. (a) No person shall operate a milk distributing plant or a manufacturing milk processing plant, manufacture ice cream for retail only to the ultimate consumer, or engage in the business of producer-distributor or producer-manufacturer without a license therefor. Application for a license shall be in writing in such form as the commissioner may prescribe, and shall be accompanied by the required filing fee. Upon receipt of an application the commissioner or an authorized representative shall examine the premises in which the applicant proposes to do business, and if it appears that the applicant has complied with all provisions of law, the license shall be issued.

(b) After issuance of the first annual license, a license may be issued by the commissioner upon inspection of the premises and payment not later than February first of each year of the required fee. The inspection shall be made by the commissioner or an authorized representative thereof to determine whether the premises are maintained in compliance with the provisions of law. A written report of the inspection shall be filed in the office of the commissioner. An annual license shall be valid for the period beginning January first and ending December thirty-first of each year, and a license not renewed on or before February first of each year shall be void.

(c) Except as provided in this subsection, application for a license to produce grade A milk for human consumption shall be made in the manner prescribed by subsection (a) and shall be valid until revoked for failure to comply with the provisions of this Act relating to the production of such milk. Notice of revocation shall be in writing, stating the cause

therefor, and setting a time during which the licensee may correct the cause for revocation. In the event the cause for revocation is not corrected within the time specified, the commissioner, after hearing and three days' notice of intention may revoke the license. Any person holding a permit issued by a municipality operating under the provisions of the standard milk ordinance of the United States bureau of public health shall be deemed to have a permit meeting the requirements of this Act.

(d) Fees shall be paid as follows: 1. for a license or renewal of a license to operate a milk distributing plant or business, fifty dollars; 2. for a license or renewal of a license to operate a manufacturing milk processing plant, fifty dollars; 3. for a license or renewal of a license to engage in the manufacture of ice cream for retail only to the ultimate consumer, ten dollars; and, 4. for a license or renewal of a license to engage in the business of producer-distributor or producer-manufacturer, twenty-five dollars.

Sec. 5. MANUFACTURING MILK PROCESSING PLANT. (a) A manufacturing milk processing plant shall be fly tight, with the outside door hung in such manner as to open outward. The floors shall be of concrete or similar material impervious to moisture, and shall be well drained and free from holes or cracks. The plant shall be maintained in a clean and sanitary condition and no unclean or unsanitary practice shall be allowed therein. No such plant shall have an opening communicating with or into a barn or room from which dust or foul odors may arise, nor opening into a room or quarters used for domestic purposes, nor shall any room be interposed between the plant and such room or quarters unless the interposing room is continuously ventilated and shut off from the plant by a solid and self-closing door. An open space of not less than eight feet shall be deemed the equivalent of an intervening room.

(b) A manufacturing milk processing plant shall not be used for any purpose other than handling and storing dairy products and the equipment, utensils and containers used in connection therewith. No gas engine, boiler or similar equipment producing odors shall be installed in a room in which dairy products are handled. A container used in transporting milk or cream or to be used for refilling and redelivery of dairy products shall, immediately upon the emptying thereof, be thoroughly cleansed, rinsed and dried and returned to the owner.

(c) No hog pen, open cesspool, manure pile or other foul smelling or fly breeding place or condition shall be permitted

to exist within two hundred feet of a manufacturing milk processing plant or milk house, nor shall any animal other than a cow or bull be confined or allowed to occupy space within two hundred feet of such plant or milk house.

Sec. 6. MANUFACTURING MILK OR CREAM. Any barn, corral, enclosure or place in which manufacturing milk or cream is produced shall be kept free from accumulations of manure or other filth, and a foul smelling or unsanitary condition in or near any such place shall not be tolerated. Manufacturing milk or cream shall be produced in a clean and sanitary manner, strained into cans as produced and kept free of insects or other foreign matter. It shall not exceed a number three sediment test given as prescribed for the examination of dairy products by the standard methods of the association of official agricultural chemists. Utensils used in handling manufacturing milk or cream shall be washed clean after each use, disinfected by a chemical or steam process, and stored in a clean place. The utensils shall comply with the requirements prescribed for utensils used in the production of grade A milk. No milk or cream shall be used for manufacturing purposes unless it has been produced and handled as prescribed in this section, and pasteurized during the process of manufacture.

Sec. 7. DAIRY BARNS. (a) The walls and ceilings of a dairy barn shall be kept clean and in good repair, and shall be whitewashed not less than once each year, painted not less than once every two years, or finished in such other manner as the commissioner may prescribe. In case there is a second story above that portion of the dairy barn in which cows are milked, the ceiling shall be tight. A feed room adjoining the milking space shall be separated therefrom by a dust tight partition and door. Feed shall not be stored in the milking portion of the barn.

(b) A dairy barn in which cows are milked shall be enclosed by a wall not less than four feet in height and constructed of an impervious or easily cleaned material approved by the commissioner. The requirements for impervious material may be waived by the commissioner in the case of a barn having on the effective date of this Act walls not less than four feet in height constructed of wood and in good repair.

Sec. 8. HANDLER OF DAIRY PRODUCTS. No person known to have a contagious or infectious disease shall occupy a room in which dairy products are handled, or actively engage in handling or in any operation of producing, processing, manufacturing, distributing, transporting or dispensing dairy

products, and any person so engaged shall at his own expense submit to a health examination at the request of the commissioner.

Sec. 9. TESTING OF DAIRY CATTLE. (a) Except as otherwise provided by law, a tuberculin test of all dairy herds shall be made before any milk therefrom is sold, and at least once every twelve months thereafter, by a licensed veterinarian approved by the livestock sanitary board. The tests shall be made and reactors disposed of in the manner prescribed by the United States department of agriculture, bureau of animal industry, for accredited herds. A certificate signed by a veterinarian and filed with the dairy commissioner shall be evidence of the test required by this section, but in counties in which the modified accredited area plan is applied to dairy herds the modified accredited area system approved by the United States bureau of animal industry shall be accepted in lieu of annual testing. This provision shall exempt only herds that have shown no reactors for the last three annual tests.

(b) A cow showing upon physical examination an extensive or entire induration of one or more quarters of the udder, whether or not secreting abnormal milk, shall be permanently excluded from the milking herd. A cow giving bloody, stringy or otherwise abnormal milk, but with only a slight induration of the udder, shall be excluded from the herd until re-examination shows the milk to have become normal.

(c) The commissioner may, for a disease not otherwise provided for, prescribe the tests and examinations to be used. He shall prescribe the times at which such tests shall be given, the methods to be used, and shall provide for the disposition of animals reacting to such tests.

Sec. 10. DISEASED ANIMALS. No dairy animal infected with tuberculosis, contagious abortion or other contagious or infectious disease shall be brought into the state. Any dairy animal brought into the state shall be accompanied by a certificate issued by a state veterinarian stating that the animal is free from tuberculosis, and negative to the blood test for contagious or infectious disease.

Sec. 11. BUTTER AND CHEESE SUBSTITUTES. (a) It is unlawful to sell or serve oleomargarine or renovated or processed butter in a manner other than that prescribed by federal law.

(b) No person shall sell or take orders for the delivery of oleomargarine or any substance designed to be used as a sub-

stitute for butter, or other milk product, under the name of butter or such other milk product, or under the pretense that the same is butter or other milk product.

(c) No person shall sell or offer for sale any substance designed to be used as a substitute for butter or other milk product unless the same is distinctly labeled at the time of the sale.

(d) No person shall use in any manner in connection or association with the sale or advertisement of oleomargarine or other substance designed to be used as a substitute for butter, the word "butterine", "creamery", or "dairy", or the representation of a cow or of any breed of dairy cattle, or any combination of such words and representations, or any other word or symbol designed to convey the impression that such substance is a product of milk or cream.

Sec. 12. SALE OF CHEESE. (a) Cheese manufactured in the state for sale shall be made from pasteurized milk, skim milk, cream, goat milk or sheep milk, conforming to the requirements prescribed by this Act. All cheese sold shall be labeled to indicate the variety and grade thereof. Pasteurized cheese or pasteurized-blended cheese bearing a varietal name shall be made from cheese of the variety indicated and conforming to the requirements for fat and moisture prescribed for cheese of such variety. The standards of composition for pasteurized cheese, pasteurized-blended cheese, emulsified cheese and process cheese shall be fixed by the commissioner and shall conform to those prescribed by the secretary of the United States department of agriculture. Cheese manufactured in the state shall be labeled at the factory with a manufacturer's factory number assigned annually by the commissioner. If made outside the state, cheese shall bear a label stating the name and address of the manufacturer or distributor.

(b) It is unlawful to expose for sale any part-skim cheese or skim cheese unless there is attached to the outside of every vessel, can, package, or cheese exposed or sold, a tag legibly bearing in black letters at least one inch in height the words "part-skim cheese No. 1", "part-skim cheese No. 2", or "skim cheese", as the case may be. All part-skim or skim cheddar or granular cheese shall be labeled to indicate the grade on its entire outer edge in a manner specified by the commissioner. All other varieties of part-skim or skim cheese shall be labeled to indicate the grade in such manner as the commissioner may prescribe.

(c) Nothing in this section shall be deemed to apply to cot-

tage cheese. The addition of cream, milk or other fluids to uncreamed or creamed cottage cheese shall take place only in a milk distributing plant, or a manufacturing milk plant licensed under the provisions of this Act.

Sec. 13. FROZEN DAIRY PRODUCTS. (a) A frozen dairy product may contain, in addition to the food constituent thereof, a harmless coloring matter, flavoring or stabilizer approved by the United States pure food and drug administration, but shall not contain unsound, rancid or spoiled ingredients.

(b) Ice cream shall weigh not less than four and one-half pounds per gallon. Plain or extract flavored ice cream shall contain not less than ten per cent butterfat and not less than one and six-tenths pounds total food solids per gallon, nor more than six-tenths per cent by weight of a stabilizer approved by the United States pure food and drug administration. Fruit ice cream shall contain not less than eight per cent butterfat, and three per cent by weight of preserved or fresh fruit or the juices thereof, and not less than one and six-tenths pounds per gallon by weight of food solids per gallon and not more than six-tenths per cent by weight of a stabilizer approved by the United States pure food and drug administration. Chocolate ice cream shall contain not less than eight per cent butterfat, one per cent by weight of chocolate or cocoa, one and six-tenths pounds edible solids per gallon, and not more than six-tenths per cent by weight of a stabilizer approved by the United States pure food and drug administration.

(c) Frozen custards or French ice cream shall be so labeled, and shall contain not less than ten per cent butterfat by weight. Iced milk shall contain not less than four nor more than eight per cent butterfat by weight. Fruit iced milk and chocolate iced milk shall contain not less than three per cent butterfat by weight. Every sales container of iced milk shall be labeled iced milk and an establishment serving iced milk by the dish, cone, or similar manner to the general public shall display in a prominent place and in letters not less than two inches in height, a sign bearing the words "iced milk sold here".

(d) Ices, sherbets, and similar frozen products in which water is the principal ingredient but containing a small amount of dairy products as a stabilizer or to improve the texture, shall not be considered a dairy product and shall not be labeled or sold as a dairy product or in imitation thereof.

Sec. 14. LABELING DAIRY PRODUCTS. (a) The com-

missioner shall issue to each manufacturer of creamery butter within the state, under such rules and regulations as to custody and use as he may prescribe, a uniform brand bearing a suitable device or motto, and the words "Arizona state brand No. .....", which shall be accorded a different number for each manufacturer and each brand. Such brand shall be used on the wrapper and on the outside of every package of butter manufactured in the state from cream. The commissioner shall keep a book in which shall be registered the name, location and number of each manufacturer and the brand assigned thereto. It is unlawful to use or permit the use of the brand prescribed by this section on butter or on any package or wrapper containing butter from cream manufactured without the state.

(b) Any dairy product sold or offered for sale shall be plainly and legibly labeled upon the container thereof as to contents, grade or class, name of manufacturer, and whether produced within or without the state. Cheese shall bear a label on the cheese itself or on the bandage thereof, but package cheese, when dispensed as such, may be labeled on the package.

(c) The weight or measure of any dairy product offered or exposed for sale shall be plainly stamped on the package containing the same or on a tag attached thereto.

Sec. 15. MISBRANDING. Any dairy product not bearing a label as prescribed by this Act, or which displays on a label or by reference, placard or advertisement, a symbol, letter, figure, word or combination thereof indicating that the product is of a grade, class, quality or composition other than its true grade, class, quality or composition, is misbranded.

Sec. 16. TRADE NAMES. No person shall use a dairy products container bearing a registered trade name, mark or symbol unless such registered trade name, mark or symbol is obtained in the manner prescribed by this Act. No person shall for the purpose of sale, refill a bottle or dairy products container or case without the written consent of the person whose name, initial, trade name or other designated mark appears thereon. A dairy products producer, distributor or manufacturer may secure the right to exclusive use of a name, mark or symbol by recording the description thereof with the county recorder of each county in which he desires exclusive use, and by filing the description thereof with the commissioner and obtaining from him a certificate that such name has not been previously filed or the right to use thereof acquired.

Sec. 17. MILK HOLDING TANKS. A milk holding tank

shall be so designed, constructed and installed as to withstand ordinary usage and permit accurate measurement of the fluid contents thereof, and shall be so maintained by the owner. Such tanks shall be so designed, constructed, installed and maintained that complete delivery of the contents may be made through delivery faucets or valves. Each tank shall be plainly marked by die stamping in letters or numerals not less than one-fourth inch in height showing the approved calibrated capacity to the nearest gallon, and shall be equipped with a means by which the calibration level may be readily determined. The shell, bulkheads and supporting framework shall be so constructed that they will not become distorted under any condition of liquid lading, and means shall be provided for the sealing of adjustable parts in such manner as to prevent the removal or changing of position without destroying or mutilating the seal. Each milk holding tank shall be equipped with a measuring device approved by the state inspector of weights and measures. It shall be unlawful to alter or tamper with a milk holding tank or any part thereof in such a way as to give an inaccurate measurement of the fluid contents thereof.

Sec. 18. TOLERANCES. The tolerance allowed in excess or deficiency on a milk holding tank used as a measure and equipped with a measuring device shall be, for a milk holding tank with a capacity of: 1. not more than four hundred gallons, one-half gallon; 2. not less than four hundred one nor more than six hundred gallons, five-eighths gallon; 3. not less than six hundred one nor more than eight hundred gallons, three-fourths gallon; 4. not less than eight hundred one nor more than one thousand gallons, seven-eighths gallon; 5. not less than one thousand one nor more than one thousand two hundred gallons, one gallon; 6. not less than one thousand two hundred one gallons nor more than one thousand four hundred gallons, one and one-eighth gallon, and, 7. not less than one thousand four hundred one gallons nor more than one thousand six hundred gallons, one and one-fourth gallon.

Sec. 19. DETERMINATION OF FAT CONTENT. (a) A milk receiving plant, manufacturing plant, or other place using a volumetric method for determining the fat content of milk or cream, where the result of such determination is to be used wholly or in part as a basis for payment or settlement for such milk or cream, or where the proceeds of cooperative creameries or milk receiving or manufacturing plants are allotted on the basis of the determination of milk fat, or where the result of such determination is used for the purpose of official inspection or for public record, shall use methods conforming to those prescribed in "standard methods for the examination of dairy products", current edition, by the associa-

tion of official agricultural chemists. No bottle or pipette shall be used in such determination unless it meets the specifications set up by the national bureau of standards for glass volumetric apparatus. All milk or cream test bottles and milk test pipettes, before being used, shall be submitted to the commissioner for approval and the commissioner shall cause the letter "A" to be etched thereon as evidence of his approval, but nothing in this Act shall be construed to prohibit the use of a bottle or pipette previously marked "A" by the commissioner. A fee of one dollar shall be charged by the commissioner for each one dozen bottles or pipettes so approved and etched.

(b) When the amount of milk fat contained in milk or cream is used wholly or in part as a basis for payment therefor, or is made a matter of official inspection or public record no greater or lesser percentage or average percentage of milk fat than is actually contained in such milk or cream shall be reported or recorded. The commissioner or an authorized representative may check the records, inspect the equipment, and assist in making determinations of fat content of milk or cream received at a milk receiving or manufacturing plant or other place of determination, to ascertain the accuracy of the determinations so made.

Sec. 20. COMPOSITE SAMPLES. (a) A person buying milk or cream from the producer, to be paid for on the basis of the percentage of milk fat contained therein and for such purpose taking individual samples to form a composite sample for periodic testing shall, at the request of the producer, at the end of the period for which such composite samples are taken, thoroughly mix and divide such sample into two approximately equal parts and shall tender one of the same to the producer or an authorized representative thereof. The producer may have the composite sample tested by a licensed tester in the presence of the person buying such milk or cream or the authorized representative thereof. In the event the producer or the purchaser is not satisfied with the result of the test, the samples shall be submitted to a qualified technician or laboratory and an ether extraction butter fat test made. The result of the ether extract butterfat test shall be final and binding on both parties.

(b) Any person testing composite samples of milk or cream received from a producer, the value of which is determined by the milk fat content, shall preserve intact the remaining portion of the sample from which the test is made and shall keep the same for not less than forty-eight hours after completion of the test for the purpose of permitting the commissioner or an authorized representative thereof to examine

and test the same. Such samples shall be so preserved as to insure an accurate test being made therefrom.

(c) Any person making tests of samples of milk or cream shall immediately after completion of any such tests, prepare a list of the names or numbers of the producers of the milk or cream tested, and opposite the producer's name or number the per cent of milk fat contained in each such sample. The list shall be signed by the person making the test and shall contain the number of the state license under which the test was made. A copy of the list shall be deposited immediately after such test, in a lock box so constructed that the records cannot be readily removed therefrom, except by the commissioner, who shall supply the lock therefor and retain all keys to such lock. Each purchaser or receiver shall, on written request, mail or deliver to the producer at the time of making the list, a written statement of the percentage of milk fat contained in the sample representing the milk or cream delivered by such producer.

(d) Unless otherwise provided by written permission of the commissioner, a sample of milk or cream tested by the purchaser or an authorized representative thereof shall be tested only at the place where received, and shall not be removed from the plant or place where tested in less than forty-eight hours from the date of testing.

Sec. 21. SAMPLING AND MILK FAT TESTING LICENSES. (a) No person shall sample milk or cream, for the purpose of determining the amount of milk fat contained therein, where the result of such test is used as a basis for payment for such milk or cream, or for official inspection or public record, unless licensed by the commissioner. An applicant for a license shall give proof satisfactory to the commissioner of his ability to perform his duties and shall pay a license fee of five dollars. The license shall be valid for the calendar year in which issued and upon payment of a renewal fee of one dollar fifty cents shall be renewed for each year in which the licensee desires to operate. A license not renewed prior to February 1 is void.

(b) No person shall test milk or cream for the purpose of determining the butterfat content thereof, when the result of such test is used to determine the purchase sales value or the legal standard of such product, unless the tester has a tester's license. The tester's license may be obtained from the commissioner by presenting a certificate of proficiency, and payment of a license fee of five dollars. The license shall be valid for the calendar year in which issued, and upon pay-

ment of a renewal fee of one dollar fifty cents shall be renewed for each year in which the tester desires to operate. A license not renewed prior to February 1 is void.

(c) A certificate of proficiency may be obtained only from the department of dairy husbandry of the university of Arizona. The applicant therefor shall appear before such department or an official representative thereof and submit to such written examination and conduct such demonstration of laboratory technique as may be required by the department or a representative thereof. Upon successfully completing the examination the department shall issue the certificate to an applicant displaying required proficiency. A tester's license issued by a state other than Arizona shall be accepted from the person named thereon in lieu of the certificate of proficiency, but such tester shall have been actively engaged in testing under the license for a period of not less than ninety days and shall furnish proof thereof. Each license shall be kept at the place in which the licensee is employed and shall be open to inspection. A license may be revoked by the commissioner, after a hearing upon due notice to the licensee, for a false statement in the application, dishonesty, incompetency or inaccuracy, or for the violation of any provision of this Act.

Sec. 22. BACTERIAL COUNT. (a) Any place of business making the bacterial count a factor in the determination of the basis for payment or settlement for milk or cream, or a cooperative creamery, milk receiving, or manufacturing plant allotting proceeds on such basis, shall use the method and equipment prescribed by the American public health association "standard methods for the examination of dairy products", current edition.

(b) In any case where a bacterial count is used as such basis for payment or settlement for milk or cream, or where a bacterial count affects the classification of milk or cream as received from the producer or the acceptance or rejection thereof by the operator of a milk receiving or manufacturing plant, no person shall report or record a larger or smaller bacterial count than that obtained in the manner prescribed in American public health association "standard methods for the examination of dairy products", current edition. The commissioner or an authorized representative thereof may at any time for the purpose of determining the accuracy thereof, inspect the equipment and assist in making a bacterial count of milk or cream received at a place of business making bacterial counts.

Sec. 23. COOPERATIVE TESTING. Upon application

made to the commissioner by a producer and a distributor or a manufacturer, the commissioner shall at the expense of the applicants, appoint an official tester to test the butterfat content of the producer's product. When there is a disagreement or variance in the reading of a Babcock test the original sample shall be submitted to a qualified technician and a determination made by an approved ether extraction method, which result shall be binding upon the parties.

Sec. 24. STATE DAIRY COMMISSIONER. (a) The state dairy commissioner shall be appointed by the governor with the advice and consent of the senate, and shall serve for a term of two years commencing the first day of February. He shall be experienced in the dairy industry and possessed of technical and educational qualifications or practical experience in the production of milk and the handling and testing thereof, and in all matters relating to the dairy industry. The commissioner shall execute a bond payable to the state in the amount of five thousand dollars, conditioned upon the faithful performance of his duties and shall qualify by taking and filing the official oath of office. He shall devote full time to the duties of the office and shall receive an annual salary not to exceed four thousand eight hundred dollars.

(b) The commissioner may appoint one chief deputy who shall receive a salary not to exceed three thousand six hundred dollars per annum, and such additional deputies as he may deem necessary within the limitation of appropriations therefor. Each deputy shall qualify by taking and filing the oath of office and shall execute a surety bond in the amount of two thousand five hundred dollars, conditioned upon the faithful performance of his duties. The form of all bonds shall be prescribed by the attorney-general, and premiums thereon shall be paid by the state.

Sec. 25. POWERS AND DUTIES OF COMMISSIONER. (a) The commissioner shall enforce the provisions of this Act and prescribe rules and regulations deemed necessary or advisable to carry out the provisions thereof except the provisions relating to health and sanitation which shall be enforced by the division of public health.

(b) If the production of papers, books, and records relating to any matter under investigation is deemed advisable, the commissioner may apply to the superior court of any county for an order requiring the production of such papers, books, and records. In the event the court is satisfied that the papers, books, and records are pertinent to and helpful in the matter under investigation, their production shall be ordered. A complaint filed with the commissioner charging a

noncompliance with, or violation of any provision of this Act shall be in writing and signed by the complainant, but a complaint by a producer relating to the accuracy of a butterfat, bacterial or other test directly affecting the price received by such complainant need not be in writing. A complaint filed with the division of public health charging a noncompliance with, or violation of any provision of this Act shall be in writing and signed by the complainant.

Sec. 26. SPECIAL DAIRY INSPECTOR. (a) Special dairy inspectors appointed by the commissioner shall supervise, inspect, weigh and test dairy products produced or manufactured for human consumption and shall perform such other duties and possess such other powers as may be prescribed by the commissioner which are in him vested.

(b) In addition to special dairy inspectors appointed under the provisions of subsection (a) the enforcing officers of a city or county health department under the charge and direction of a qualified health officer shall be deemed special dairy inspectors in such city or county, and a milk supply inspected and approved by such inspectors shall be deemed to comply with the provisions of this Act.

Sec. 27. REPORTS. Any person having charge of a distributing plant or manufacturing plant shall maintain a complete monthly record of the quantity and source from which dairy products are received and the sales of dairy products shipped or sold from such plant.

Sec. 28. ADULTERATED PRODUCTS. (a) It is unlawful for any person to manufacture, sell, exchange or have in possession with intent to sell or exchange, any milk, cream, skim milk, buttermilk, condensed or evaporated milk, powdered milk, cheese or cheese product, condensed skim milk, ice cream or ice milk, frozen custard, ices or sherbet, or any fluid derivative thereof to which has been added fat or oil other than milk fat. The fat naturally contained in chocolate and not separated therefrom shall not be deemed a fat or oil within the meaning of this section, and the addition to condensed skim milk, condensed buttermilk, or semi-solid buttermilk of not more than five per cent pure cod liver oil shall not be deemed a violation of this section if the resultant product is not sold, offered for sale or kept on hand for sale for human consumption.

(b) It is unlawful for any person to sell or exchange or expose for sale or exchange, or have in possession with intent to sell or exchange, in a container smaller than a number ten can condensed or evaporated skim milk for poultry or stock

feed. A hermetically sealed container of condensed or evaporated skim milk shall bear the name and address of the manufacturer distinctly branded, indented, labeled or printed thereon, together with the words "condensed skim milk" in Roman letters of a size at least as large as any words or letters appearing on such brand, indentation or label.

(c) No person shall produce, sell, offer or expose for sale or have in his possession with intent to sell, a dairy product which is adulterated or misbranded. The commissioner may denature with rennet or other harmless coloring matter any dairy product misbranded or sold without a permit.

Sec. 29. ENFORCEMENT. The attorney general and the county attorney of each county and each assistant or deputy thereof, upon request shall advise the commissioner and division of public health in the performance of his duties, and shall institute and prosecute all actions arising under the provisions of this Act.

Sec. 30. DESTRUCTION OF COMPETITION. A person engaged in the business of buying milk, cream or butterfat, either by himself or by another, shall not restrain in any manner open competition in such business, nor discriminate between different sections of the state by purchasing or offering to purchase milk, cream or butterfat at a higher price in one locality than that paid or offered for the same commodity by such person in another locality, but allowance may be made for the difference in the grade or quality of the commodity, and in the cost of transportation from the place of purchase to the place of manufacture, sale or storage.

Sec. 31. UNLAWFUL ACTS. No person shall bring into the state, sell or offer for sale, milk or a milk product not meeting the requirements of this Act, nor shall any person purchasing dairy products on the basis of butterfat content or weight, report false test or weight.

Sec. 32. PENALTIES. (a) The violation of any provision of this Act is a misdemeanor.

(b) In an action or proceeding arising under the provisions of this Act, a determination that a manufacturer or distributor has manufactured or disposed of a greater quantity of a given grade of product than has been purchased or otherwise acquired shall be prima facie evidence of a violation of the provisions of this Act.

Sec. 33. REPEAL. Sections 50-901 to 50-954, inclusive,

Arizona Code of 1939, are repealed. This section does not negative an implied repeal of any statute which conflicts with this Act.

Sec. 34. EFFECTIVE DATE. This Act shall become effective July 1, 1951.

Approved by the Governor—March 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 154

(House Bill No. 169)

AN ACT

RELATING TO HORSEMEAT; REGULATING THE SLAUGHTER AND SALE OF HORSEMEAT FOR HUMAN CONSUMPTION AND NOT FOR HUMAN CONSUMPTION; AMENDING SECTIONS 50-1303, 50-1305, 50-1307 AND 50-1309, ARIZONA CODE OF 1939; AND AMENDING ARTICLE 13, CHAPTER 50, ARIZONA CODE OF 1939, BY ADDING SECTIONS 50-1304a, 50-1308a AND 50-1308b.

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

Section 1. Section 50-1303, Arizona Code of 1939, is amended to read:

50-1303. APPLICATION FOR LICENSE. (a) Before slaughtering a horse for human consumption a license therefor shall be secured from the livestock sanitary board. Application for a license to conduct a slaughter house for the slaughter of horses for human consumption shall be submitted to the livestock sanitary board on a form prescribed by the board. The application shall contain such information as the board may deem necessary including a statement that the applicant will comply with the requirements of law and the rules and regulations of the board relating to the slaughter, processing, packing or preparation of meat food products made from horsemeat, for human consumption, and shall be accompanied by the filing fee required for an application to conduct a slaughter house, as set forth in section 50-804, Arizona Code of 1939.

(b) The holder of a slaughter house license issued under the provisions of this chapter or a person handling horsemeat for resale shall maintain a record of the live and dressed weight, from whom, and the date each horse was received. A complete record of the sale of horsemeat shall be maintained for a period of one year, showing the name and address of each customer, the amount and the date of each sale. All records required by this section shall be open for inspection by the board of the state department of health or an authorized agent thereof.

Sec. 2. Article 13, Chapter 50, Arizona Code of 1939, is amended by adding Section 50-1304a to read:

50-1304a. EXEMPTING RETAILERS. Nothing in section 50-1304 (a) shall be construed to prevent a person or establishment engaged in the selling of meat to the ultimate consumer exclusively at retail from storing, cutting, slicing, grinding, trimming or boning horsemeat in preparation for sale at retail in such establishment.

Sec. 3. Section 50-1305, Arizona Code of 1939, is amended to read:

50-1305. INSPECTION. (a) There shall be an antemortem and a postmortem inspection of each horse slaughtered, and for such inspection a fee of two dollars per head shall be paid to the board, but the minimum charge for each slaughter house shall be one hundred dollars per month. Any horse found either upon antemortem or postmortem inspection or examination to be afflicted with strangles, purpura, hemorrhagica, azoturia, forage poison or cerebrospina meningitis, dourine, acute influenza, generalized osteoporosis, glanders, farcy or other malignant disorder, acute inflammatory lameness or extensive fistula, shall be condemned. A horse suspected, upon antemortem inspection, of being infected with glanders shall be tested with mallein, and a horse which on physical examination is suspected of being affected with dourine shall be held for further examination or for such test as the state veterinarian shall prescribe. A horse or horsemeat product found to be unwholesome, unclean, unsound or otherwise unfit for human consumption, shall be condemned and the inspector may order the same destroyed.

(b) All horsemeat sold for human consumption shall be inspected by the state veterinarian or a deputy thereof. The inspector and authorized employees of the board and the state department of health shall have access, for purposes of inspection, to any place in which horses are being slaughtered

or horsemeat is being processed, prepared, packed or offered for sale.

Sec. 4. Section 50-1307, Arizona Code of 1939, is amended to read:

50-1307. POSTING OF SIGNS. (a) It is unlawful to offer for sale horsemeat for human consumption unless there is prominently displayed in conjunction therewith a sign bearing the words, in letters not less than eight inches in height and three inches in width, "horsemeat for human consumption". A restaurant or other public eating place offering horsemeat for human consumption shall have stamped on its menu, in green letters not less than one-half inch in height and one-fourth inch in width, and shall display in a conspicuous place, in letters not less than four inches in height and one-half inch in width, a sign bearing the words "horsemeat served here".

(b) Whenever there is displayed on the outside or inside of an establishment offering for sale or on a vehicle delivering horsemeat not for human consumption, a sign containing the words, "horsemeat", "pet food", "pet meat", or any other words meant to signify horsemeat or pet food containing horsemeat, there shall be displayed in conjunction therewith, a sign bearing, in letters at least equal in size, the words, "horsemeat not inspected for human consumption".

Sec. 5. Article 13, chapter 50, Arizona Code of 1939, is amended by adding sections 50-1308a and 50-1308b, to read:

50-1308a. HANDLING WITH OTHER MEATS. All horsemeat or horsemeat products sold at retail must be sold from a case separate from that which contains the flesh of cattle. No horsemeat shall be stored, slaughtered or packed in any slaughter house or packing house engaged in the business of slaughtering or packing any meat or meat food products from the flesh of cattle.

50-1308b. RETAIL DEALERS. Horsemeat not offered for sale for human consumption and which is cooked and packed in a hermetically sealed container or frozen in a properly labeled package and kept intact in the original container may be sold in retail establishments where other meats are sold for human consumption.

Sec. 5. Section 50-1309, Arizona Code of 1939, is amended to read:

50-1309. PENALTIES. (a) Any person knowingly selling or attempting to sell horsemeat as beef or selling or attempting to sell beef or beef products adulterated with horsemeat as beef or violates the provision of section 50-1308a, shall be subject to a fine of not less than five hundred dollars ($500.00) nor more than five thousand dollars ($5,000.00), imprisonment for not to exceed one year, or both.

(b) The violation of any provision of this Act, other than that prescribed in subsection (a), is a misdemeanor, punishable upon conviction by a fine of not more than five hundred dollars, imprisonment for not more than six months, or both.

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 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

CHAPTER 155

(House Bill No. 158)

AN ACT

RELATING TO INTOXICATING LIQUORS AND REPEALING SECTION 43-3101, ARIZONA CODE OF 1939.

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

Section 1. REPEAL. Section 43-3101, Arizona Code of 1939, is repealed.

Approved by the Governor—March 29, 1951.

Filed in the Office of the Secretary of State—March 29, 1951.

OFFICE OF THE GOVERNOR

State House

Phoenix, Arizona

March 29, 1951

Honorable Wesley Bolin
Secretary of State
Phoenix, Arizona

My dear Mr. Secretary:

For purpose of clarification, please append this letter to House Bill No. 158.

This Act repeals an Act which was passed in 1917 making it a misdemeanor for:

"Any person who sells or furnishes to any Indian of whole or mixed blood any tulapai, tiswin or corn beer."

It should be noted that this law merely prohibited the sale of tulapai, tiswin or corn beer. It says nothing about other intoxicating liquors and could have been construed to mean that the sale of any other intoxicating liquors could be considered legal.

The Enabling Act that brought Arizona statehood provides in Section 20 that the sale, barter or giving of intoxicating liquors to Indians are forever prohibited. Likewise Arizona's Constitution, Article 20, Section 3:

"The sale, barter, or giving of intoxicating liquors to Indians and the introduction of liquors into Indian Country are forever prohibited within this State."

This means that while the State Legislature can repeal Section 43-3101, ACA 1939, enacted in 1917, such repeal does not affect the provisions of the Enabling Act and the Constitution of the State of Arizona.

Therefore, in approving House Bill No. 158, we do not change the fact that it is still illegal in Arizona to sell, barter, or give intoxicating liquors to Indians or to introduce liquors into Indian Country.

Sincerely

/s/ Howard Pyle

Howard Pyle
GOVERNOR

MEMORIALS

HOUSE MEMORIAL NO. 1

A MEMORIAL

REQUESTING THE CALIFORNIA ASSEMBLY AND THE NEVADA LEGISLATURE TO ENACT LEGISLATION AUTHORIZING THEIR GAME AND FISH COMMISSIONS TO ISSUE A NON-RESIDENT FISHING LICENSE IN THE FORM OF A STAMP FOR WATERS ON THE COLORADO RIVER.

To the Legislature of the state of Nevada and the Assembly of the state of California:

Your memorialist respectfully represents:

Since a portion of the boundary between the three respective states of California, Arizona and Nevada has been defined by law as the center of the main channel of the Colorado river, and since it is difficult for fishermen of these states to accurately determine the exact boundary at all times, and to transport fish to their homes without entering the territory or waters of an adjoining state,

Wherefore your memorialist, the Legislature of the State of Arizona, requests:

That the respective law making bodies of each state enact the necessary measures which will require all fishing license holders fishing the Colorado river in, or with the aid of a boat to possess a non-resident license in the form of a stamp of the state whose boundary is common to the section of the river involved.

The embracement of such a procedure would provide access on all waters of the Colorado river to the fishermen of each state at a nominal fee with the difficulties of possession and transportation of fish through other states eliminated.

Passed the House February 5, 1951, by the following vote: 63 Ayes, 0 Nays, 0 Absent, 9 Excused.

Approved by the Governor—February 7, 1951

Filed in the Office of the Secretary of State—February 7, 1951

HOUSE JOINT MEMORIAL NO. 1

A JOINT MEMORIAL

REQUESTING THE NEVADA LEGISLATURE TO ENACT LEGISLATION PERMITTING NONPROFIT ORGANIZATIONS TO TRANSPORT ELECTRIC POWER OVER TERRITORY OF THE STATE OF NEVADA INTO THE STATE OF AIZONA WITHOUT PAYMENT OF FEES.

To the Legislature of the State of Nevada:

Your memorialist respectfully represents:

Littlefield, Arizona, and Mesquite, Nevada, contiguous towns in the Virgin Valley, are one community though divided by a state boundary line. They share the same religious accommodations, the same schools, recreational facilities, commercial services, markets, range advantages, irrigation sources, transportation means and communication system, and have identical electric power needs.

Nevertheless, under the existing laws of the State of Nevada by which revenue is obtained for granting the privilege of transporting electricity over territory of the State of Nevada by nonresident organizations to points outside the state, the people of Littlefield are unable to transport their allotted electric power from Hoover (Boulder) Dam as can their neighbors in Mesquite, but can do so only at exorbitant if not prohibitive cost to themselves. Elsewhere, rural electrification associations are permitted to extend their facilities over state lines and even across the Canadian border without discrimination, though chiefly serving nonresidents.

Wherefore your memorialist, the Legislature of the State of Arizona, requests:

1. That the Legislature of the State of Nevada enact legislation clarifying the distinction between nonresident profit and nonprofit organizations transporting electric power over territory of the State of Nevada to points outside the state, and, for a fee covering administrative costs only, permit cooperatives, municipalities and other nonprofit organizations to so transport electric power.

Passed the House January 26, 1951, by the following vote: 69 Ayes, 0 Nays, 1 Absent, 2 Excused.

Passed the Senate February 9, 1951, by the following vote: 19 Ayes, 0 Nays, 0 Not voting.

Approved by the Governor — February 9, 1951.

Filed in the Office of the Secretary of State — February 9, 1951.

HOUSE CONCURRENT MEMORIAL NO. 1

A CONCURRENT MEMORIAL

RELATING TO THE CONSTRUCTION OF A BUILDING WITHIN THE CORPORATE LIMITS OF THE CITY OF PHOENIX SUITABLE IN PART AS A BOMB SHELTER.

To The National Production Authority, United States Department of Commerce, Washington, D. C.:

Your memorialist respectfully represents:

That, Whereas, Landrum & Mills Realty Company, an Arizona

corporation, pursuant to the terms and conditions of that certain indenture of lease dated the 25th day of October, 1949, between said corporation and the City of Phoenix, proposes to construct on certain lands belonging to said City of Phoenix, in said lease described and located in the downtown area of said City, a certain reinforced concrete building, with two floors above the ground level and three floors below the ground level, said three floors below the ground level to be used as an automobile parking garage, and

Whereas, said area below the surface of the ground will be suitable as a bomb shelter in the event of the need therefor, and

Whereas, there exists within the corporate limits of said City of Phoenix very little, if any, other space or area suitable as a bomb shelter, and

Whereas, it appears that the construction of said proposed building is necessary and desirable in the public interest,

Wherefore, your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, respectfully requests:

That the National Production Authority, or other authority having jurisdiction in the premises, forthwith authorize the construction of said building and facilitate and expedite the construction thereof, to the end that in the event of the necessity therefor the shelter to be provided by said building will be available at the earliest practicable date.

Passed the House February 14, 1951, by the following vote: 59 Ayes, 3 Nays, 9 Absent, 1 Excused.

Passed the Senate February 23, 1951, by the following vote: 18 Ayes, 1 Nays, 0 Not voting.

Approved by the Governor — February 27, 1951.

Filed in the Office of the Secretary of State — February 27, 1951.

RESOLUTIONS

HOUSE CONCURRENT RESOLUTION NO. 3

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO THE BOARD OF PARDONS AND PAROLES, AND AMENDING SECTION 44-3005, ARIZONA CODE OF 1939.

Be it Resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. Under the power of the Referendum, as vested in the Legislature, the following measure, relating to the board of pardons and paroles, and amending section 44-3005, Arizona Code of 1939, is Enacted, to become valid as a law when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

AN ACT

RELATING TO THE BOARD OF PARDONS AND PAROLES, AND AMENDING SECTION 44-3005, ARIZONA CODE OF 1939.

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

Section 1. Sec. 44-3005, Arizona Code of 1939, is amended to read:

44-3005. BOARD OF PARDONS AND PAROLES. (a) There shall be a board of pardons and paroles to consist of three members, who shall be appointed by the governor with the advice and consent of the senate. The governor may remove a member for cause, effective upon the approval of a successor by the senate. The terms of the members first appointed shall terminate respectively on the first day of January of the third, fourth and fifth calendar years following the taking effect of this Act. Thereafter all terms shall be for five years. Appointment to fill a vacancy caused other than by expiration of term shall be for the unexpired portion thereof. The board shall meet and organize by the election from among its members of a chairman. Members of the board shall receive no compensation for their services as such, but shall be reimbursed for actual and necessary expenses incurred while engaged in the performance of their duties, as provided by law for state officers.

(b) This section shall be subject to amendment by legislative Enactment.

2. The secretary of state is directed to submit said measure to the people at the polls, and to cause to be printed on the official ballot at the next regular general election the title and number thereof as provided by section 1, part 1, article IV, Constitution of Arizona.

Passed the House March 1, 1951, by the following vote: 40 Ayes, 20 Nays, 10 Absent, 2 Excused.

Passed the Senate March 14, 1951, by the following vote: 14 Ayes, 3 Nays, 2 Not voting.

Filed in the Office of the Secretary of State — March 14, 1951.

HOUSE CONCURRENT RESOLUTION NO. 18

A CONCURRENT RESOLUTION

PROPOSING AMENDMENTS TO THE CONSTITUTION OF ARIZONA RELATING TO THE STATE TREASURER; AMENDING SECTIONS 1, 6 AND 9, ARTICLE V; AMENDING SECTION 7, ARTICLE X; AND REPEALING SECTION 10, ARTICLE V AND ALL LAWS PURSUANT THERETO.

Be it Resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. The following amendments to section 1, section 6, section 9 and section 10, of Article V, are 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. EXECUTIVE OFFICERS. The executive department shall consist of governor, secretary of state, state auditor, attorney-general, and superintendent of public instruction, each of whom shall hold his office for two years beginning on the first Monday of January next after his election.

The persons, respectively, having the highest number of votes cast for the office voted for shall be elected, but if two or more persons shall have an equal and the highest number of votes for any one of said offices, the two houses of the legislature at its next regular session shall elect forthwith, by joint ballot, one of such persons for said office.

The officers of the executive department during their terms of office shall reside at the seat of government where they shall keep their offices and the public records, books, and papers. They shall perform such duties as are prescribed by the Constitution and as may be provided by law.

Section 6. SUCCESSION TO GOVERNORSHIP. In the event of the death of the governor, or his resignation, removal from office, or permanent disability to discharge the duties of the office, the secretary of state, if holding by election, shall succeed to the office of governor until his successor shall be elected and shall qualify. If the secretary of state be holding otherwise than by election, or shall fail to qualify as governor, the attorney general, the state auditor, or the superintendent of public instruction, if holding by election, shall, in the order named, succeed to the office of governor. The taking of the oath of office as governor by any person specified in this section shall constitute resignation from the office by virtue of the holding of which he qualified as governor. Any

successor to the office shall become governor in fact and entitled to all the emoluments, powers, and duties of governor upon taking the oath of office.

In the event of the impeachment of the governor, his absence from the state, or other temporary disability to discharge the duties of the office, the powers and duties of the office of governor shall devolve upon the same person as in case of vacancy, but only until the disability ceases.

Section 9. DUTIES OF OTHER STATE OFFICERS. The powers and duties of secretary of state, state auditor, attorney general, and superintendent of public instruction shall be as prescribed by law.

Section 10. Section 10 of Article V, of the Constitution of Arizona and all laws pursuant thereto are hereby repealed.

2. The following amendment to section 7 of Article X of the 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 7. A separate fund shall be established for each of the several objects for which the said grants are made and confirmed by the said Enabling Act to the state, and whenever any moneys shall be in any manner derived from any of said lands, the same shall be deposited by the director of the treasury in the fund corresponding to the grant under which the particular land producing such moneys was, by said Enabling Act, conveyed or confirmed. No moneys shall ever be taken from one fund for deposit in any other, or for any object other than that for which the land producing the same was granted or confirmed. The director of the treasury shall keep all such moneys invested in safe, interest-bearing securities, which securities shall be approved by the governor and secretary of state, and shall at all times be under a good and sufficient bond or bonds conditioned for the faithful performance of his duties in regard thereto.

3. The proposed amendments (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 12, 1951, by the following vote: 46 Ayes, 15 Nays, 7 Absent, 4 Excused.

Passed the Senate March 17, 1951, by the following vote: 11 Ayes, 8 Nays, 0 Not voting.

Filed in the Office of the Secretary of State — March 17, 1951.

HOUSE CONCURRENT RESOLUTION NO. 19

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE STATE EXAMINER AND REPEALING SECTION 18, ARTICLE XXII, AND ALL LAWS PURSUANT THERETO.

Be it Resolved by the House of Representatives of the State of Arizona, the Senate concurring:

Section 1. The following amendment to section 18, Article XXII, is proposed to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

Sec. 18. Article XXII of the Constitution of the state of Arizona and all laws pursuant thereto and specifically chapter 6, Arizona Code of 1939, and amendments thereto, are hereby repealed.

Sec. 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 12, 1951, by the following vote: 45 Ayes, 18 Nays, 5 Absent, 4 Excused.

Passed the Senate March 17, 1951, by the following vote: 13 Ayes, 6 Nays, 0 Not voting.

Filed in the Office of the Secretary of State — March 17, 1951.

HOUSE CONCURRENT RESOLUTION NO. 20

A CONCURRENT RESOLUTION

DIRECTING THE TRANSFER TO THE GENERAL FUND OF MONEY ACQUIRED FROM THE DISPOSAL OF SURPLUS PROPERTY.

Whereas, the office of the state superintendent of public instruction has been handling and disposing of surplus property received from the federal surplus property agency, and

Whereas, all surplus property on hand has been disposed of and the warehouse from which such operations have been conducted has been closed and it is the intention of the department to discontinue this operation, and

Whereas, certain funds remain in the hands of the department of education, which, together with certain accounts receivable, represent a profit derived from the handling of surplus property and which moneys should be transferred to the general fund of the state; Now, therefore,

Be it Resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. Except for the sum of five hundred dollars ($500.) from which sum the necessary travel and expenses incidental to the collection of the outstanding accounts receivable may be paid, all moneys held by the department of education in its surplus property fund be immediately transferred to the general fund of the state and that all said accounts receivable be collected with the least possible delay and as collected be immediately transferred with any residue of said expense of collection fund to said general fund.

Passed the House March 10, 1951 by the following vote: 55 Ayes, 0 Nays, 11 Absent, 6 Excused.

Passed the Senate March 15, 1951 by the following vote: 17 Ayes, 0 Nays, 2 Not voting.

Filed in the Office of the Secretary of State — March 15, 1951.

SENATE CONCURRENT RESOLUTION NO. 5

A CONCURRENT RESOLUTION

On the death of Hon. Robert B. Sims

Whereas, Robert B. Sims departed this life, at a Phoenix hospital, on February 13, 1951, at the age of seventy-five years.

Mr. Sims, a native of Woodville, Texas, in 1903 made Arizona his home, settling in Douglas, where he engaged in business. Being civic minded, his interest in public affairs soon attracted the notice of his fellow citizens, and he was chosen to be one of the first councilmen when the town of Douglas was incorporated. He also served as Exalted Ruler of the Douglas lodge of Elks.

In 1910, when Congress passed the enabling act under which Arizona was authorized to formulate a constitution and become a member of the union of states, Mr. Sims was selected as one of Cochise county's representatives in the Constitutional Convention. In that historic body he took an active and constructive part, being chairman of the committee on Counties and Municipalities, as well as a member of the committee on Executive, Impeachment and Removal from Office. He was the sponsor as well of drafts of significant features of the organic act, relating to municipal corporations, education, and school lands.

Following Arizona's admission to statehood Mr. Sims became warden of the state prison, by appointment of the late Gov. Geo. W. P.

Hunt, and through ten years of service in that capacity acquired an enviable reputation as an efficient and humane administrator, during a regime which attained nation-wide fame in the field of prison reform. Upon the creation of the Industrial Commission of Arizona he was named as one of its first members and as the chairman of that important body was foremost in its organization and upbuilding. Upon his retirement seven years later he adopted rural life, transferring his activities to and making his home on a ranch near Coolidge which he developed into an extensive cotton plantation. Therefore

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

1. The passing of Hon. Robert B. Sims constitutes a loss of first magnitude to the state of Arizona.

2. The members of this body join with the citizens of Arizona who knew Robert B. Sims for a man of exceptional worth in an expression of the deepest regret, and extend to the bereaved widow and sons their utmost sympathy.

Adopted by the Senate February 20, 1951 by the following vote: 18 Ayes, 0 Nays, 1 Not voting.

Adopted by the House February 20, 1951 by the following vote: 69 Ayes, 0 Nays, 0 Absent, 3 Excused.

Filed in the Office of the Secretary of State — February 21, 1951.

SENATE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION

On the death of Hon. Paul C. Keefe

Whereas, on the afternoon of January 25, 1951, the Angel of Death stilled the heart and closed the eyes of Hon. Paul C. Keefe, at his home in Clarkdale. He died at the age of sixty-three years.

Mr. Keefe had for forty-three years been a resident of Arizona, having arrived at Poland, in Yavapai county, in 1907. A graduate of the Yale University school of mining, he soon became associated with the United Verde Copper Company, and was with that organization and its successor until two years ago.

His interests, however, extended much further. Civic minded, he was keenly alive to the public interest. In 1921 he was elected to the House of Representatives by the voters of his Yavapai county district, and upon the assembling of the Legislature was chosen as Speaker. In this capacity he served with an efficiency and diligence which attracted widespread attention and was not forgotten. Appointed to fill a vacancy in the Senate during the third special session of the Eleventh Legislature in 1934, he was elected to that body six successive terms, and was accorded the post of President from the Thirteenth to the Seventeenth Legislatures.

In both private and public life Mr. Keefe was known for his adherence to the principles of justice and fairness, and no less for his steadfastness and courage in upholding what he conceived to be right. It may truly be said that he served his constituency and the state loyally and with distinction.

Therefore

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

1. The death of Hon. Paul C. Keefe comes as a most distressing shock to the members of both branches of the Legislature, in each of which his services are recalled with the utmost pride.

2. To his bereaved wife and other relatives the heartfelt sympathy of the legislative body is extended.

Adopted by the Senate February 1, 1951, by the following vote: 18 Ayes, 0 Nays, 1 Not voting.

Adopted by the House February 1, 1951 by the following vote: 63 Ayes, 0 Nays, 0 Absent, 9 Excused.

Approved by the Governor — February 2, 1951.

Filed in the Office of the Secretary of State — February 2, 1921.

INITIATIVE AND REFERENDUM MEASURES

STATE OF ARIZONA

EXECUTIVE DEPARTMENT

A PROCLAMATION BY THE GOVERNOR OF ARIZONA

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

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 a special election held on the twelfth day of September, 1950, there was, 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 six proposed amendments to the Constitution of the State of Arizona, which said proposed amendments were referred to the people by the Legislature; and

WHEREAS, Sub-section 13, Section 1, Part 1, Article IV, Constitution of the State of Arizona and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, provide that when the Canvassing Board of the State of Arizona shall have counted the votes cast at a general or special election, and shall have verified the returns thereof, it shall be the duty of the Governor of the State of Arizona to issue a proclamation giving the whole number of votes cast for and against each measure or proposed amendment, and declaring such measures or amendments as are approved by a majority of those electors voting thereon to be in full force and effect as the law of the State of Arizona, from the date of said proclamation; and

WHEREAS, it appears from the returns of said special election held on the said twelfth day of September, 1950, as canvassed and certified by said Canvassing Board, in accordance with said Part 1, Article IV of the Constitution of the State of Arizona and Section 55-908, Chapter 55, and Section 60-109, Chapter 60, Arizona Code Annotated 1939, that a proposed amendment to the Constitution of the State of Arizona entitled, and in the form and manner following:

HOUSE CONCURRENT RESOLUTION NO. 9

NINETEENTH LEGISLATURE, FIRST SPECIAL SESSION

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT OF 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 (1), 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:

Section 1. (1) The Senate shall consist of nineteen members, apportioned among the several counties as follows: Apache, one; Cochise, two; Coconino, one; Gila, two; Graham, one; Greenlee, one; Maricopa, two; Mohave, one; Navajo, one; Pima, two; Pinal, one; Santa Cruz, one; Yavapai, two; Yuma, one. There shall be elected at large from each county the number of Senators to which such county is entitled.

The House of Representatives shall consist of not to exceed 72 members. Each county shall be entitled to one representative for each 2500 votes or major fraction thereof cast in such county at the last preceding general election, to be determined from the official convass of all votes cast in such counties; provided that each county shall be entitled to at least one representative; but whenever it shall appear that on such basis of representation the total number of Representatives will exceed seventy-two, the basis shall be raised by ten or such multiple of ten as may be necessary to reduce to seventy-two the number of Representatives to be elected. Not less than eight months prior to each regular general election at which Representatives are to be chosen the Secretary of State shall notify the Board of Supervisors of each county the number of Representatives such county will be entitled to elect at the next general election, and, if more than one, the Board shall, not less than six months prior to the next general election, divide the county into as many legislative districts as there are Representatives entitled to be elected. The districts shall have as nearly as may be an equal voting population, be compact in form, and include no non-contiguous territory. The Board shall give not less than thirty days notice of intention to divide the county into legislative districts by publication in two successive issues of a newspaper of general circulation published in the county.

Beginning the first Monday in January, 1951, the terms of Senators and Representatives shall be for four years.

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 18, 1950 by the following vote: 37 Ayes, 12 Nays, 9 Absent, 0 Excused.

Passed the Senate March 18, 1950 by the following vote: 17 Ayes, 0 Nayes. 2 not voting.

Filed in the Office of the Secretary of State — March 20, 1950.
was submitted to the electors of the State of Arizona at said special election and that there were of legal votes cast at said special election 57,201 votes cast in favor of said amendment, and 58,001 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said election were opposed thereto.

NOW, THEREFORE, I, Wesley Bolin, Acting Governor of the State of Arizona, under and by virtue of the authority in me vested by sub-section 13 of Section 1, Part 1 of Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, do hereby declare that said referendum measure referred by the Legislature hereinbefore referred to, to have been duly and regularly rejected by the electors of the State of Arizona at said special election so held on said twelfth day of September, 1950.

WHEREAS, it appears from the returns of said special election held on the said twelfth day of September, 1950, as canvassed and certified by said Canvassing Board, in accordance with said Part 1, Article IV of the Constitution of the State of Arizona and Section 55-908, Chapter 55, and Section 60-109, Chapter 60, Arizona Code Annotated 1939, that a proposed amendment to the Constitution of the State of Arizona entitled, and in the form and manner following:

HOUSE CONCURRENT RESOLUTION NO. 10

NINETEENTH LEGISLATURE, FIRST SPECIAL SESSION

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT OF THE CONSTITUTION OF ARIZONA RELATING TO SESSIONS OF THE LEGISLATURE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ARIZONA, THE SENATE CONCURRING:

1. The following amendment of Section 3, 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:

Section 3. The sessions of the Legislature shall be held annually at the Capitol of the State, and shall commence on the second Monday of January of each year. The Governor may call a special session, whenever in his judgment it is advisable. In calling a special session, the Governor shall specify the subjects to be considered, and at such special session no laws shall be enacted except such as relate to the subjects mentioned in the call.

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 13, 1950 by the following vote: 56 Ayes, 0 Nays, 1 Absent, 1 Excused.

Passed the Senate March 18, 1950 by the following vote: 15 Ayes, 2 Nays, 2 Not voting.

Filed in the Office of the Secretary of State — March 20, 1950.
was submitted to the electors of the State of Arizona at said special election and that there were of legal votes cast at said special election 63,514 votes cast in favor of said amendment, and 50,918 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said special election were in favor thereof;

NOW, THEREFORE, I, Wesley Bolin, Acting Governor of the State of Arizona, under and by virtue of the authority in me vested by sub-section 13 of Section 1, Part 1 of Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, do hereby declare that said proposed Amendment to the Constitution referred to the people by the Legislature hereinbefore referred to, to have been duly and regularly approved and adopted by the electors of the State of Arizona at said special election so held on said twelfth day of September, 1950, and I do therefore hereby proclaim said amendment to have become and be a part of the laws of the State of Arizona, from and as of the date of these presents.

WHEREAS, it appears from the returns of said special election held on the said twelfth day of September, 1950, as canvassed and certified by said Canvassing Board, in accordance with said Part 1, Article IV of the Constitution of the State of Arizona and Section 55-908, Chapter 55, and Section 60-109, Chapter 60, Arizona Code Annotated 1939, that a proposed amendment to the Constitution of the State of Arizona entitled, and in the form and manner following:

HOUSE CONCURRENT RESOLUTION NO. 8

NINETEENTH LEGISLATURE, FIRST SPECIAL SESSION

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE TERMS OF EXECUTIVE OFFICERS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ARIZONA, THE SENATE CONCURRING:

1. The following amendment of the first paragraph of 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. Beginning the first Monday in January, 1951, the terms of such officers shall be four years.

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 18, 1950 by the following vote: 45 Ayes, 9 Nays, 4 Absent, 0 Excused.

Passed the Senate March 18, 1950 by the following vote: 14 Ayes, 2 Nays, 3 Not voting.

Filed in the Office of the Secretary of State — March 20, 1950.

was submitted to the electors of the State of Arizona at said special election and that there were of legal votes cast at said special election 54,032 votes cast in favor of said amendment, and 64,064 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said election were opposed thereto.

NOW, THEREFORE, I, Wesley Bolin, Acting Governor of the State of Arizona, under and by virtue of the authority in me vested by sub-section 13, of Section 1, Part 1 of Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, do hereby declare that said referendum measure referred by the Legislature hereinbefore referred to, to have been duly and regularly rejected by the electors of the State of Arizona at said special election so held on said twelfth day of September, 1950.

WHEREAS, it appears from the returns of said special election held on the said twelfth day of September, 1950, as canvassed and certified by said Canvassing Board, in accordance with said Part 1, Article IV of the Constitution of the State of Arizona and Section 55-908, Chapter 55, and Section 60-109, Chapter 60, Arizona Code Annotated 1939, that a proposed amendment to the Constitution of the State of Arizona entitled, and in the form and manner following:

HOUSE CONCURRENT RESOLUTION NO. 3

NINETEENTH LEGISLATURE, SECOND SPECIAL SESSION

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT OF THE CONSTITUTION RELATING TO COUNTY OFFICERS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ARIZONA, THE SENATE CONCURRING:

1. The following amendment of 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, and if and when the constitution of Arizona is amended to provide four-year term for governor and legislature:

Section 3. Subject to change by law, there are hereby created in and for each county of the state the following officers, who shall be elected by the qualified electors thereof: Sheriff, Recorder, Treasurer, School Superintendent, County Attorney, Assessor, and three Supervisors, each of whom shall be elected for a term of four years, from the first day of January next after their election.

2. The proposed amendment (approved by a majority of 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 April 14, 1950 by the following vote: 42 Ayes, 9 Nays, 7 Absent, 0 Excused.

Passed the Senate April 14, 1950 by the following vote: 18 Ayes, 1 Nay, 0 Not voting.

Filed in the Office of the Secretary of State — April 14, 1950.

was submitted to the electors of the State of Arizona at said special election and that there were of legal votes cast at said special election 53,863 votes cast in favor of said amendment, and 62,366 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said election were opposed thereto.

NOW, THEREFORE, I, Wesley Bolin, Acting Governor of the State of Arizona, under and by virtue of the authority in me vested by sub-section 13 of Section 1, Part 1 of Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, do hereby declare that said referendum measure referred by the Legislature hereinbefore referred to, to have been duly and regularly rejected by the electors of the State of Arizona at said special election so held on said twelfth day of September, 1950.

WHEREAS, it appears from the returns of said special election held on the said twelfth day of September, 1950, as canvassed and certified by said Canvassing Board, in accordance with said Part 1, Article IV of the Constitution of the State of Arizona and Section 55-908, Chapter 55, and Section 60-109, Chapter 60, Arizona Code Annotated 1939, that a proposed amendment to the Constitution of the State of Arizona entitled, and in the form and manner following:

HOUSE CONCURRENT RESOLUTION NO. 5

NINETEENTH LEGISLATURE, FIRST SPECIAL SESSION

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT OF THE
CONSTITUTION OF ARIZONA
RELATING TO STATE AND SCHOOL LANDS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ARIZONA, THE SENATE CONCURRING:

1. The following amendment of section 3, Article X, 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; and if and when section 28 of the Enabling Act of the State of Arizona is amended in such manner as to make this amendment valid:

Section 3. No mortgage or other encumbrance of the said lands, or any part thereof, shall be valid in favor of any person or for any purpose or under any circumstances whatsoever. Said lands shall not be sold or leased, in whole or in part, except to the highest and best bidder at a public auction to be held at the county seat of the county wherein the lands to be affected, or the major portion thereof, shall lie, notice of which public auction shall first have been duly given by advertisement, which shall set forth the nature, time and place of the transaction to be had, with a full description of the lands to be offered, and be published once each week for not less than ten successive weeks in a newspaper of general circulation published regularly at the state capital, and in that newspaper of like circulation which shall then be regularly published nearest to the location of the lands so offered; nor shall any sale or contract for the sale of any timber or other natural product of such lands be made, save at the place, in the manner, and after the notice by publication provided for sales and leases of the lands themselves. Nothing herein, or elsewhere in Article X contained, shall prevent: 1. The leasing of any of the lands referred to in this article in such manner as the Legislature may prescribe, for grazing, agricultural, commercial and homesite purposes, for a term of ten years or less, without advertisement;

2. The leasing of any of said lands, in such manner as the Legislature may prescribe, whether or not also leased for grazing and agricultural purposes, for mineral purposes, other than for the exploration, development, and production of oil, gas and other hydrocarbon substances, for a term of twenty years or less, without advertisement, or, 3. the leasing of any of said lands, whether or not also leased for other purposes, for the exploration, development, and production of oil, gas and other hydrocarbon substances on, in or under said lands for an initial term of twenty (20) years or less and as long thereafter as oil, gas or other hydrocarbon substances may be procured therefrom in paying quantities, the leases to be made in any manner, with or without advertisement, bidding, or appraisement, and under such terms and provisions, as the Legislature may prescribe, the terms and provisions to include a reservation of a royalty to the state of not less than twelve and one-half per cent of production.

2. The proposed amendment (approved by a majority of members elected to each house of the Legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall by 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 14, 1950 by the following vote: 42 Ayes, 4 Nays, 12 Absent, 0 Excused.

Passed the Senate March 14, 1950 by the following vote: 17 Ayes, 1 Nay, 1 Not voting.

Filed in the Office of the Secretary of State — March 14, 1950.

was submitted to the electors of the State of Arizona at said special election and that there were of legal votes cast at said special election 80,732 votes cast in favor of said amendment, and 35,553 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said special election were in favor thereof;

NOW, THEREFORE, I, Wesley Bolin, Acting Governor of the State of Arizona, under and by virtue of the authority in me vested by sub-section 13 of Section 1, Part 1 of Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, do hereby declare that said proposed Amendment to the Constitution referred to the people by the Legislature hereinbefore referred to, to have been duly and regularly approved and adopted by the electors of the State of Arizona at said special election so held on said twelfth day of September, 1950, and I do therefore hereby proclaim said amendment to have become and be a part of the laws of the State of Arizona, from and as of the date of these presents.

WHEREAS, it appears from the returns of said special election held on the said twelfth day of September, 1950, as canvassed and certified by said Canvassing Board, in accordance with said Part 1, Article IV of the Constitution of the State of Arizona and Section 55-908, Chapter 55, and Section 60-109, Chapter 60, Arizona Code Annotated 1939, that a proposed amendment to the Constitution of the State of Arizona entitled, and in the form and manner following:

HOUSE CONCURRENT RESOLUTION NO. 6

NINETEENTH LEGISLATURE, FIRST SPECIAL SESSION

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE
CONSTITUTION OF ARIZONA
RELATING TO PUBLIC DEBT, REVENUE AND TAXATION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ARIZONA, THE SENATE CONCURRING:

1. The following amendment to article IX, constitution of Arizona, relating to public debt, revenue and taxation, is proposed, to become valid as a part of the constitution and of article IX thereof, when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

No tax shall be levied on raw or unfinished materials, unassembled parts, work in process or finished products, constituting the inventory of a manufacturer or manufacturing establishment located within the state and principally engaged in the fabrication, production and manufacture of products, wares and articles for use, from raw or prepared materials, imparting thereto new forms, qualities, properties and combinations, which materials, parts, work in process or finished products are not consigned or billed to any other party.

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 11, 1950 by the following vote: 49 Ayes, 7 Nays, 2 absent, 0 Excused.

Passed the Senate March 18, 1950 by the following vote: 15 Ayes, 2 Nays, 2 Not voting.

Filed in the Office of the Secretary of State — March 20, 1950.

was submitted to the electors of the State of Arizona at said special election and that there were of legal votes cast at said special election 70,090 votes cast in favor of said amendment, and 43,650 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said special election were in favor thereof;

NOW, THEREFORE, I, Wesley Bolin, Acting Governor of the State of Arizona, under and by virtue of the authority in me vested by sub-section 13 of Section 1, Part 1 of Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939, do hereby declare that said proposed Amendment to the Constitution referred to the people by the Legislature hereinbefore referred to, to have been duly and regularly approved and adopted by the electors of the State of Arizona at said special election so held on said twelfth day of September, 1950, and I do therefore hereby proclaim said amendment to have become and be a part of the laws of the State of Arizona, from and as of the date of these presents.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed at Phoenix, the Capital, this Second day of October, in the year of Our Lord One Thousand Nine Hundred and fifty.

/s/ Wesley Bolin
Acting Governor

ATTEST:

/s/ JOHN E. JENNINGS
Acting Secretary of State

BILLS VETOED BY THE GOVERNOR

(House Bill No. 168)

AN ACT

PROVIDING FOR THE DISPOSITION OF LANDS ACQUIRED BY THE ARIZONA GAME AND FISH COMMISSION.

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

Section 1. AUTHORITY TO DISPOSE OF LAND. The Arizona game and fish commission may, with the approval of the governor and the state land commissioner, lease, exchange or sell, in the name of the state, any lands acquired by gift, purchase or exchange. Moneys derived from any such sale or lease shall be deposited in the state game and fish protection fund.

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

Disapproved by the Governor—March 29, 1951

Filed in the Office of the Secretary of State—March 29, 1951

OFFICE OF THE GOVERNOR
State House
Phoenix, Arizona

March 29, 1951

Honorable Wesley Bolin
Secretary of State
Phoenix, Arizona

My dear Mr. Secretary:

House Bill No. 168 of the First Regular Session of the Twentieth Legislature is an act "providing for the disposition of lands acquired by the Arizona Game and Fish Commission." Under the authority that would be granted, the Arizona Game and Fish Commission could with the approval of the Governor and the State Land Commissioner, lease, exchange or sell any lands acquired by gift, purchase or exchange. The monies derived from any such sale or lease would be deposited in the State Game and Fish Protection Fund.

It is recognized that at least a portion of the intent of this legisla-

tion is to permit the Arizona Game and Fish Commission to recover by this means funds realized from the sale of gift property or from properties purchased with federal funds. There might be no argument with the terms of the Bill on these grounds, but the implication of a too free hand in the leasing, exchanging or selling in the name of the State **any** lands acquired by the Commission represents a direct encroachment on the duly constituted authority of the State Land Department, which was created for the specific duty of handling the lands belonging to the State.

The only department aside from the Land Department which has been given authority to dispose of surplus lands is the Board of Regents, which is set up as a corporation with the right to sue and be sued, and possesses all of the other powers of a corporation. Since statehood, it has not been considered wise to grant this authority to any other department.

For this reason I have today disapproved House Bill No. 168.

Sincerely,

/s/ Howard Pyle

Howard Pyle
Governor

hp/h

cc: President Mattice
Speaker Langham

(House Bill No. 271)

AN ACT

RELATING TO LIQUOR LICENSES AND CONTROL; AMENDING SECTIONS 72-113, 72-113a AND 72-113b, ARIZONA CODE OF 1939.

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

Section 1. Section 72-113, Arizona Code of 1939, is amended to read:

72-113. UNLAWFUL ACTS. (a) It is unlawful for any person engaged in the business of distiller, winer, brewer, rectifier, blender, or other producer, or of wholesaler, of any spirituous liquor directly or indirectly, or through an affiliate:

1. To require that any retailer purchase any spirituous liquor from such producer or wholesaler to the exclusion, in whole or in part, of any spirituous liquor sold or offered for sale by other persons.

2. To induce, through any of the following means, any retailer to purchase any spirituous liquor from such producer or wholesaler to the exclusion, in whole or in part, of spirituous liquor sold or offered for sale by other persons; 2a. by acquiring any interest in property owned, occupied, or used by the retailer in his business, or in any license with respect to the premises of the retailer; 2b. by furnishing, giving, renting, lending, or selling to the retailer any equipment, fixtures, signs, supplies, money, services, or other thing of value, subject to such exception as the rules adopted pursuant to this Act may prescribe, having due regard for established trade customs and the purposes of this subsection; 2c. by paying or crediting the retailer for any advertising, display, or distribution service; 2d. by guaranteeing any loan or repayment of any financial obligations of the retailer; 2e. by extending credit to the retailer on any sale of spirituous liquor, and any extension or acceptance of credit in violation hereof shall subject the licenses of all parties concerned to suspension or revocation at the option of the superintendent; 2f. by requiring the retailer to take and dispose of a certain quota of any spirituous liquor; 2g. by offering or giving any bonus, premium, or compensation to the retailer or any of his officers, employees, or representatives; or, 2h. by any other form of commercial bribery.

(b) It shall be unlawful:

1. For any retailer to acquire any interest in property owned, occupied or used by a wholesaler in his business, or in any license with respect to the premises of the wholesaler.

2. For any distiller, winer, brewer, or wholesaler to sell, dispose of, or give any spirituous liquor to any person other than a licensee, except in such sampling of wares as is necessary in the ordinary course of the business.

3. For any distiller, winer or brewer to require a wholesaler to offer or grant a discount to a retailer, unless said discount shall have also been offered and granted the wholesaler by the distiller, winer or brewer.

4. For any off-sale retailer to sell spirituous liquors except in the original container, to permit any spirituous liquor to be consumed on his premises, or to sell spirituous liquor in any container having a capacity of less than eight ounces.

5. For any licensee or other person to serve, sell, or furnish spirituous liquor to any intoxicated or disorderly person, or to allow or permit such person to come into or remain on or about his premises.

6. For any licensee or other person to sell, furnish, dispose of, give, or cause to be sold, furnished, disposed of or given to a person under the age of twenty-one years, or for any person under the age of twenty-one years to buy, receive, have in his possession or consume any spirituous liquor, or for any licensee or other person to allow or permit a person under the age of twenty-one years to consume spirituous liquor.

7. For any licensee to employ a person under the age of twenty-one years to manufacture, sell, or dispose of spirituous liquors.

8. For an on-sale retail licensee to employ a person under the age of twenty-one years in any capacity connected with the handling of spirituous liquors.

9. For an on-sale or off-sale retail licensee or an employee thereof to sell, dispose of, deliver, or give any spirituous liquor to any person, or to allow any person to consume spirituous liquors on his premises, between the hours of one o'clock a.m. and six o'clock a.m. on week days, and one o'clock a.m. and twelve o'clock noon on Sundays.

10. For an on-sale or off-sale retail licensee or an employee thereof to sell, dispose of, deliver, or give away spirituous liquor on his premises on election days during the hours that polling places are open for voting.

11. For any distiller, winer, or brewer to use a vehicle for the trucking or transportation of spirituous liquors unless there is affixed to both sides of the vehicle a sign showing the name and address of the licensee and the type and number of his license, in letters not less than three and one-half inches in height.

12. For an on-sale retail licensee to employ any female for the purpose of soliciting the purchase of spirituous liquors by patrons of the establishment for themselves, on a percentage basis, or otherwise, and no such licensee shall serve any of his female employees or allow any patron of his establishment to give spirituous liquor to, or to purchase the same for or drink the same with, any such female employee.

13. For any person to consume spirituous liquor from a broken package in any public place, thoroughfare, or gathering, and the license of any licensee permitting a violation of this paragraph on his premises shall be subject to revocation. This paragraph shall not apply to sales of spirituous liquors in individual portions by an on-sale retail licensee.

14. For any person to take or solicit orders for spirituous liquors unless he is a registered solicitor of a licensed wholesaler, or a registered salesman of a distillery or a manufacturer. Every manufacturer, distiller, producer, and wholesaler shall register with the superintendent each salesman or solicitor through whom he operates or conducts sales. Upon the termination of the employment of any such salesman or solicitor, the employer shall promptly notify the superintendent and return such credentials as may have been issued for the salesman or solicitor. A fee of one dollar shall be collected for each registered solicitor for wholesalers or manufacturers in this state, and a fee of ten dollars for each registered salesman or solicitor for a distillery having its place of manufacture outside of the state. No retail licensee shall purchase spirituous liquors from any person other than a registered solicitor or salesman. The superintendent shall issue a certificate of registration to each such person so registered as herein provided and may for good cause shown cancel any such certificate of registration so issued.

15. For an employee of any licensee, during his working hours or in connection with his employment, to give to or purchase for any other person, accept a gift of, purchase for himself, or consume any spirituous liquor.

(c) Any person having knowledge or possession of the facts that tend to establish the guilt of any other person or corporation charged with a violation of the provisions of this section shall not be excused from giving testimony or producing evidence when legally called upon so to do, on the ground that it may tend to incriminate him under the laws of the state; but no person shall be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter or thing concerning which he may so testify or produce evidence.

Sec. 2. Section 72-113a, Arizona Code of 1939, is amended to read:

72-113a. SELLING OR GIVING LIQUOR TO MINOR. (a) Any licensee, employee or other person who questions or has reason to question whether a person ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure the serving or delivery of spirituous liquor, has attained the age of twenty-one years, shall require such person to exhibit a twenty-first birthday card as described in section 72-113b, and on a card to be retained by the licensee to sign his name and the date and number of his birthday card.

(b) Any licensee, employee or other person who sells, gives, serves or furnishes any spirituous liquor to a person who is in fact under the age of twenty-one years without having the evidence of such person's age as required by this section, shall be deemed to have constructive knowledge thereof.

(c) Any person under twenty-one years of age who shall offer or present to any licensee, employee or other person a fraudulent or false certificate of birth or other written evidence of age which is not actually his own, or who shall otherwise misrepresent his age, for the purpose of inducing the licensee or employee to sell, give, serve or furnish spirituous liquor contrary to law, is guilty of a misdemeanor.

(d) Any person who influences or attempts to influence the sale, giving, or serving of spirituous liquor to a person under twenty-one years of age, by misrepresenting the age of such person, or who shall order, request, receive or procure spirituous liquor from any licensee, employee or other person for the purpose of selling, giving or serving the same to a person under twenty-one years of age, is guilty of a misdemeanor.

(e) Any licensee, employee or other person who causes any person endeavoring to procure spirituous liquor to exhibit a twenty-first birthday card as prescribed by subsection (a) and who fails to carefully compare the signature on the card required to be presently signed with the signature on the twenty-first birthday card, or who fails to retain the card presently signed and offer it in court at any hearing in which he is charged with selling or furnishing spirituous liquor to a minor, is guilty of a misdemeanor.

Sec. 3. Section 72-113b, Arizona Code of 1939, is amended to read:

72-113b. TWENTY-FIRST BIRTHDAY CARD. (a) Any person who attains the age of twenty-one years may apply to the superintendent of liquor licenses and control, on a form provided by the superintendent, for a twenty-first birthday card. The application shall be filed with the clerk of the superior court of the county, or with the clerk of the municipality in which the person resides or is temporarily located and at such time the applicant shall present to the clerk of the superior court or to the clerk of the municipality, his birth certificate or other satisfactory evidence of being twenty-one years of age. The application shall include: 1. The applicant's name; 2. address; 3. whether the address is permanent or temporary, and, 4. date of the twenty-first birthday. The clerk of the court or municipality shall forward the application

and twenty-first birthday card to the superintendent, who shall file the application and countersign and return the card to the applicant. The applicant shall sign the card with his name, and the card shall thereafter be exhibited upon the demand of any licensee, employee or other person selling, giving or disposing of spirituous liquor, or of any agent of the department of liquor licenses and control or any peace officer.

(b) Any misrepresentation as to age or other deceit practiced in the procurement of a registration card, or the use or exhibition for the purpose of procuring spirituous liquor of a registration card other than that of the person using or exhibiting the same, is a misdemeanor.

(c) The superintendent of liquor licenses and control shall prescribe the form of the twenty-first birthday card and provide each registering office with a quantity of the same.

(d) Any person violating any provision of this Act shall upon conviction be punished by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment in the county jail not less than thirty days nor more than one year, or both.

Disapproved by the Governor—March 29, 1951

Filed in the Office of the Secretary of State—March 29, 1951

OFFICE OF THE GOVERNOR
STATE HOUSE
PHOENIX, ARIZONA

March 29, 1951

Honorable Wesley Bolin
Secretary of State
Phoenix, Arizona

My dear Mr. Secretary:

House Bill No. 271 of the First Regular Session of the Twentieth Legislature being an act "Relating to liquor licenses and control; amending sections 72-113, 72-113B, Arizona Code of 1939" would cancel out an important stipulation of House Bill No. 164, an act "Relating to spirituous liquors: prescribing penalties; and amending Section 72-114, Arizona Code of 1939", which latter bill I have already signed.

By way of explanation, House Bill No. 164 has as its only excuse

for being, the important consideration of changing prescribed penalties for violation of any of the provisions of Section 72-114, Arizona Code of 1939. House Bill No. 271 re-enacts the penalty provisions amended by House Bill No. 164, thus nullifying the advantages obtained by the enactment of House Bill 164.

Since the provisions of House Bill No. 164 should take priority, I am for this reason today disapproving House Bill No. 271.

Sincerely,

/s/ Howard Pyle

Howard Pyle
Governor

hp/h

cc: President Mattice
Speaker Langham

ACTS

Memorials and Resolutions

of the

FIRST SPECIAL SESSION

of the

Nineteenth Legislature

of the

STATE OF ARIZONA

1950

First Special Session Convened February 20, 1950

First Special Session Adjourned Sine Die March 19, 1950

Publication Authorized

Section 4-201, Arizona Code of 1939

(Paragraph 23, Article 2, Chapter 2, Revised Code of 1928)

Chapter 11, Laws 1951

First Regular Session, Twentieth 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 Nineteenth 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 Nineteenth Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, February 20, 1950, and adjourned sine die on the 19th day of March, 1950.

IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 17th day of April, 1951.

/s/ WESLEY BOLIN
Secretary of State.

PROCLAMATION

Calling a Special Session of the Nineteenth Legislature

WHEREAS, the Constitution of Arizona (article IV, part 2, section 3) vests in the Governor the authority to call a special session of the Legislature whenever in his judgment it is advisable to do so, and provides that in such case he shall specify the subjects to be considered; and

WHEREAS, an emergency has arisen which affects the efficient conduct of state government and the welfare of the people of Arizona, I deem it necessary to call the Nineteenth Legislature in special session immediately,

NOW, THEREFORE, I, Dan E. Garvey, Governor of Arizona, by virtue of the authority vested in me by the Constitution, and in pursuance of my duty, call the Nineteenth Legislature to meet in special session at the Capitol on Monday, the twentieth day of February, 1950, at ten o'clock a.m., and specify the following subjects to be considered during such session:

1. Social Security and Welfare
2. Public Officers and Employees Retirement
3. Appropriations
4. Uniform Highway Code
5. Authorizing Bond Issue for Construction of Dormitory at Gila Junior College
6. Real Estate Board
7. State Reorganization
8. Appointments and Confirmation

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed this Thirteenth day of February, in the year of Our Lord One Thousand Nine Hundred and Fifty.

/s/ DAN E. GARVEY
GOVERNOR

ATTEST:

/s/ WESLEY BOLIN
Secretary of State

PROCLAMATION

Specifying additional subjects to be considered at

First Special Session of the Nineteenth Legislature

WHEREAS, the Constitution of Arizona (Article IV, Part 2, Section 3) vests in the Governor the authority to call a special session of the Legislature whenever in his judgment it is advisable, and to specify the subjects to be considered; and

WHEREAS, by virtue of such authority a call for a special session was issued on the thirteenth day of February, 1950; and

WHEREAS, certain emergencies have arisen since the original call was made for the First Special Session, which require immediate legislative attention,

NOW, THEREFORE, I, Dan E. Garvey, Governor of Arizona, by virtue of the authority vested in me by the Constitution, and in pursuance of my duty, do hereby specify the following additional subjects to be considered at the special session called as aforesaid:

1. Appraisals and leasing of State lands

2. Taxation

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 February, in the year of Our Lord One Thousand Nine Hundred and fifty.

/s/ DAN E. GARVEY
GOVERNOR

ATTEST:

/s/ WESLEY BOLIN
Secretary of State

MEMBERS OF THE SENATE

NINETEENTH LEGISLATURE

First and Second Special Sessions

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

MEMBERS OF THE HOUSE

NINETEENTH LEGISLATURE

First and Second Special Sessions

District	Name and Party	Address
	APACHE COUNTY	
	Geo. E. Crosby (D)	Greer
	COCHISE COUNTY	
1.	Wesley T. Allen (D)	Bisbee
2.	Carl W. Morris (D)	Warren
3.	Alfred Paul, Jr. (D)	Paul Spur
4.	James A. Elliott (D)	Douglas
5.	W. L. Cook (D)	Willcox
	COCONINO COUNTY	
1.	Chas. W. Dryden (D)	Flagstaff
2.	Jesse L. Boyce (D)	Williams
	GILA COUNTY	
1.	Raymond G. Langham (D)	Globe
2.	Harold Copp (D)	Miami
3.	Mrs. W. G. Rosenbaum (D)	Hayden
	GRAHAM COUNTY	
1.	W. A. McBride (D)	Safford
2.	Milton Lines (D)	Pima
	GREENLEE COUNTY	
	M. L. Simms (D)	Clifton
	MARICOPA COUNTY	
1.	R. S. Hart (D)	Phoenix
	2430 W. Washington St.	
2.	Wing F. Ong (D)	Phoenix
	1244 E. Jefferson St.	
3.	Fletcher West Timmerman (D)	Phoenix
	1135 E. Fillmore St.	
4.	William B. O'Malley (D)	Phoenix
	117 N. 10th Ave.	
5.	G. N. Baker (D)	Phoenix
	332 W. Edgemont	

6. Sidney Kartus (D).....Phoenix
2107 S. 15th Place

7. Mrs. Laura McRae (D).....Phoenix
929 E. Coronado Rd.

8. Jack Cummard (D).....Mesa
424 N. Macdonald

9. Ed Ellsworth (D).....Chandler
Box 75

10. L. Max Connolly (D).....Tempe
514 Mill Ave.

11. John H. Wilson (D).....Phoenix
2511 E. Adams

12. J. M. Combs (D).....Glendale
Route 2, Box 138

13. Bill Craig (D).....Wickenburg
Box 126

14. J. H. Callan (D).....Litchfield Park
Box 202

15. R. H. Wallace (R).....Phoenix
Box 1870

16. Harry Wimberly (D).....Phoenix
145 W. Riverside

17. Ronald Webster, Jr. (R).....Phoenix
3515 N. 12th St.

18. J. W. Estes (D).....Phoenix
1537 W. Lynwood

19. Chas. H. Abels (D).....Phoenix
Box 52, Cave Creek Route

20. Robert C. Bohannan, Jr. (R).....Phoenix
311 W. Roma Ave.

21. Lewis R. Burch (D).....Phoenix
340 E. Willetta

22. H. C. Armstrong (D).....Tolleson
Box 672

23. W. W. Franklin (D).....Phoenix
1645 E. Culver

MOHAVE COUNTY

Robert E. Morrow.....Kingman

NAVAJO COUNTY

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

PIMA COUNTY

1. Oscar C. Cole (D) ..... Ajo
2. Frank G. Robles (D) ..... Tucson
   Box 2003
3. Ray Martin (D) ..... Tucson
   3946 Miner
4. Oliver M. Heflin (D) ..... Tucson
   3514 S. Lundy Ave.
5. John S. Hardwicke (D) ..... Tucson
   116 N. Tyndall
6. Marvin L. Burton (D) ..... Tucson
   613 E. Mohave Rd.
7. Robert H. Forbes (D) ..... Tucson
   105 Olive Rd.
8. V. S. Hostetter (R) ..... Tucson
   100 Calle Encanto
9. James W. Ewing (R) ..... Tucson
   Box 870

PINAL COUNTY

1. A. L. Bartlett (D) ..... Coolidge
2. J. Ney Miles (D) ..... Ray

SANTA CRUZ COUNTY

Neilson Brown (D) ..... Nogales

YAVAPAI COUNTY

1. Henry Rush (D) ..... Prescott
2. Dick W. Martin (R) ..... Prescott
3. Kel M. Fox (D) ..... Sedona
4. A. H. Bisjak (D) ..... Chino Valley

YUMA COUNTY

1. Clara Osborne Botzum (D) ..... Parker
2. Harold C. Giss (D) ..... Yuma

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ORDER OF ACTS

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52. H. B. 72.	Appropriating four thousand nine hundred forty-six and 98/100 dollars from the state highway fund for the relief of the Mountain States Telephone and Telegraph Company. Approved March 24, 1950. Effective July 1, 1950.	650
53. H. B. 89.	Relating to the state highway department, and providing for the appropriation and reallocation of funds. (Emergency clause.) Approved March 24, 1950. Effective March 24, 1950.	651
54. H. B. 105.	Calling a special election to submit proposed amendments to the Constitution; providing for publicity; making an appropriation, and declaring an emergency. Approved March 27, 1950. Effective March 27, 1950.	652
55. S. B. 27.	Relating to the state board of health, providing for disbursement of funds, amending section 68-118, Arizona Code Annotated, 1939, and declaring an emergency. Approved March 27, 1950. Effective March 27, 1950.	654
56. H. B. 29.	Relating to the Arizona racing commission; amending chapter 61, sections 6 (e), 6 (f) and 13, Laws of 1949; making an appropriation, and declaring an emergency. Approved March 28, 1950. Effective March 28, 1950.	655
57. H. B. 42.	Relating to the excise revenue act of 1935, and amending section 73-1303, Arizona Code of 1939. Approved March 30, 1950. Effective June 18, 1950.	656
58. S. B. 8.	Relating to the administration, classification and appraisal of state lands for sale or lease and the improvements thereon; leases; rentals; appointment of a board of appeals for classification and appraisal purposes; appeals; amending article 1, chapter 11, sections 11-101 and 11-103, as amended; amending article 2, chapter 11,	

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	sections 11-204 and 11-210 and repealing sections 11-206, 11-207, 11-208, 11-209 and 11-211; amending article 3, chapter 11, sections 11-301, as amended, 11-304 and 11-313 and repealing section 11-303; amending article 4, chapter 11, by repealing section 11-405; amending article 11, chapter 11, section 11-1108; Arizona Code Annotated, 1939; repealing all acts or parts of acts in conflict with the provisions of this act, and declaring an emergency. Approved March 30, 1950. Effective March 30, 1950.	661
59. S. B. 6.	Relating to judicial department; providing for the retirement of judges, creating a judges' retirement fund, its investment, providing for retirement pay, and making an appropriation. Approved March 30, 1950. Effective June 18, 1950.	668
60. H. B. 73.	Relating to liquor licenses and control; providing for club licenses, for the transfer of licenses and use thereof other than by the licensee; providing for fees pertaining to licenses, making an appropriation thereof and amending sections 72-101, 72-103, 72-105, 72-106, 72-107, 72-108, 72-109, 72-110, 72-112, 72-113, Arizona Code of 1939; as amended by chapter 41 of the session laws of 1945, regular session; as amended by chapter 46, session laws of 1948, first special session; as amended by chapter 114 of the session laws of 1941, regular session; and as amended by the addition of chapter 42, session laws of 1945, regular session; and declaring an emergency. Approved March 30, 1950. Effective March 30, 1950.	671

ACTS

ACTS

CHAPTER 1

(House Bill No. 11)

AN ACT

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

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

Section 1. APPROPRIATION. The sum of nine thousand nine hundred and five dollars ($9,905.00) is appropriated to the department of library and archives, for the state legislative bureau.

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

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act 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, 1950.

Filed in the Office of the Secretary of State—February 24, 1950.

CHAPTER 2

(House Bill No. 7)

AN ACT

RELATING TO THE ARIZONA INTERSTATE STREAM COMMISSION, PROVIDING FOR THE REALLOCATION

OF APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

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

Section 1. REALLOCATION. (a) Any balances remaining in the appropriations under the provisions of Chapter 124, Subdivision 73, Laws of 1949, to the Arizona Interstate Stream Commission for the Thirty-Eighth Fiscal Year for Personal Services, State Travel, Out of State Travel, Subscriptions and Organization Dues, and Other Current Expenditures are hereby reallocated to the commission under the heading "Lump Sum Appropriation."

(b) The appropriation of $80,025.00 made under the provisions of Chapter 124, Subdivision 73, Laws of 1949, for the use of the commission during the Thirty-Ninth Fiscal Year in the amounts of $62,400.00 for Personal Services, $5,000.00 for State Travel, $7,000.00 for Out of State Travel, $200.00 for Subscriptions and Organization Dues and $5,425.00 for Other Current Expenditures are hereby reallocated under the heading Lump Sum Appropriation.

Section 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, 1950

Filed in the Office of the Secretary of State—March 10, 1950

CHAPTER 3

(House Bill No. 5)

AN ACT

REGULATING TRAFFIC ON HIGHWAYS; DEFINING CERTAIN CRIMES AND FIXING PENALTIES IN THE USE AND OPERATION OF VEHICLES; PROVIDING FOR TRAFFIC SIGNS AND SIGNALS; DEFINING THE POWER OF LOCAL AUTHORITIES TO ENACT OR ENFORCE ORDINANCES, RULES, OR REGULATIONS IN REGARD TO MATTERS EMBRACED WITHIN THE PROVISIONS OF THIS ACT; PROVIDING FOR THE ENFORCEMENT OF THIS ACT; MAKING UNIFORM THE

LAW RELATING TO THE SUBJECT MATTER OF THIS ACT; AND REPEALING ARTICLE 1 OF CHAPTER 66, AND ALL OF SECTIONS 59-208, 66-203, 66-402, 66-403 AND 66-405, ARIZONA CODE ANNOTATED, 1939, AS AMENDED.

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

Section 1. DEFINITION OF WORDS AND PHRASES. The following words and phrases when used in this Act shall, for the purpose of this Act, have the meanings respectively ascribed to them in sections 1 to 21.1 inclusive.

Sec. 2. (a) VEHICLE. Every devise in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(b) MOTOR VEHICLE. Every vehicle which is self-propelled.

(c) MOTORCYCLE. Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(d) MOTOR-DRIVEN CYCLE. Every motor cycle, including every motor scooter, with a motor which produces not to exceed 5 horsepower, and every bicycle with motor attached.

(e) AUTHORIZED EMERGENCY VEHICLE. Vehicles of the fire department, police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the commission or the local authorities.

(f) SCHOOL BUS. Every motor vehicle owned by a public or governmental agency or other institution and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

(g) BICYCLE. Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 16 inches in diameter.

Sec. 3. (a) TRUCK TRACTOR. Every motor vehicle designed and used primarily for drawing other vehicles and not

so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(b) FARM TRACTOR. Every motor vehicle designed and used primarily as a farm implement for drawing implements of husbandry.

(c) ROAD TRACTOR. Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Sec. 4. (a) TRUCK. Every motor vehicle designed, used, or maintained primarily for the transportation of property.

(b) BUS. Every motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

Sec. 5. (a) TRAILER. Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

(b) SEMITRAILER. Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

(c) POLE TRAILER. Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Sec. 6. (a) PNEUMATIC TIRE. Every tire in which compressed air is designed to support the load.

(b) SOLID TIRE. Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

(c) METAL TIRE. Every tire the surface of which in

contact with the highway is wholly or partly of metal or other hard non-resilient material.

Sec. 7. (a) RAILROAD. A carrier of persons or property upon cars operated upon stationary rails.

(b) RAILROAD TRAIN. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

Sec. 8. (a) EXPLOSIVES. Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

(b) FLAMMABLE LIQUID. Any liquid which has a flash point of 70 degrees F., or less, as determined by a tagliabue or equivalent closed-cup test device.

Sec. 9. GROSS WEIGHT. The weight of a vehicle without load plus the weight of any load thereon.

Sec. 10. (a) COMMISSION. The Arizona state highway commission.

(b) DEPARTMENT. The highway department of this state acting directly or through its duly authorized officers and agents.

Sec. 11. (a) PERSON. Every natural person, firm, copartnership, association, or corporation.

(b) PEDESTRIAN. Any person afoot.

(c) DRIVER. Every person who drives or is in actual physical control of a vehicle.

(d) OWNER. A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of

a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Act.

Sec. 12. POLICE OFFICER. Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Sec. 13. LOCAL AUTHORITIES. Every county, municipal, and other local board or body exercising jurisdiction over highways under the constitution and laws of this state.

Sec. 14. (a) STREET OR HIGHWAY. The entire width between the boundary lines of every way when any part thereof is open to the use of the public for purposes of vehicular travel.

(b) PRIVATE ROAD OR DRIVEWAY. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(c) ROADWAY. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "ROADWAY" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

(d) SIDEWALK. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

(e) LANED ROADWAY. A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

(f) THROUGH HIGHWAY. Every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this Act.

(g) CONTROLLED-ACCESS HIGHWAY. Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

Sec. 15. INTERSECTION. (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

Sec. 16. CROSS WALK. (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in absence of curbs, from the edges of the traversable roadway;

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Sec. 17. SAFETY ZONE. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Sec. 18. (a) BUSINESS DISTRICT. The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

(b) RESIDENCE DISTRICT. The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

Sec. 19. (a) OFFICIAL TRAFFIC-CONTROL DEVICES. All signs, signals, markings, and devices not inconsistent with this Act placed or erected by authority of a public body or

official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

(b) TRAFFIC-CONTROL SIGNAL. Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

(c) RAILROAD SIGN OR SIGNAL. Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Sec. 20. TRAFFIC. Pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for purposes of travel.

Sec. 21. RIGHT-OF-WAY. The privilege of the immediate use of the highway.

Sec. 21.1. STOP. (a) When required means complete cessation from movement.

(b) STOP, STOPPING, OR STANDING. When prohibited means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

(c) PARK. When prohibited means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

Sec. 22. PROVISIONS OF ACT REFER TO VEHICLES UPON THE HIGHWAYS—EXCEPTIONS. The provisions of this Act relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

1. Where a different place is specifically referred to in a given section.

2. The provisions of Sections 39 to 55 inclusive, shall apply upon highways and elsewhere throughout the state.

Sec. 23. REQUIRED OBEDIENCE TO TRAFFIC LAWS. It is unlawful and, unless otherwise declared in this Act with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this Act.

Sec. 24. OBEDIENCE TO POLICE OFFICERS. No person shall wilfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic.

Sec. 25. PUBLIC OFFICERS AND EMPLOYEES TO OBEY ACT—EXCEPTIONS. (a) The provisions of this Act applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district, or any other political subdivision of the state, except as provided in this section and subject to such specific exceptions as are set forth in this Act with reference to authorized emergency vehicles.

(b) Unless specifically made applicable, the provisions of this Act shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway, or to railroad employees working on a railroad track or tracks crossing the highway but shall apply to such persons and vehicles when traveling to or from such work.

Sec. 25.1. AUTHORIZED EMERGENCY VEHICLES. (a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this Act;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the prima facie speed limits so long as he does not endanger life or property;

4. Disregard regulations governing direction of movement or turning in specified directions.

(c) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp dis-

playing a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

Sec. 26. TRAFFIC LAWS APPLY TO PERSONS RIDING ANIMALS OR DRIVING ANIMAL-DRAWN VEHICLES. Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Act, except those provisions of this Act which by their very nature can have no application.

Sec. 27. PROVISIONS OF ACT UNIFORM THROUGHOUT STATE. The provisions of this Act shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any ordinance, rule, or regulation in conflict with the provisions of this Act unless expressly authorized herein. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of this Act.

Sec. 28. POWERS OF LOCAL AUTHORITIES. (a) The provisions of this Act shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

1. Regulating the standing or parking of vehicles;

2. Regulating traffic by means of police officers or traffic-control signals;

3. Regulating or prohibiting processions or assemblages on the highways;

4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;

5. Regulating the speed of vehicles in public parks;

6. Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to such intersection;

7. Restricting the use of highways as authorized in section 167 of this Act;

8. Regulating the operation of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee;

9. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;

10. Altering the prima facie speed limits as authorized herein;

11. Adopting such other traffic regulations as are specifically authorized by this Act.

(b) No local authority shall erect or maintain any stop sign or traffic-control signal at any location so as to require the traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the commission.

(c) No ordinance or regulation enacted under subdivisions (4), (5), (6), (7), (9) or (10), of section 28 (a) shall be effective until signs giving notice of such local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate.

Sec. 29. THIS ACT NOT TO INTERFERE WITH RIGHTS OF OWNERS OF REAL PROPERTY WITH REFERENCE THERETO. Nothing in this Act shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this Act, or otherwise regulating such use as may seem best to such owner.

Sec. 30. COMMISSION TO ADOPT SIGN MANUAL. The Commission shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this Act for use upon highways within this state. Such uniform system shall correlate with and so far as

possible conform to the system then current as approved by the American Association of State Highway Officials.

Sec. 31. COMMISSION TO SIGN ALL STATE HIGHWAYS. (a) The commission shall place and maintain such traffic-control devices, conforming to its manual and specifications, upon all state highways as it shall deem necessary to indicate and to carry out the provisions of this Act or to regulate, warn, or guide traffic.

(b) No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the commission except by the latter's permission.

Sec. 32. LOCAL TRAFFIC-CONTROL DEVICES. Local authorities in their respective jurisdiction shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this Act or local traffic ordinances or to regulate, warn, or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications.

Sec. 33. OBEDIENCE TO AND REQUIRED TRAFFIC-CONTROL DEVICES. (a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this Act, unless otherwise directed by a traffic or police officer, subject to the exemptions granted the driver of an authorized emergency vehicle in this Act.

(b) No provision of this Act for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

Sec. 34. TRAFFIC-CONTROL SIGNAL LEGEND. Whenever traffic is controlled by traffic-control signals exhibiting the words "GO", "CAUTION", or "STOP", or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used and said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) GREEN ALONE OR "GO";

1. Vehicular traffic facing the signal may proceed straight

through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent cross walk at the time such signal is exhibited.

2. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked cross walk.

(b) YELLOW ALONE OR "CAUTION" WHEN SHOWN FOLLOWING THE GREEN OR "GO" SIGNAL:

1. Vehicular traffic facing the signal is thereby warned that the red or "STOP" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "STOP" signal is exhibited.

2. Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(c) RED ALONE OR "STOP":

1. Vehicular traffic facing the signal shall stop before entering the cross walk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until GREEN or GO is shown alone.

2. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(d) RED WITH GREEN ARROW:

1. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a cross walk and to other traffic lawfully using the intersection.

2. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(e) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those

provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

Sec. 35. PEDESTRIAN WALK AND WAIT SIGNALS. Whenever special pedestrian-control signals exhibiting the words "WALK" or "WAIT" are in place such signals shall indicate as follows:

(a) WALK. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(b) WAIT. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.

Sec. 36. FLASHING SIGNALS. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

1. FLASHING RED (STOP SIGNAL). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest cross walk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

2. FLASHING YELLOW (CAUTION SIGNAL). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

Sec. 37. DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS, OR MARKINGS. (a) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any com-

mercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(b) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

Sec. 38. INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS. No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

Sec. 39. ACCIDENTS INVOLVING DEATH OR PERSONAL INJURIES. (a) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 41. Every such stop shall be made without obstructing traffic more than is necessary.

(b) Any person failing to stop or to comply with said requirements under such circumstances shall upon conviction be punished by imprisonment for not less than 30 days nor more than 1 year in the county jail or by fine of not less than $100.00 nor more than $5,000.00, or by both such fine and imprisonment.

(c) The department shall revoke the license or permit to drive and any nonresident operating privilege of the person so convicted.

Sec. 40. ACCIDENTS INVOLVING DAMAGE TO VEHICLE. The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of section 41. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor.

Sec. 41. DUTY TO GIVE INFORMATION AND RENDER AID. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address, and the registration number of the vehicle he is driving and shall upon request exhibit his operator's or chauffeur's license to the person struck or the driver or occupants of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the making of arrangements for the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

Sec. 42. DUTY UPON STRIKING UNATTENDED VEHICLE. The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking.

Sec. 43. DUTY UPON STRIKING FIXTURES UPON A HIGHWAY. The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request exhibit his operator's or chauffeur's license and shall make report of such accident when and as required in section 45 hereof.

Sec. 44. IMMEDIATE REPORTS OF ACCIDENTS. The driver of a vehicle involved in an accident resulting in injury to or death of any person shall immediately by the quickest means of communication, whether oral or written, give notice of such accident to the local police department if such accident occurs within a municipality, otherwise to the office of the county sheriff or the nearest office of the state highway patrol.

Sec. 45. WRITTEN REPORTS OF ACCIDENTS. (a) The driver of a vehicle involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of $50.00 or more shall, within 5 days after such accident, forward a written report of such accident to the department.

(b) The department may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient in the opinion of the department and may require witnesses of accidents to render reports to the department.

(c) Every law enforcement officer who, in the regular course of duty, investigates a motor-vehicle accident of which report must be made as required in this section, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses shall, within 24 hours after completing such investigation, forward a written report of such accident to the department.

Sec. 46. WHEN DRIVER UNABLE TO REPORT. (a) Whenever the driver of a vehicle is physically incapable of making an immediate report of an accident as required in section 44 and there was another occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made said report not made by the driver.

(b) Whenever the driver is physically incapable of making a written report of an accident as required in section 45 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within 5 days after learning of the accident make such report not made by the driver.

Sec. 47. ACCIDENT REPORT FORMS. (a) The department shall prepare and upon request supply to police departments, coroners, sheriffs, garages, and other suitable agencies or individuals, forms for accident reports required hereunder, appropriate with respect to the persons required to make such reports and the purposes to be served. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved.

(b) Every accident report required to be made in writing shall be made on the appropriate form approved by the department and shall contain all of the information required therein unless not available.

(c) Every such report shall also contain information sufficient to enable the department to determine whether the requirements for the deposit of security under any of the laws

of this state are inapplicable by reason of the existence of insurance or other exceptions specified therein.

Sec. 47.1. PENALTY FOR FAILURE TO REPORT. The department shall suspend the license or permit to drive and any nonresident operating privileges of any person failing to report an accident as herein provided until such report has been filed. Any person convicted of failing to make a report as required herein shall be punished as provided in section 169.

Sec. 48. CORONERS TO REPORT. Every coroner or other official performing like functions shall on or before the 10th day of each month report in writing to the department the death of any person within his jurisdiction during the preceding calendar month as the result of a traffic accident giving the time and place of the accident and the circumstances relating thereto.

Sec. 49. GARAGES TO REPORT. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident of which report must be made as provided in section 45, or struck by any bullet, shall report to the department within 24 hours after such motor vehicle is received, giving the engine number, registration number, and the name and address of the owner or operator of such vehicle.

Sec. 50. ACCIDENT REPORTS CONFIDENTIAL. All accident reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or other state agencies having use for the records for accident prevention purposes, or for the administration of the laws of this state relating to the deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles, except that the department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has, or claims to have, made such a report or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirement that such a report be made to the department.

Sec. 51. DEPARTMENT TO TABULATE AND ANALYZE ACCIDENT REPORTS. The department shall tabulate and may analyze all accident reports and shall publish annually,

or at more frequent intervals, statistical information based thereon as to the number and circumstances of traffic accidents.

Sec. 52. ANY INCORPORATED CITY MAY REQUIRE ACCIDENT REPORTS. Any incorporated city, town, village, or other municipality may by ordinance require that the driver of a vehicle involved in an accident shall also file with a designated city department a report of such accident or a copy of any report herein required to be filed with the department. All such reports shall be for the confidential use of the city department and subject to the provisions of section 50 of this Act.

Sec. 53. NEGLIGENT HOMICIDE. (a) When the death of any person ensues within 1 year as a proximate result of injury received by the driving of any vehicle in reckless disregard of the safety of others, the person so operating such vehicle shall be guilty of negligent homicide.

(b) Any person convicted of negligent homicide shall be punished by imprisonment for not more than 1 year in the county jail or by fine of not less than $100.00 nor more than $1,000.00, or by both such fine and imprisonment.

(c) The department shall revoke the license or permit to drive and any nonresident operating privilege of any person convicted of negligent homicide.

Sec. 54. PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR OF DRUGS. (a) It is unlawful and punishable as provided in paragraph (d) of this section for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any vehicle within this state.

(b) In any criminal prosecution for a violation of paragraph (a) of this section relating to driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

1. If there was at that time 0.05 percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;

2. If there was at that time in excess of 0.05 percent but less than 0.15 percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;

3. If there was at that time 0.15 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor;

4. The foregoing provisions of paragraph (b) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.

(c) It is unlawful and punishable as provided in paragraph (d) of this section for any person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle within this state. The fact that any person charged with a violation of this paragraph is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this paragraph.

(d) Every person who is convicted of a violation of this section shall be punished by imprisonment for not less than 10 days nor more than 6 months, or by fine of not less than $100.00 nor more than $300.00, or by both such fine and imprisonment. On a second or subsequent conviction he shall be punished by imprisonment for not less than 90 days nor more than 1 year in the county jail, and, in the discretion of the court, a fine of not more than $1,000.00.

The department shall revoke the license or permit to drive and any nonresident operating privilege of any person who has been convicted a second time in any 12-month period under this section.

Sec. 55. RECKLESS DRIVING. (a) Any person who drives any vehicle in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(b) Every person convicted of reckless driving may be punished upon a first conviction by imprisonment for a period of not less than 5 days nor more than 90 days, or by fine of not less than $25.00 nor more than $300.00, or by both such fine

and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than 10 days nor more than 6 months, or by a fine of not less than $50.00 nor more than $1,000.00, or by both such fine and imprisonment.

Sec. 56. SPECIAL RESTRICTIONS. (a) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(b) Where no special hazard exists that requires lower speed for compliance with paragraph (a) of this section the speed of any vehicle not in excess of the limits specified in this section or established as hereinafter authorized shall be lawful, but any speed in excess of the limits specified in this section or established as hereinafter authorized shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

1. Fifteen miles per hour approaching school crossing;

2. Twenty-five miles per hour in any business or residence district;

3. (a) Fifty miles per hour in other locations during the daytime except state highways;

(b) Reasonable and prudent miles per hour during the daytime on state highways;

4. (a) Forty-five miles per hour during the nighttime in other locations except state highways;

(b) Fifty miles per hour during the nighttime on state highways.

Daytime means from a half hour before sunrise to a half hour after sunset. Nighttime means at any other hour.

The prima facie speed limits set forth in this section may be altered as authorized in sections 57 and 58.

(c) The driver of every vehicle shall, consistent with the requirements of paragraph (a), drive at an appropriate re-

duced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

Sec. 57. ESTABLISHMENT OF STATE SPEED ZONES. Whenever the commission shall determine upon the basis of an engineering and traffic investigation that any prima facie speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a state highway, said commission may determine and declare a reasonable and safe prima facie speed limit thereat which shall be effective at all times or during hours of daylight or darkness or at such other times as may be determined when appropriate signs giving notice thereof are erected at such intersection or other place or part of the highway.

Sec. 58. WHEN LOCAL AUTHORITIES MAY ALTER PRIMA FACIE LIMITS. (a) AT INTERSECTIONS. Whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that the prima facie speed permitted under this Act at any intersection is greater than is reasonable or safe under the conditions found to exist at such intersection, such local authority subject to paragraph (d) of this section shall determine and declare a reasonable and safe prima facie speed limit thereat, which shall be effective at all times or during hours of daylight or darkness or at such other times as may be determined when appropriate signs giving notice thereof are erected at such intersection or upon the approaches thereto.

(b) AUTHORITY TO INCREASE 25 MILE LIMIT. Local authorities in their respective jurisdictions may in their discretion, but subject to paragraph (d) of this section, authorize by ordinance higher prima facie speeds than those stated in section 56 upon through highways or upon highways or portions thereof where there are no intersections or between widely spaced intersections, which higher prima facie speed shall be effective at all times or during hours of daylight or at such other times as may be determined when signs are erected giving notice of the authorized speed, but local authorities shall not have authority to modify or alter the basic rule set forth in paragraph (a) of section 56 or in any event to authorize by ordinance a speed in excess of 50 miles per hour during the daytime or 45 miles per hour during nighttime.

(c) AUTHORITY TO ALTER 45-50 MILE LIMITS. When-

ever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that the prima facie speed permitted under this Act upon any street or highway outside a business or residence district is greater or less than is reasonable or safe under the conditions found to exist upon such street or highway, the local authority may determine and declare a reasonable and safe prima facie limit thereon but in no event less than 35 miles per hour and subject to paragraph (d) of this section, which reduced prima facie limit shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

(d) Alteration of prima facie limits on state highways or extensions thereof in a municipality by local authorities shall not be effective until such alteration has been approved by the commission.

Sec. 59. MINIMUM SPEED REGULATION. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

Police officers are hereby authorized to enforce this provision by directions to drivers, and in the event of apparent wilful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith the continued slow operation by a driver shall be a misdemeanor.

Sec. 60. SPECIAL SPEED LIMITATION ON MOTOR-DRIVEN CYCLES. No person shall operate any motor-driven cycle at any time mentioned in section 119 at a speed greater than 35 miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

Sec. 61. SPECIAL SPEED LIMITATIONS. (a) No person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than a maximum of 10 miles per hour.

(b) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

(c) The commission upon request from any local authority

shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this Act the commission shall determine and declare the maximum speed of vehicles which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of 300 feet before each end of such structure.

(d) Upon the trial of any person charged with a violation of this section, proof of determination of the maximum speed by said commission and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

Sec. 62. CHARGING VIOLATIONS AND RULE IN CIVIL ACTIONS. (a) In every charge of violation of any speed regulation in this Act the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the prima facie speed applicable within the district or at the location.

(b) The provision of this Act declaring prima facie speed limitations shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

Sec. 63. DRIVE ON RIGHT SIDE OF ROADWAY—EXCEPTIONS. (a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

2. When the right half of a roadway is closed to traffic while under construction or repair;

3. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

4. Upon a roadway designated and signposted for one-way traffic.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under

the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

Sec. 64. PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

Sec. 65. OVERTAKING A VEHICLE ON THE LEFT. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal, or blinking of headlamps at nighttime, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Sec. 66. WHEN OVERTAKING ON THE RIGHT IS PERMITTED. (a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;

3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

Sec. 67. LIMITATIONS ON OVERTAKING ON THE LEFT. No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

Sec. 68. FURTHER LIMITATIONS ON DRIVING TO LEFT OF CENTER OF ROADWAY. (a) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

1. When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

2. When approaching within 100 feet of or traversing any intersection or railroad grade crossing;

3. When the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel.

(b) The foregoing limitations shall not apply upon a one-way roadway.

Sec. 69. NO-PASSING ZONES. The commission is hereby authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

Sec. 70. ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS. (a) The commission may designate any highway or any separate roadway under its jurisdiction for one-way traffic and shall erect appropriate signs giving notice thereof.

(b) Upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated.

(c) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

Sec. 71. DRIVING ON ROADWAYS LANED FOR TRAFFIC. Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

(c) Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.

Sec. 72. FOLLOWING TOO CLOSELY. (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(b) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall whenever conditions permit leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicles.

(c) Motor vehicles being driven upon any roadway out-

side of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

Sec. 73. DRIVING ON DIVIDED HIGHWAYS. Whenever any highway has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by public authority.

Sec. 74. RESTRICTED ACCESS. No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

Sec. 75. RESTRICTIONS ON USE OF CONTROLLED-ACCESS ROADWAY. The commission may by resolution or order enter in its minutes and local authorities may by ordinance with respect to any controlled-access roadway under their respective jurisdictions prohibit the use of any such roadway by pedestrians, bicycles, or other non-motorized traffic or by any person operating a motor-driven cycle.

The commission or the local authority adopting any such prohibitory regulation shall erect and maintain official signs on the controlled access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs.

Sec. 76. REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTIONS. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) RIGHT TURNS. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) LEFT TURNS ON TWO-WAY ROADWAYS. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection

and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(c) LEFT TURNS ON OTHER THAN TWO-WAY ROADWAYS. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

(d) The commission or local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

Sec. 77. TURNING ON CURVE OR CREST OF GRADE PROHIBITED. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

Sec. 78. STARTING PARKED VEHICLES. No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

Sec. 79. TURNING MOVEMENTS AND REQUIRED SIGNALS. (a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section 76, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

Sec. 80. SIGNALS BY HAND AND ARM OR SIGNAL DEVICE. Any stop or turn signal when required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device of a type approved by the department, but when a vehicle is so constructed or loaded that a hand-and-arm signal would not be visible both to the front and rear of such vehicle then said signals must be given by such a lamp or lamps or signal device.

Sec. 81. METHOD OF GIVING HAND-AND-ARM SIGNALS. All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. LEFT TURN. Hand and arm extended horizontally.

2. RIGHT TURN. Hand and arm extended upward.

3. STOP OR DECREASE SPEED. Hand and arm extended downward.

Sec. 82. VEHICLE APPROACHING OR ENTERING INTERSECTION. (a) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.

(b) When two vehicles enter an intersection from different highways at approximately the same time the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(c) The right-of-way rules declared in paragraphs (a) and (b) are modified at through highways and otherwise as stated in sections 82 to 86 inclusive.

Sec. 83. VEHICLE TURNING LEFT AT INTERSECTION. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the

intersection or so close thereto as to constitute an immediate hazard, but said driver, having so yielded and having given a signal when and as required by this Act, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn.

Sec. 84. VEHICLE ENTERING THROUGH HIGHWAY OR STOP INTERSECTION. (a) The driver of a vehicle shall stop as required by section 105 of this Act at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from said through highway or which are approaching so closely on said through highway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on said through highway shall yield the right-of-way to the vehicle so proceeding into or across the through highway.

(b) The driver of a vehicle shall likewise stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.

Sec. 85. VEHICLE ENTERING HIGHWAY FROM PRIVATE ROAD OR DRIVEWAY. The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all closely approaching vehicles on said highway.

Sec. 86. OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES. (a) Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle other than a police vehicle when operated as an authorized emergency vehicle, and when the driver is giving audible signal by siren, exhaust whistle, or bell:

1. The driver of every vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

2. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Sec. 87. PEDESTRIANS SUBJECT TO TRAFFIC REGULATIONS. (a) Pedestrians shall be subject to traffic-control signals at intersections as provided in section 34 of this Act unless required by local ordinance to comply strictly with such signals, but at all other places pedestrians shall be accorded the privilege and shall be subject to the restrictions stated in sections 87 to 92 inclusive.

(b) Local authorities are hereby empowered by ordinance to require that pedestrians shall strictly comply with the directions of any official traffic-control signal and may by ordinance prohibit pedestrians from crossing any roadway in a business district or any designated highways except in a cross walk.

Sec. 88. PEDESTRIANS' RIGHT-OF-WAY IN CROSS WALKS. (a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a cross walk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. This provision shall not apply under the conditions stated in section 89 (b).

(b) Whenever any vehicle is stopped at a marked cross walk or at any unmarked cross walk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Sec. 89. CROSSING AT OTHER THAN CROSS WALK. (a) Every pedestrian crossing a roadway at any point other than within a marked cross walk or within an unmarked cross walk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked cross walk.

Sec. 90. PEDESTRIANS TO USE RIGHT HALF OF CROSS WALK. Pedestrians shall move expeditiously, whenever practicable, upon the right half of cross walks.

Sec. 90.1. SCHOOL CROSSINGS. In front of each school building, or school grounds abutting thereon, the commission by and with the advice of the school board or superintendent of schools, is hereby empowered to mark or cause to be marked by the department, or local authorities, a single cross-walk where children shall be required to cross the highway.

Additional crossings across highways not abutting on school grounds may be approved by the department, or local authorities, upon application of school authorities, with written satisfactory assurance given the department or local authorities that guards will be maintained by the school district at such crossings to enforce the proper use of the crossing by school children.

The sign manual shall provide for yellow marking of the school crossing, yellow marking of the center line of the roadway, the erection of portable signs indicating that vehicles must stop when persons are in the crossing. The manual shall also provide the type and wording of portable signs indicating that school is in session, and permanent signs providing warning of approach to school crossings.

When such crossings are established school authorities shall place within the highway the portable signs indicating that school is in session, placed not to exceed 300 feet each side of the school crossings, and "Stop When Children in Crosswalk" signs at school crossings. School authorities shall maintain these signs when school is in session and shall cause them to be removed immediately thereafter.

No vehicle shall proceed at a speed to exceed 15 miles per hour when approaching the crosswalk and while between the portable signs placed on the highway indicating "school in session" and "stop when children in crosswalk".

Whenever the term "school in session" is used in this section, either referring to the period of time or to signs, it means during school hours or while children are going to or leaving school during opening or closing hours.

Whenever the school authorities place and maintain the required portable "school in session" signs and "stop when children in crosswalk" signs, all vehicles shall come to a complete stop at the school crossing when crosswalk is occupied by any person.

Sec. 91. DRIVERS TO EXERCISE DUE CARE. Notwithstanding the foregoing provisions of this Act every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

Sec. 92. PEDESTRIANS ON ROADWAYS. (a) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

(c) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

Sec. 93. EFFECT OF REGULATIONS. (a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in sections 93 to 99 inclusive.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Act.

(c) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

Sec. 94. TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Act, except as to special regulations in sections 93 to 99 inclusive

and except as to those provisions of this Act which by their nature can have no application.

Sec. 95. RIDING ON BICYCLES. (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

Sec. 96. CLINGING TO VEHICLES. No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

Sec. 97. RIDING ON ROADWAYS AND BICYCLE PATHS. (a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(c) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

Sec. 98. CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handle bars.

Sec. 99. LAMPS AND OTHER EQUIPMENT ON BICYCLES. (a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the department which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on motor vehicles. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

(b) No person shall operate a bicycle equipped with a siren or whistle.

(c) Every bicycle shall be equipped with a brake which

will enable the operator to make the braked wheels skid on dry, level, clean pavement.

Sec. 100. DRIVING THROUGH SAFETY ZONE PROHIBITED. No vehicle shall at any time be driven through or within a safety zone.

Sec. 101. OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN. (a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

3. A railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing is an immediate hazard;

4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Sec. 102. ALL VEHICLES MUST STOP AT CERTAIN RAILROAD GRADE CROSSINGS. The commission and local authorities with the approval of the commission are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

Sec. 103. CERTAIN VEHICLES MUST STOP AT ALL RAILROAD GRADE CROSSINGS. (a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying or

returning after delivery of explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein, and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

(b) No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

(c) This section shall not apply at street-railway grade crossings within a business or residence district.

Sec. 104. MOVING HEAVY EQUIPMENT AT RAILROAD GRADE CROSSINGS. (a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of 10 or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than 9 inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(b) Notice of any such intended crossing shall be given to a station agent of such railroad.

(c) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(d) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

(e) This section shall not apply to the normal movement of farm equipment in the regular course of farm operation.

Sec. 105. VEHICLES MUST STOP AT THROUGH HIGHWAYS. (a) The commission with reference to state highways and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs at specified entrances thereto or may designate any intersection as a stop intersection and erect like signs at one or more entrances to such intersection.

(b) Every said sign shall bear the word "STOP" in letters not less than 6 inches in height and such sign shall at nighttime be rendered luminous by steady or flashing internal illumination, or by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign.

(c) Every stop sign shall be erected as near as practicable to the nearest line of the cross walk on the near side of the intersection or, if there is no cross walk, then as close as practicable to the nearest line of the roadway.

(d) Every driver of a vehicle approaching a stop sign shall stop before entering the cross walk on the near side of the intersection or in the event there is no cross walk shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting highway where the driver has a view of approaching traffic on the intersecting highway before entering the intersection except when directed to proceed by a police officer or traffic-control signal.

Sec. 106. STOP BEFORE EMERGING FROM ALLEY OR PRIVATE DRIVEWAY. The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or private driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all closely approaching vehicles on said roadway.

Sec. 106.5 OVERTAKING AND PASSING SCHOOL BUS. (a) The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school

bus and shall not proceed until such school bus resumes motion, or until signaled by the driver to proceed.

(b) Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "SCHOOL BUS" in letters not less than 8 inches in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school all markings thereon indicating "SCHOOL BUS" shall be covered or concealed.

(c) Every bus used for the transportation of school children shall be equipped with a signal with the word "STOP" printed on both sides in black letters not less than 5 inches high on a yellow back ground. Such signal shall not be less than 20 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.

(d) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

Sec. 106.6. SPECIAL LIGHTING EQUIPMENT ON SCHOOL BUSSES. (a) The commission is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school busses consistent with the provisions of this Act, but supplemental thereto, and except that such standards and specifications may designate and permit the use of flashing warning signal lights on school busses for the purpose of indicating when children are boarding or alighting from any said bus. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the society of automotive engineers.

(b) It shall be unlawful to operate any flashing warning signal light on any school bus except when any said school bus is stopped on a highway for the purpose of permitting school children to board or alight from said school bus.

Sec. 107. STOPPING, STANDING, OR PARKING OUTSIDE OF BUSINESS OR RESIDENCE DISTRICT. (a) Upon any highway outside of a business or residence district no

person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park, or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of 200 feet in each direction upon such highway.

(b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

Sec. 108. OFFICERS AUTHORIZED TO REMOVE ILLEGALLY STOPPED VEHICLES. (a) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions of section 107 such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.

(b) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

Sec. 109. STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES. (a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk;

2. In front of a public or private driveway;

3. Within an intersection;

4. Within 15 feet of a fire hydrant;

5. On a cross walk;

6. Within 20 feet of a cross walk at an intersection;

7. Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;

8. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the commission or local authorities indicates a different length by signs or markings;

9. Within 50 feet of the nearest rail or a railroad crossing or within 8 feet 6 inches of the center of any railroad track, except while a motor vehicle with motive power attached is loading or unloading railroad cars;

10. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly posted;

11. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

14. At any place where official signs prohibit stopping.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

Sec. 110. ADDITIONAL PARKING REGULATIONS. (a) Except as otherwise provided in this section every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within 18 inches of the right-hand curb.

(b) Local authorities may by ordinance permit parking of vehicles with the left-hand wheels adjacent to and within 18 inches of the left-hand curb of a one-way roadway.

(c) Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any Federal-aid or state highway unless the com-

mission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(d) The commission with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing, or parking of vehicles on any highway where in its opinion, as evidenced by resolution or order entered in its minutes, such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand, or park any vehicle in violation of the restrictions stated on such signs.

Sec. 111. LIMITATIONS ON BACKING. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

Sec. 111.5. RIDING ON MOTORCYCLES. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

Sec. 112. OBSTRUCTION TO DRIVER'S VIEW OR DRIVING MECHANISM. (a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

Sec. 113. DRIVING ON MOUNTAIN HIGHWAYS. The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the roadway as reasonably possible.

Sec. 114. COASTING PROHIBITED. (a) The driver of

any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

(b) The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

Sec. 115. CROSSING FIRE HOSE. No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, or private driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

Sec. 116. PUTTING GLASS, ETC. ON ROADWAY PROHIBITED. (a) No person shall throw or deposit upon any roadway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon such roadway.

(b) Any person who drops, or permits to be dropped or thrown, upon any roadway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

Sec. 117. REGULATIONS RELATIVE TO SCHOOL BUSSES. (a) The commission by and with the advice of the State Board of Education shall adopt and enforce regulations not inconsistent with this Act to govern the design and operation of all school busses used for the transportation of school children when owned and operated by any school district, institution, or privately owned and operated under contract with any school district in this state and such regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to said regulations.

(b) Any officer or employee of any school district who violates any of said regulations or fails to include obligation to comply with said regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any said regulations shall be guilty of breach of contract and such contract shall be

canceled after notice and hearing by the responsible officers of such school district.

Sec. 118. SCOPE AND EFFECT OF REGULATIONS. (a) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in sections 118 to 153.1 inclusive, or which is equipped in any manner in violation of sections 118 to 153.1 inclusive, or for any person to do any act forbidden or fail to perform any act required under sections 118 to 153.1 inclusive.

(b) nothing contained in sections 118 to 153.1 inclusive shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of sections 118 to 153.1 inclusive.

(c) The provisions of sections 118 to 153.1 inclusive with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable. Every farm tractor equipped with an electric lighting system shall at all times mentioned in section 119 display a red tail lamp and either multiple-beam or single-beam head lamps meeting the requirements of sections 121, 135 and 137 respectively.

Sec. 119. WHEN LIGHTED LAMPS ARE REQUIRED. Every vehicle upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles as hereinafter stated.

Sec. 119.1. VISIBILITY DISTANCE AND MOUNTED HEIGHT OF LAMPS. (a) Whenever requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in section 119 in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(b) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

Sec. 120. HEAD LAMPS ON MOTOR VEHICLES. (a) Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in sections 118 to 143 inclusive.

(b) Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of sections 118 to 143 inclusive.

(c) Every head lamp upon every motor vehicle, including every motor cycle and motor-driven cycle, shall be located at a height measured from the center of the head lamp of not more than 54 inches nor less than 28 inches to be measured as set forth in section 119.1 (b).

Sec. 121. TAIL LAMPS. (a) Every motor vehicle, trailer, semi-trailer, and pole trailer, and any other vehicle which is being drawn at the end of a train of vehicles, shall be equipped with at least one tail lamp mounted on the rear, which, when lighted as hereinbefore required, shall emit a red light plainly visible from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only the tail lamp on the rear-most vehicle need actually be seen from the distance specified.

(b) Every tail lamp upon every vehicle shall be located at a height of not more than 60 inches nor less than 20 inches to be measured as set forth in section 119.1 (b).

(c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

Sec. 122. NEW MOTOR VEHICLES TO BE EQUIPPED WITH REFLECTORS. (a) Every new motor vehicle hereafter

sold and operated upon a highway, other than a truck tractor, shall carry on the rear, either as a part of the tail lamps or separately, two red-reflectors, except that every motorcycle and every motor-driven cycle shall carry at least one reflector, meeting the requirements of this section, and except that vehicles of the type mentioned in section 124 shall be equipped with reflectors as required in those sections applicable thereto.

(b) Every such reflector shall be mounted on the vehicle at a height not less than 20 inches nor more than 60 inches measured as set forth in section 119.1 (b), and shall be of such size and characteristics and so mounted as to be visible at night from all distances within 300 feet to 50 feet from such vehicle when directly in front of lawful upper beams of head lamps, except that visibility from a greater distance is hereinafter required of reflectors on certain types of vehicles.

Sec. 122.1. STOP LAMPS REQUIRED ON NEW MOTOR VEHICLES. From and after January 1, 1951, it shall be unlawful for any person to sell any new motor vehicle, including any motorcycle or motor-driven cycle, in this state or for any person to drive such vehicle on the highways unless it is equipped with a stop lamp meeting the requirements of section 133.

Sec. 123. APPLICATION OF SUCCEEDING SECTIONS. Those sections of this Act which follow immediately, including sections 124, 125, 126, 127 and 128, relating to clearance and marker lamps, reflectors, and stop lights shall apply as stated in said sections to vehicles of the type therein enumerated, namely passenger busses, trucks, truck tractors, and certain trailers, semi-trailers, and pole trailers, respectively, when operated upon any highway, and said vehicles shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in section 119, except that clearance and side marker lamps need not be lighted on any said vehicle when operated within any municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet.

Sec. 124. ADDITIONAL EQUIPMENT REQUIRED ON CERTAIN VEHICLES. In addition to other equipment required in this Act the following vehicles shall be equipped as herein stated under the conditions stated in section 123.

(a) On every bus or truck, whatever its size, there shall be the following:

On the rear, two reflectors, one at each side, and one stop light.

(b) On every bus or truck 80 inches or more in over-all width, in addition to the requirements in paragraph (a):

On the front, two clearance lamps, one at each side.

On the rear, two clearance lamps, one at each side.

On each side, two side marker lamps, one at or near the front and one at or near the rear.

On each side, two reflectors, one at or near the front and one at or near the rear.

(c) On every truck tractor:

On the front, two clearance lamps, one at each side.

On the rear, one stop light.

(d) On every trailer or semi-trailer having a gross weight in excess of 3,000 pounds:

On the front, two clearance lamps, one at each side.

On each side, two side marker lamps, one at or near the front and one at or near the rear.

On each side, two reflectors, one at or near the front and one at or near the rear.

On the rear, two clearance lamps, one at each side, also two reflectors, one at each side, and one stop light.

(e) On every pole trailer in excess of 3,000 pounds gross weight:

On each side, one side marker lamp and one clearance lamp which may be in combination, to show to the front, side and rear.

On the rear of the pole trailer or load, two reflectors, one at each side.

(f) On every trailer, semi-trailer, or pole trailer weighing 3,000 pounds gross or less:

On the rear, two reflectors, one on each side. If any trailer or semi-trailer is so loaded or is of such dimensions as to ob-

scure the stop light on the towing vehicle, then such vehicle shall also be equipped with one stop light.

Sec. 125. COLOR OF CLEARANCE LAMPS, SIDE MARKER LAMPS, AND REFLECTORS. (a) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(b) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(c) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber, or yellow, and except that the light illuminating the license plate or the light emitted by a back-up lamp shall be white.

Sec. 126. MOUNTING OF REFLECTORS, CLEARANCE LAMPS, AND SIDE MARKER LAMPS. (a) Reflectors when required by section 124 shall be mounted at a height not less than 24 inches and not higher than 60 inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than 24 inches the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this Act.

(b) Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both.

Sec. 127. VISIBILITY OF REFLECTORS, CLEARANCE LAMPS, AND MARKER LAMPS. (a) Every reflector upon any vehicle referred to in section 124 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within 500 feet to 50 feet from the vehicle when directly in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides

of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(b) Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of 500 feet from the front and rear, respectively, of the vehicle.

(c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of 500 feet from the side of the vehicle on which mounted.

Sec. 128. OBSTRUCTED LIGHTS NOT REQUIRED. Whenever motor and other vehicles are operated in combination during the times that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

Sec. 129. LAMP OR FLAG ON PROJECTING LOAD. Whenever the load upon any vehicle extends to the rear 4 feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in section 119 hereof, a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than 12 inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

Sec. 130. LAMPS ON PARKED VEHICLES. (a) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of 500 feet upon such street or highway no lights need be displayed upon such parked vehicle.

(b) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset

and a half hour before sunrise and there is not sufficient light to reveal any person or object within a distance of 500 feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more lamps which shall exhibit a white light on the roadway side visible from a distance of 500 feet to the front of such vehicle and a red light visible from a distance of 500 feet to the rear. The foregoing provisions shall not apply to a motor-driven cycle.

(c) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

Sec. 131. LAMPS ON OTHER VEHICLES AND EQUIPMENT. All vehicles, including animal-drawn vehicles and including those referred to in section 118 (c) not hereinbefore specifically required to be equipped with lamps, shall at the times specified in section 119 hereof be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of 500 feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of 500 feet to the rear.

Sec. 132. SPOT LAMPS AND AUXILIARY LAMPS. (a) SPOT LAMPS. Any motor vehicle may be equipped with not to exceed one spot lamp and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than 100 feet ahead of the vehicle.

(b) FOG LAMPS. Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than 12 inches nor more than 30 inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of 25 feet ahead project higher than a level of 4 inches below the level of the center of the lamp from which it comes.

(c) AUXILIARY PASSING LAMP. Any motor vehicle may be equipped with not to exceed one auxiliary passing lamp mounted on the front at a height not less than 24 inches nor more than 42 inches above the level surface upon which the vehicle stands and every such auxiliary passing lamp shall meet the requirements and limitations set forth in sections 118 to 143 inclusive.

(d) AUXILIARY DRIVING LAMP. Any motor vehicle

may be equipped with not to exceed one auxiliary driving lamp mounted on the front at a height not less than 16 inches nor more than 42 inches above the level surface upon which the vehicle stands and every such auxiliary driving lamp shall meet the requirements and limitations set forth in sections 118 to 143 inclusive.

Sec. 133. SIGNAL LAMPS AND SIGNAL DEVICES. (a) Any motor vehicle may be equipped and when required under this Act shall be equipped with the following signal lamps or devices:

1. A stop lamp on the rear which shall emit a red or yellow light and which shall be actuated upon application of the service (foot) brake and which may but need not be incorporated with a tail lamp.

2. A lamp or lamps or mechanical signal device capable of clearly indicating any intention to turn either to the right or to the left and which shall be visible both from the front and rear.

(b) A stop lamp shall be plainly visible and understandable from a distance of 100 feet to the rear both during normal sunlight and at nighttime and a signal lamp or lamps indicating intention to turn shall be visible and understandable during daytime and nighttime from a distance of 100 feet both to the front and rear. When a vehicle is equipped with a stop lamp or other signal lamps, such lamp or lamps shall at all times be maintained in good working condition. No stop lamp or signal lamp shall project a glaring or dazzling light.

(c) All mechanical signal devices shall be self-illuminated when in use at the times mentioned in section 119.

Sec. 134. ADDITIONAL LIGHTING EQUIPMENT. (a) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(b) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(c) Any motor vehicle may be equipped with not more than two back-up lamps either separately or in combination with other lamps, but any such back-up lamp shall not be lighted when the motor vehicle is in forward motion.

Sec. 135. MULTIPLE-BEAM ROAD-LIGHTING EQUIPMENT. Except as hereinafter provided, the head lamps or the auxiliary driving lamp, or the auxiliary passing lamp, or combinations thereof, on motor vehicles other than a motorcycle or motor-driven cycle shall be so arranged that the driver may select at will between distributions of light projected to different elevations, subject to the following requirements and limitations:

(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading. The maximum intensity of this uppermost distribution of light or composite beam 1 degree of arc or more above the horizontal level of the lamps when the vehicle is not loaded shall not exceed 8,000 apparent candlepower, and at no other point of the distribution of light or composite beam shall there be an intensity of more than 75,000 apparent candlepower.

(b) There shall be a lowermost distribution of light, or composite beam, so aimed that:

1. When the vehicle is not loaded, none of the high-intensity portion of the light which is directed to the left of the prolongation of the extreme left side of the vehicle shall, at a distance of 25 feet ahead, project higher than a level of 8 inches below the level of the center of the lamp from which it comes.

2. When the vehicle is not loaded, none of the high-intensity portion of the light which is directed to the right of the prolongation of the extreme left side of the vehicle shall, at a distance of 25 feet ahead, project higher than a level of 3 inches below the level of the center of the lamp from which it comes.

3. In no event shall any of the high intensity of such lowermost distribution of light or composite beam project higher than a level of 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead.

(c) Where one intermediate beam is provided, the beam on the left side of the road shall be in conformity with item 1 of paragraph (b) of this section except when arranged in accordance with the practice specified in paragraph (e).

(d) All head lighting beams shall be so aimed and of suf-

ficient intensity to reveal a person or vehicle at a distance of at least 100 feet ahead.

(e) Every new motor vehicle, other than a motorcycle or motor-driven cycle, registerd in this state after January 1, 1951, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

Sec. 136. USE OF MULTIPLE-BEAM ROAD-LIGHTING EQUIPMENT. (a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 119, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(b) Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver, and in no case shall the high-intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of 25 feet ahead, and in no case higher than a level of 42 inches above the level upon which the vehicle stands at a distance of 75 feet ahead.

(c) Whenever the driver of a vehicle overtakes another vehicle proceeding in the same direction and within 200 feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected through the rear window of the overtaken vehicle.

The lowermost distribution of light specified in item 1 of section 135 (b) shall be deemed to avoid glare at all times, regardless of road contour and loading.

Sec. 137. SINGLE-BEAM ROAD-LIGHTING EQUIPMENT. Head lamps arranged to provide a single distribution of light shall be permitted on motor vehicles manufactured and sold prior to 1 year after the effective date of this Act in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

1. The head lamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall at a distance of 25 feet ahead project higher than a level of 5 inches below the level of the center of the lamp from which it comes, and in no case higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead.

2. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet.

Sec. 137.5. LIGHTING EQUIPMENT ON MOTOR-DRIVEN CYCLES. The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

1. Every said head lamp or head lamps on a motor-driven cycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than 100 feet when the motor-driven cycle is operated at any speed less than 25 miles per hour and at a distance of not less than 200 feet when the motor-driven cycle is operated at a speed of 25 or more miles per hour, and any such motor-driven cycle shall be subject to the speed limitations in section 60.

2. In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in section 135 (a) and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in section 135 (b).

3. In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, said lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of 25 feet ahead, shall project higher than the level of the center of the lamp from which it comes.

Sec. 138. ALTERNATE ROAD-LIGHTING EQUIPMENT. Any motor vehicle may be operated under the conditions specified in section 119 when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects 75 feet ahead in lieu of lamps required in section 135 or section 137, provided, however, that at no time shall it be operated at a speed in excess of 20 miles per hour.

Sec. 139. NUMBER OF DRIVING LAMPS REQUIRED OR PERMITTED. (a) At all times specified in section 119,

at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than a motorcycle or motor-driven cycle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(b) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than 300 candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

Sec. 140. SPECIAL RESTRICTIONS ON LAMPS. (a) Any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps, auxiliary lamps, or flashing front-direction signals which projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(b) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof. This section shall not apply to any vehicle upon which a red light visible from the front is expressly authorized or required by this code.

(c) Flashing lights are prohibited except on an authorized emergency vehicle, school bus, snow removal equipment or on any vehicle as a means for indicating a right or left turn.

Sec. 140.1. STANDARDS FOR LIGHTS ON SNOW REMOVAL EQUIPMENT. (a) The commission shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow removal equipment when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this Act. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow removal equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Association of State Highway Officials.

(b) It shall be unlawful to operate any snow removal equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

Sec. 141. SELLING OR USING LAMPS OR DEVICES. (a) No person shall have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semi-trailer or use upon any such vehicle any head lamp, auxiliary driving lamp, rear lamp, signal lamp, or reflector which reflector is required hereunder, or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been submitted to the department and approved by them.

(b) No person shall have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semi-trailer any lamp or device mentioned in this section which has been approved by the department unless such lamp or device bears thereon the trade-mark or name under which it is approved so as to be legible when installed.

(c) No person shall use upon any motor vehicle, trailer, or semi-trailer any lamps mentioned in this section unless said lamps are equipped with bulbs of a rated candlepower and are mounted and adjusted as to focus and aim in accordance with instructions of the department.

Sec. 142. AUTHORITY OF DEPARTMENT WITH REFERENCE TO LIGHTING DEVICES. (a) The department is hereby authorized to approve or disapprove lighting devices.

(b) The department is hereby required to approve or disapprove any lighting device, of a type on which approval is specifically required in this Act, within a reasonable time after such device has been submitted.

(c) The department is further authorized to set up the procedure which shall be followed when any device is submitted for approval.

(d) The department upon approving any such lamp or device shall issue to the applicant a certificate of approval together with any instructions determined by them.

(e) The department shall publish lists of all lamps and devices by name and type which have been approved by them, together with instructions as to the permissible candlepower rating of the bulbs which they have determined for use therein and such other instructions as to adjustment as the department may deem necessary.

(f) Any person desiring approval of a device shall submit to the department two sets of each type of device upon which approval is desired, together with a certificate of the United

States Bureau of Standards or to such other recognized testing laboratories, satisfactory to the department, as to the compliance of such type device with provisions of this Act as to lighting performance.

Sec. 143. REVOCATION OF CERTIFICATE OF APPROVAL ON LIGHTING DEVICES. When the department has reason to believe that an approved device as being sold commercially does not comply with the requirements of this Act, they may, after giving 30 days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of said approved device. After said hearing the department shall determine whether said approved device meets the requirements of this Act. If said device does not meet the requirements of this Act they shall give notice to the person holding the certificate of approval for such device in this state.

If at the expiration of 90 days after such notice the person holding the certificate of approval for such device has failed to satisfy the department that said approved device as thereafter to be sold meets the requirements of this Act, the department shall suspend or revoke the approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this Act, and may require that all said devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this Act. The department may at the time of the retest purchase in the open market and submit to a testing agency one or more sets of such approved devices, and if such device upon such retest fails to meet the requirements of this Act, the department may refuse to renew the certificate of approval of such device.

Sec. 144. BRAKES. (a) BRAKE EQUIPMENT REQUIRED.

1. Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

2. Every motorcycle and every motor-driven cycle, when

operated upon a highway, shall be equipped with at least one brake which may be operated by hand or foot.

3. Every trailer or semi-trailer of a gross weight of 3,000 pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and said brakes shall be so designed and connected that in case of an accidental break-away of the towed vehicle the brakes shall be automatically applied.

4. Every new motor vehicle, trailer, or semi-trailer hereafter sold in this state and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle, except any motorcycle or motor-driven cycle, and except that any semi-trailer of less than 1,500 pounds gross weight need not be equipped with brakes.

5. In any combination of motor-drawn vehicles, means shall be provided for applying the rearmost trailer brakes, of any trailer equipped with brakes, in approximate synchronism with the brakes on the towing vehicle and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost trailer equipped with brakes; or both of the above means capable of being used alternatively may be employed.

6. One of the means of brake operation shall consist of a mechanical connection from the operating lever to the brake shoes or bands and this brake shall be capable of holding the vehicle, or combination of vehicles, stationary under any condition of loading on any upgrade or downgrade upon which it is operated.

7. The brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service and hand operation.

(b) PERFORMANCE ABILITY OF BRAKES. Every motor vehicle or combination of motor-drawn vehicles shall be capable, at all times and under all conditions of loading, of being stopped on a dry, smooth, level road free from loose material, upon application of the service (foot) brake, within the distances specified below, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

	Feet to stop from 20 miles per hour	Deceleration in feet per second
Vehicles or combinations of vehicles having brakes on all wheels	30	14
Vehicles or combinations of vehicles not having brakes on all wheels	40	10.7

(c) MAINTENANCE OF BRAKES. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

Sec. 144.5. BRAKES ON MOTOR-DRIVEN CYCLES. (a) The commission is authorized to require an inspection of the brake on any motor-driven cycle and to disapprove any such brake which they find will not comply with the performance ability standard set forth in section 144, or which in their opinion is not so designed or constructed as to insure reasonable and reliable performance in actual use.

(b) The commission may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when they determine that the brake thereon does not comply with the provisions of this section.

(c) No person shall operate on any highway any vehicle referred to in this section in the event the commission has disapproved the brake equipment upon such vehicle or type of vehicle.

Sec. 145. HORNS AND WARNING DEVICES. (a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(c) It is permissible but not required that any vehicle be

equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

(d) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the department, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

Sec. 146. MUFFLERS, PREVENTION OF NOISE. (a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle on a highway.

(b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

Sec. 147. MIRRORS. Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such vehicle.

Sec. 148. WINDSHIELDS MUST BE UNOBSTRUCTED AND EQUIPPED WITH WIPERS. (a) No person shall drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows of such vehicle which obstruct the driver's clear view of the highway or any intersecting highway.

(b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(c) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

Sec. 149. RESTRICTIONS AS TO TIRE EQUIPMENT.

(a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least 1 inch thick above the edge of the flange of the entire periphery.

(b) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

(c) The commission and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this Act.

Sec. 150. SAFETY GLASS IN MOTOR VEHICLES. (a) On and after January 1, 1951, no person shall sell any new motor vehicle as specified herein, nor shall any new motor vehicle as specified herein be registered thereafter unless such vehicle is equipped with safety glass of a type approved by the commission wherever glass is used in doors, windows, and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger busses and school busses, but in respect to trucks, including truck tractors, the requirements as to safety glass shall apply to all glass used in doors, windows, and windshields in the drivers' compartments of such vehicles.

(b) The term "Safety glass" shall mean any product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken, or such other or similar product as may be approved by the commission.

(c) The commission shall compile and publish a list of types of glass by name approved by them as meeting the requirements of this section and the commission shall not register after January 1, 1951, any new motor vehicle unless it is equipped with an approved type of safety glass, and they shall thereafter suspend the registration of any motor vehicle so subject to this section which they find is not so equipped until it is made to conform to the requirements of this section.

(d) It shall be a misdemeanor for any person to replace any glass or glazing materials used in partitions, doors, windows, windshields or wind deflectors in any motor vehicle with any material other than safety glass of a type approved by the commission.

Sec. 151. CERTAIN VEHICLES TO CARRY FLARES OR OTHER WARNING DEVICES. (a) No person shall operate any motor truck, passenger bus, or truck tractor upon any highway outside the corporate limits of municipalities at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle the following equipment except as provided in paragraph (b):

1. At least three flares or three red electric lanterns each of which shall be capable of being seen and distinguished at a distance of 500 feet under normal atmospheric conditions at nighttime.

Each flare (liquid-burning pot torch) shall be capable of burning for not less than 12 hours in 5 miles per hour wind velocity and capable of burning in any air velocity from zero to 40 miles per hour. Every such flare shall be substantially constructed so as to withstand reasonable shocks without leaking. Every such flare shall be carried in the vehicle in a metal rack or box. Every such red electric lantern shall be capable of operating continuously for not less than 12 hours and shall be substantially constructed so as to withstand reasonable shock without breakage.

2. At least three red-burning fusees unless red electric lanterns are carried.

Every fusee shall be made in accordance with specifications of the Bureau of Explosives, 30 Vesey St., New York City, and so marked and shall be capable of burning at least 15 minutes.

3. At least two red cloth flags, not less than 12 inches square, with standards to support same.

(b) No person shall operate at the time and under the conditions stated in paragraph (a) any motor vehicle used in the transportation of flammable liquids in bulk, or transporting compressed flammable gases, unless there shall be carried in such vehicle three red electric lanterns meeting the requirements above stated, and there shall not be carried in any said vehicle any flares, fusees, or signal produced by a flame.

(c) As an alternative it shall be deemed a compliance

with this section in the event a person operating any motor vehicle described in this section shall carry in such vehicle three portable reflector units on standards of a type approved by the department. No portable reflector unit shall be approved unless it is so designed and constructed as to include two reflectors, one above the other, each of which shall be capable of reflecting red light clearly visible from all distances within 500 feet to 50 feet under normal atmospheric conditions at nighttime when directly in front of lawful upper beams of head lamps.

Sec. 152. DISPLAY OF WARNING DEVICES WHEN VEHICLE DISABLED. (a) Whenever any motor truck, passenger bus, truck tractor, trailer, semitrailer, or pole trailer is disabled upon the traveled portion of any highway or the shoulder thereof outside of any municipality at any time when lighted lamps are required on vehicles the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in paragraph (b):

1. A lighted fusee shall be immediately placed on the roadway at the traffic side of the motor vehicle unless electric lanterns are displayed.

2. Within the burning period of the fusee and as promptly as possible three lighted flares (pot torches) or three electric lanterns shall be placed on the roadway as follows:

One at a distance of approximately 100 feet in advance of the vehicle, one at a distance of approximately 100 feet to the rear of the vehicle, each in the center of the lane of traffic occupied by the disabled vehicle, and one at the traffic side of the vehicle approximately 10 feet rearward or forward thereof.

(b) Whenever any vehicle used in the transportation of flammable liquids in bulk, or transporting compressed flammable gases is disabled upon a highway at any time or place mentioned in paragraph (a) of this section, the driver of such vehicle shall display upon the roadway the following lighted warning devices: One red electric lantern shall be immediately placed on the roadway at the traffic side of the vehicle and two other red electric lanterns shall be placed to the front and rear of the vehicle in the same manner prescribed in paragraph (a) above for flares.

When a vehicle of a type specified in paragraph (b) is disabled the use of flares, fusees, or any signal produced by flame as warning signals is prohibited.

(c) Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside of any municipality at any time when the display of fusees, flares, or electric lanterns is not required, the driver of such vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately 100 feet in advance of the vehicle, and one at a distance of approximately 100 feet to the rear of the vehicle.

(d) In the alternative it shall be deemed a compliance with this section in the event three portable reflector units on standards of a type approved by the department are displayed at the times and under the conditions specified in this section either during the daytime or at nighttime and such portable reflector units shall be placed on the roadway in the locations as described with reference to the placing of electric lanterns and lighted flares.

(e) The flares, fusees, lanterns, and flags to be displayed as required in this section shall conform with the requirements of section 151 applicable thereto.

Sec. 153. VEHICLES TRANSPORTING EXPLOSIVES. Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this section.

(a) Said vehicle shall be marked or placarded on each side and the rear with the word "Explosives" in letters not less than 8 inches high, or there shall be displayed on the rear of such vehicle a red flag not less than 24 inches square marked with the word "Danger" in white letters 6 inches high.

(b) Every said vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used.

(c) The commission is hereby authorized and directed to promulgate such additional regulations governing the transportation of explosives and other dangerous articles by vehicles upon the highways as they shall deem advisable for the protection of the public.

Sec. 153.1. TELEVISION INSTALLATIONS. No person shall drive any motor vehicle equipped with any television viewer, screen or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of back of the driver's seat, or which is visible, di-

rectly or indirectly, to the driver while operating the motor vehicle.

Sec. 154. VEHICLES WITHOUT REQUIRED EQUIPMENT OR IN UNSAFE CONDITION. No person shall drive or move on any highway any motor vehicle, trailer, semi-trailer, or pole trailer, or any combination thereof unless the equipment upon any and every said vehicle is in good working order and adjustment as required in this Act and said vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon the highway.

Sec. 155. INSPECTIONS BY OFFICERS OF THE DEPARTMENT. (a) The Superintendent of the State Highway Patrol, members of the State Highway Patrol, and such other officers and employees of the department as the patrol superintendent may designate, may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of such vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

(b) In the event such vehicle and its equipment are found to be in safe condition and in full compliance with the law, the officer making such inspection shall issue to the driver an official certificate of inspection and approval of such vehicle specifying those parts or equipment so inspected and approved.

(c) In the event such vehicle is found to be in unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment the officer shall give a written notice to the driver and shall send a copy to the department. Said notice shall require that such vehicle be placed in safe condition and its equipment in proper repair and adjustment specifying the particulars with reference thereto and that a certificate of inspection and approval be obtained within 5 days.

Sec. 156. OWNERS AND DRIVERS TO COMPLY WITH INSPECTION LAWS. (a) No person driving a vehicle shall refuse to submit such vehicle to an inspection and test when required to do so by the patrol superintendent or an authorized officer or employee of the department.

(b) Every owner or driver, upon receiving a notice as provided in section 155, shall comply therewith and shall within 5 days secure an official certificate of inspection and approval

which shall be issued in duplicate, one copy to be retained by the owner or driver and the other copy to be forwarded to the department. In lieu of compliance with this paragraph the vehicle shall not be operated, except as provided in the next succeeding paragraph.

(c) No person shall operate any vehicle after receiving a notice with reference thereto as above provided, except as may be necessary to return such vehicle to the residence or place of business of the owner or driver, if within a distance of 20 miles, or to a garage, until said vehicle and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirements of this Act and a certificate of inspection and approval shall be obtained as promptly as possible thereafter.

(d) In the event repair or adjustment of any vehicle or its equipment is found necessary upon inspection, the owner of said vehicle may obtain such repair or adjustment at any place he may choose, but in every event an official certificate of inspection and approval must be obtained, otherwise such vehicle shall not be operated upon the highways of this state.

Sec. 157. SCOPE AND EFFECT OF SECTIONS 157 TO 168 INCLUSIVE. (a) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in sections 157 to 168 inclusive, or otherwise in violation of sections 157 to 168 inclusive, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state, and local authorities shall have no power or authority to alter said limitations except as express authority may be granted in sections 157 to 168 inclusive.

(b) The provisions of sections 157 to 168 inclusive, governing size shall not apply to fire apparatus, road machinery, or to implements of husbandry, including farm tractors, temporarily moved, not to exceed 10 miles, upon a highway, or to a vehicle operated under the terms of a special permit issued as herein provided.

Sec. 158. WIDTH OF VEHICLES. (a) The total outside width of any vehicle or the load thereon shall not exceed 8 feet, except as otherwise provided in this section.

(b) Whenever pneumatic tires, in substitution for the same type or other type of tires, have been heretofore or are hereafter placed upon a vehicle in operation upon the effective

date of this Act, the maximum width from the outside of one wheel and tire to the outside of the opposite wheel and tire shall not exceed 8 feet 6 inches, but in such event the outside width of the body of such vehicle or the load thereon shall not exceed 8 feet.

Sec. 159. PROJECTING LOADS ON PASSENGER VEHICLES. No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than 6 inches beyond the line of the fenders on the right side thereof.

Sec. 160. HEIGHT AND LENGTH OF VEHICLES AND LOADS. (a) No vehicle including any load thereon shall exceed a height of 13 feet 6 inches.

(b) No vehicle including any load thereon shall exceed a length of 40 feet extreme over-all dimension, inclusive of front and rear bumpers.

(c) No combination of vehicles coupled together shall consist of more than two units except that a truck tractor and semi-trailer will be permitted to haul one full trailer and no such combination of vehicles shall exceed a total length of 65 feet.

Sec. 160.5. SPECIAL LOAD LIMITS. (a) Subject to the foregoing provisions of sections 157 to 160 inclusive, limiting the length of vehicles and loads, the load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend more than 3 feet beyond the foremost part of the vehicle, and the load upon any vehicle operated alone or the load upon the rear vehicle of a combination of vehicles shall not extend more than 6 feet beyond the rear of the bed or body of such vehicle.

(b) The limitations as to length of vehicles and loads heretofore stated in section 160 and section 160.5 (a) shall not apply to any load upon a pole trailer as defined in section 5 (c) when transporting poles or pipes or structural material which cannot be dismembered, provided that no pole or pipe or other material exceeding 80 feet in length shall be so transported unless a permit has first been obtained as authorized in section 166.

Sec. 161. LOADS ON VEHICLES. (a) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from drop-

ping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

(b) No person shall operate on any highway any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

Sec. 162. TRAILERS AND TOWED VEHICLES. (a) When one vehicle is towing another the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby and said drawbar or other connection shall not exceed 15 feet from one vehicle to the other except the connection between any two vehicles transporting poles, pipe, machinery, or other objects of structural nature which cannot readily be dismembered.

(b) When one vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than 12 inches square.

Sec. 163. SINGLE-AXLE LOAD LIMIT. (a) The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed 18,000 pounds.

(b) For the purposes of this Act an axle load shall be defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.

Sec. 164. GROSS WEIGHT OF VEHICLES AND LOADS. (a) Subject to the limit upon the weight imposed upon the highway through any one axle as set forth in section 163, the total gross weight with load imposed upon the highway by any one group of two or more consecutive axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of the group of axles measured longitudinally to the nearest foot as set forth in the following table:

Distance in feet between first and last axles of group	Allowed load in pounds on group of axles
4	32,000
5	32,000
6	32,200
7	32,900
8	33,600
9	34,300
10	35,000
11	35,700
12	36,400
13	37,100
14	43,200
15	44,000
16	44,800
17	45,600
18	46,400

(b) The total gross weight with load imposed on the highway by any vehicle or combination of vehicles where the distance between the first and last axles is more than eighteen feet shall not exceed that given for the respective distances in the following table:

Distance in feet	Allowed load in pounds
18	46,400
19	47,200
20	48,000
21	48,800
22	49,600
23	50,400
24	51,200
25	55,250
26	56,100
27	56,950
28	57,800
29	58,650
30	59,500
31	60,350
32	61,200
33	62,050
34	62,900
35	63,750
36	64,600
37	65,450
38	66,300
39	67,150
40	68,000

Distance in feet	Allowed load in pounds
41	68,000
42	68,000
43	68,000
44	68,000
45	68,000
46	68,800
47	69,600
48	70,400
49	71,200
50	72,000
51	72,800
52	73,600
53	74,400
54	75,200
55	76,000
56 or over	76,800

(c) The distance between axles shall be measured to the nearest even foot. When a fraction is exactly one-half foot the next larger whole number shall be used.

Sec. 165. OFFICERS MAY WEIGH VEHICLES AND REQUIRE REMOVAL OF EXCESS LOADS. (a) Any police or peace officer employed by the state having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or stationary scales and may require that such vehicle be driven to the nearest public scales in the event such scales are within 2 miles.

(b) Whenever an officer upon weighing a vehicle and load, as above provided, determines that the weight is unlawful, such officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this Act. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

(c) Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section, shall be guilty of a misdemeanor.

Sec. 166. PERMITS FOR EXCESS SIZE AND WEIGHT. (a) The commission with respect to highways under its juris-

diction and local authorities with respect to highways under their jurisdiction may in their discretion upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this Act or otherwise not in conformity with the provisions of this Act upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which said party is responsible.

(b) The application for any such permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular highways for which permit to operate is requested, and whether such permit is requested for a single trip or for continuous operation.

(c) The commission or local authority is authorized to issue or withhold such permit at its discretion; or, if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces, or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(d) Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit, and no person shall violate any of the terms or conditions of such special permit.

Sec. 167. WHEN THE COMMISSION OR LOCAL AUTHORITIES MAY RESTRICT RIGHT TO USE HIGHWAYS. (a) Local authorities with respect to highways under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, for a total period of not to exceed 90 days in any one calendar year, whenever any said highway by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

(b) The local authority enacting any such ordinance or resolution shall erect or cause to be erected and maintained

signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective unless and until such signs are erected and maintained.

(c) Local authorities with respect to highways under their jurisdiction may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

(d) The commission shall likewise have authority as hereinabove granted to local authorities to determine by resolution and to impose restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of said commission and such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway affected by such resolution.

Sec. 168. LIABILITY FOR DAMAGE TO HIGHWAY OR STRUCTURE. (a) Any person driving any vehicle, object, or contrivance upon any highway or highway structure shall be liable for all damage which said highway or structure may sustain as a result of any illegal operation, driving, or moving of such vehicle, object, or contrivance, or as a result of operating, driving, or moving any vehicle, object, or contrivance weighing in excess of the maximum weight in this Act but authorized by a special permit issued as provided in section 166.

(b) Whenever such driver is not the owner of such vehicle, object, or contrivance, but is so operating, driving, or moving the same with the express or implied permission of said owner, then said owner and driver shall be jointly and severally liable for any such damage.

(c) Such damage may be recovered in a civil action brought by the authorities in control of such highway or highway structure.

Sec. 169. PENALTIES FOR MISDEMEANOR. (a) It is a misdemeanor for any person to violate any of the provisions of this Act unless such violation is by this Act or other law of this state declared to be a felony.

(b) Every person convicted of a misdemeanor for a violation of any of the provisions of this Act for which another penalty is not provided shall for a first conviction thereof be

punished by a fine of not more than $100 or by imprisonment for not more than 10 days; for a second such conviction within 1 year thereafter such person shall be punished by a fine of not more than $200 or by imprisonment for not more than 20 days or by both such fine and imprisonment; upon a third or subsequent conviction within 1 year after the first conviction such person shall be punished by a fine of not more than $300 or by imprisonment for not more than 6 months or by both such fine and imprisonment.

Sec. 170. PARTIES TO A CRIME. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared herein to be a crime, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or wilfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this Act is likewise guilty of such offense.

Sec. 171. OFFENSES BY PERSONS OWNING OR CONTROLLING VEHICLES. It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.

Sec. 172. WHEN PERSON ARRESTED MUST BE TAKEN IMMEDIATELY BEFORE A MAGISTRATE. Whenever any person is arrested for any violation of this Act punishable as a misdemeanor, the arrested person shall be immediately taken before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense, provided a person taken before a justice of peace shall be taken before the nearest or most accessible with reference to the place where said arrest is made, in any of the following cases:

1. When a person arrested demands an immediate appearance before a magistrate;

2. When the person is arrested upon a charge of negligent homicide;

3. When the person is arrested upon a charge of driving while under the influence of intoxicating liquor or narcotic drugs;

4. When the person is arrested upon a charge of failure to

stop in the event of an accident causing death, personal injuries, or damage to property;

5. In any other event when the person arrested refuses to give his written promise to appear in court as hereinafter provided.

Sec. 173. WHEN PERSON ARRESTED TO BE GIVEN 5 DAYS' NOTICE TO APPEAR IN COURT. (a) Whenever a person is arrested for any violation of this Act punishable as a misdemeanor, and such person is not immediately taken before a magistrate as hereinbefore required the arresting officer shall prepare in quadruplicate written notice to appear in court containing the name and address of such person, the license number of his vehicle, if any, the offense charged, and the time and place when and where such person shall appear in court.

(b) The time specified in said notice to appear must be at least 5 days after such arrest unless the person arrested shall demand an earlier hearing.

(c) The place specified in said notice to appear must be before a magistrate within the city, town, precinct or county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense.

(d) The arrested person in order to secure release, as provided in this section, must give his written promise so to appear in court by signing at least one copy of the written notice prepared by the arresting officer. The officer shall deliver a copy of the notice to the person promising to appear. Thereupon, said officer shall forthwith release the person arrested from custody.

(e) Any officer violating any of the provisions of this section shall be guilty of misconduct in office and shall be subject to removal from office.

Sec. 173.1. JURISDICTION OF COURTS. Every police court established by or within any incorporated city or town, within their jurisdiction, shall have concurrent jurisdiction over all violations of this Act. All fees, fines, and forfeitures collected by the police courts in the exercise of such concurrent jurisdiction shall be retained by and inure to the benefit of the city or town wherein the said police court is situated. Whenever under this Act any incorporated city or town exercises its jurisdiction and sentences an offender to confinement, said imprisonment may be in the city or county jail.

Sec. 174. VIOLATION OF PROMISE TO APPEAR. (a) Any person wilfully violating his written promise to appear in court, given as provided in sections 170 to 177 inclusive, is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

(b) A written promise to appear in court may be complied with by an appearance by counsel.

Sec. 175. PROCEDURE PRESCRIBED HEREIN NOT EXCLUSIVE. The foregoing provisions of sections 170 to 174 inclusive, shall govern all police officers in making arrests without a warrant for violations of this Act, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.

Sec. 176. FORM FOR TRAFFIC CITATIONS. (a) Every traffic-enforcement agency in this state shall provide in appropriate form traffic citations containing notices to appear which shall be issued in books with citations in quadruplicate and meeting the requirements of sections 170 to 177 inclusive.

(b) The chief administrative officer of every such traffic-enforcement agency shall be responsible for the issuance of such books and shall maintain a record of every such book and each citation contained therein issued to individual members of the traffic-enforcement agency and shall require and retain a receipt for every book so issued.

Sec. 176.1. DISPOSITION AND RECORDS OF TRAFFIC CITATIONS. (a) Every traffic-enforcement officer upon issuing a traffic citation to an alleged violator of any provision of the motor-vehicle laws of this state or of any traffic ordinance of any city or town shall deposit the original or a copy of such traffic citation with a court having jurisdiction over the alleged offense or with its traffic-violations bureau.

(b) Upon the deposit of the original or a copy of such traffic citation with a court having jurisdiction over the alleged offense or with its traffic-violations bureau as aforesaid, said original or copy of such traffic citation may be disposed of only by trial in said court or other official action by a judge of said court, including forfeiture of the bail or by the deposit of sufficient bail with or payment of a fine to said traffic-violations bureau by the person to whom such traffic citation has been issued by the traffic-enforcement officer.

(c) It shall be unlawful and official misconduct for any

traffic-enforcement officer or other officer or public employee to dispose of a traffic citation or copies thereof or of the record of the issuance of the same in a manner other than as required herein.

(d) The chief administrative officer of every traffic-enforcement agency shall require the return to him of a copy of every traffic citation issued by an officer under his supervision to an alleged violator of any traffic law or ordinance and of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

(e) Such chief administrative officer shall also maintain or cause to be maintained in connection with every traffic citation issued by an officer under his supervision a record of the disposition of the charge by the court or its traffic-violations bureau in which the original or copy of the traffic citation was deposited.

Sec. 176.2. ILLEGAL CANCELLATION OF TRAFFIC CITATION—AUDIT OF CITATION RECORDS. (a) Any person who cancels any traffic citation, in any manner other than as provided in sections 170 to 177 inclusive, shall be guilty of a misdemeanor.

(b) Every record of traffic citations required in sections 170 to 177 inclusive, shall be audited monthly by the appropriate fiscal officer of the governmental agency to which the traffic-enforcement agency is responsible.

Sec. 177. RECORD OF TRAFFIC CASES—REPORT OF CONVICTIONS TO DEPARTMENT. (a) Every magistrate or judge of a court shall keep or cause to be kept a record of every traffic complaint, traffic citation, or other legal form of traffic charge deposited with or presented to said court or its traffic-violations bureau, and shall keep a record of every official action by said court or its traffic-violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture resulting from every said traffic complaint or citation deposited with or presented to said court or traffic-violations bureau.

(b) Within 10 days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this Act or other law regulating the operation of vehicles on highways every said magistrate of the court or clerk of the court of record in which such conviction was had or bail was

forfeited shall prepare and immediately forward to the department an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any conviction involving the illegal parking or standing of a vehicle.

(c) Said abstract must be made upon a form furnished by the department and shall include the name and address of the party charged, the number, if any, of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited and the amount of the fine or forfeiture as the case may be.

(d) Every court of record shall also forward a like report to the department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

(e) The failure, refusal, or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be ground for removal therefrom.

(f) The department shall keep all abstracts received hereunder at its main office and the same shall be open to public inspection during reasonable business hours.

Sec. 178. UNIFORMITY OF INTERPRETATION. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Sec. 179. SHORT TITLE. This Act may be cited as the Uniform Act Regulating Traffic on Highways.

Sec. 180. SEVERABILITY. If any provision of this Act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the Act are declared to be severable.

Sec. 181. REPEAL. All of Article 1 of Chapter 66, and all of sections 59-208, 66-203, 66-402, 66-403 and 66-405, Arizona Code Annotated, 1939, as amended, are hereby repealed and all acts or parts of acts inconsistent with the provisions of this Act are hereby repealed. This section does not negative

an implied repeal of any statute which conflicts with this Act.

Sec. 182. TIME OF TAKING EFFECT. This Act shall take effect from and after the first day of July, 1950.

Approved by the Governor—March 11, 1950

Filed in the Office of the Secretary of State—March 11, 1950

CHAPTER 4

(House Bill No. 14)

AN ACT

RELATING TO THE ARIZONA HIGHWAY DEPARTMENT; REALLOCATING AN APPROPRIATION, AND DECLARING AN EMERGENCY.

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

Section 1. REALLOCATION. There is hereby reallocated the sum of $12,120.00 from the "Shops and Equipment—Capital Outlay—Other" fund of the state highway department for the 39th fiscal year to "Capital Outlay—Radio" for the purpose of installing and equipping a radio station on Mule Mountain in Cochise county and for telephone line rental in connection with the same.

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

Approved by the Governor—March 13, 1950

Filed in the Office of the Secretary of State—March 13, 1950

CHAPTER 5

(House Bill No. 69)

AN ACT

RELATING TO THE PRISON, PROVIDING FOR THE RE-

ALLOCATION OF APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

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

Section 1. REALLOCATION. Any balances remaining in the appropriation to the Prison made under the provisions of Chapter 124 Subdivision 34 Laws of 1949 in the Capital Outlay—Farm Equipment fund for the 38th and 39th fiscal years are hereby reallocated to the Prison under the heading "Capital Outlay—Other."

Section 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, 1950

Filed in the Office of the Secretary of State—March 15, 1950

CHAPTER 6

(House Bill No. 43)

AN ACT

RELATING TO THE ARIZONA STATE PRISON, AUTHORIZING AN EXPENDITURE, AND DECLARING AN EMERGENCY.

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 funds of the Arizona State Prison the amount of $592.49 in full satisfaction of a claim of the Golden Meat Packing Company presented for payment after the close of the fiscal year in which the expenditures was incurred.

Section 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, 1950

Filed in the Office of the Secretary of State—March 15, 1950

CHAPTER 7

(House Bill No. 17)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE LIVESTOCK SANITARY BOARD, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. In addition to the appropriation contained in subdivision 57, chapter 124, Laws of 1949, the sum of ten thousand dollars is appropriated to the Livestock Sanitary Board, five thousand dollars thereof to be available for the voluntary inspection of cattle for Bang's disease, in cooperation with the United States Bureau of Animal Industry, and five thousand dollars for the purpose of continuing tuberculin testing of cattle.

Sec. 2. EXEMPTION. The appropriation made under the terms of section 1 is exempt from the provisions of section 10-930, Arizona Code 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 15, 1950

Filed in the Office of the Secretary of State—March 15, 1950

CHAPTER 8

(House Bill No. 58)

AN ACT

RELATING TO THE ARIZONA STATE SCHOOL FOR THE DEAF AND BLIND; PROVIDING FOR THE REALLOCATION OF FUNDS; MAKING A SUPPLEMENTAL APPROPRIATION, AND DECLARING AN EMERGENCY.

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

Section 1. REALLOCATION. Any balances remaining in appropriation made under the provisions of Chapter 124, Subdivision 42, Laws of 1949, for Classroom and Primary Dormitory Building are hereby reallocated under the heading "Classroom and Primary Dormitory Building, and Furniture and Equipment for the Classroom and Primary Dormitory Building and Infirmary Building."

Sec. 2. APPROPRIATION. In addition to the appropriation made to the Arizona State School for the Deaf and Blind under the provisions of Chapter 124, Subdivision 42, Laws of 1949, for the 39th fiscal year, the sum of $15,760.00 is hereby appropriated for Other 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—March 15, 1950

Filed in the Office of the Secretary of State—March 15, 1950

CHAPTER 9

(House Bill No. 51)

AN ACT

MAKING AN APPROPRIATION TO THE ATTORNEY GENERAL, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of ten thousand dollars ($10,000.00) is appropriated to the Attorney General.

Sec. 2. PURPOSE. So much of this appropriation as is necessary shall be available for use for personal services, travel and current expenses in connection with any litigation of an emergency nature in the office of the Attorney General, before any Court, Commission or Board. This appropriation shall be exempt from the provisions of section 10-930, Arizona Code Annotated, 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.

Approved by the Governor—March 15, 1950

Filed in the Office of the Secretary of State—March 15, 1950

CHAPTER 10

(House Bill No. 46)

AN ACT

RELATING TO THE STATE BOARD OF PHARMACY; PROVIDING FOR THE REALLOCATION OF APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

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

Section 1. REALLOCATION. From the appropriation made under chapter 124, subdivision 24, Laws of 1949, regular session, the sum of five hundred dollars from Personal Services is reallocated to State Travel for the 38th fiscal year and the sum of fifteen hundred dollars from Presonal Services is reallocated to State Travel for the 39th fiscal year.

Approved by the Governor—March 15, 1950

Filed in the Office of the Secretary of State—March 15, 1950

CHAPTER 11

(House Bill No. 66)

AN ACT

RELATING TO TAXATION; REMOVING EXEMPTION OF VOLUNTEER FIREMEN FROM PAYMENT OF SCHOOL TAXES, AND AMENDING SECTION 16-2001, ARIZONA CODE OF 1939.

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

Section 1. Section 16-2001, Arizona Code of 1939, is amended to read:

16-2001. MEMBERS EXEMPT FROM MILITARY DUTY. Active members of volunteer fire departments, organized for the extinguishment of fire, or for the protection of property from fires, in any incorporated city or town of one thousand or more inhabitants, or in any unincorporated town of not less than five hundred inhabitants, not exceeding twenty-five active members, shall while an active member thereof, be exempt from performance of military duty in time of peace.

Section 2. SCHOOL TAX EXEMPTION DECLARED NULL AND VOID. All exemptions from the payment of school taxes claimed prior to the effective date of this Act under sections 16-2001 and 16-2002, Arizona Code of 1939, are hereby declared null and void.

Approved by the Governor—March 15, 1950

Filed in the Office of the Secretary of State—March 15, 1950

CHAPTER 12

(House Bill No. 9)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE CAPITOL BUILDING AND GROUNDS, 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 Chapter 124, Subdivision 3, Laws of 1949, the sum of $6,850.00 is hereby appropriated to the Capitol Building and Grounds to be expended as follows:

(a) For the balance of the 38th Fiscal Year $500.00 for Personal Services—Janitors and $4,850.00 for Other Current Expenditures.

(b) For the 39th Fiscal Year $1,500.00 for Personal Services —Janitors.

Section 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, 1950

Filed in the Office of the Secretary of State—March 15, 1950

CHAPTER 13

(House Bill No. 10)

AN ACT

RELATING TO THE ARIZONA GAME AND FISH COMMISSION; PROVIDING FOR THE REALLOCATION OF APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

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

Section 1. REALLOCATION. From the appropriation made under Chapter 124, Subdivision 68, Laws of 1949:

For the 38th Fiscal Year $47,000.00 is hereby reallocated in the following manner: From Propagation of Fish and Wildlife (a) $41,000.00 to Federal Aid Matching Fund and (b) $6,000.00 to Cooperative Wildlife Research Unit.

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, 1950

Filed in the Office of the Secretary of State—March 15, 1950

CHAPTER 14

(House Bill No. 4)

AN ACT

RELATING TO THE STATE HOSPITALS FOR THE IN-

SANE, AUTHORIZING EXPENDITURES, AND DECLARING AN EMERGENCY.

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 funds of the State Hospitals for the Insane the following claims in the total sum of $1,370.03 which were presented for payment after the close of the fiscal year in which the expenditures were incurred:

(a) $1,127.10 to the Midwest Meat Company,

(b) $ 132.61 to the Richfield Oil Corporation, and

(c) $ 110.32 to the American Railway Express.

Section 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, 1950

Filed in the Office of the Secretary of State—March 15, 1950

CHAPTER 15

(House Bill No. 3)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE BOARD OF TECHNICAL REGISTRATION, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. In addition to the appropriation to the State Board of Technical Registration made under Chapter 124, Subdivision 64, Laws of 1949, there is hereby appropriated the sum of $1,800.00 from the State Board of Technical Registration Fund to be expended as follows:

	For the 38th Fiscal Year	For the 39th Fiscal Year
Other Personal Services	$100.00	$300.00
State Travel	250.00	200.00
Out of State Travel	250.00	250.00
Current Expenditures	250.00	200.00
	$850.00	$950.00
	$1,800.00	

Section 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, 1950

Filed in the Office of the Secretary of State—March 15, 1950

CHAPTER 16

(House Bill No. 44)

AN ACT

RELATING TO THE ARIZONA STATE COLLEGE AT FLAGSTAFF, AUTHORIZING AN EXPENDITURE, AND DECLARING AN EMERGENCY.

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 funds of the Arizona State College at Flagstaff the amount of $263.75 in full satisfaction of a claim of The Atchison, Topeka and Santa Fe Railway Company presented for payment after the close of the fiscal year in which the expenditure was incurred.

Section 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, 1950

Filed in the Office of the Secretary of State—March 15, 1950

CHAPTER 17

(House Bill No. 45)

AN ACT

RELATING TO THE CORPORATION COMMISSION, AUTHORIZING AN EXPENDITURE, AND DECLARING AN EMERGENCY.

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 funds of the Corporation Commission the amount of $539.50 in full satisfaction of a claim of the Mountain States Telephone and Telegraph Company presented for payment during the 35th fiscal year but sufficient funds were not available at the time of presentation.

Section 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, 1950

Filed in the Office of the Secretary of State—March 15, 1950

CHAPTER 18

(House Bill No. 57)

AN ACT

FOR THE RELIEF OF J. THOMAS McINTIRE, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of $3,281.75 is appropriated for the relief of J. Thomas McIntire.

Section 2. PURPOSE. Payment of the sum appropriated in section 1 shall be in full satisfaction of the claim of J. Thomas McIntire for expenses incurred by the Arizona Childrens' Colony Board during the period from March 16, 1949 to June 30, 1949 when no funds were available.

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—March 15, 1950

Filed in the Office of the Secretary of State—March 15, 1950

CHAPTER 19

(House Bill No. 36)

AN ACT

RELATING TO THE STATE OSTEOPATHIC BOARD OF EXAMINERS; MAKING AN APPROPRIATION, 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 chapter 124, subdivision 27, Laws of 1949, the amount of $1,361.92 is hereby appropriated from the state board of osteopathic examiners fund to be expended as follows:

1. For the 38th fiscal year (a) $300.00 for personal services; (b) $127.32 for state travel and (c) $209.60 for other current expenditures.

2. For the 39th fiscal year (a) $300.00 for personal services; (b) $340.00 for state travel and (c) $85.00 for other current expenditures.

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

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

Approved by the Governor—March 15, 1950

Filed in the Office of the Secretary of State—March 15, 1950

CHAPTER 20

(Senate Bill No. 7)

AN ACT

AUTHORIZING THE BOARD OF EDUCATION OF GRAHAM COUNTY JUNIOR COLLEGE DISTRICT TO CONSTRUCT AND EQUIP DORMITORIES, TO BORROW MONEY AND ISSUE BONDS, AND TO PERFORM NECESSARY OR CONVENIENT ACTS IN CONNECTION WITH SUCH PROJECTS; 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 Gila junior college located at Thatcher, Graham county, Arizona, and includes Graham county junior college district;

"Board" means the board of education 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.

Sec. 2. POWERS. The institution shall have power in its proper name or in the name of Graham county junior college district, to: (1) acquire any project or projects, and own,

operate and maintain the same; (2) borrow money and issue bonds and provide for the payment of the same and for the rights of the holders thereof, and, (3) perform all acts and do all things necessary or convenient to carry out the powers granted by this Act.

Sec. 3. ISSUANCE OF BONDS. The institution is authorized from time to time to issue negotiable bonds in various amounts, but not exceeding in the aggregate the sum of eighty-five thousand dollars, for the purpose of acquiring projects in the form of dormitory buildings 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 years from the respective dates thereof, mature in such amount or amounts, bear interest at such rate or rates not exceeding five per cent per annum, payable 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 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, Arizona Code of 1939.

Sec. 4. POWERS TO SECURE BONDS. In connection with the issuance of the bonds authorized by section 3, or in order to secure the payment of such bonds and interest thereon, the institution shall have power by resolution of board:

(a) To fix and maintain (1) fees, 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, (2) matriculation, hospital, laboratory, athletic, admission and other fees from students, faculty members and others matriculated, attending or employed at such institution, and from the public in general, for the facilities afforded by such institution (which shall be uniform to all those similarly situated), (3) fees, 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, existing buildings, stadia, and other structures at such institution, which fees, 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 buildings, stadia and other structures shall be the same as those applicable to any project similar in nature and purpose to such existing buildings, stadia, and other structures; provided, however,

that as between such project and the existing buildings at the institution there may be allowed reasonable differentials based on the condition, type, location and relative convenience of such project and such existing buildings, but such differentials shall be uniform as to all such students or faculty members and others similarly accommodated;

(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, (1) fees, 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, and any existing buildings, stadia, and other structures, and (2) matriculation, hospital, laboratory, athletic, admission and other fees from students, faculty members and others matriculated, attending or employed at such institution, and from the public in general, for the facilities afforded by such institution.

(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 (1) fees, 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, and any existing buildings, stadia and other structures, and (2) matriculation, hospital, laboratory, athletic, admission and other fees from students, faculty members and others matriculated, attending or employed at such institution, and from the public in general, for the facilities afforded by such institution, 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;

(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, such institution will fix, maintain and collect in such installments as may be agreed upon (1) an amount of the fees, 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, and any existing buildings, stadia, and other structures which, together with (2) an amount of the matriculation, hospital, laboratory, athletic, admission and other fees from students, faculty members and others matriculated, attending or employed at such institution and from the public in general, for the facilities afforded by such institution, together with any appropriation for any such purposes, 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 such 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, 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 and any existing buildings, stadia, and other structures, and from matriculation, hospital, laboratory, athletic, admission and other fees from students, faculty members and others matriculated, attending or employed at such institution, and from the public in general, for the facilities afforded by such institution, 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.

Sec. 5. MONEYS OF INSTITUTION. No moneys derived from the sale of bonds of the institution or otherwise 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 treasurer or other fiscal officer of the institution 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 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 institution 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 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 institution 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 THE STATE OF ARIZONA. Nothing in this Act shall be construed to authorize the institution 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 institution.

Sec. 8. BONDS OBLIGATIONS OF INSTITUTION. All bonds issued pursuant to this Act shall be obligations of the institution 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 institution issuing said bonds other than the income and revenues 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 institution may submit to the attorney general of the state of Arizona any bonds to be issued under this Act 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 his duty to examine into and pass upon the validity of the bonds and the regularity of all proceedings in connection therewith. If such proceedings conform to the provisions of this Act, and the bonds when delivered and paid for will constitute binding and legal obligations of the institution 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 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 of this Act to confer upon the institution 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 under the provisions of this Act notwithstanding the provisions of 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.

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 15, 1950

Filed in the Office of the Secretary of State—March 15, 1950

CHAPTER 21

(Senate Bill No. 14)

AN ACT

RELATING TO APPROPRIATIONS, AND AUTHORIZING THE SUPREME COURT TO USE ITS TRAVEL APPROPRIATION FOR EITHER IN- OR OUT-OF-STATE TRAVEL.

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

Section 1. USE OF TRAVEL FUNDS. Any appropriation

to the supreme court for the 38th and 39th fiscal years, and allocated to travel within the state, may be used for travel either within or without the state.

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

Approved by the Governor—March 15, 1950

Filed in the Office of the Secretary of State—March 15, 1950

CHAPTER 22

(House Bill No. 65)

AN ACT

RELATING TO PUBLIC BUILDINGS; AND AMENDING SECTION 9-106, CHAPTER 9, ARIZONA CODE ANNOTATED 1939, AS AMENDED.

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

Section 1. Section 9-106, Chapter 9, Arizona Code Annotated 1939, as amended, is amended to read as follows:

9-106. CONTRACT WITH SUCCESSFUL BIDDER; TERMS; BOND. The agent shall enter into a contract with the lowest responsible bidder, whose proposal has been found satisfactory, the terms of which shall include the following items: A surety company bond for not less than one hundred per cent of the full amount of the proposal shall be filed with and become a part of the contract, to be approved by an authorized or appointed attorney at law of the agent; semi-monthly, or monthly payments as may be authorized by law or by mutual agreement, to be due and paid to the contractor upon a basis of NINETY per cent of the value of the work actually performed as estimated by the architect or superintendent up to and including the fifteenth or last day of each calendar month; TEN per cent of all estimates shall be retained by the agent as guarantee of the complete performance of the contract, to be paid to the contractor within sixty-five days after completion, or filing of notice of completion, of the contract, provided the contractor has duly furnished the agent

satisfactory receipts for all labor and material bills and waivers of liens from any and all persons holding claims against the work. Such contract shall be signed by the agent and the contractor.

Approved by the Governor—March 17, 1950

Filed in the Office of the Secretary of State—March 17, 1950

CHAPTER 23

(House Bill No. 64)

AN ACT

RELATING TO ERECTION OF BUILDINGS FOR WHICH BONDS VOTED, AND AMENDING SECTION 10-610, ARTICLE 6, ARIZONA CODE ANNOTATED, 1939.

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

Section 1. Section 10-610, Article 6, Arizona Code Annotated, 1939, is amended to read:

10-610. ERECTION OF BUILDINGS FOR WHICH BONDS VOTED; METHOD OF PAYMENT. If such bonds are issued for the purpose of erecting and furnishing any public building, the board of supervisors, for a county or school district, and the governing body of a city, town, or other municipal corporation, shall adopt plans and specifications for such building, and as soon as practicable thereafter, advertise for bids for the erection and furnishing of said building, stating a day and hour, not less than forty days from the date of such notice, when said bids shall be received and opened. The governing body or board shall award the contract to the lowest and most responsible bidder, but any and all bids submitted may be rejected. If a bid be accepted, said body or board shall require the successful bidder to enter into a written contract for the erection and completion of said buildings and the furnishing thereof, and require from him a bond in the amount of the contract, conditioned upon the faithful performance of the contract, such bond to be approved by the body or board. Such body or board may agree to pay the contractor in semi-monthly or monthly payments as may be authorized by law or by mutual agreement, to be due and paid to the contractor upon a basis of ninety per cent of the value of the work actually performed as estimated by the

architect or superintendent up to and including the 15th or last day of each calendar month; ten per cent of all estimates shall be retained by the agent as guarantee of the complete performance of the contract, to be paid to the contractor within sixty-five days after completion, or filing of notice of completion, or the contract, provided the contractor has duly furnished the agent satisfactory receipts for all labor and material bills and waivers of liens from any and all persons holding claims against the work. Such contract shall be signed by the agent and the contractor. If it is necessary to purchase a building site, the call for the election shall state the amount to be expended therefor.

Approved by the Governor—March 17, 1950

Filed in the Office of the Secretary of State—March 17, 1950

CHAPTER 24

(House Bill No. 63)

AN ACT

RELATING TO PUBLIC BUILDINGS; AMENDING SECTION 9-105, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

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

Section 1. Section 9-105, Arizona Code of 1939 is amended to read:

9-105. NOTICE TO CONTRACTORS TO SUBMIT BIDS. Every agent shall, upon acceptance and approval of the working drawings and specifications, cause to be published a notice to contractors of intent to receive bids and to contract for the erection of the proposed structure, and stating:

1. The nature of the work required and the type, purpose and location of the proposed building and where the plans, specifications and full information as to the proposed work are on file or may be obtained.

2. That contractors desiring to submit proposals may obtain copies of full or partial sets of plans and specifications for estimate on request or by appointment. The return of such

plans and specifications must be guaranteed by a deposit of a designated amount, which deposit will be refunded on the return of the plans and specifications in good order.

3. That every proposal must be accompanied by a certified check, cashier's check or a surety bond for five per cent of the amount of the bid included in the proposal, as a guarantee of the intent of the contractor to enter into a contract to perform all the matters included in the said proposal in accordance with the plans and specifications, or as liquidated damages in event of failure or refusal of the contractor to enter into such contract, to be returned to the contractors whose proposals are not accepted, and to the successful contractor upon the execution of a satisfactory bond and contract as hereinafter provided.

4. That the right is reserved to reject any or all proposals or to withhold the award if for any reason it may 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 ($2,500) in total cost, may be constructed by day's work or force account and advertisement for bids dispensed with.

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

Approved by the Governor—March 17, 1950

Filed in the Office of the Secretary of State—March 17, 1950

CHAPTER 25

(House Bill No. 35)

AN ACT

RELATING TO TAXATION; AUTHORIZING COUNTIES

OF FIRST CLASS TO INCREASE EXPENDITURES FOR PUBLICITY PURPOSES, PROVIDING FOR A LEVY OF TAXES THEREFOR AND AMENDING SECTION 17-356, ARIZONA CODE OF 1939.

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

Section 1. Sec. 17-356, Arizona Code of 1939, is amended to read:

17-356. IMMIGRATION COMMISSIONER. (a) The board may appoint a county commissioner of immigration, to hold office for two years and to receive an annual salary not exceeding six hundred dollars. The commissioner shall provide information requested by persons desiring to immigrate to his county, or make investments therein; correspond with immigration bureaus, chambers of commerce, tourists bureaus, or other commercial bodies, and provide data for the guidance of prospective immigrants, or tourists; furnish reliable information regarding localities in the county where the settler, or tourist, may choose a home or make investments; issue maps and pamphlets on the resources of the county; promote tourist travel, or the investment of capital, and distribute such documents to insure their most useful circulation. The commissioner may hire necessary clerks, prescribe their duties and fix their compensation. Such expenditures shall be first authorized by the board when approving the annual budget, and when so authorized shall be included in the amount to be collected by the annual county tax levy.

(b) Counties of the first class may expend a further sum not to exceed fifty thousand dollars annually, in the furtherance of such objects. Counties of the second class may expend a sum not in excess of ten thousand dollars, and counties of the third class may expend a sum not exceeding five thousand dollars for such purposes.

Approved by the Governor—March 17, 1950

Filed in the Office of the Secretary of State—March 17, 1950

CHAPTER 26

(Senate Bill No. 3)

AN ACT

RELATING TO THE REAL ESTATE DEPARTMENT; PRE-

SCRIBING ITS POWERS AND DUTIES; AMENDING SECTIONS 67-1705, 67-1706, 67-1711, 67-1711a, 67-1711b, 67-1711c AND 67-1723; REPEALING SECTION 67-1725, ARIZONA CODE OF 1939; TRANSFERRING FUNDS AND RECORDS, AND MAKING AN APPROPRIATION OF TRANSFERRED FUNDS.

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

Section 1. Sec. 67-1705, Arizona Code of 1939, is amended to read:

67-1705. ADMINISTRATION. This Act shall be administered by the state real estate department, under the direction of the real estate commissioner.

Sec. 2. Sec. 67-1706, Arizona Code of 1939, is amended to read:

67-1706. POWERS AND DUTIES OF COMMISSIONER. The real estate commissioner shall have charge of the department, with power to administer the same in accordance with the provisions of and to carry out the purposes of this Act. He shall adopt a seal, bearing the words "Real Estate Commissioner, State of Arizona," for the authentication of proceedings of the department and of the official documents thereof. He shall have his principal office at the state capitol, but may have branch offices in such cities as he may deem necessary. On or about July 1 of each year he shall issue a directory of licensed brokers and salesmen, which shall be mailed without charge to all licensed brokers within the state as shown on the records in his office. In connection with such directory, he may reproduce the laws relating to licensing of real estate brokers and salesmen and any matter connected therewith which he may deem advisable. He shall have authority to publish, at such intervals as he may deem expedient, a bulletin containing information relating to the department, and to secure the publication of similar matter in such established publication as he may deem best fitted for the dissemination of information to licensees and to the public.

Sec. 3. Sec. 67-1711, Arizona Code of 1939, is amended to read:

67-1711. REAL ESTATE FUND. Ninety per cent of all moneys collected under the provisions of this Act, accompanied by a detailed statement thereof, shall be paid not less than once each month to the state treasurer, who shall place the same in a fund to be known as the real estate fund, and

ten per cent shall be transferred to the general fund. All moneys to the credit of the real estate fund are appropriated to the real estate commissioner for the payment of salaries, office and traveling expenses and otherwise in carrying out the purposes of this Act. The commissioner shall report to the governor semiannually under oath, the total amount of receipts and expenditures of the department for the six months preceding. At the end of each fiscal year all balances remaining in the real estate fund, over and above twenty thousand dollars, shall revert to the general fund.

Sec. 4. Sec. 67-1711a, Arizona Code of 1939, is amended to read:

67-1711a. REAL ESTATE BOARD. (a) A real estate board to consist of seven members shall be appointed by the governor, with the advice and consent of the Senate. Of the members of the board first appointed the terms of three shall expire January 31, 1951; two January 31, 1953; and two January 31, 1955. Thereafter appointment shall be for a term of six years. Appointment to fill a vacancy occasioned otherwise than by expiration of term shall be filled by the governor for the unexpired portion of the term.

(b) No person shall be appointed a member of the board who has not been for five years a real estate broker actively engaged in business as such in Arizona. Not more than two members shall be appointed from any one county.

(c) Members of the board shall receive no compensation, but shall be reimbursed for actual and necessary traveling expenses.

Sec. 5. Sec. 67-1711b, Arizona Code of 1939, is amended to read:

67-1711b. MEETINGS. The board shall meet for the transaction of business not less than once each quarter-year at such place within the state as it may designate, and may, upon five days' written notice of the time and place thereof, signed by the commissioner or a majority of the members of the board, hold such other meetings as may be deemed advisable. A majority of the board shall constitute a quorum for the transaction of business and for the performance of any duty or the exercise of any power or authority of the board. A vacancy on the board shall not impair the rights or powers of the remaining members.

Sec. 6. Sec. 67-1711c, Arizona Code of 1939, is amended to read:

67-1711c. DUTIES. It shall be the duty of the board to: 1. appoint, with the approval of the Governor, and with the advice and consent of the Senate, the real estate commissioner; 2. fix his compensation, which shall not exceed six thousand dollars per annum; 3. appoint, by majority vote, a chairman of the board to serve during the tenure of his appointment as a member of the board, and, 4, prescribe such rules and regulations, in accord with the provisions of this Act, as may be deemed necessary.

Sec. 7. Sec. 67-1723, Arizona Code of 1939, is amended to read:

67-1723. INVESTIGATIONS. The commissioner on his own motion may, and upon a verified complaint in writing shall, investigate the actions of any person, corporation or copartnership engaged in the business or acting in the capacity of real estate broker or salesman, and may at any time examine the books and records of a broker or salesman used in connection with his business insofar as the same may pertain to the transfer, sale, rental or lease of real property. He may suspend or revoke a license issued under the provisions of this Act when it shall appear that the holder thereof, while a licensee under the provisions of this Act, within three years immediately preceding, in the performance of or attempt to perform any of the Acts authorized by such license or by this Act, has: 1. made any substantial misrepresentation; 2. made any false promises of a character likely to influence, persuade or induce; 3. pursued a flagrant course of misrepresentation or made false promises through agents or salesmen; 4. acted for more than one party in a transaction without the knowledge or consent of all parties thereto; 5. been guilty of any other conduct, whether of the same or different character, which constitutes fraud or dishonest dealings; 6. violated any of the rules and regulations prescribed by the board; 7. procured a license under the provisions of this Act, for himself or another, by fraud, misrepresentation or deceit; 8. been convicted of a felony, knowledge of which the commissioner did not have at the time of last issuing a license to such licensee; 9. knowingly authorized, directed, connived at or aided in the publication, advertisement, distribution or circulation of any material false statement or representation concerning his business or any land or subdivision thereof offered for sale, in this or any other state; 10. wilfully disregard or violated any of the provisions of this Act; 11. wilfully used the term "real estate broker" without legal right to do so, or, 12. employed unlicensed salesmen.

Sec. 8. TRANSFER OF FUNDS AND RECORDS. Upon this Act taking effect the real estate commissioner provided

for in section 67-1705, Arizona Code of 1939, shall transfer to the real estate commissioner prescribed by this Act all funds, books, records, equipment and effects belonging or pertaining to the office of real estate commissioner. All such funds are appropriated to the real estate commissioner for the purpose of carrying out the provisions of this Act.

Sec. 9. REPEAL. Sec. 67-1725, Arizona Code of 1939, is repealed. This section does not negative an implied repeal of any statute which conflicts with this Act.

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.

Approved by the Governor—March 17, 1950

Filed in the Office of the Secretary of State—March 18, 1950

CHAPTER 27

(House Bill No. 98)

AN ACT

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

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

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

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

day. All claims for reimbursement as provided in this section 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.

Approved by the Governor—March 11, 1950

Filed in the Office of the Secretary of State—March 18, 1950

CHAPTER 28

(House Bill No. 74)

AN ACT

RELATING TO POST AUDITING; CREATING THE POSITION OF POST AUDITOR; PROVIDING FOR THE APPOINTMENT AND TERM OF A POST AUDITOR AND FIXING SALARY; PRESCRIBING THE DUTIES; AND MAKING AN APPROPRIATION; REPEALING SECTIONS 10-933 AND 10-936, ARIZONA CODE ANNOTATED, 1939, AND ALL OTHER ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH.

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

Section 1. POST AUDITOR. There is hereby created the office of post auditor.

Sec. 2. QUALIFICATIONS. The post auditor shall be an accountant who shall have had sufficient experience in governmental accounting and auditing to enable him to properly discharge the duties of this office. He shall have been a citizen and a resident of Arizona for at least five years.

Sec. 3. DUTIES. The post auditor shall:

(a) Make periodic or continuous examinations of the accounts and financial practices of all state departments, institutions, boards and commissions, for the primary purpose of informing the legislature for its guidance in formulating legislative policies concerning legislation and appropriations.

(b) Prescribe a uniform system of accounting for the various state departments, institutions, boards and commissions, and recommend such changes or improvements in accountancy as he may deem advisable.

(c) personally, or by his duly authorized assistants, examine and audit all fiscal books, records and accounts of all custodians of public funds, and of all disbursing officers of this state, making independent verifications of all assets, liabilities, revenues and expenditures of the state, its departments, institutions, boards of commissions thereof now in existence or hereafter created.

(d) Have access at all times to all the books, accounts, reports, vouchers or other records, confidential or otherwise, of any state department, institution, board or commission of the state for use of the legislature.

(e) Audit the state's portion of taxes collected by the various counties, and the collection of revenues of all kinds accruing to the state, to ascertain whether the revenue due and owing the state is being properly and completely collected.

(f) All audit reports shall be filed with the legislature and the Governor.

Sec. 4. MEMBERSHIP AND ORGANIZATIONS. The post auditor is authorized to hold membership in, and to maintain such membership by the payment of dues to the national organizations of state officials occupying like offices or performing similar functions. The post auditor is authorized to attend the annual conventions of the national association of state auditors, comptrollers and treasurers, and the national association of state budget officers.

Sec. 5. APPOINTMENT. The post auditor shall be appointed by the president of the senate and the speaker of the house of representatives, with the advice and consent of a majority of the senate and of the house of representatives. In the event of a vacancy in the office of post auditor while the legislature is not in session, or if in session fails to act, such vacancy shall be filled by a person named by a majority vote of the following: the Governor, the president of the senate and the speaker of the house of representatives. Such appointment to be confirmed at the next subsequent regular or special session of the legislature by the majority vote of the senate and of the house of representatives.

Sec. 6. TERM OF OFFICE. The term of office to which

the first post auditor is appointed shall commence on the first day of July, 1950, and shall expire on the 30th day of June, 1955, and thereafter the term shall be for four (4) years.

Sec. 7. SALARY. The post auditor shall receive a salary of not to exceed $7,200.00 per annum.

Sec. 8. APPROPRIATION. The sum of $47,415.00 is appropriated to the post auditor for the 39th fiscal year for the purposes and in the amounts specified below:

Salary of Post Auditor	$ 7,200.00
Other Personal Services	31,040.00
State Travel	6,000.00
Out of State Travel	600.00
Subscriptions and Organization Dues	75.00
Other Current Expenditures	1,000.00
Capital Outlay	1,500.00
	$47,415.00

Sec. 9. REPEAL. Sections 10-933 and 10-936, Arizona Code Annotated, 1939, and all other Acts or parts of Acts in conflict herewith are hereby repealed.

Approved by the Governor—March 18, 1950

Filed in the Office of the Secretary of State—March 20, 1950

CHAPTER 29

(House Bill No. 19)

AN ACT

RELATING TO THE METHOD OF LISTING OF CERTAIN PERSONAL PROPERTY FOR THE PURPOSE OF ASSESSMENT AND COLLECTION OF PROPERTY TAXES;

PROVIDING FOR METHOD OF ASSESSMENT AND COLLECTION OF CERTAIN PERSONAL PROPERTY TAXES; PROVIDING FOR A PENALTY; AMENDING ARTICLE 4, CHAPTER 73, ARIZONA CODE OF 1939, BY ADDING SECTION 73-402a, AND DECLARING AN EMERGENCY.

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

Section 1. Article 4, chapter 73, Arizona Code of 1939, is amended by adding Section 73-402a, to read:

73-402a. LISTING OF PERSONAL PROPERTY ON THE SECURED OR UNSECURED TAX ROLLS FOR THE PURPOSE OF ASSESSMENT AND COLLECTION OF PROPERTY TAXES—PENALTY. 1. No person owning real property within the county of the value of two hundred dollars or more shall be permitted to change the listing of his personal property from the secured to the unsecured personal property tax roll, nor from the unsecured to secured tax roll, nor shall the County Assessor have the power to make such change, for the purpose of assessment or collection, until a period of five years has elapsed from the date of the last prior change, except that (a) when a parcel of such person's real property is subject to a bona fide agreement of sale, such change may be made at once, or (b) when in the judgment of the County Assessor the real property assessed to such person is not of sufficient value to pay both the real and the personal property taxes due thereon, the County Assessor may require such personal property to be listed on the unsecured personal property tax roll. When such person has a bona fide agreement to sell a portion of his personal property which is listed on the secured property tax roll that portion to be sold may be placed on the unsecured personal property tax roll at once. In any case where the personal property described in this section is listed on the unsecured property tax roll, such property shall be assessed and the tax shall be collected in accordance with the provisions of Article 18, Chapter 73, Arizona Code of 1939, except that the lien provided by Section 73-506, Arizona Code of 1939, shall remain in full force and effect.

2. The violation of any provision of this section is a misdemeanor punishable by a fine not to exceed one thousand dollars, imprisonment for not more than six months, or both.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become imme-

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

Approved by the Governor—March 18, 1950

Filed in the Office of the Secretary of State—March 20, 1950

CHAPTER 30

(House Bill No. 79)

AN ACT

RELATING TO THE STATE LAND DEPARTMENT; CREATING THE STATE LAND DEPARTMENT; TRANSFERRING THE DUTIES OF THE BOARD OF APPRAISERS, OR APPRAISERS, ARIZONA LAND SETTLEMENT COMMISSION, STATE WATER COMMISSIONER, TO THE STATE LAND DEPARTMENT; APPOINTMENT AND REMOVAL OF STATE LAND COMMISSIONER AS EXECUTIVE OFFICER OF STATE LAND DEPARTMENT AND FIXING HIS SALARY; MAKING A SUPPLEMENTAL APPROPRIATION; AMENDING ARTICLE I, CHAPTER II, SECTION 11-102, ARIZONA CODE ANNOTATED, 1939, AS AMENDED; REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT WITH THE PROVISIONS OF THIS ACT, AND DECLARING AN EMERGENCY.

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

Section 1. Section 11-102, Article I, Chapter II, Arizona Code Annotated, 1939, as amended by Chapter 28, Laws of 1943, is amended to read:

11-102. CREATION OF DEPARTMENT; TRANSFER OF POWERS AND DUTIES; APPOINTMENT AND REMOVAL OF COMMISSIONER; SALARY; SUPPLEMENTAL APPROPRIATION. (a) There shall be a department of the state, to be known as the State Land Department, which shall administer all laws relating to lands owned by, belonging to and under the control of the state, and shall administer all laws relating to the control, supervision, Distribution and the appropriation of the waters of the state, excepting the distribution reserved to water commissioners appointed by courts under existing decrees. The jurisdiction, authority and duties heretofore by law vested in and imposed upon the state land

department and state land commissioner, and upon the board of appraisers, or appraisers, and upon the Arizona land settlement commission, and upon the state water commissioner, are transferred to, vested in, and imposed upon the state land department. The executive officer of the department shall be the state land commissioner, who shall be appointed by the governor, subject to confirmation by the senate, for a term ending on the third Monday in January, 1957, or until his successor is appointed and qualified, and thereafter for a term of six (6) years. An appointment to fill a vacancy resulting otherwise than from expiration of term shall be for the unexpired portion of the term.

(b) The commissioner shall be removable by the governor for cause, after public hearing, and shall be entitled to representation by counsel, to a written statement of the charges, and to confront witnesses appearing against him. He shall receive a salary of not to exceed seven thousand two hundred ($7,200.00) dollars per annum, and shall execute a surety bond in such sum as the governor may deem necessary.

(c) For the purpose of carrying out the provisions of this Act, in addition to the appropriation made under the provisions of subdivision 72, section 1, chapter 124, Laws of 1949, for the 38th and 39th fiscal years, the sum of two thousand seven hundred fifty ($2,750.00) dollars is hereby appropriated to the state land department for the salary of the commissioner.

Sec. 2. SEVERABILITY. Should any section, paragraph, sentence, clause or phrase of this Act be declared unconstitutional or invalid for any reason, the remainder of said Act shall not be affected thereby.

Sec. 3. EMERGENCY. Whereas, the preservation of the public peace, health and safety makes it necessary that the provisions of this Act become immediately operative, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval by the governor.

Approved by the Governor—March 18, 1950

Filed in the Office of the Secretary of State—March 20, 1950

CHAPTER 31

(House Bill No. 48)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE ARIZONA STATE DENTAL BOARD.

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

Section 1. APPROPRIATION. In addition to the appropriation to the Arizona State Dental Board made under Chapter 124, Subdivision 17, Laws of 1949, there is hereby appropriated the sum of $500.00 from the Arizona State Dental Board Fund for out of state travel for the 39th fiscal year.

Approved by the Governor—March 22, 1950

Filed in the Office of the Secretary of State—March 23, 1950

CHAPTER 32

(House Bill No. 47)

AN ACT

RELATING TO THE ARIZONA STATE DENTAL BOARD; AUTHORIZING AN EXPENDITURE, AND DECLARING AN EMERGENCY.

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 funds of the Arizona State Dental Board the amount of $130.11 in full satisfaction of a claim of R. K. Trueblood presented for payment of out of state travel for which the funds for that purpose were not available.

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

Approved by the Governor—March 22, 1950

Filed in the Office of the Secretary of State—March 23, 1950

CHAPTER 33

(House Bill No. 32)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE ARIZONA NATIONAL GUARD.

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

Section 1. APPROPRIATION. The sum of nine thousand dollars is appropriated to the Arizona National Guard.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to supplement the appropriation contained in subdivision 59, section 1, chapter 124, Laws of 1949, regular session, and to be available for the following purpose and in the following amount during the thirty-ninth fiscal year: Company allowance for units, nine thousand dollars.

Approved by the Governor—March 22, 1950

Filed in the Office of the Secretary of State—March 23, 1950

CHAPTER 34

(House Bill No. 37)

AN ACT

RELATING TO THE STATE BOARD OF NURSE EXAMINERS; PROVIDING FOR THE REALLOCATION OF APPROPRIATED FUNDS, MAKING A SUPPLEMENTAL APPROPRIATION, AND DECLARING AN EMERGENCY.

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

Section 1. REALLOCATION. From the appropriation made under Chapter 124, Subdivision 22, Laws of 1949:

1. For the 38th Fiscal Year (a) $200.00 from Other Current Expenditures is reallocated to State Travel and (b) $600.00 from Personal Services and $400.00 from Other Current Ex-

penditures are reallocated to State Survey of Nursing Education Resources which reallocation is not subject to the provisions in Section 10-930, Arizona Code, 1939, relating to lapsing appropriations.

2. For the 39th Fiscal Year $1,480.00 from Other Current Expenditures and $300.00 from Capital Outlay—Equipment is reallocated to Personal Services.

Section 2. APPROPRIATION. In addition to the appropriation made under Chapter 124, Subdivision 22, Laws of 1949, for the 39th Fiscal Year for State Travel the sum of $500.00 is hereby appropriated for that purpose.

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—March 22, 1950

Filed in the Office of the Secretary of State—March 23, 1950

CHAPTER 35

(House Bill No. 55)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE BANKING 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 chapter 124, subdivision 49, Laws of 1949, the sum of $1,320.00 is hereby appropriated to the Banking Department to be expended as follows:

	For the 38th Fiscal Year	For the 39th Fiscal Year
State travel	$485.00	$485.00
Other current expenditures	175.00	175.00
	$660.00	$660.00
	$1,320.00	

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

Approved by the Governor—March 22, 1950

Filed in the Office of the Secretary of State—March 23, 1950

CHAPTER 36

(House Bill No. 67)

AN ACT

RELATING TO THE STATE TAX COMMISSION; AUTHORIZING AN APPROPRIATION, AND DECLARING AN EMERGENCY.

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 funds appropriated to the tax commission for the 38th or the 39th fiscal years the following claims in the total amount of $18,562.82:

(a) $16,477.03 in payment of the following listed claims which were presented for payment but for which sufficient funds were not available at the time of presentation:

Pioneer Hotel, Inc.	$ 330.48
L. A. Fetterly	93.00
Mt. States Tel. & Tel.	319.06
Railway Express	153.71
International Business Machines	1,080.00
Heinze, Bowen & Harrington	696.60
Bradley Printers	202.00
Arizona Printers, Inc.	271.18

Meyercord Company	13,167.00
John B. Ryan	134.00
	$16,447.03

(b) $2,115.79 in payment of the following listed claims which were presented for payment but have been unpaid for the reason that no funds were available under the appropriation for the 38th fiscal year for that purpose:

Bob Cushman	$ 1,467.40
Hanson Pump & Machine Works	648.39
	$ 2,115.79

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

Approved by the Governor—March 22, 1950

Filed in the Office of the Secretary of State—March 23, 1950

CHAPTER 37

(House Bill No. 108)

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA CHILDRENS' COLONY.

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

Section 1. APPROPRIATION. The sum of $200,000.00 is appropriated to the Arizona Childrens' Colony.

Sec. 2. PURPOSE. The purpose of said appropriation is for such construction, installation of utilities, furnishing and equipping of buildings essential to completing the preparation of the institution for operation.

Approved by the Governor—March 22, 1950

Filed in the Office of the Secretary of State—March 23, 1950

CHAPTER 38

(House Bill No. 76)

AN ACT

RELATING TO THE ARIZONA POWER AUTHORITY; AUTHORIZING AN EXPENDITURE, AND DECLARING AN EMERGENCY.

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 funds of the Arizona Power Authority the amount of $1,301.06 in full satisfaction of the following listed claims which were presented for payment after the close of the fiscal year in which the expenditures were incurred:

The Industrial Commission of Arizona	$ 247.47
W. F. Fetterly	49.00
Western Union Telegraph Co.	46.34
Virgil W. Chandler	216.00
PBSW Equipment Co.	19.10
Millam and Wikle	15.20
Phoenix Newspapers, Inc.	1.82
K. S. Wingfield	706.13
	$1,301.06

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

Approved by the Governor—March 22, 1950

Filed in the Office of the Secretary of State—March 23, 1950

CHAPTER 39

(House Bill No. 109)

AN ACT

RELATING TO THE STATE HOSPITAL FOR THE INSANE; AUTHORIZING EXPENDITURES; MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY.

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

Section 1. AUTHORIZATION. Any balances remaining in the fund appropriated to the state hospital for the insane under the authority of chapter 94, Laws of 1949, regular session, after the conditions set forth under the authority of senate joint resolution #1, of the first special session of the nineteenth legislature have been met are appropriated to the state hospital for the insane for the construction of buildings.

Sec. 2. APPROPRIATION. The sum of $313,750.00 is appropriated to be expended as follows:

(a) In addition to the above authorization the sum of $136,000.00 is appropriated to the state hospital for the construction, equipping and furnishing of buildings. This appropriation is for the 39th fiscal year and shall not be available prior to December 1, 1950.

(b) $177,750.00 is appropriated for personal services to be expended during the remainder of the 38th fiscal year.

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

Approved by the Governor—March 22, 1950

Filed in the Office of the Secretary of State—March 23, 1950

CHAPTER 40

(House Bill No. 97)

AN ACT

RELATING TO APPROPRIATIONS; REALLOCATING

FUNDS APPROPRIATED TO THE GOVERNOR, FOR THE PRESCOTT HISTORICAL SOCIETY, AND DECLARING AN EMERGENCY.

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

Section 1. REALLOCATION. Out of the sum appropriated under the terms of subdivision 76, section 1, chapter 124, Laws of 1949, regular session, to the governor, for the use of the Prescott historical society, and available during the 38th fiscal year for capital outlay—equipment, the sum of seven hundred fifty dollars is reallocated to capital outlay—vault, and shall be available during the 38th 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 22, 1950

Filed in the Office of the Secretary of State—March 23, 1950

CHAPTER 41

(House Bill No. 106)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE TAX COMMISSION, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. In addition to the appropriation made under chapter 124, subdivision 12, Laws of 1949, regular session, the sum of $116,106.31 is hereby appropriated to the state tax commission to be expended as follows:

	For the 38th Fiscal Year	For the 39th Fiscal Year
Personal Services		
Sales Tax Division	$15,000.00	$50,000.00

	For the 38th Fiscal Year	For the 39th Fiscal Year
Travel—state Sales Tax Division	2,000.00	12,000.00
Travel—out of state Sales Tax Division		3,000.00
Travel—in and out of state Income Tax Division		4,500.00
Luxury tax stamps		7,500.00
Capital outlay—office furniture & equipment		
Sales Tax Division	11,759.36	
Income Tax Division	10,246.95	
Luxury Tax Division	100.00	
	$22,106.31	
Total Appropriation	$39,106.31	$77,000.00
	$116,106.31	

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

Approved by the Governor—March 22, 1950

Filed in the Office of the Secretary of State—March 23, 1950

CHAPTER 42

(House Bill No. 59)

AN ACT

RELATING TO THE STATE BOARD OF OPTOMETRY; PROVIDING FOR THE REALLOCATION OF APPRO-

PRIATED FUNDS, AND DECLARING AN EMERGENCY.

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

Section 1. REALLOCATION. From the appropriation made under chapter 124, subdivision 23, Laws of 1949, regular session, the sum of sixty-five dollars from State Travel is reallocated to Other Current Expenditures for each of the 38th and 39th fiscal years.

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

Approved by the Governor—March 22, 1950

Filed in the Office of the Secretary of State—March 23, 1950

CHAPTER 43

(House Bill No. 86)

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA HIGHWAY DEPARTMENT, MOTOR VEHICLE DIVISION, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. In addition to the appropriation contained in Subdivision 67, Chapter 124, Laws of 1949, Regular Session, the sum of $13,449.21 is hereby appropriated to the Arizona State Highway Department, Motor Vehicle Division, from the State Highway Fund, to be available during the 39th Fiscal Year.

Sec. 2. PURPOSE. The appropriation made under Section 1 is for the purpose of the relief of the State Prison for the furnishing of license plates for the 37th Fiscal Year.

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

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

Approved by the Governor—March 22, 1950

Filed in the Office of the Secretary of State—March 23, 1950

CHAPTER 44

(House Bill No. 77)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE GOVERNOR, FOR THE PAYMENT OF FIRE INSURANCE PREMIUMS ON STATE PROPERTY, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of thirty-two thousand one hundred sixty-eight dollars sixty-four cents is appropriated to the governor, sixteen thousand four hundred forty dollars thirty-four cents for the 38th fiscal year, and fifteen thousand seven hundred twenty-eight dollars thirty cents for the 39th fiscal year.

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to supplement the appropriation made in subdivision 6, section 1, chapter 124, Laws of 1949, regular session, for the payment of insurance premiums, and to permit the reinstatement of insurance on state property on a five-year term plan.

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

Approved by the Governor—March 22, 1950

Filed in the Office of the Secretary of State—March 23, 1950

CHAPTER 45

(House Bill No. 54)

AN ACT

RELATING TO AVIATION; CREATING A STATE AVIATION AUTHORITY; DEFINING ITS POWERS AND DUTIES; MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY.

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

Section 1. STATE AVIATION AUTHORITY. There is hereby created a state aviation authority.

Sec. 2. APPOINTMENT, QUALIFICATIONS AND TERM. The authority shall be composed of five persons, appointed by the governor, chosen on the basis of experience and interest in aviation, and with consideration given to geographical sections of the state. the terms of the members first appointed shall be: one for one year, two for two years, and two for three years. Thereafter, upon the expiration of the term of any member, a successor shall be appointed for a term of three years. In the event of a vacancy caused other than by expiration of term, the appointment shall be for the unexpired portion of the term only.

Sec. 3. COMPENSATION. Members of the committee shall receive no compensation for their services, but shall be entitled to travel expenses as provided for state officers.

Sec. 4. DUTIES AND POWERS. It shall be the duty of the state aviation authority to cooperate with all organizations, state, local and federal, for the purpose of encouraging and advancing aviation in Arizona. The authority may also assemble and distribute to the public information relating to aviation, landing fields, beacons and other matters pertaining to aviation in the state, and may accept in the name of the state any federal monies made available to the state for the advancement of aviation.

Sec. 5. AVIATION FUND. A state aviation fund is created, and the state treasurer is directed to place to the credit of such fund all unclaimed and unrefunded aviation gas taxes transmitted to the state treasurer by the motor vehicle division of the Arizona highway department, commencing January 1, 1950.

Sec. 6. APPROPRIATION. The sum of three thousand dollars is appropriated to the state aviation authority out of the state aviation fund, five hundred dollars thereof to be available during the thirty-eighth fiscal year, two thousand five hundred dollars during the thirty-ninth fiscal year, for travel, clerical and office expenses.

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 22, 1950

Filed in the Office of the Secretary of State—March 23, 1950

CHAPTER 46

(Senate Bill No. 21)

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. AN APPROPRIATION. In addition to the appropriation made under the provision of subdivision 72, section 1, chapter 124, Laws of 1949, for the 38th and 39th fiscal years, the sum of forty-six thousand, one hundred sixty dollars is appropriated to the state land department for the 38th and 39th fiscal years.

Sec. 2. PURPOSE. The purpose of the appropriation in section 1 is as follows:

(a) Office of the state land commissioner:

	38th Fiscal Year	39th Fiscal Year
Personal service	$3,600.00	$12,350.00
Travel	1,800.00	9,000.00
Capital outlay—office	1,410.00	250.00
Capital outlay—automobiles	5,700.00	.....
Total	$12,510.00	$21,600.00
(b) Board of appeals:		
Fees	1,250.00	6,000.00
Travel	800.00	4,000.00
Total	$2,050.00	$10,000.00

	$14,560.00—38th fiscal year
	$31,600.00—39th fiscal year
Total	$46,160.00

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 22, 1950

Filed in the Office of the Secretary of State—March 23, 1950

CHAPTER 47

(Senate Bill No. 29)

AN ACT

RELATING TO THE APPROPRIATION FOR THE ARI-

ZONA CHILDREN'S COLONY BOARD; AND DECLARING AN EMERGENCY.

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

Section 1. Chapter 31, Laws of 1949, regular session, is hereby amended to read as follows:

APPROPRIATION. The sum of four hundred ninety seven thousand dollars is appropriated to the Arizona children's colony board, for the construction of six A type buildings, renovate present building, other construction, including architect's fees, for construction of a sewer system and drilling a well.

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

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

Approved by the Governor—March 22, 1950

Filed in the Office of the Secretary of State—March 23, 1950

CHAPTER 48

(Senate Bill No. 25)

AN ACT

FOR THE RELIEF OF JERRY M. MORRIS.

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

Section 1. APPROPRIATION. The sum of three thousand five hundred twelve dollars forty-four cents is appropriated from the state highway fund to Jerry M. Morris.

Sec. 2. BASIS OF CLAIM. Payment of the sum appropriated shall be in full satisfaction of the claim of Jerry M. Morris for hospital and doctor bills, loss of wages, and damages to

automobile sustained on September 1, 1949, eight miles west of Show Low on highway 60, in an accident caused by the left rear wheel of state highway department equipment number Z125 coming off and striking the car driven by the claimant, and in which accident Jerry M. Morris and his wife, Nealie Morris, were injured.

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

Approved by the Governor—March 22, 1950

Filed in the Office of the Secretary of State—March 23, 1950

CHAPTER 49

(Senate Bill No. 26)

AN ACT

MAKING AN ADDITIONAL APPROPRIATION TO THE STATE LAND DEPARTMENT FOR STREAM GAUGING AND UNDERGROUND WATER SURVEYS; 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 72, section 1, chapter 124, Laws of 1949, for the 38th and 39th fiscal years, the sum of twenty-three thousand six hundred fifty dollars is appropriated to the state land department for the 38th and 39th fiscal years.

Sec. 2. PURPOSE. The purpose of the appropriation made under the provisions of section 1 is to carry on stream gauging in cooperation with the United States geological survey and to carry underground water surveys in cooperation with the United States geological survey as follows:

(a) UNDERGROUND WATER SURVEYS:

	38th Fiscal Year	39th Fiscal Year
Personal Service	4,000.00	8,150.00
Total	12,150.00	
(b) STREAM GAUGING:		
Personal Services		7,500.00
Current Expenses		1,850.00
Capital Outlay		2,150.00
Total		11,500.00

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—March 22, 1950

Filed in the Office of the Secretary of State—March 23, 1950

CHAPTER 50

(Senate Bill No. 22)

AN ACT

FOR THE RELIEF OF R. E. KANE.

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

Section 1. APPROPRIATION. The sum of one hundred fifty dollars is appropriated for the relief of R. E. Kane.

Sec. 2. BASIS OF CLAIM. Payment of the sum appropriated shall be in full satisfaction of the claim of R. E. Kane for the payment of bounty as provided by law on three mountain lions killed in Santa Cruz county, one on April 17, 1949, and two on May 20, 1949, unpaid for the reason that a claim was

not presented to the state auditor during the fiscal year in which the lions were killed.

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

Approved by the Governor—March 22, 1950

Filed in the Office of the Secretary of State—March 23, 1950

CHAPTER 51

(House Bill No. 107)

AN ACT

RELATING TO PUBLIC WELFARE; AUTHORIZING THE STATE DEPARTMENT OF PUBLIC WELFARE TO EXPEND FUNDS FOR PURPOSES OF RECEIPT OR DISTRIBUTION OF COMMODITIES OFFERED FOR PUBLIC WELFARE PURPOSES BY ANY FEDERAL AGENCY OR DEPARTMENT; PROVIDING FOR METHOD OF PAYMENT OF ASSISTANCE GRANTS IF TOTAL FUNDS AVAILABLE ARE INSUFFICIENT; AMENDING ARTICLE 1 OF CHAPTER 20, LAWS OF 1948, SEVENTH SPECIAL SESSION BY AMENDING SECTION 70-115; ADDING NEW SECTION 70-119a, AND DECLARING AN EMERGENCY.

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

Section 1. Section 70-115, chapter 20, Laws of 1948, seventh special session, is hereby amended to read:

70-115. POWER; ADMINISTRATION OF STATE FUNDS. (a) The state department shall have the power to institute or approve work projects in any county for the employment of dependent unemployed persons receiving relief therefor.

(b) The state department shall act as the official agency for the state in any social welfare activity initiated by the federal government and to administer any state funds that may be at any time appropriated or made available for the relief of dependent persons, except as may otherwise be provided by law.

(c) The state department shall expend from any appropriations available for general assistance or from any amounts otherwise made available by law such amounts as may in the discretion of the state board be determined to be necessary for the purpose with any agency or department of the federal government for the purpose of receiving and distributing commodities offered to public welfare agencies for needy persons. Such amount so determined may be expended by the department in payment of any and all expenses necessarily incurred by reason of receipt or distribution of such commodities.

Sec. 2. Article 1, chapter 20, Laws of 1948, seventh special session, is amended by adding new section 70-119a, to read:

70-119a. LACK OF SUFFICIENT FUNDS. In the event the total amount of funds available for payment of assistance grants is not sufficient to meet the maximum amount for which each applicant or recipient may be eligible by law, the department shall in no event make reductions of an equal amount from every grant in each category of assistance, but shall take into consideration the needs of the applicants or recipients, and reduce the maximum grants for which they are eligible as follows:

1. (a) With regard to aid to dependent children, the total amount of assistance paid shall not exceed $60.00 per month for a family containing one dependent child, and $18.00 per month for each additional dependent child, but in no case shall one family receive assistance in excess of $150.00 per month. (b) If further reductions are necessary, they shall be made by specifying the percentage of budgeted needs which may be met within the maximums set by law by the grant plus other available income.

2. With regard to all other programs of public assistance the department shall make such reductions as are necessary by specifying the percentage of budgeted needs which may be met within the maximums set by law by the grant plus other available income.

This section shall be effective as of July 1, 1950.

Sec. 3. APPROPRIATION. In addition to the appropriations made under chapter 124, subdivision 31, Laws of 1949, the sum of $543,884.95 is appropriated to be expended as follows:

	For the 38th Fiscal Year	For the 39th Fiscal Year
Old age assistance	$238,992.00	
Aid to dependent children	175,492.95	
Foster home	34,000.00	
Crippled children's service	10,000.00	
Administration—counties		
Travel and additional employees	8,000.00	$32,000.00
For transportation and distribution of commodities made available by federal agencies	35,000.00	
State Travel	3,000.00	5,000.00
Social Service Exchange services	600.00	1,800.00
	$505,084.95	$38,800.00
	$543,884.95	

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.

(Failed to pass the House with sufficient votes to carry emergency.)

Approved by the Governor—March 23, 1950

Filed in the Office of the Secretary of State—March 23, 1950

CHAPTER 52

(House Bill No. 72)

AN ACT

APPROPRIATING FOUR THOUSAND NINE HUNDRED

FORTY-SIX AND 98/100 DOLLARS FROM THE STATE HIGHWAY FUND FOR THE RELIEF OF THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY.

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

Section 1. APPROPRIATION. The sum of four thousand nine hundred forty-six and 98/100 dollars ($4,946.98) is hereby appropriated from the state highway fund for the relief of the Mountain States Telephone and Telegraph Company.

Sec. 2. BASIS OF CLAIM. Payment of the sum appropriated shall be in full satisfaction of the claim of the Mountain States Telephone and Telegraph Company for expenses incurred in relocating certain telephone poles and lines in connection with the Phoenix-Prescott Highway, Project F-1-48 (5), as authorized by Arizona highway department by its letter of November 3, 1947, in the total amount of $2,670.92, and the cost of moving certain other poles and telephone lines in connection with the Phoenix-Prescott Highway, Project F-1-70 (2), as authorized by Arizona highway department's letter of November 3, 1947, in the total sum of $2,276.06, which work was completed in January, 1948, but for which payment was not made as bills therefor were not rendered until after the appropriations for said project had lapsed.

Sec. 3. EFFECTIVE DATE. This Act shall become effective July 1, 1950.

Approved by the Governor—March 24, 1950

Filed in the Office of the Secretary of State—March 24, 1950

CHAPTER 53

(House Bill No. 89)

AN ACT

RELATING TO THE STATE HIGHWAY DEPARTMENT, AND PROVIDING FOR THE APPROPRIATION AND REALLOCATION OF FUNDS.

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

Section 1. REALLOCATION. From the appropriation

made under chapter 124, subdivision 67, Laws of 1949, regular session, to state highway—shops and equipment capital outlay—other for the 39th fiscal year the amount of $65,000.00 is reallocated to capital outlay—patrol cars.

Sec. 2. APPROPRIATION. In addition to the appropriation made under the terms of subdivision 67, section 1, chapter 124, Laws of 1949, regular session, the sum of $48,000.00 is appropriated to the state highway department, division of maintenance and betterment, out of state highway funds for personal services for the 38th fiscal year.

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, 1950

Filed in the Office of the Secretary of State—March 24, 1950

CHAPTER 54

(House Bill No. 105)

AN ACT

CALLING A SPECIAL ELECTION TO SUBMIT PROPOSED AMENDMENTS TO THE CONSTITUTION; PROVIDING FOR PUBLICITY; MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY.

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

Section 1. SPECIAL ELECTION. Under the authority and in accordance with the provisions of section 1, article XXI, constitution of Arizona, a special election is called to be held September 12, 1950, concurrently with the regular primary election to be held on such date, and to be conducted by the officers conducting said primary election.

Sec. 2. PURPOSE OF ELECTION. The purpose of the special election called under the provision of section 1 is to submit to a vote of the people certain amendments of the constitution of Arizona proposed by the legislature and approved by a majority of the members elected to each house thereof, as follows:

1. Amendments of sections 1 and 21, part 2, article IV, relating to the legislature.

2. An amendment of section 3, part 2, article IV, relating to sessions of the legislature.

3. An amendment of the first paragraph of section 1, article V, relating to terms of officers of the executive department.

4. An amendment of section 3, article XII, relating to terms of office of county officers.

5. An amendment of section 3, article X, relating to the leasing of state lands.

6. An amendment of article IX, relating to public debt, revenue, and taxation.

Sec. 3. PUBLICITY. The secretary of state shall cause to be printed in pamphlet form a true copy of the title and text of each such proposed amendment, with the number and form in which the title thereof will be printed on the official ballot, together with such arguments, as provided by subsection (d), section 60-107, Arizona Code of 1939, as may be submitted to him, not later than June 15, 1950. Not less than ten days before the special election, as provided in section 1, the secretary of state shall cause each such proposed amendment to be published for a period of at least three days in a daily newspaper or, if there is no such newspaper, at least one time in a weekly newspaper in every county of the state in which a newspaper shall be published. Within thirty days before the special election, called as provided in section 1, the secretary of state shall cause to be delivered to the county recorders in each county a quantity of such publicity pamphlets equal to the number of registered voters in each county, according to the registration lists of each county as shown by the last prior primary election. The secretary of state shall also make such other distribution of said pamphlets as he may deem advisable.

Sec. 4. APPROPRIATION. The sum of ten thousand dollars is appropriated to the secretary of state to defray the expenses incurred in carrying out the provisions of section 3.

Sec. 5. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act 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, 1950

Filed in the Office of the Secretary of State—March 27, 1950

CHAPTER 55

(Senate Bill No. 27)

AN ACT

RELATING TO THE STATE BOARD OF HEALTH, PROVIDING FOR DISBURSEMENT OF FUNDS, AMENDING SECTION 68-118, ARIZONA CODE ANNOTATED, 1939, AND DECLARING AN EMERGENCY.

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

Section 1. Section 68-118, Arizona Code Annotated, 1939, is amended to read:

68-118. FINANCIAL PROVISIONS. (a) The public health fund shall consist of appropriations and of all receipts from any other source for the use of the department. The state treasurer shall receive and disburse moneys donated to or provided for the department by any person, town, city, benevolent organization, or other agency for public health work, and moneys so received shall be deposited in the public health fund. The salaries and expenses of the department shall be paid from said fund. Disbursements therefrom shall be made upon claims signed by the director or other person in the department designated by the state board of health.

(b) Moneys received from the United States, or any agency thereof, for public health purposes, shall be kept in a separate account in the public health fund. Any unexpended and unencumbered balance of federal funds remaining in the public health fund at the end of a fiscal year shall not revert to the general fund.

Approved by the Governor—March 27, 1950

Filed in the Office of the Secretary of State—March 27, 1950

CHAPTER 56

(House Bill No. 29)

AN ACT

RELATING TO THE ARIZONA RACING COMMISSION; AMENDING CHAPTER 61, SECTIONS 6 (e), 6 (f) AND 13, LAWS OF 1949; MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY.

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

Section 1. AMENDMENT. Chapter 61, section 6 (e), Laws of 1949, is amended to read:

6 (e). The commission shall not issue a permit to conduct a horse racing, harness racing or dog racing meeting at any place, enclosure or track not used for racing purposes pursuant to permits actually issued as authorized by law prior to May 15, 1949, unless before the beginning of construction or preparation of such place, enclosure or track the commission shall by such means as it deems sufficient, determine that the conducting of horse, harness or dog meetings at such place will be in the public interest, and unless the place, enclosure or track is situated at least twenty miles distant from any other such place, enclosure or track at which during the period of two years next preceding the filing of the application, one or more horse, harness or dog racing meetings shall have been conducted with wagering as authorized by law, but nothing in this subsection shall be construed to permit the use of any place, enclosure or track used for dog racing on or before May 15, 1949, to be used for horse or harness racing, or to permit any place, enclosure or track used for horse or harness racing on or before May 15, 1949, to be used for dog racing meetings.

Sec. 2. AMENDMENT. Chapter 61, section 6 (f), Laws of 1949, is amended to read:

6 (f). In the event the owner of any place, enclosure or track used for racing purposes pursuant to permits issued as authorized by law on or before May 15, 1949, is obliged for any reason to abandon the use of such place, enclosure or track for such purposes, he may transfer the use and rights to use such permises for racing purposes to another location in the same county.

Sec. 3. AMENDMENT. Chapter 61, section 13, Laws of 1949, is amended to read:

13. APPROPRIATION. The sum of $94,000.00 is hereby appropriated to the Arizona racing commission, to be expended in the following manner:

	For the 38th Fiscal Year	For the 39th Fiscal Year
Lump Sum Appropriation	$34,960.00	$59,040.00

Sec. 4. EXEMPTION. This Act shall be exempt from the provisions of section 10-925, Arizona Code of 1939, relating to quarterly allotments.

Sec. 5. SEVERABILITY. If any provision of this Act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the Act are declared to be severable.

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

Approved by the Governor—March 28, 1950

Filed in the Office of the Secretary of State—March 28, 1950

CHAPTER 57

(House Bill No. 42)

AN ACT

RELATING TO THE EXCISE REVENUE ACT OF 1935, AND AMENDING SECTION 73-1303, ARIZONA CODE OF 1939.

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

Section 1. Sec. 73-1303, Arizona Code of 1939, is amended to read:

73-1303. IMPOSITION OF TAX. From and after the ef-

fective date of this Act, there is hereby levied and shall be collected by the tax commission for the purpose of raising public money to be used in liquidating the outstanding obligations of the state and county governments, to aid in defraying the necessary and ordinary expenses of the state and the counties, to reduce or eliminate the annual tax levy on property for state and county purposes, and to reduce the levy on property for public school education to the extent hereinafter provided, annual privilege taxes measured by the amount or volume of business done by the persons on account of their business activities and in the amounts to be determined by the application of rates against values, gross proceeds of sales, or gross income, as the case may be, in accordance with the following schedule:

(a) At an amount equal to one per cent of the gross proceeds of sales or gross income from the business upon every person engaging or continuing within this state in the following businesses:

1. Transporting for hire persons or property by motor vehicle from one point to another point in this state.

(b) At an amount equal to one per cent of the gross proceeds of sales or gross income from the business upon every person engaging or continuing within this state in the following businesses:

1. Mining, quarrying, smelting or producing for sale, profit, or commercial use any oil, natural gas, limestone, sand, gravel, copper, gold, silver or other mineral product, compound or combination of mineral products, or felling, producing or preparing timber or any product of the forest for sale, profit or commercial use.

2. Furnishing to consumers electricity, electric lights, current, power or gas, natural or artificial, and water.

3. Transmitting local or long distance messages or conversations by telephone or message by telegraph from one point to another point in the state, including gross income derived from tolls, subscriptions and services on behalf of subscribers or by the publication of any directory of the names of subscribers.

4. Transporting for hire freight or passengers by railroads from one point to another point in the state.

5. Operating a pipe line or lines for transporting of oil, or

natural or artificial gas, through pipes or conduits from one point to another point in the state.

6. Operating private car lines, as such are defined in section 73-1001, Arizona Code of 1939, from one point to another point in the state.

7. Publication of newspapers, magazines or other periodicals and publications, when published within the state including the gross income derived from subscriptions, advertising and notices.

8. Job printing, engraving, embossing and copying, advertising by billboards, direct mail, radio or by any means calculated to appeal to prospective purchasers.

9. In addition to the amount levied as provided in this section, by paragraph 1 of subsection (a) and by paragraphs 3, 4, 5 and 6 of subsection (b) upon receipts from services rendered as mentioned in said paragraphs of said subsection, between points in this state, there is hereby levied and shall be collected an amount equal to one per cent of the gross proceeds of sale, or gross income, from the business of every person engaged or continuing within this state in the business of transmitting long distance messages or conversations by telephone or telegraph, transporting for hire freight or passengers by motor vehicle or by railroads, transporting oil, or natural or artificial gas, through pipes or conduits, operating private car lines, each and all where the business done or the service performed is partly within this state, whether the same be performed from any point without this state to a point within this state, or from any point within this state to a point without this state, or from any point without this state through this state to another point without this state, it being the purpose of this paragraph of this subsection to impose the tax for the privilege of transacting such business within this state, to be imposed only upon such part of such business as is transacted or performed within this state and the taxable receipts from such businesses mentioned in paragraph 9 of subsection (b) of this section shall be deemed to be a proportion, based upon the proportion of mileage within this state to the entire mileage over which such business is done, of earnings on all such interstate and intrastate business so passing through, into, or out of this state.

In the case of persons engaged in the business classified in paragraph 1 of subsection (b) of this section, the rate shall be applied to the value of the entire product mined, quarried, produced, felled or prepared for sale, profit or commercial

use in this state, regardless of the place of sale or of the fact that deliveries may be made to points outside this state.

In the case of persons engaged in the businesses classified in paragraph 1 of subsection (b) of this section, whose incomes in whole or in part are derived from service or manufacturing charges instead of from sales of the products manufactured or handled, the rate shall be applied to the gross income of such persons derived from such manufacturing or service charge.

(c) At an amount equal to two per cent of the gross proceeds of sales or gross income from the business upon every person engaging or continuing within this state in the following businesses:

1. Selling any tangible personal property whatsoever at retail, except bonds and stock.

When any person is engaged in the business of selling such tangible personal property at both wholesale and retail, the retail rate shall be applied only to the gross proceeds of the sales made other than at wholesale when his books are kept so as to show separately the gross proceeds of sales of each class, and when his books are not so kept the retail rate shall be applied to the gross proceeds of every sale made.

The sale to hotels, restaurants, dining cars, lunch rooms, boarding houses or similar establishments or articles used by man for food, drink or condiment, whether simple, mixed or compounded, where such articles are customarily prepared and served to patrons for consumption on the premises or on such dining cars, shall be deemed wholesale sales as to such commodities, and the person who then resells such commodities in a cooked or prepared form shall be deemed to be engaged in the business classified in subsection (d) of this section.

(d) At an amount equal to one per cent of the gross proceeds of sales, or gross income from the business, upon every person engaging or continuing within this state in the following businesses:

1. Restaurants, dining cars, dining rooms, lunch rooms, lunch stands, soda fountains or similar establishments where articles of food or drink are sold for consumption on the premises or on such dining cars.

(e) At an amount equal to two per cent of the gross pro-

ceeds of sales, or gross income from the business, upon every person engaging or continuing within this state in the following businesses:

1. Operating or conducting theatres, movies, operas, shows of any type or nature, exhibitions, concerts, carnivals, circuses, amusement parks, menageries, fairs, races, contests, games, billiard and pool parlors and bowling alleys, public dances, dance halls, boxing matches and wrestling matches, and any business charging admission fees for exhibition, amusement or instruction, other than projects of bona fide religious or educational institutions.

2. Hotels, guest houses, dude ranches and resorts, rooming houses, apartment houses, office buildings, automobile rental services, automobile storage garages, parking lots, tourist camps, or any other business or occupation charging storage fees or rents, and adjustment and credit bureaus and collection agencies.

(f) At an amount equal to one-fourth of one per cent of the gross proceeds of sales, or the gross income from the business upon every person engaging or continuing in the business of slaughtering animals for food, packing, processing, or compounding meat or meat products.

(g) At an amount equal to one per cent of the gross proceeds or gross income from the business, upon every person engaging or continuing in the business of contracting. Payments made by the contractor for labor employed in construction, improvements or repairs shall not be subject to the tax herein imposed.

(h) At an amount equal to one-fourth of one per cent of the gross proceeds or gross income from the business, upon every person engaging in the business of selling poultry or stock feed to poultrymen or producers of poultry and poultry products or to stockmen or feeders of stock, at wholesale rates, for their own use and not for resale.

(i) In the event any funds shall remain after the payments hereinbefore provided for state purposes, then the remainder shall, to the extent to which they will apply, be in lieu of county ad valorem taxes for educational purposes on a per capita basis, as provided by section 54-603, Arizona Code of 1939.

Approved by the Governor—March 30, 1950

Filed in the Office of the Secretary of State—March 30, 1950

CHAPTER 58

SENATE BILL NO. 8

AN ACT

RELATING TO THE ADMINISTRATION, CLASSIFICATION AND APPRAISAL OF STATE LANDS FOR SALE OR LEASE AND THE IMPROVEMENTS THEREON; LEASES; RENTALS; APPOINTMENT OF A BOARD OF APPEALS FOR CLASSIFICATION AND APPRAISAL PURPOSES; APPEALS; AMENDING ARTICLE 1, CHAPTER 11, SECTIONS 11-101 AND 11-103, AS AMENDED; AMENDING ARTICLE 2, CHAPTER 11, SECTIONS 11-204 AND 11-210 AND REPEALING SECTIONS 11-206, 11-207, 11-208, 11-209 AND 11-211; AMENDING ARTICLE 3, CHAPTER 11, SECTIONS 11-301, AS AMENDED, 11-304 and 11-313 AND REPEALING SECTION 11-303; AMENDING ARTICLE 4, CHAPTER 11, BY REPEALING SECTION 11-405; AMENDING ARTICLE 11, CHAPTER 11, SECTION 11-1108; ARIZONA CODE ANNOTATED, 1939; REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT WITH THE PROVISIONS OF THIS ACT, AND DECLARING AN EMERGENCY.

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

Section 1. Section 11-101, article 1, chapter 11, Arizona Code Annotated, 1939, is amended to read:

11-101. DEFINITION OF TERMS. In this chapter, unless the context otherwise requires, the words "state lands" shall mean any land owned or held in trust, or otherwise, by the state, including leased school or university land; "leased school or university land" shall mean school or university land for which a lease has been issued by the state, or the territory of Arizona, under which the lessee still has rights; "improvements" shall mean anything permanent in character the result of labor or capital expended by the lessee or his predecessors in interest on state land in its reclamation or development, and the appropriation of water thereon, which has enhanced the value of the same; "agricultural lands" shall mean such lands as are used, or can be used principally for raising crops, fruits, grains and similar ranch products; "grazing lands" shall mean lands which can be used only for the ranging of animals; "commercial lands" shall mean lands which can be used principally for business, institutional, religious, charitable, governmental or recreational purposes, or any general purpose other than agricultural, grazing, mining, oil, homesite, or rights-of-way; "homesite lands" shall mean

lands which are suitable for home purposes; "average annual carrying capacity" shall mean the average number of animal units which can be supported by a section of grazing land with due consideration for sustained production of the forage consistent with conservative range management; a "section of land" for the purpose of this Act shall mean an area of land consisting of six hundred and forty acres; "animal unit" shall mean one weaned beef animal over six months of age, or one horse, or five goats, or five sheep, or the equivalent thereof; "average market price of cattle" shall mean the average price by the hundred weight received, during the calendar year under consideration, by producers of cattle, exclusive of calves, in the states of Arizona, New Mexico, California, Utah, Nevada, Colorado, Wyoming, Montana, Idaho, Washington and Oregon, as determined by the Bureau of Agricultural Economics, United States Department of Agriculture.

Sec. 2. Section 11-103, article 1, chapter 11, Arizona Code Annotated, 1939, as amended by chapter 28, Laws of 1943, is amended to read:

11-103. POWERS AND DUTIES OF COMMISSIONER. (a) The commissioner shall: 1. exercise and perform all powers and duties vested in or imposed upon the state land department; 2. exercise the powers of surveyor-general; 3. have the authority to sell or lease for grazing, agricultural, homesite or other purposes, except commercial, all land owned or held in trust by the state; 3a. have the authority to sell or lease for commercial purposes all land owned or held in trust by the State but any such sale or lease shall first be approved by the board of appeals described in Section 11-210 of this Act; 4. classify and appraise all state lands, together with the improvements thereon, for the purpose of sale or lease; 5. except as otherwise provided, determine all disputes, grievances or other questions pertaining to the administration of state lands; 6. succeed to, be invested with, execute and perform the powers and duties vested in or imposed upon the state water commissioner; and upon the Arizona land settlement commission; 7. appoint a deputy commissioner and such other assistants and employees as shall be necessary to perform the work of the department, fix their salaries and assign their duties, and require of them such surety bonds as he may deem proper; and, 8. make a written report to the governor annually, not later than September 1, showing in detail the activities of the department for the preceding fiscal year, and publish the same for distribution.

(b) Neither the commissioner, deputy commissioner, nor any employee of the department shall have, own or acquire, directly or indirectly, any state lands or the products thereon,

nor any interest in or to such lands or products, or improvements on leased state lands, or be interested in any state irrigation project affecting state lands.

Sec. 3. Section 11-204, article 2, chapter 11, Arizona Code Annotated, 1939, is amended to read:

11-204. CLASSIFICATION OF LANDS SELECTED; LEASES SUBJECT TO RECLASSIFICATION. In the classification of state lands the commissioner shall make and maintain in his office proper plats, maps or books containing the description of said lands and showing which thereof are suitable for agricultural purposes; which for grazing purposes; which for commercial or homesite purposes; which contain timber, stone or other products that may become valuable; and which may become agricultural lands by the expenditure of a reasonable amount for the development of water thereon. The commissioner shall have the power to reclassify such lands from time to time when he deems such reclassification to be for the best interests of the state, and all leases shall be subject to such reclassification. The commissioner shall promptly classify all lands selected as hereinbefore provided.

Sec. 4. Section 11-210, article 2, chapter 11, Arizona Code Annotated, 1939, is amended to read:

11-210. BOARD OF APPEALS—APPEAL FROM COMMISSIONER OR BOARD OF APPEALS. (a) There is hereby created a board of appeals which shall consist of three members, one from each of three districts into which the state shall be divided as follows:

1. First district: Pima, Santa Cruz, Cochise, Graham and Greenlee counties.

2. Second district: Maricopa, Yuma, Pinal and Gila counties.

3. Third district: Mohave, Yavapai, Coconino, Apache and Navajo counties.

The board of appeals shall be appointed by the Governor with the advice and consent of the Senate, one for a term ending January 31, 1952; one each for terms ending two and four years thereafter. Following the expiration of such terms, respectively, the term of each member shall be six years. The members of the board of appeals so appointed shall be selected only from persons who are experienced in the classification and appraisement of all types of real estate. Each member of

the board of appeals shall be paid twenty dollars per day and actual and necessary expenses as provided by law while engaged in the performance of their duty.

(b) An appeal from any final decision of the commissioner relating to classification or appraisal of lands or improvements may be taken to the board of appeals by any person adversely affected by such decision. The appeal shall be taken by giving notice thereof in writing to the commissioner within thirty days from the date of decision appealed from is rendered. The board of appeals shall conduct a hearing in the county in which the major portion of the land involved in the appeal is situate, unless otherwise stipulated by the parties to the appeal, within sixty days from the date of the notice of appeal from the decision of the commissioner, and shall render its decision within sixty days from the date of said hearing unless the parties to the appeal otherwise stipulate. The board shall reduce its findings and decision to writing and furnish a copy thereof to all parties to the appeal. A majority of the board may render such decision. All records of the board of appeals shall be kept in the office of the commissioner, and the commissioner shall provide such clerical assistants to the board as may be necessary to accomplish its duties.

(c) An appeal from any final decision of the board of appeals, or any final decision of the commissioner not relating to the classification or appraisal of lands or improvements may be taken by the commissioner or any person adversely affected by such decision to the superior court of the county in which the major portion of the land or improvements involved in the appeal is situate. The appeal shall be taken by filing notice thereof in writing with the commissioner, and by serving any adverse party with a copy thereof, within thirty days from the date of the decision appealed from. Immediately upon the service of such notice, the commissioner shall prepare a record of the entire proceedings and transmit the same to the clerk of the superior court to which said appeal is taken, who shall docket the appeal in the name of the appellant as plaintiff and appellee as defendant and said appeal shall then stand for trial. Said appeal shall be set for trail de novo and heard at the earliest practical date by the court without a jury. The court shall hear evidence, shall make independent findings of fact and conclusions of law from the evidence submitted and shall either affirm, reverse or modify the decision of the board of appeals or of the commissioner. The decision of the superior court shall be subject to appeal to the supreme court.

(d) If no appeal is taken, the decision of the commissioner or the board of appeals, as the case may be, shall be final and conclusive.

Sec. 5. Sections 11-206, 11-207, 11-208, 11-209 and 11-211, article 2, chapter 11, Arizona Code Annotated, 1939, are repealed.

Sec. 6. Section 11-301, article 3, chapter 11, Arizona Code Annotated, 1939, as amended by chapter 58, Laws of 1945, is amended to read:

11-301. LAND SUBJECT TO LEASE AND TERMS; APPLICATION FOR LEASE AND FALSE STATEMENTS IN APPLICATION; CHANGE OF RENTALS IN EXISTING LEASES; COOPERATION OF LESSEES; LIMITATION OF USE OF LANDS BY LESSEES. (a) All state lands shall be subject to lease as herein provided, for a term of not more than ten years for agricultural grazing, commercial and homesite purposes, without advertising. Such leases shall be granted according to the constitution, the law and the rules and regulations of the department.

(b) No lease will be granted under this section without application therefor. All applications for lease shall be made upon forms prepared and furnished by the commissioner and shall be signed and sworn to by the applicant or his authorized agent or attorney, and filed with the commissioner. In lieu of signing and swearing to the same before a notary public or other person authorized to take acknowledgments, the applicant may affix his signature to the application, accompanied by a certification, under penalty of perjury, that the information contained and statements therein made are to the best of his knowledge and belief true, correct and complete, and such application shall be accepted as being duly executed. Any material false statement or concealment of facts made by any applicant, his authorized agent or attorney, in his application to lease, which statement, if known to the department would have prevented its issue in the form or to the person issued, shall be grounds for cancelation of any lease issued upon such application.

(c) No increase or decrease in the rent payable under any existing lease shall be made unless and until the leased lands shall have been reclassified and/or reappraised by the commissioner.

(d) Lessees of state lands shall cooperate with the commissioner in making all classifications and appraisals. Lessees shall furnish such information requested by the commissioner pertaining to the use proposed by lessee and in connection with other property so held by him as part of a unit. All such information so furnished by lessee except that pertaining to state

lands shall be considered confidential by the commissioner and shall not be open for public inspection.

(e) No lessee shall use lands under lease to him except for the purpose for which the lease is issued.

(f) No grazing lessee shall sublease his lease, sell or lease pasturage to lands embraced in his lease, without the written permission of the commissioner, nor shall any grazing lessee, his sublessee or users under pasturage agreement, graze, without such permission, in excess of one hundred ten per cent of the carrying capacity so previously determined by the commissioner upon state lands, under lease or being used by such persons, within the exterior boundaries of any one ranch unit or units in the same general locality jointly operated. In the event such permission is granted for any such excess, the commissioner shall assess and collect the rental for such excess on the rental basis provided for in this chapter.

Sec. 7. Section 11-303, article 3, chapter 11, Arizona Code Annotated, 1939, is repealed.

Sec. 8. Section 11-304, article 3, chapter 11, Arizona Code Annotated, 1939, is amended to read:

11-304. MINIMUM RENTALS; CLASSIFICATION, APPRAISAL AND RENTAL RATES OF GRAZING LAND; EFFECTIVE DATE. (a) No agricultural, grazing, commercial or homesite lease shall provide for an annual rental of less than the appraised rental value of the land, and in no event for less than five cents per acre per annum for agricultural, commercial or homesite land or a minimum of ten dollars per annum per lease, nor less than two cents per acre per annum for grazing land or a minimum of two dollars and fifty cents per annum per lease. The rental provided in all of such leases shall be subject to adjustment each year.

(b) The commissioner shall classify and appraise all grazing land on the basis of its annual carrying capacity. The annual rental rate for grazing land shall be the amount found by multiplying the carrying capacity of the lands by the annual rental rate per animal unit. The annual rental rate per animal unit shall be twenty-two per cent of the average market price of cattle for the preceding year. The rental rates on all lands other than grazing lands shall be as determined by the commissioner, subject to the provisions of subsection (a) hereof.

(c) The commissioner, in his discretion, may, or, upon the request of a lessee, shall, make a reclassification and/or re-

appraisal at any time. If the lessee should request such reclassification and/or reappraisal before the expiration of his lease, he shall pay the actual expenses incurred in making the same.

(d) The provisions of this section shall apply only to rentals becoming due after the effective date of this Act.

Sec. 9. Section 11-313, article 3, chapter 11, Arizona Code Annotated, 1939, is amended to read:

11-313. PREFERRED RIGHTS TO RENEW. Upon application to the commissioner, not less than thirty nor more than sixty days prior to the expiration of the lease, the lessee, if he be a bona fide resident of the state, has a preferred right to renewal, bearing even date with the expiration of the old lease, for such term not longer than ten years, as the commissioner deems proper, at a reappraised rental; if the commissioner, however, deems the continued leasing of said land not to be for the best interest of the state, the lease shall not be renewed.

Sec. 10. Section 11-405, article 4, chapter 11, Arizona Code Annotated, 1939, is repealed.

Sec. 11. Section 11-1108, article 11, chapter 11, Arizona Code Annotated, 1939, is amended to read:

11-1108. CLASSIFICATION AND APPRAISEMENT FEES; APPROPRIATION; PAYMENT AND EXPENDITURE. The classification and appraisement fees heretofore created are hereby appropriated for the use and benefit of the state land department. Said fees shall be paid into the state treasury as other state funds and all claims shall be drawn in the manner provided by law, approved by the state auditor and paid by the state treasurer, if and when found to be in proper order. Classification and appraisal fees shall not be subject to the provisions of section 10-930, Arizona Code Annotated, 1939, and shall not revert to the general fund.

Sec. 12. REPEAL. All Acts or parts of Acts in conflict herewith are hereby repealed.

Sec. 13. SEVERABILITY. Should any section, paragraph, sentence, clause or phrase of this Act be declared unconstitutional or invalid for any reason, the remainder of said Act shall not be affected thereby.

Sec. 14. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become imme-

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

Approved by the Governor—March 30, 1950.

Filed in the Office of the Secretary of State—March 30, 1950.

CHAPTER 59

(Senate Bill No. 6)

AN ACT

RELATING TO JUDICIAL DEPARTMENT; PROVIDING FOR THE RETIREMENT OF JUDGES, CREATING A JUDGES' RETIREMENT FUND, ITS INVESTMENT, PROVIDING FOR RETIREMENT PAY, AND MAKING AN APPROPRIATION.

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

Section 1. RETIREMENT OF JUDGES. (a) Every judge of the supreme court and every judge of the superior court who has heretofore resigned his office or has otherwise terminated his service as a judge, or who shall hereafter resign his office or otherwise terminate his service as a judge, who has served for twenty years on the supreme court or on the superior court or on the supreme court and superior court combined, shall, upon attaining the age of sixty-five years, receive semi-monthly for the remainder of his life after the date of his application therefor as provided herein, a sum equal to two-thirds of his pay at the time of his resignation from office or the termination of his service, to be paid out of the judges' retirement fund created hereby, but in the event the amount standing to the credit of such fund at any time is insufficient to pay the full amount due all retired judges entitled thereto, payment shall be made only in the proportion that the amount due to each such judge bears to the total amount available in the fund.

(b) A judge of the supreme or of the superior court who has served in either or both of such courts for not less than ten years and who is permanently incapacitated, physically or mentally, to perform the duties of his office, may file with the Governor a written application for retirement, accompanied by an affidavit as to the duration and particulars of his service and the nature of his incapacity. The Governor shall appoint a board of three physicians licensed to practice in

this state, who shall make an examination of the applicant and report the results thereof in writing. If in the opinion of a majority of the board the applicant is permanently incapacitated, physically or mentally, to perform the duties of his office, the Governor shall declare the applicant retired and the office vacant. He shall file the report of the examining board with the secretary of state, and certify the name of the retired judge to the state auditor as entitled to the retirement payments provided in Section 1 of this Act.

Sec. 2. RETIREMENT PAY. Whenever any judge is qualified for and desires to receive retirement pay under the provisions of this Act, he shall file a written application therefor with the Governor of the state accompanied by an affidavit as to his age and the duration and particulars of his service. If it appears that he is entitled to receive retirement pay, the Governor shall certify his name to the state auditor for retirement payments.

Sec. 3. SERVICES REQUIRED. Every judge receiving retirement pay under the provisions of this Act, shall, if physically and mentally able, be subject to call by the supreme court or the chief justice thereof to aid and assist the supreme court or any superior court under such directions as the supreme court may give, including the examination of the facts in cases before the court, the examination of authorities cited and the preparation of opinions for and on behalf of the court, which opinions, when and if and to the extent approved by the court, may by the court be ordered to constitute the opinion of such court and such retired judge may, subject to any rule which the supreme court may adopt, perform any and all duties preliminary to the final disposition of cases in so far as not inconsistent with the constitution of the state.

Sec. 4. RETIREMENT FUND. A special fund to be known as the judges' retirement fund, to be used exclusively for retirement payments as provided herein, and from which all retirement pay shall be made is hereby created as follows:

(a) Upon the effective date of this Act, the county treasurer of each county shall pay to the state treasurer from their respective county library funds as created by the provisions of Section 34-129 Amended, Arizona Code Annotated, 1939, twenty-five percent of the amount then existing in each of said respective funds, and thereafter, notwithstanding any existing provision of law to the contrary there shall be set apart monthly twenty-five percent of all fees collected by the clerk of the superior court in each county and monthly twenty-five percent of all fees paid in to the clerk of the supreme court.

(b) From and after the effective date of this Act, the state auditor shall make a deduction of five percent from all salary claims upon the state of the judges of the supreme court and superior court, and the board of supervisors of the several counties shall make a deduction of five percent from all salary claims upon the counties of judges of the superior court, provided, however, that should any judge holding office upon the effective date of this Act file with the state auditor and the board of supervisors written objection to such deduction, none shall be made until after the expiration of the term of his office.

(c) Any judge whose services shall have terminated prior to having received any retirement payments as herein provided for shall be entitled to receive and there shall be refunded to him four-fifths of all contributions made by him to the retirement fund, upon such judge or his legal representatives filing with the Governor of the state an application therefor supported by affidavit establishing the termination of his services and the amount contributed by him. The Governor shall thereupon transmit the same to the state treasurer for certification and payment.

Sec. 5. CUSTODIAN OF FUND. All moneys herein set apart or provided for the creation of the judges' retirement fund shall be promptly paid to the state treasurer, and upon receipt thereof, he shall place the same in the judges' retirement fund and the full amount of said funds as created and accumulated is hereby appropriated for the purpose of disbursing the accrued retirement provided for herein. Any portion of the monies of the fund not required to meet accrued retirement payments may be invested in securities as defined by law.

Sec. 6. ACTIVITIES PROHIBITED. No judge receiving retirement pay shall engage in the private practice of law or engage in any other public service for compensation. Violation of this section shall cause a forfeiture of his right to retirement pay while engaged in such practice of law or public service.

Sec. 7. 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.

Approved by the Governor—March 30, 1950

Filed in the Office of the Secretary of State—March 30, 1950

CHAPTER 60

(House Bill No. 73)

AN ACT

RELATING TO LIQUOR LICENSES AND CONTROL; PROVIDING FOR CLUB LICENSES, FOR THE TRANSFER OF LICENSES AND USE THEREOF OTHER THAN BY THE LICENSEE; PROVIDING FOR FEES PERTAINING TO LICENSES, MAKING AN APPROPRIATION THEREOF AND AMENDING SECTIONS 72-101, 72-103, 72-105, 72-106, 72-107, 72-108, 72-109, 72-110, 72-112, 72-113, ARIZONA CODE OF 1939; AS AMENDED BY CHAPTER 41 OF THE SESSION LAWS OF 1945, REGULAR SESSION; AS AMENDED BY CHAPTER 46, SESSION LAWS OF 1948, FIRST SPECIAL SESSION; AS AMENDED BY CHAPTER 114 OF THE SESSION LAWS OF 1941, REGULAR SESSION; AND AS AMENDED BY THE ADDITION OF CHAPTER 42, SESSION LAWS OF 1945, REGULAR SESSION; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 72-101, Arizona Code of 1939 (as amended by Chapter 41, Session Laws of 1945, Regular Session) is amended to read:

72-101. DEFINITIONS. In this Act, unless the context otherwise requires:

"Spirituous liquor" includes alcohol, brandy, whiskey, rum, tequilla, mescal, gin, wine, porter, ale, beer, any malt liquor, malt beverage, absinthe or compound or mixture of any of them, or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, and any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one percent of alcohol by volume;

"Beer" means any beverage obtained by the alcoholic fermentation, infusion or decoction of barley malt, hops, or other ingredients not drinkable, or any combination of them;

"Wine" means the product obtained by the fermentation of grapes or other agricultural products containing natural or added sugar or any such alcoholic beverage fortified with

grape brandy and containing not more than twenty-four (24) percent of alcohol by volume;

"Sell" includes to solicit or receive an order for, to keep or expose for sale, to deliver for value, to peddle, to keep with intent to sell, and to traffic in;

"Person" includes partnership, association, company or corporation, as well as a natural person;

"Company" or "association", when used in reference to a corporation, includes successors or assigns;

"Traveler" means a person who in consideration of a given price per day, or fraction of a day, on the American or European plan, or per meal, is furnished by another person with food or lodging, or both, or is in transit on a public conveyance;

"Vehicle" means any means of transportation by land, water, or air, and includes everything made use of in any way for such transportation;

"Off-sale retailer" means any person operating a bona fide regularly established retail liquor store selling spirituous liquors, wines and beer, and any established retail store selling commodities other than spirituous liquors and engaged in the sale of spirituous liquors only in the original package, to be taken away from the premises of such retailer and to be consumed off said premises;

"On-sale retailer" means any person operating an establishment where spirituous liquors are sold in the original container and in individual portions for consumption on the premises;

"Broken package" means any container of spirituous liquor on which the United States tax seal has been broken or removed, or from which the cap, cork or seal placed thereupon by the manufacturer has been removed;

"Election days" means the biennial primary election for the nomination of United States, state, county and precinct officers, the biennial general election, and such regular primary and general elections as are prescribed by the charter or ordinances of any city or town in which the place of business of any licensee is located.

Sec. 2. Sec. 72-103, Arizona Code of 1939 (as amended by

Chapter 46, Session Laws of 1948, Fifth Special Session) is amended to read:

72-103. POWERS AND DUTIES OF SUPERINTENDENT. (a) The superintendent of liquor licenses and control shall administer and enforce the provisions of this Act.

(b) The superintendent shall have power: 1. to prescribe necessary rules and regulations: 1a. for carrying out the provisions of this Act; 1b. for the proper conduct of the business to be carried on under each specific type of spirituous liquor license; 1c. to enable and assist state officials to collect all taxes levied or imposed in connection with spirituous liquors, and 1d. to procure full compliance by licensees, in the conduct of their business, with all provisions of this chapter; 2. to prescribe forms for applications and licenses, and such other forms as may be necessary under this Act; 3. to examine books, records and papers of any licensee; 4. to hear and determine complaints against any licensee; 5. to hold hearings on applications for licenses and transfers thereof and to grant or deny such applications; 6. to issue subpoenas and other necessary process to procure the presence of persons and the production of papers; 7. to administer oaths, take testimony, and punish for contempt, and 8. to employ necessary deputies and assistants, and pay their compensation and other expenses of administering this Act.

(c) Not later than the fifth day of each month, the superintendent shall submit a detailed financial report of his activities during the preceding calendar month to the governor and the state treasurer.

Sec. 3. Sec. 72-105, Arizona Code of 1939, is amended to read:

72-105. APPLICATION FOR LICENSE. (a) Any person desiring a license to manufacture, sell, or deal in spirituous liquors shall make application therefor to the superintendent of liquor licenses and control on a form prescribed and furnished by him.

(b) A person desiring a license within an incorporated city or town shall make his application in triplicate, and shall file one copy with the superintendent and two with the city clerk. The city clerk shall immediately file one copy in his office and post the other, for a period of ten days, in a conspicuous place on the front of the premises wherein the business is proposed to be conducted, with a statement requiring any person opposed to the issuance of the license to file his written objec-

tions with the clerk within ten days after the date of posting. The governing body of the city or town, within five days after the expiration of the time for filing objections, shall meet and consider the application and any objections filed.

The governing body of the city or town shall then enter an order recommending (1) approval, (2) disapproval, or (3) the submission without recommendation, and shall file a certified copy of such order with the superintendent. If the recommendation is disapproval, then a statement of the reasons therefor shall be attached to the order. All petitions submitted to the governing body within the ten day period for the filing of protest shall be transmitted to the superintendent with the certified copy of the order.

(c) If a license is applied for to conduct a spirituous liquor business outside of an incorporated city or town, two copies of the application shall be filed with the clerk of the board of supervisors of the county wherein the applicant desires to do business, and the proceedings by said clerk and board of supervisors shall be as provided in subsection (b) for cities and towns.

(d) Upon the receipt of an application for a spirituous liquor license, the superintendent shall place the same on file until the expiration of the time fixed for the certified order by the governing body of the city or town or the board of supervisors, and shall consider such order together with other facts in his possession relating to the qualifications of the applicant.

Sec. 4. Sec. 72-106, Arizona Code of 1939, is amended to read:

72-106. QUALIFICATIONS OF LICENSEE. (a) Every spirituous liquor licensee, other than a club licensee, shall be a citizen of the United States and a bona fide resident of the state of Arizona. If a partnership, each partner shall be a citizen of the United States and a bona fide resident of the state of Arizona.

For the purpose of this chapter "club" means and shall include any of the following:

1. Any post, chapter, camp or other local unit composed solely of veterans, and which is a post, chapter, camp or other local unit of an organization composed solely of veterans which has been chartered by the Congress of the United States for patriotic, fraternal or benevolent purposes, and which post,

chapter, camp or other local unit has, as the owner, lessee or occupant thereof, operated an establishment for any such purpose for not less than one year in Arizona, is a bona fide club within the meaning of this chapter.

As used in this chapter "veteran" means any person who has served in the United States army, navy, marine corps, revenue marine service, or as an active nurse in the services of the American Red Cross, or in the army and navy nurse corps in time of war, or in any expedition of the armed forces of the United States, and received a discharge under conditions other than dishonorable.

2. Any chapter, aerie, parlor, lodge or other local unit of an American national fraternal organization which has as the owner, lessee, or occupant thereof operated an establishment for fraternal purposes for not less than one year in Arizona. An American national fraternal organization as used in this subsection must actively operate in not less than thirty-six (36) states or have been in active continuous existence for not less than twenty (20) years.

3. Any hall or building association of such a local unit as is mentioned in paragraphs 1. and 2. above, all of the capital stock of which is owned by the local unit or the members thereof, and which operates the club room facilities of such local unit.

4. Any golf club which has more than fifty bona fide members, which owns, maintains or operates a bona fide golf links together with a clubhouse thereon.

5. Any social club with more than one hundred bona fide members who are actual residents of the county in which it is located, and which owns, maintains or operates club quarters, and which is authorized and incorporated to operate as a non-profit club under the laws of the state of Arizona, and has been continuously so incorporated and operating for a period of not less than one year, unless the superintendent shall have determined pursuant to any regulations made by it with respect to clubs, that such club is a bona fide club; it being the intent of this section that license shall not be granted to a club which is, or has been, primarily formed or activated to obtain a license to sell liquor, but solely to a bona fide club, where the sale of liquor is incidental to the main purposes of the club.

(b) No license shall be issued to any person who, within one (1) year prior to application therefor, has violated any provision of a spirituous liquor license theretofore issued or

has had any such license revoked, or, within two (2) years, has been convicted of a felony.

Sec. 5. Sec. 72-107, Arizona Code of 1939, (section 4a, chapter 46, Session Laws of 1935, as added by section 6, chapter 64, Session Laws of 1939), and as amended by chapter 114, Session Laws of 1941, is amended to read:

72-107. RESTRICTIONS ON ISSUANCE OF LICENSES. (a) The total number of spirituous liquor licenses issued within a single county shall not exceed:

1. On-sale retailers' licenses providing for consumption on the premises of all spirituous liquors: 1a. in a county having a population of one hundred thousand or more, one license for each two thousand five hundred inhabitants; 1b. in a county having a population of twenty-five thousand or more but less than one hundred thousand, one license for each two thousand inhabitants; 1c. in a county having a population of less than twenty-five thousand, one license for each one thousand inhabitants.

2. On-sale retailers' licenses providing for consumption on the premises of beer and wine, one license for each five hundred inhabitants, including licenses permitting the sale of beer and wine as provided in subsection 1. hereof.

3. Off-sale retailers' licenses providing for the sale of spirituous liquors, wines, and beer only in the original packages to be taken from and consumed off the premises; 3a. in a county having a population of one hundred thousand or more, one license for each two thousand five hundred inhabitants; 3b. in a county having a population of twenty-five thousand or more but less than one hundred thousand, one license for each two thousand inhabitants; 3c. in a county having a population of less than twenty-five thousand, one license for each one thousand inhabitants.

(b) No club license shall be considered in determining the legal number of licenses in any county.

(c) The population of a county shall be deemed to be its population at last determined by the bureau of the census, less the number of Indian wards of the United States residing therein, as shown by such census.

(d) Subsection (a) shall not be construed to prevent any licensee, holding a valid license at the time this Act takes effect, or his transferee, from continuing the said licensed

business or from renewing his license, subject to compliance with the provisions of law and the rules and regulations of the superintendent, regardless of the fact that such continuance or renewal may result in there being outstanding, in any county, licenses in excess of the number provided in subsection (a).

(e) No retailer's license shall be issued for any premises within three hundred (300) feet of a public or parochial school or church building in which services are regularly conducted except upon special permission by the superintendent.

Sec. 6. Sec. 72-108, Arizona Code of 1939, is amended to read:

72-108. ISSUANCE OF LICENSES. (a) The superintendent shall issue a spirituous liquor license only after satisfactory showing of the capability, qualifications and reliability of the applicant, and, with the exception of club licensees, that the public convenience requires and will be substantially served by such issuance.

(b) The superintendent of liquor licenses and control may issue one club license to any club as herein defined.

The holder of a club license is authorized to sell and serve alcoholic beverages for consumption only within the licensed establishment owned, leased, or occupied by the club, and only to bona fide members of the club, and to serve, but not to sell, to such members' bona fide guests. A club license shall not be transferable from person to person. No member and no officer, agent, or employee of a licensee shall be paid or shall directly or indirectly receive, in the form of salary or other compensation, any of the profits from the revenue producing activities of the club or from the distribution or sale of alcoholic beverages to the members of such clubs or to its guests, beyond the amount of such salary as may be fixed and voted at any regular meeting by the members of the licensee or by its governing body, out of the general revenue of the licensee, nor shall such salaries or compensation be in excess of reasonable compensation for the services actually performed.

The provisions of section 72-107, except paragraph (d) thereof, shall not apply to nor in any wise restrict the issuance of a club license pursuant to or within the provisions of this section.

The superintendent of liquor licenses and control may re-

voke any license issued pursuant to this section in any case where, in his judgment, the licensee ceases to operate as a bona fide club as defined in this section, and may suspend or revoke any license issued pursuant to this section for violation of or non-compliance with the laws of the state of Arizona governing the manufacture and sale of spirituous liquor.

(c) A separate license shall be issued for each specific business, and each license shall specify: 1. the particular spirituous liquors which the licensee is authorized to manufacture, sell, or deal in; 2. the place of business for which issued; and 3. the purpose for which the liquors may be manufactured or sold. The license shall be to manufacture, sell, or deal in spirituous liquors only at the place and in the manner provided therein.

(d) Any spirituous liquor license shall be transferable as to any permitted location within the same county, and with the exception of club licenses, shall be transferable as to the person licensed after application in the manner provided for in original applications for a license. All transfers shall meet the requirements of original applications.

(e) Any person acting as administrator, executor or guardian of the estate of any licensee, or any person acting as receiver for any licensee, or trustee of the bankrupt estate of any licensee, or assignee for the benefit of creditors of any licensee, is authorized, upon receiving permission from the superintendent, to sell and deal in spirituous liquors under authority of the license issued to the licensee for whom such person is acting, for a period not exceeding twenty-four months from the date of the appointment of such person as administrator, executor, guardian, receiver, trustee, or assignee for the benefit of creditors.

(f) The provisions of this section shall not apply if at any time during the said twenty-four months period an administrator, executor or guardian of the estate of a licensee who has received the permission from the superintendent as provided in paragraph (d) of this section shall transfer said license to the surviving spouse or the guardian of the minor child of the licensee.

Sec. 7. Sec. 72-109, Arizona Code of 1939, is amended to read:

72-109. REVOCATION AND SUSPENSION. (a) Any spirituous liquor license may be suspended or revoked by the superintendent for violation of, or non-compliance with, any

provisions of this Act, any rule or regulation issued pursuant to this Act, or any condition of the license.

(b) A license shall be suspended or revoked only after a hearing before the superintendent, of which reasonable notice shall be given the licensee or an employee of the licensee by service on the licensed premises.

(c) The decision of the superintendent shall be final in any matter relating to the issuance, transfer, renewal, suspension, or revocation of a license, unless the person aggrieved, within ten (10) days after the date of the decision, files an appeal with the superior court of the county in which the licensed premises are located. In such appeal, the court shall hear and determine the matter de novo, not more than ten (10) days after the date of filing the appeal. Pending determination of the appeal, the decision and order of the superintendent shall remain in full force and effect unless otherwise ordered by the court of jurisdiction.

Sec. 8. Sec. 72-110, Arizona Code of 1939, is amended to read:

72-110. FEES. (a) The annual fees for licenses shall be:

1. Distiller's license, three hundred fifty dollars ($350).

2. Brewer's license, three hundred fifty dollars ($350).

3. Winer's license, one hundred fifty dollars ($150).

4. Wholesaler's license to sell all spirituous liquors, two hundred fifty dollars ($250).

5. Wholesaler's license to sell wine and beer, one hundred dollars ($100).

6. On-sale retailer's license to sell all spirituous liquors by individual portions and in the original containers, one hundred fifty dollars ($150).

7. On-sale retailer's license to sell wine and beer by individual portions and in the original containers, seventy-five dollars ($75).

8. On-sale retailer's license to sell beer by individual portions and in the original containers, twenty-five dollars ($25).

9. Off-sale retailer's license to sell all spirituous liquors, fifty dollars ($50).

10. Off-sale retailer's license to sell wine and beer, fifty dollars ($50).

11. Off-sale retailer's license to sell beer, twenty-five dollars ($25).

12. Railroad license issued in the name of an operating railroad company to sell all spirituous liquors in individual portions or in the original containers on all passenger trains operated by such railroad company, two hundred twenty-five dollars ($225).

13. Club license issued in the name of a bona fide club qualified under this chapter to sell all liquors on-sale, one hundred fifty dollars ($150).

(b) Transfer fees for person to person transfers shall be:

1. Distiller's license, three hundred fifty dollars ($350.)

2. Brewer's license, three hundred fifty dollars ($350).

3. Winer's license, one hundred fifty dollars ($150).

4. Wholesaler's license to sell all spirituous liquors, two hundred fifty dollars ($250).

5. Wholesaler's license to sell wine and beer, one hundred dollars ($100).

6. On-sale retailer's license to sell all spirituous liquors by individual portions and in the original containers, one hundred fifty dollars ($150).

7. On-sale retailer's license to sell wine and beer by individual portions and in the original containers, seventy-five dollars ($75).

8. On-sale retailer's license to sell beer by individual portions and in the original containers, twenty-five dollars ($25).

9. Off-sale retailer's license to sell all spirituous liquors, fifty dollars ($50).

10. Off-sale retailer's license to sell wine and beer, fifty dollars ($50).

11. Off-sale retailer's license to sell beer, twenty-five dollars ($25).

12. Railroad license issued in the name of an operating railroad company to sell all spirituous liquors in individual portions or in the original containers on all passenger trains operated by such railroad company, two hundred twenty-five dollars ($225).

(c) Transfer fees for place to place transfers shall be twenty-five dollars.

(d) Application fees for original licenses shall be:

1. Distiller's license, one hundred dollars ($100).

2. Brewer's license, one hundred dollars ($100).

3. Winer's license, one hundred dollars ($100).

4. Wholesaler's license to sell all spirituous liquors, one hundred dollars ($100).

5. Wholesaler's license to sell wine and beer, one hundred dollars ($100).

6. On-sale retailer's license to sell all spirituous liquors by individual portions and in the original containers, one hundred dollars ($100).

7. On-sale retailer's license to sell wine and beer by individual portions and in the original containers, fifty dollars ($50).

8. On-sale retailer's license to sell beer by individual portions and in the original containers, fifty dollars ($50).

9. Off-sale retailer's license to sell all spirituous liquors, one hundred dollars ($100).

10. Off-sale retailer's license to sell wine and beer, fifty dollars ($50).

11. Off-sale retailer's license to sell beer, fifty dollars ($50).

12. Railroad license issued in the name of an operating railroad company to sell all spirituous liquors in individual portions or in the original containers on all passenger trains operated by such railroad company, one hundred dollars ($100).

13. Club license issued in the name of a bona fide club

qualified under this chapter to sell all liquors on-sale, one hundred dollars ($100).

(e) Where the business of an on-sale retail licensee is seasonal, not extending over periods of more than six (6) months in any calendar year, he may designate the periods of his operation, and a license may be granted for such periods only, upon payment of one-half the fee prescribed in subsection (a).

(f) If application for a license is made on or after July 1 in any year, one-half of the annual license fee shall be charged.

(g) The fee shall accompany an application for an original license or transfer of a license, or in case of renewal, shall be paid in advance. Every license shall expire December 31 of each year. An application fee for an original license shall be returned to the applicant if the application therefor is denied.

(h) This section shall not be construed to invalidate any valid license issued prior to the date this Act takes effect.

(i) All receipts derived from club licenses and applications therefor are hereby appropriated to the Arizona children's colony for buildings, equipment or other capital investments. All such revenue received by the superintendent shall be paid weekly to the state treasury, through the state auditor, and credited to the Arizona children's colony capital investment fund. Any other provision of law to the contrary notwithstanding.

Sec. 9. Sec. 72-112, Arizona Code of 1939, is amended to read:

72-112. INCORPORATED CITIES AND TOWNS AUTHORIZED TO REGULATE THE MANUFACTURE, SALE AND DISPOSAL OF SPIRITUOUS LIQUORS. In addition to the taxes herein provided for, incorporated cities and towns shall have the power to tax the manufacture, sale, possession, and disposal of spirituous liquors, within their corporate limits, providing the foregoing provisions shall not apply to wholesalers licensed under section 5; provided this section shall not be construed to give to incorporated cities and towns the power to prohibit the manufacture, sale and disposal of intoxicating liquors.

Sec. 10. Sec. 72-113, Arizona Code of 1939, is amended to read:

72-113. UNLAWFUL ACTS. (a) It shall be unlawful for any person engaged in the business of distiller, winer, brewer, rectifier, blender, or other producer, or of wholesaler, of any spirituous liquor directly or indirectly, or through an affiliate:

1. To require that any retailer purchase any spirituous liquor from such producer or wholesaler to the exclusion, in whole or in part, of any spirituous liquor sold or offered for sale by other persons.

2. To induce, through any of the following means, any retailer to purchase any spirituous liquor from such producer or wholesaler to the exclusion, in whole or in part, of spirituous liquor sold or offered for sale by other persons; 2a. by acquiring any interest in property owned, occupied, or used by the retailer in his business, or in any license with respect to the premises of the retailer; 2b. by furnishing, giving, renting, lending, or selling to the retailer any equipment, fixtures, signs, supplies, money, services, or other thing of value, subject to such exception as the rules adopted pursuant to this Act may prescribe, having due regard for established trade customs and the purposes of this subsection; 2c. by paying or crediting the retailer for any advertising, display, or distribution service; 2d. by guaranteeing any loan or repayment of any financial obligations of the retailer; 2e. by extending credit to the retailer on any sale of spirituous liquor, and any extension or acceptance of credit in violation hereof shall subject the licenses of all parties concerned to suspension or revocation at the option of the superintendent; 2f. by requiring the retailer to take and dispose of a certain quota of any spirituous liquor; 2g. by offering or giving any bonus, premium, or compensation to the retailer or any of his officers, employees, or representatives; or, 2h. by any other form of commercial bribery.

(b) It shall be unlawful:

1. For any retailer to acquire any interest in property owned, occupied or used by a wholesaler in his business, or in any license with respect to the premises of the wholesaler.

2. For any distiller, winer, brewer, or wholesaler to sell, dispose of, or give any spirituous liquor to any person other than a licensee, except in such sampling of wares as is necessary in the ordinary course of the business.

3. For any distiller, winer or brewer to require a wholesaler to offer or grant a discount to a retailer, unless said discount shall have also been offered and granted the wholesaler by the distiller, winer or brewer.

4. For any off-sale retailer to sell spirituous liquors except in the original container, to permit any spirituous liquor to be consumed on his premises, or to sell spirituous liquor in any container having a capacity of less than eight ounces.

5. For any licensee or employee of such licensee to serve, sell, or furnish spirituous liquor to any intoxicated or disorderly person, or to allow or permit such person to come into or remain on or about his premises.

6. For any licensee or other person to sell, furnish, dispose of, give, or cause to be sold, furnished, disposed of or given to a person under the age of twenty-one years, or for any person under the age of twenty-one years to buy, receive, or have in his possession, any spirituous liquor.

7. For any licensee to employ a person under the age of twenty-one years to manufacture, sell, or dispose of spirituous liquors.

8. For an on-sale retail licensee to employ a person under the age of twenty-one years in any capacity connected with the handling of spirituous liquors.

9. For an on-sale or off-sale retail licensee to sell, dispose of, deliver, or give any spirituous liquor to any person, or to allow any person to consume spirituous liquors on his premises, between the hours of one o'clock a.m. and six o'clock a.m. on week days, and one o'clock a.m. and twelve o'clock noon on Sundays.

10. For an on-sale or off-sale retail licensee to sell, dispose of, deliver, or give away any spirituous liquor on his premises on election days during the hours that polling places are open for voting.

11. For any distiller, winer, or brewer to use a vehicle for the trucking or transportation of spirituous liquors unless there is affixed to both sides of the vehicle a sign showing the name and address of the licensee and the type and number of his license, in letters not less than three and one-half inches in height.

12. For an on-sale retail licensee to employ any female for the purpose of soliciting the purchase of spirituous liquors by patrons of the establishment for themselves, on a percentage basis, or otherwise, and no such licensee shall serve any of his female employees or allow any patron of his establishment

to give spirituous liquor to, or to purchase the same for or drink the same with, any such female employee.

13. For any person to consume spirituous liquor from a broken package in any public place, thoroughfare, or gathering, and the license of any licensee permitting a violation of this paragraph on his premises shall be subject to revocation. This paragraph shall not apply to sales of spirituous liquors in individual portions by an on-sale retail licensee.

14. For any person to take or solicit orders for spirituous liquors unless he is a registered solicitor of a licensed wholesaler, a registered salesman of a distillery or a manufacturer. Every manufacturer, distiller, producer, and wholesaler shall register with the superintendent each salesman or solicitor through whom he operates or conducts sales. Upon the termination of the employment of any such salesman or solicitor, the employer shall promptly notify the superintendent and return such credentials as may have been issued for the salesman or solicitor. A fee of one dollar shall be collected for each registered solicitor for wholesalers or manufacturers in this state, and a fee of ten dollars for each registered salesman or solicitor for a distillery having its place of manufacture outside of the state. No retail licensee shall purchase spirituous liquors from any person other than a registered solicitor or salesman. The superintendent shall issue a certificate of registration to each such person so registered as herein provided and may for good cause shown cancel any such certificate of registration so issued.

15. For an employee of any licensee, during his working hours or in connection with his employment, to give to or purchase for any other person, accept a gift of, purchase for himself, or consume any spirituous liquor.

(c) Any person having knowledge or possession of the facts that tend to establish the guilt of any other person or corporation charged with a violation of the provisions of this section shall not be excused from giving testimony or producing evidence when legally called upon so to do, on the ground that it may tend to incriminate him under the laws of the state; but no person shall be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter or thing concerning which he may so testify or produce evidence.

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 30, 1950

Filed in the Office of the Secretary of State—March 30, 1950

MEMORIALS

HOUSE MEMORIAL NO. 3

A MEMORIAL

RELATING TO PROPOSED DISMEMBERMENT OF THE VETERANS' ADMINISTRATION.

To the Congress of the United States:

Your memorialist respectfully represents:

WHEREAS, the Report of the Commission on Organization of the Executive Branch of the Government, popularly known as the Hoover Commission Report, has been duly filed as provided for in the Act creating said Commission; and

WHEREAS, it includes, among other matters, a recommendation for the reorganization of the Veterans Administration, and the assignment of certain services now rendered by the Veterans Administration to other agencies; and

WHEREAS, certain individuals, civic organizations and Veterans organizations have taken the position that the Report of this Commission is incorrect with respect to certain recommendations made as to the Veterans Administration, specifically those which advise decentralization of the present organization;

NOW, THEREFORE, the House of Representatives of the State of Arizona, respectfully requests:

1. That a further study of the Commission's Report with respect to the Veterans Administration be made in order to determine the soundness of such recommendations before action is taken by Congress in connection with the Veterans Administration.

Passed the House March 7, 1950, by the following vote: 40 Ayes, 12 Nays, 6 Absent, 0 Excused.

Filed in the Office of the Secretary of State—March 7, 1950.

RESOLUTIONS

HOUSE RESOLUTION NO. 10

A RESOLUTION

AUTHORIZING THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO CALL MEETINGS OF STANDING COMMITTEES AND TO APPROVE CERTAIN CLAIMS FOR EXPENSES INCURRED BY HIS AUTHORITY.

Whereas, in the interest of efficient legislation, it is necessary that meetings of certain standing committees of the House of Representatives be held during periods when the legislature is not in session, as well as that members be delegated to attend interstate or or national gatherings dealing with subjects of legislative importance. Therefore

Be It Resolved by the House of Representatives:

1. The Speaker of the House is authorized to call meetings of standing committees of the House of Representatives during periods when the House is not in session, and to approve claims for travel and subsistence incurred by members of such committees in attendance thereon, as provided for state officers, including any such meeting or meetings as may have been called and held following adjournment of the regular session of the Nineteenth Legislature.

2. The delegation by the Speaker of the House of members to attend a meeting of the Highway Safety Council held at Washington, D. C., in June 1949, is approved and the Speaker is authorized to approve the claims of the delegates so appointed, for travel and subsistence in attending such meeting, as provided for state officers.

3. All claims approved under the authority conferred by this resolution shall be against the lump sum appropriation for the House of Representatives made under the terms of subdivision 7, section 1, chapter 124, Laws of 1949, regular session.

Passed the House March 14, 1950 by the following vote: 44 Ayes, 12 Nays, 2 Absent, 0 Excused.

Filed in the Office of the Secretary of State—March 14, 1950.

HOUSE CONCURRENT RESOLUTION NO. 5

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT OF THE CONSTITUTION OF ARIZONA, RELATING TO STATE AND SCHOOL LANDS.

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

1. The following amendment of section 3, article X, 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; and if and when section 28 of the Enabling Act of the State of Arizona is amended in such manner as to make this amendment valid:

Section 3. No mortgage or other encumbrance of the said lands, or any part thereof, shall be valid in favor of any person or for any purpose or under any circumstances whatsoever. Said lands shall not be sold or leased, in whole or in part, except to the highest and best bidder at a public auction to be held at the county seat of the county wherein the lands to be affected, or the major portion thereof, shall lie, notice of which public auction shall first have been duly given by advertisement, which shall set forth the nature, time and place of the transaction to be had, with a full description of the lands to be offered, and be published once each week for not less than ten successive weeks in a newspaper of general circulation published regularly at the state capital, and in that newspaper of like circulation which shall then be regularly published nearest to the location of the lands so offered; nor shall any sale or contract for the sale of any timber or other natural product of such lands be made, save at the place, in the manner, and after the notice by publication provided for sales and leases of the lands themselves. Nothing herein, or elsewhere in article X contained, shall prevent: 1. The leasing of any of the lands referred to in this article in such manner as the Legislature may prescribe, for grazing, agricultural, commercial and homesite purposes, for a term of ten years or less, without advertisement;

2. The leasing of any of said lands, in such manner as the Legislature may prescribe, whether or not also leased for grazing and agricultural purposes, for mineral purposes, other than for the exploration, development, and production of oil, gas and other hydrocarbon substances, for a term of twenty years or less, without advertisement, or, 3. the leasing of any of said lands, whether or not also leased for other purposes, for the exploration, development, and production of oil, gas and other hydrocarbon substances on, in or under said lands for an initial term of twenty (20) years or less and as long thereafter as oil, gas or other hydrocarbon substance may be procured therefrom in paying quantities, the leases to be made in any manner, with or without advertisement, bidding, or appraisement, and under such terms and provisions, as the Legislature may prescribe, the terms and provisions to include a reservation of a royalty to the state of not less than twelve and one-half per cent of production.

2. The proposed amendment (approved by a majority of 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 14, 1950 by the following vote: 42 Ayes, 4 Nays, 12 Absent, 0 Excused.

Passed the Senate March 14, 1950 by the following vote: 17 Ayes, 1 Nay, 1 Not voting.

Filed in the Office of the Secretary of State—March 14, 1950.

HOUSE CONCURRENT RESOLUTION NO. 6

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO PUBLIC DEBT, REVENUE AND TAXATION.

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

1. The following amendment to article IX, constitution of Arizona, relating to public debt, revenue and taxation, is proposed, to become valid as a part of the constitution and of article IX thereof, when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

> No tax shall be levied on raw or unfinished materials, unassembled parts, work in process or finished products, constituting the inventory of a manufacturer or manufacturing establishment located within the state and principally engaged in the fabrication, production and manufacture of products, wares and articles for use, from raw or prepared materials, imparting thereto new forms, qualities, properties and combinations, which materials, parts, work in process or finished products are not consigned or billed to any other party.

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 11, 1950 by the following vote: 49 Ayes, 7 Nays, 2 Absent, 0 Excused.

Passed by the Senate March 18, 1950 by the following vote: 15 Ayes, 2 Nays, 2 Not voting.

Filed in the Office of the Secretary of State—March 20, 1950.

HOUSE CONCURRENT RESOLUTION NO. 8

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE TERMS OF EXECUTIVE OFFICERS.

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

1. The following amendment of the first paragraph of 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. Beginning the first Monday in January, 1951, the terms of such officers shall be four years.

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 13, 1950 by the following vote: 48 Ayes, 5 Nays, 4 Absent, 1 Excused.

Passed the Senate March 18, 1950 by the following vote: 14 Ayes, 2 Nays, 3 Not voting.

Filed in the Office of the Secretary of State—March 20, 1950.

HOUSE CONCURRENT RESOLUTION NO. 9

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT OF 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 (1), 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:

> Section 1. (1) The Senate shall consist of nineteen members, apportioned among the several counties as follows: Apache, one; Cochise, two; Coconino, one; Gila, two; Graham, one; Greenlee, one; Maricopa, two; Mohave, one; Navajo, one; Pima, two; Pinal, one; Santa Cruz, one; Yavapai, two; Yuma, one. There shall be elected at large from each county the number of Senators to which such county is entitled.
>
> The House of Representatives shall consist of not to exceed 72 members. Each county shall be entitled to one representative for each 2500 votes or major fraction thereof cast in such county at the last preceding general election, to be

determined from the official canvass of all votes cast in such counties; provided that each county shall be entitled to at least one representative; but whenever it shall appear that on such basis of representation the total number of Representatives will exceed seventy-two, the basis shall be raised by ten or such multiple of ten as may be necessary to reduce to seventy-two the number of Representatives to be elected. Not less than eight months prior to each regular general election at which Representatives are to be chosen the Secretary of State shall notify the Board of Supervisors of each county the number of Representatives such county will be entitled to elect at the next general election, and, if more than one, the Board shall, not less than six months prior to the next general election, divide the county into as many legislative districts as there are Representatives entitled to be elected. The districts shall have as nearly as may be an equal voting population, be compact in form, and include no non-contiguous territory. The Board shall give not less than thirty days notice of intention to divide the county into legislative districts by publication in two successive issues of a newspaper of general circulation published in the county.

Beginning the first Monday in January, 1951, the terms of Senators and Representatives shall be for four years.

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 18, 1950 by the following vote: 37 Ayes, 12 Nays, 9 Absent, 0 Excused.

Passed the Senate March 18, 1950 by the following vote: 17 Ayes, 0 Nays, 2 Not voting.

Filed in the Office of the Secretary of State—March 20, 1950.

HOUSE CONCURRENT RESOLUTION NO. 10

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT OF THE CONSTITUTION OF ARIZONA RELATING TO SESSIONS OF THE LEGISLATURE.

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

1. The following amendment of section 3, 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:

Section 3. The sessions of the Legislature shall be held annually at the Capitol of the State, and shall commence on the second Monday of January of each year. The Governor may call a special session, whenever in his judgment it is advisable. In calling a special session, the Governor shall specify the subjects to be considered, and at such special session no laws shall be enacted except such as relate to the subjects mentioned in the call.

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 by the House March 13, 1950 by the following vote: 56 Ayes, 0 Nays, 1 Absent, 1 Excused.

Passed by the Senate March 18, 1950 by the following vote: 15 Ayes, 2 Nays, 2 Not voting.

Filed in the Office of the Secretary of State—March 20, 1950.

HOUSE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION

ON THE DEATH OF HON. JOHN L. SULLIVAN

Whereas, the spirit of John L. Sullivan, late attorney general of Arizona, ascended to the throne of the Author of all, on Thursday, October 13, 1949, death occurring at the Veterans' Administration Hospital in Phoenix.

Mr. Sullivan's ability as an attorney, his sincerity, and his pronounced generosity in his relations with his fellowmen won for him a distinctive place in the hearts of the people. His many thoughtful courtesies and friendly gestures will long be remembered by those who knew and loved him.

His loyalty to his country and faith in democratic principles is attested by his voluntary service in World War I as an officer of the famed Lost Battalion, and again in World War II, in which he served with distinction.

In recognition of his ability as an attorney, Mr. Sullivan was elected to serve as attorney general of Arizona for the years of 1935-1936, 1945-1946, and again in 1947-1948, in which capacity he served fearlessly and energetically, and without thought of personal acclaim. Therefore

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

1. The passing of John L. Sullivan, soldier and statesman, is recorded with a deep sense of loss, and condolences are extended to his bereaved wife, son, daughter, and other surviving relatives.

Passed the House February 23, 1950 by unanimous vote.

Passed the Senate February 27, 1950 by the following vote: 19 Ayes, 0 Nays, 0 Not voting.

Approved by the Governor—February 27, 1950.

Filed in the Office of the Secretary of State—February 28, 1950.

HOUSE JOINT RESOLUTION NO. 3

A JOINT RESOLUTION

COMMENDING THE EFFORTS OF ARIZONA'S UNITED STATES SENATORS TO SECURE COLORADO RIVER WATER.

Whereas, Arizona's efforts to secure authorization by the United States Congress of the Central Arizona Project, to divert waters of the Colorado river to which the State is rightfully entitled, for the relief of suffering agricultural areas having no other adequate source of supply, have, after years of exertion, met with the approval of the United States Senate.

A share of the credit for this achievement, so heartening to all who have an interest in Arizona's development, belongs to many active participants in the struggle: to the people of the State who have stood shoulder to shoulder throughout the contest; to the visitors from other parts of the nation who have joined in the enlistment of the support of the Senators from their home States; to the State's official bodies which have labored so assiduously to promote the cause; to the commercial organizations which have lent their hearty support; to all of Arizona's Washington representatives who have toiled and are toiling unceasingly to advance the interests of their state. But for the organizing, the planning, the direction, the management, and the constant watchfulness which have characterized the campaign for approval of the project by the United States Senate, the major credit unquestionably belongs to the Senators from Arizona. Therefore

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

1. The hearty congratulations of this body are extended to Hon. Carl Hayden and Hon. Ernest W. McFarland, United States Senators from the State of Arizona, for their splendid achievement, and in the name of their constituents, the people of Arizona, the most earnest gratitude is expressed.

Passed the House February 28, 1950, by the following vote: 50 Ayes, 4 Nays, 3 Absent, 1 Excused.

Passed the Senate March 1, 1950, by the following vote: 19 Ayes, 0 Nays, 0 Not voting.

Approved by the Governor—March 2, 1950.

Filed in the Office of the Secretary of State—March 3, 1950.

SENATE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION

APPROVING PLANS FOR THE CONSTRUCTION OF BUILDINGS AT THE STATE HOSPITAL FOR THE INSANE.

Whereas, under the provisions of chapter 94, Laws of 1949, regular session, an appropriation was made to the state hospital for the construction of buildings, conditioned that no part of the appropriation should be expended except upon the approval of plans by the legislature; and

Whereas, plans have been submitted to the legislature for the construction, at an estimated cost of forty-five thousand dollars, of five cottages to be used as residences for doctors employed by the state hospital, and for the construction and equipping, at an estimated cost of one hundred sixty thousand dollars, of a laundry building to serve the inmates and personnel of the state hospital; and

Whereas, the proposed buildings are deemed necessary to provide for the more efficient operation of the state hospital, and the plans submitted conform to the purpose for which the appropriation to the state hospital was made. Therefore

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

1. The plans submitted to the legislature for the construction of five cottages to be used as residences of doctors at a cost not to exceed $45,000.00 and for the construction and equipping of a laundry building, at a cost not to exceed $160,000.00, are approved.

2. Such sums, not to exceed two hundred five thousand dollars, as may be necessary to complete the construction approved by this resolution may be expended out of the appropriation authorized under the provisions of chapter 94, Laws of 1949, regular session.

Adopted by the Senate March 8, 1950 by the following vote: 17 Ayes, 0 Nays, 2 Not voting.

Adopted by the House March 17, 1950 by the following vote: 53 Ayes, 0 Nays, 5 Absent, 0 Excused.

Approved by the Governor—March 22, 1950.

Filed in the Office of the Secretary of State—March 23, 1950.

BILLS VETOED BY THE GOVERNOR

EXECUTIVE OFFICE

State House

Phoenix, Arizona

March
Thirtieth
1 9 5 0

Hon. Wesley Bolin
Secretary of State
State House

My dear Mr. Bolin:

I am handing you herewith House Bill No. 12 "An Act relating to taxation and revenue; providing for the exemption from taxation of property in transit through the state, or in transitory storage, and prescribing a penalty" disapproved for the following reason:

This measure enacted by the first special session of the Nineteenth Legislature would permit the storage of great quantities of merchandise owned by large corporations without payment of taxes, at the expense of small business men and farmers who would have to bear an additional tax burden to provide sufficient revenue for government operation. In many instances it probably would give the larger operators of businesses in the State a preferential price advantage, in some instances of perhaps as much as two or three per cent over the smaller business men. It would be of little advantage to local manufacturers who buy in small quantities and would not be able to list stocks on hand as either in storage or in transit, whereas numbers of the larger manufacturers and retailers who operate both in Arizona and out of state plants and establishments, buying in large quantities and storing until time of use, would claim exemption on hundreds of thousands of dollars worth of stocks each year. To replace this revenue the tax rate on smaller businesses, homes and farms, would inevitably rise, thus increasing their tax burden, which I cannot condone.

For the foregoing reason, I have disapproved House Bill No. 12.

Sincerely,

(Signed) Dan E. Garvey
Governor

DEG:E

HOUSE BILL NO. 12

AN ACT

RELATING TO TAXATION AND REVENUE; PROVIDING FOR THE EXEMPTION FROM TAXATION OF PROP-

ERTY IN TRANSIT THROUGH THE STATE, OR IN TRANSITORY STORAGE, AND PRESCRIBING A PENALTY.

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

Section 1. PROPERTY IN TRANSIT. (a) Personal property moving through the state or consigned to a warehouse in the state from a point outside for storage or assembly in transit to a final destination outside the state shall, for the purposes of taxation, acquire no situs in the state and shall be exempt from taxation.

(b) Property claimed to have acquired no situs in the state for the purposes of taxation shall be entered in the records of the warehouse wherein the sam is located as property in transit, such record to include the date of receipt, date of withdrawal, point of origin, and, if known, the point of ultimate destination of such property. The record of property in transit shall at all times be open to inspection by the state tax commission or the taxing authority of a political subdivision of the state.

Sec. 2. FILING FOR EXEMPTION. A person filing a claim for exemption of property in transit shall do so upon such form and in such manner as the state tax commission may prescribe. The claim shall be accompanied by a certificate of the warehouse in which the property is located stating that the property is entered in the warehouse records as property in transit.

Sec. 3. TAX EVASION. Any person who, by misrepresentation, concealment or violation of a provision of this Act evades the assessment or levy of taxes on property not in transit through the state is liable in an amount equal to the tax due thereon. The tax due on such property shall be collected in a civil action brought by the county attorney on behalf of the tax collector of the county in which the property is stored. The judgment when entered shall include the costs of the action and an attorney's fee payable to the county attorney in an amount equal to the amount of taxes so collected.

Sec. 4. FALSE STATEMENTS. The wilful making of a false statement in any document submitted under the provisions of this Act to an officer charged with the assessment of property for tax purposes is a misdemeanor, punishable upon conviction by a fine of not less than one nor more than five hundred

dollars, imprisonment for not less than ten days nor more than six months, or both.

Disapproved by the Governor—March 30, 1950.

Filed in the Office of the Secretary of State—March 30, 1950.

EXECUTIVE OFFICE

State House

Phoenix, Arizona

March
Thirtieth
1 9 5 0

Hon. Wesley Bolin
Secretary of State
State House

My dear Mr. Bolin:

I hand you herewith House Bill No. 41 "An Act relating to taxation; providing for the assessment of machinery and equipment of manufacturing establishments, and declaring an emergency" which I have disapproved for the following reason:

It appears that House Bill No. 41 has made certain changes in Section 73-1303 of the Arizona Code of 1939 wherein various paragraphs of that section are renumbered and certain paragraphs have been eliminated. House Bill No. 41 refers to sub-paragraphs of Section 73-1303 as they existed previous to the amendment made by House Bill No. 42. This creates an ambiguous situation whereby it is impossible to determine exactly what was the intention of the Legislature.

For this reason I am disapproving House Bill No. 41.

Sincerely,

(Signed) Dan E. Garvey
Governor

DEG:E

HOUSE BILL NO. 41

AN ACT

RELATING TO TAXATION; PROVIDING FOR THE AS-

SESSMENT OF MACHINERY AND EQUIPMENT OF MANUFACTURING ESTABLISHMENTS, AND DECLARING AN EMERGENCY.

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

Section 1. ASSESSMENT OF MACHINERY AND EQUIPMENT OF MANUFACTURING ESTABLISHMENTS. The machinery and equipment of firms or establishments principally engaged in manufacturing, baling, crating, boxing, barrelling, canning, bottling, sacking, preserving, processing, or otherwise preparing for sale, profit or commercial use, agricultural and horticultural products, including livestock prepared for sale, or commercial use, or any product or products, article or articles, substance or substances, commodity or commodities not classified in paragraph 1, subsection (c) or subsection (g) of Section 73-1303, Arizona Code of 1939 (Chapter 77, Laws of 1935, Regular Session, as amended by Chapter 2, Laws of 1937, First Special Session) shall be assessed at fifty per cent of the book value of such machinery and equipment. The term "book value" as used in this Act shall mean the cost of the property less depreciation thereon at the rate allowable under the federal income tax laws and regulations. Such basis of valuation for assessment of machinery and equipment of such establishments shall be in lieu of any other basis, any other provision of law to the contrary notwithstanding.

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

Disapproved by the Governor—March 30, 1950.

Filed in the Office of the Secretary of State—March 30, 1950.

EXECUTIVE OFFICE

State House

Phoenix, Arizona

March
Thirtieth
1 9 5 0

Hon. Wesley Bolin
Secretary of State
Capitol Building
Phoenix, Arizona

My dear Mr. Bolin:

I hand you, herewith, House Bill No. 56, "An Act relating to the special legislative committee on state operations; amending Section 1, Chapter 63, Laws of 1949, Regular Session, and making a supplemental appropriation," which I have disapproved for the following reasons:-

The bill in its present form provides for over-lapping authorities which in the past has resulted in lack of cooperation between the several departments of the state with the result that the operation of the committee has not achieved the objectives which I believe were originally intended.

In addition, I am of the opinion that the appropriation as set up for the duties prescribed in this bill is not sufficient to accomplish the purpose for which the appropriation is made.

For these reasons I am disapproving House Bill No. 56.

Sincerely,

(Signed) Dan E. Garvey
Governor

DEG:f

HOUSE BILL NO. 56

AN ACT

RELATING TO THE SPECIAL LEGISLATIVE COMMITTEE ON STATE OPERATIONS; AMENDING SECTION 1, CHAPTER 63, LAWS OF 1949, REGULAR SESSION, AND MAKING A SUPPLEMENTAL APPROPRIATION.

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

Section 1. Sec. 1, chapter 63, Laws of 1949, regular session, is amended to read:

Sec. 1. APPOINTMENT AND DUTIES OF COMMITTEE. A joint legislative committee, to be known as the special legislative committee on state operations, is created. The committee shall consist of five members of the senate, and five members of the house, who shall be appointed by the president of the senate and the speaker of the house, and shall make a thorough investigation of the affairs and operations of the various departments and institutions of the state. The survey shall cover all phases of operation, including purchases, travel, personnel and administrative functions. Upon completion of the survey the committee shall prepare a report to be submitted to the next regular session of the legislature and make such recommendations for consolidation, curtailment of operation or elimination of departments as will effect the greatest efficiency and economies in the conduct of state affairs. It shall be the special duty of the committee to consult with the departments or officers of the state engaged in carrying out construction programs authorized by the legislature for the 38th and 39th fiscal years, and to investigate the conduct of such programs, with particular reference to the plans for and type of construction, the methods of letting bids, and all other matters pertaining to the construction programs so authorized during the 38th and 39th fiscal years.

Sec. 2. APPROPRIATION. In addition to the amount already appropriated under section 3, chapter 63, Laws of 1949, regular session, the sum of $30,000.00 is appropriated to the special legislative committee on State operations for the following purposes:

$20,000.00—For the tax survey proposed by Griffenhagen and Associates

$10,000.00—For general expenses of said committee.

Disapproved by the Governor—March 30, 1950.

Filed in the Office of the Secretary of State—March 30, 1950.

EXECUTIVE OFFICE

State House

Phoenix, Arizona

March
Twenty eighth
1 9 5 0

Hon. Wesley Bolin
Secretary of State
State House

My dear Mr. Bolin:

In accordance with Section 7, Article 5 of the Constitution, I am handing you herewith House Bill No. 78 "An Act relating to state auditor; amending sections 4-301 to 4-303 inclusive, and sections 4-305 to 4-315 inclusive; repealing section 4-304, Arizona Code of 1939, and amending chapter 124, subdivision 2, Laws of 1949 making an appropriation" disapproved.

House Bill No. 78 was prepared as a companion bill to House Bill No. 74 "An Act relating to post auditing; creating the position of post auditor; providing for the appointment and term of a post auditor and fixing salary; prescribing the duties; and making an appropriation; repealing sections 10-933 and 10-936, Arizona Code Annotated, 1939, and all other Acts or parts of Acts in conflict herewith" and was designed for the purpose of eliminating certain duties from the office of the State Auditor which duties were to be assumed by the office of Post Auditor.

The office of Post-Auditor, as enacted into law, is solely an integral part of the legislative branch of the state and as such will assume none of the duties now assigned to the State Auditor, therefore, should House Bill No. 78 be enacted into law, the duties now being performed by the State Auditor and which are necessary in the conduct of the business of that office would be eliminated from both the office of Post Auditor and State Auditor.

In order that these important duties remain delegated to the office of State Auditor, I am disapproving House Bill No. 78.

Sincerely,

(Signed) Dan E. Garvey
Governor

DEG:E

HOUSE BILL NO. 78

AN ACT

RELATING TO STATE AUDITOR; AMENDING SECTIONS 4-301 TO 4-303 INCLUSIVE, AND SECTIONS 4-305 TO

4-315 INCLUSIVE; REPEALING SECTION 4-304, ARIZONA CODE OF 1939, AND AMENDING CHAPTER 124, SUBDIVISION 2, LAWS OF 1949 MAKING AN APPROPRIATION.

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

Section 1. Article 3, chapter 4, Arizona Code of 1939, is hereby amended to read:

Section 4-301. STATE AUDITOR'S POWERS AND DUTIES. The state auditor shall be the general accountant of the state and keeper of all public account books, vouchers, documents, and papers relating to the accounts and contracts of the state, and its revenue, debt and fiscal affairs, not required by law to be placed in some other office or kept by some other person.

Section 4-302. AUDITING OF CLAIMS—OTHER DUTIES. The auditor shall: 1. Audit, adjust and settle the amount of claims against the state payable out of funds of the state, except only such claims as may be expressly required by law to be audited and settled by some other officer, and investigate any claim presented. If such an investigation discloses that all or any portion of any claim is not for an actual public purpose, connected with the activities of the office, board, commission, or department where the claim originated, he shall refuse to draw a warrant, except for such amount of each claim as appears to be for an actual public purpose. He shall state his reasons for rejection to the originating office, and a warrant shall not be drawn therefor until a new claim, fully itemized, stating specifically the actual public purpose of, and the necessity for each particular item or amount of expenditure referred to in the auditor's statement of reasons, is presented to the auditor properly verified by the oath of the person making the expenditure, and again approved for audit and warrant by the officer, board, commission, or department which in the first instance audited the rejected claim. If such verified claim is not filed, or if re-filed, if it does not then appear that a public purpose is in fact involved respecting the claim thereof, the auditor shall have power to again reject the claim, and report the fact of such rejection to the governor, and no warrant shall be drawn thereon, unless the governor specifically approves the claim in whole or in part. 2. Draw all warrants upon the treasury for money, except only in cases otherwise expressly provided by law. He shall keep in his office a book to be called a "register of warrants", in which shall be entered in regular order the number, date of issue, in whose favor, upon what fund drawn, amount, and rate of interest, of all warrants. 3. Express in the

body of any warrant drawn by him the particular fund appropriated by law out of which the same is to be paid. 4. Keep an account of all the debts and credits between the state and the United States, and between the state and every other state, officer, or person, with whom the state may have dealings, and of any separate fund of the state authorized by law. 5. Give information, in writing, to either house of the legislature, or any person authorized by law to examine his accounts or papers, whenever required, upon any subject relating to the fiscal affairs of the state, or touching any duty of his office. 6. Settle with the state treasurer once a month, counting the cash and verifying the balances of state funds carried on deposit with various banks, take up all canceled vouchers, and give the treasurer a receipt therefor, and immediately after each examination of the treasurer's accounts and books report the result thereof to the governor. The state treasurer shall assist the auditor in the examination and submit his books and accounts to said auditor, when required.

Section 4-303. WARRANTS TO BE COUNTERSIGNED. All warrants issued by the state auditor must be countersigned by the governor, or by one of his secretaries for him and in his name, before presentation to the state treasurer for payment or indorsement, and in case of absence of the governor from the state, by the secretary of state, and unless so countersigned said warrants shall not be considered complete in form or effect as legal obligations against the state.

Section 4-305. SET-OFF, WHEN ALLOWED. In all actions brought in behalf of the state no debt shall be allowed against the state as a set-off, but such as have been exhibited to the auditor and by him allowed or disallowed, except only in case where it shall be proved to the satisfaction of the court that the defendant, at the time of trial, is in possession of vouchers which he could not produce to the auditor, or that he was prevented from exhibiting the claim to the auditor by absence from the state, sickness, or unavoidable accident.

Section 4-306. EXAMINATION OF WITNESSES UPON CLAIMS. Whenever it is necessary to the proper settlement of any account, the auditor may examine the parties and others on oath, touching any matters material to such account, and for that purpose may administer oaths, issue subpoenas, and compel witnesses to attend before him and give evidence, in the same manner and by the same means allowed by law to courts of record.

Section 4-307. ACCOUNTS TO BE PRESERVED. All accounts, vouchers, and documents shall be preserved in his office, as provided by law, and copies thereof, authenticated by

his official seal, shall be given to any person who may apply for the same, and tender the fees at the rate of twenty cents (20c) per folio and one dollar ($1.00) for certificate and seal.

Section 4-308. DRAWING OF WARRANTS. In all cases of claims duly audited and allowed by the auditor, and of specific appropriations, salaries, pay or expenses, provided for by law, the auditor shall draw a warrant on the treasurer of the state for the amount as allowed in the form required by law, and notify the state treasurer. No warrant shall be drawn by the auditor or paid by the treasurer unless the money has been previously appropriated; nor shall the whole amount drawn for or paid under one budget item ever exceed the amount appropriated by law for that purpose. No claim shall be presented to the state auditor for railroad mileage scrip books, and no warrants shall be issued by the state auditor in payment therefor.

Section 4-309. CERTIFICATE TO ISSUE WHERE NO APPROPRIATION. In all cases where the law recognizes a claim for money against the state, but no appropriation shall have been made by law to pay the same, the auditor shall audit and adjust the same, if presented to him, and give the claimant a certificate of the amount thereof, under his official seal, if demanded, and shall report the same to the Legislature.

Section 4-310. ACCESS TO PUBLIC RECORDS AND STATE OFFICES. The auditor and the treasurer shall have free access to each other's offices for the inspection of all books, accounts and papers of their offices, and free access to all other offices of the state for the inspection of such books, accounts, and papers, as concern any of their duties.

Section 4-311. DRAWING ILLEGAL WARRANT—PENALTY. If the auditor shall knowingly issue any warrant upon the treasury not authorized by law, he shall be guilty of a misdemeanor and fined in a sum equal to five (5) times the amount of such warrant, and imprisoned not exceeding two (2) years.

Section 4-312. NEGLECT OF DUTY—PENALTY. If the auditor shall wilfully neglect, or refuse to perform, any duty required of him by law, he shall be guilty of a misdemeanor, and fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00), or imprisoned not more than one (1) year, or both such fine and imprisonment.

Section 4-313. AUTHENTICATION WITH SEAL. The auditor may appoint a deputy auditor, and shall keep a seal of office which shall be used to authenticate all warrants signed

by him, and all writings, papers, and documents, certified from his office.

Section 4-314. WARRANTS NUMBERED CONSECUTIVELY—WARRANT REGISTER. All warrants issued by the auditor during each fiscal year shall be numbered consecutively, beginning with number one, but separate series of numbers may be employed for the different kinds of warrants, such as payroll warrants, old-age pension warrants, warrants drawn for miscellaneous supplies and expenses, special warrants drawn on court orders, etc. A record shall be kept of all warrants in a volume to be known as the "register of warrants", which record shall include the number of each warrant, date of issue, in whose favor, and name of the fund on which drawn.

Section 4-315. INVENTORY OF STATE PROPERTY. The auditor shall keep a continuing inventory showing classification, appraisement, situation and use of all state property. Each state officer or other person having in his possession or under his control any state property, shall report to him in writing when requested concerning said property. No claim for the services of any such state officer or other person who fails for the period of thirty (30) days after request to make the said report, shall be audited until he shall have made and filed the said report. The auditor shall submit to each regular session of the Legislature a condensed form of the said inventory as of the close of the fiscal year last preceding the convening of the said Legislature.

Sec. 2. APPROPRIATION. The appropriation made to the auditor for the 39th fiscal year under chapter 124, subdivision 2, Laws of 1949, is amended to read:

Salary of State Auditor	$ 6,000.00
Other Personal Services	91,500.00
State Travel	1,500.00
Out-of-State Travel	600.00
Subscriptions & Organization Dues	75.00
Other Current Expenditures	26,710.00
Capital Outlay	500.00
	$126,885.00

Disapproved by the Governor—March 28, 1950.

Filed in the Office of the Secretary of State—March 28, 1950.

ACTS

and

Resolution

of the

SECOND SPECIAL SESSION

of the

Nineteenth Legislature

of the

STATE OF ARIZONA

1950

Second Special Session Convened April 10, 1950

Second Special Session Adjourned Sine Die April 15, 1950

Publication Authorized

Section 4-201, Arizona Code of 1939

(Paragraph 23, Article 2, Chapter 2, Revised Code of 1928)

Chapter 11, Laws 1951

Second Special Session, Nineteenth Legislature

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

AUTHENTICATION

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

THIS IS TO CERTIFY—That the Acts and Resolution published in this volume are full, true and correct copies of the originals passed at the Second Special Session of the Nineteenth 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 Nineteenth Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, April 10, 1950, and adjourned sine die on the 15th day of April, 1950.

IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 17th day of April, 1951.

WESLEY BOLIN, (Signature)
Secretary of State

PROCLAMATION

Calling a Special Session of the Nineteenth Legislature

WHEREAS, the Constitution of Arizona (Article IV, Part 2, Section 3) vests in the Governor the authority to call a special session of the legislature whenever in his judgment it is advisable to do so, and provides that in such case he shall specify the subjects to be considered; and

WHEREAS, an emergency has arisen which affects the efficient conduct of state government and the welfare of the people of Arizona, I deem it necessary to call the Nineteenth Legislature in special session immediately,

NOW, THEREFORE, I, Dan E. Garvey, Governor of Arizona, by virtue of the authority vested in me by the Constitution, and in pursuance of my duty, call the Nineteenth Legislature to meet in special session at the Capitol on Monday, the tenth day of April, 1950, at ten o'clock a.m., and specify the following subjects to be considered during such session:

1. Appropriation for Public Welfare
2. Valuations for assessment purposes of equipment, manufacturing and machinery establishments
3. Special legislative committee on state operations
4. State and County officers
5. Confirmations

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 April, in the year Of Our Lord One Thousand Nine Hundred and fifty.

DAN E. GARVEY
Governor

ATTEST:

WESLEY BOLIN
Secretary of State

PROCLAMATION

Specifying additional subject to be considered at

Second Special Session of the Nineteenth Legislature

WHEREAS, the Constitution of Arizona (Article IV, Part 2, Section 3) vests in the Governor the authority to call a special session of the Legislature whenever in his judgment it is advisable, and to specify the subjects to be considered; and

WHEREAS, by virtue of such authority a call for a special session was issued on the third day of April, 1950; and

WHEREAS, certain emergencies have arisen since the original call was made for the Second Special Session, which require immediate legislative attention,

NOW, THEREFORE, I, Dan E. Garvey, Governor of Arizona, by virtue of the authority vested in me by the Constitution, and in pursuance of my duty, do hereby specify the following additional subjects to be considered at the special session called as aforesaid:

1. Merger of Domestic and Foreign Corporations
2. Bond Refunding
3. Sale of Horsemeat for Human Consumption
4. Publicity Pamphlets—Printing and Distribution

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed this Eighth day of April, in the year of Our Lord One Thousand Nine Hundred and fifty.

DAN E. GARVEY
Governor

ATTEST:

WESLEY BOLIN
Secretary of State

PROCLAMATION

Specifying additional subject to be considered at

Second Special Session of the Nineteenth Legislature

WHEREAS, the Constitution of Arizona (Article IV, Part 2, Section 3) vests in the Governor the authority to call a special session of the Legislature whenever in his judgment it is advisable, and to specify the subjects to be considered; and

WHEREAS, by virtue of such authority a call for a special session was issued on the third day of April, 1950; and

WHEREAS, certain emergencies have arisen since the original call was made for the Second Special Session, which require immediate legislative attention,

NOW, THEREFORE, I, Dan E. Garvey, Governor of Arizona, by virtue of the authority vested in me by the Constitution, and in pursuance of my duty, do hereby specify the following additional subject to be considered at the special session called as aforesaid:

Arizona National Guard

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed this fourteenth day of April, in the year of Our Lord One Thousand Nine Hundred and fifty.

DAN E. GARVEY
Governor

ATTEST:

WESLEY BOLIN
Secretary of State

PROCLAMATION

Specifying additional subjects to be considered at

Second Special Session of the Nineteenth Legislature

WHEREAS, the Constitution of Arizona (Article IV, Part 2, Section 3) vests in the Governor the authority to call a special session of the Legislature whenever in his judgment it is advisable, and to specify the subjects to be considered; and

WHEREAS, by virtue of such authority a call for a special session was issued on the third day of April, 1950; and

WHEREAS, certain emergencies have arisen since the original call was made for the Second Special Session, which require immediate legislative attention,

NOW, THEREFORE, I, Dan E. Garvey, Governor of Arizona, by virtue of the authority vested in me by the Constitution, and in pursuance of my duty, do hereby specify the following additional subjects to be considered at the special session called as aforesaid:

1. High Schools in Counties of Fourth Class and preserving their status

2. Appropriation for the Department of Agriculture and Horticulture

3. Appropriation for Apprenticeship Council

4. Relief Claims: Jeremiah Metzger, Florence B. Yount

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed this fifteenth day of April, in the year of Our Lord One Thousand Nine Hundred and fifty.

DAN E. GARVEY
Governor

ATTEST:

WESLEY BOLIN
Secretary of State

ORDER OF ACTS

ORDER OF ACTS

SECOND SPECIAL SESSION OF THE NINETEENTH LEGISLATURE

Chapter	Title	Page
1. H. B. 11.	Making an appropriation to the department of library and archives for the state legislative bureau. Approved April 11, 1950. Effective April 11, 1950.	725
2. H. B. 1.	Making a supplemental appropriation to the state department of public welfare, and repealing section 3, chapter 51, laws of 1950, first special session. (Emergency Clause) Approved April 17, 1950. Effective April 17, 1950.	725
3. H. B. 9.	Relating to corporations; providing for the merger or consolidation of domestic and foreign corporations; and amending article 5, chapter 53, Arizona Code of 1939, by adding sections 53-508 and 53-509. (Emergency Clause) Approved April 18, 1950. Effective April 18, 1950.	727
4. H. B. 20.	Relating to the national guard, authorizing the acceptance of grants, making provisions for the disposal of property, creating the national guard Fort Huachuca fund, making an appropriation, amending section 3 and repealing sections 4 and 5, chapter 67, laws of 1949, regular session. (Emergency Clause) Approved April 19, 1950. Effective April 19, 1950.	728
5. H. B. 7.	Relating to refunding indebtedness; and amending chapter 122, laws of 1949, regular session. (Emergency Clause) Approved April 19, 1950. Effective April 19, 1950.	730
6. H. B. 15.	Making a supplemental appropriation to the Arizona state department of public welfare for crippled children's services. (Emergency Clause) Approved April 19, 1950. Effective April 19, 1950.	730

7. H. B. 19. Relating to the national guard, and making an appropriation. Approved April 19, 1950. Effective April 19, 1950. 731

8. S. B. 6. Making an appropriation for the relief of Florence B. Yount, and declaring an emergency. Approved April 19, 1950. Effective April 19, 1950. 732

9. H. B. 10. Relating to taxation; providing for the basis of valuation for the assessment of machinery and equipment of manufactories. Approved April 19, 1950. Effective January 1, 1951. 733

10. S. B. 10. Relating to education; providing for county high schools in counties of fourth class; preserving their status upon a change of classification, validating bond issues and amending section 54-915, Arizona Code of 1939. (Emergency Clause) Approved April 19, 1950. Effective April 19, 1950. 734

11. H. B. 6. Relating to county offices; authorizing the performance of certain duties by deputies at places other than the county seat. (Emergency Clause) Approved April 19, 1950. Effective April 19, 1950. 736

ACTS

ACTS

CHAPTER 1

(House Bill No. 11)

AN ACT

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

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

Section 1. APPROPRIATION. The sum of ten thousand dollars ($10,000.00) is appropriated to the department of library and archives, for the state legislative bureau.

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

Approved by the Governor—April 11, 1950.

Filed in the Office of the Secretary of State—April 12, 1950.

CHAPTER 2

(House Bill No. 1)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE DEPARTMENT OF PUBLIC WELFARE, AND REPEALING SECTION 3, CHAPTER 51, LAWS OF 1950, FIRST SPECIAL SESSION.

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

Section 1. APPROPRIATION. In addition to the appropriation contained in chapter 124, subdivision 31, Laws of 1949, the sum of $574,384.95 is appropriated to be expended as follows:

	For the 38th Fiscal Year	For the 39th Fiscal Year
Old Age Assistance	$ 238,992.00	
Aid to Dependent Children	175,492.95	
Aid to Blind—supplies	500.00	
Foster Homes	34,000.00	
Direct Relief	24,000.00	
Crippled Children's Service	10,000.00	
Crippled Children's Service:		
X-Ray equipment for use at Square and Compass Crippled Children's Clinic at Tucson	5,000.00	
Administration—Counties		
Travel and additional employees	8,000.00	$ 32,000.00
Administration—State Office		
State Travel	3,000.00	5,000.00
Out of State Travel	1,000.00	
Social Service Exchange Services	600.00	1,800.00
For transportation and distribution of commodities made available by Federal Agencies	35,000.00*	
	$ 535,584.95	$ 38,800.00
	$574,384.95	

*This appropriation is not subject to the provisions in section 10-930, Arizona Code Annotated, 1939, relating to lapsing appropriations.

Sec. 2. REPEAL. Section 3, chapter 51, Laws of 1950, first special session, is hereby repealed.

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

Approved by the Governor—April 17, 1950.

Filed in the Office of the Secretary of State—April 17, 1950.

CHAPTER 3

(House Bill No. 9)

AN ACT

RELATING TO CORPORATIONS; PROVIDING FOR THE MERGER OR CONSOLIDATION OF DOMESTIC AND FOREIGN CORPORATIONS; AND AMENDING ARTICLE 5, CHAPTER 53, ARIZONA CODE OF 1939, BY ADDING SECTIONS 53-508 AND 53-509.

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

Section 1. Article 5, chapter 53, Arizona Code of 1939, is hereby amended by adding section 53-508, to read:

53-508. CONSOLIDATION OR MERGER OF DOMESTIC AND FOREIGN CORPORATIONS—PROCEDURE. One or more domestic corporations and one or more foreign corporations may be merged or consolidated in the following manner, provided such merger or consolidation is permitted by the laws of the state under which each such foreign corporation is organized:

(a) Each domestic corporation shall comply with the provisions of article 5, chapter 53, Arizona Code of 1939, with respect to the merger or consolidation, as the case may be, of domestic corporations; and each foreign corporation shall comply with the applicable provisions of the laws of the state under which it is organized.

(b) If the surviving or new corporation, as the case may be, is incorporated under the laws of any other than this state, it shall comply with the provisions of article 8, chapter 53, Arizona Code of 1939, as amended, if it is to transact any business, enterprise or occupation in this state.

The surviving or new corporation may be either a foreign or domestic corporation, and in case of merger the surviving corporation shall be deemed to continue to exist under the laws of the state of its incorporation.

Sec. 2. Article 5, chapter 53, Arizona Code of 1939, is hereby amended by adding section 53-509, to read:

53-509. EFFECT OF MERGER OR CONSOLIDATION—RIGHTS OF STOCKHOLDERS. The provisions of article 5, chapter 53, Arizona Code of 1939, relative to the merger or consolidation of domestic corporations, shall apply to any domestic corporation which merges or consolidates with a foreign corporation or corporations. The effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations except, if the surviving or new corporation is incorporated under the laws of any state other than this state, to the extent that the law of such other state shall otherwise provide.

The provisions of article 5, chapter 53, Arizona Code of 1939, shall apply to the rights of stockholders of any one or more of the constituent corporations which are domestic corporations.

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 18, 1950.

Filed in the Office of the Secretary of State—April 18, 1950.

CHAPTER 4

(House Bill No. 20)

AN ACT

RELATING TO THE NATIONAL GUARD, AUTHORIZING THE ACCEPTANCE OF GRANTS, MAKING PROVISIONS FOR THE DISPOSAL OF PROPERTY, CREATING THE NATIONAL GUARD FORT HUACHUCA FUND, MAKING AN APPROPRIATION, AMENDING SECTION 3 AND REPEALING SECTIONS 4 AND 5, CHAPTER 67, LAWS OF 1949, REGULAR SESSION.

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

Section 1. ACCEPTANCE OF GRANTS. The governor of the state of Arizona is hereby authorized to accept the property, real and personal granted by the United States of America, Office of Real Property Disposal, War Assets Administration, under Public Laws 537 and 829, by deeds dated January 14, 1949 and March 2, 1949, and by bills of sale, wherein the state of Arizona was named as grantee and the property transferred thereunder being for the use and benefit of the Arizona game and fish commission and the Arizona national guard. The acceptance of said property shall be subject to all terms and conditions contained in agreements of transfer executed by said War Assets Administration and the terms and conditions of the deeds to the state of Arizona.

Sec. 2. DISPOSAL OF PROPERTY. The Arizona national guard is hereby granted authority to sell, lease or otherwise dispose of all the property received under deed dated March 2, 1949, subject to the terms of said transfer agreement and deed, provided, however, that any such sale, lease or disposal of the property shall be done in the same manner relative to advertising and public auction as amended in sections 4-318 and 4-319, Arizona Code of 1939, as amended, with the exception that the proceeds received from such sales, leases and other disposal shall be placed to the credit of a special fund as herein provided.

Sec. 3. NATIONAL GUARD FORT HUACHUCA FUND. All moneys and proceeds received from the sale, lease or disposal of any of the property received herein when paid into the state treasury to the credit of the National Guard Fort Huachuca Fund are hereby appropriated to the National Guard for personal services, current expenditures, fixed charges and capital outlay for the purpose of carrying on the operation and maintenance of the Fort Huachuca area.

Sec. 4. PROHIBITION. No moneys shall be appropriated out of the general fund of the state of Arizona to the Arizona national guard for the operation and maintenance of Fort Huachuca.

Sec. 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 on its passage as provided by law.

Approved by the Governor—April 19, 1950.

Filed in the Office of the Secretary of State—April 19, 1950.

CHAPTER 5

(House Bill No. 7)

AN ACT

RELATING TO REFUNDING INDEBTEDNESS; AND AMENDING CHAPTER 122, LAWS OF 1949, REGULAR SESSION.

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

Section 1. Chapter 122, Laws of 1949, regular session, is hereby amended to read:

LIMITATION ON ISSUANCE OF REFUNDING BONDS. Any provision of law to the contrary notwithstanding, no bonds shall be issued by or on behalf of any county, city, town, school district or other municipal corporation or political subdivision of the state for the purpose of refunding outstanding bonds which have not matured or which are not callable for redemption under the express provisions of the proceedings authorizing such bonds, provided that if the holder or holders of all or any portion of said bonds shall first consent thereto in writing, then refunding bonds may be issued for the purpose of redeeming the bonds held by such consenting holder or holders.

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—April 19, 1950.

Filed in the Office of the Secretary of State—April 19, 1950.

CHAPTER 6

(House Bill No. 15)

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE ARIZONA STATE DEPARTMENT OF PUBLIC WELFARE FOR CRIPPLED CHILDREN'S SERVICES.

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

Section 1. APPROPRIATION. In addition to the appropriation made in chapter 124, subdivision 31, Laws of 1949, for crippled children's services, and any other appropriation made therefor during the second special session of the nineteenth legislature, there is hereby appropriated to the Arizona state department of public welfare for such services the total amount of $75,000.00, subject to the provisions set forth in section 2 hereof, to be expended as follows:

	For the 38th Fiscal Year	For the 39th Fiscal Year
Crippled Children's Services	$ 25,000.00	$ 50,000.00

Sec. 2. FEDERAL AID. In the event federal funds are made available for crippled children's services at any time during the 38th or 39th fiscal years, the amounts appropriated therefor in section 1 hereof shall be deemed to be the total supplemental appropriation available under this Act, and to include all sums paid by the federal government for such 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—April 19, 1950.

Filed in the Office of the Secretary of State—April 19, 1050.

CHAPTER 7

(House Bill No. 19)

AN ACT

RELATING TO THE NATIONAL GUARD, AND MAKING AN APPROPRIATION.

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

Section 1. APPROPRIATION. In addition to the appropria-

tion made under chapter 124, subdivision 59, Laws of 1949, the sum of $35,940.00 is appropriated to the national guard for the 39th fiscal year as follows:

Unit allowance $18,000.00

Officers' clothing allowance 17,940.00

Approved by the Governor—April 19, 1950.

Filed in the Office of the Secretary of State—April 19, 1950.

CHAPTER 8

(Senate Bill No. 6)

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF FLORENCE B. YOUNT, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of three hundred nineteen dollars ninety-six cents is appropriated for the relief of Florence B. Yount.

Sec. 2. BASIS OF CLAIM. Payment of the sum appropriated shall be in full satisfaction of the claim of Florence B. Yount for expenses incurred in attending a hearing in Washington, D. C., under travel authorization of the state department of public welfare dated February 8, 1949, which claim for reimbursement was disallowed on the ground that the appointment of the claimant had not been confirmed when the expense was incurred.

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 19, 1950.

Filed in the Office of the Secretary of State—April 19, 1950.

CHAPTER 9

(House Bill No. 10)

AN ACT

RELATING TO TAXATION; PROVIDING FOR THE BASIS OF VALUATION FOR THE ASSESSMENT OF MACHINERY AND EQUIPMENT OF MANUFACTORIES.

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

Section 1. BASIS OF VALUATION FOR ASSESSMENT OF MACHINERY AND EQUIPMENT OF MANUFACTORIES. The machinery and equipment used exclusively in the operation and maintenance of any manufactory located within the state shall be assessed for tax purposes at fifty per cent of the book value of such machinery and equipment. The term "book value" as used in this Act shall mean the cost of machinery and equipment, plus capitalized installation, less a reasonable allowance for depreciation, which in no event shall exceed twenty per cent (20%) in any one year. Provided that under no circumstances shall such machinery and equipment be assessed at less than ten per cent of cost, plus capitalized installation.

Sec. 2. DEFINITION OF MANUFACTORY. A manufactory is defined as an establishment principally engaged in the fabrication, production, and manufacture of products, wares, and articles for use from raw or prepared materials, imparting to such materials new forms, qualities, properties and combinations. This definition shall not be interpreted to include the following businesses, but the listing of such businesses herein shall not limit the businesses which are otherwise excluded from the operation of this Act by such definition:

1. Mining, quarrying, smelting or producing for sale, profit, or commercial use any oil, natural gas, limestone, sand, gravel, copper, gold, silver or other mineral product, compound or combination of mineral products, or felling, producing or preparing timber or any product of the forest for sale, profit or commercial use.

2. Furnishing to consumers electricity, electric lights, current, power or gas, natural or artificial, and water.

3. Transmitting local or long distance messages or conversations by telephone or message by telegraph from one

point to another point in the state, or the publication of any directory of the names of subscribers.

4. Operating a pipe line or lines for transporting of oil, or natural or artificial gas, through pipes or conduits from one point to another point in the state.

5. Publication of newspapers, magazines or other periodicals and publications.

6. Job printing, engraving, embossing and copying, advertising by billboards, direct mail, radio or by any means calculated to appeal to prospective purchasers.

7. Slaughtering animals for food, packing, processing, or compounding meat or meat products.

8. Contracting.

Sec. 3. BASIS PRESCRIBED HEREIN SHALL BE IN LIEU OF ANY OTHER BASIS OF VALUATION. The basis of valuation for assessment of machinery and equipment of manufactories, as described in section 1 of this Act, shall be in lieu of any other basis of assessment of such property for ad valorem tax purposes, any other provision of law to the contrary notwithstanding.

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 provision, and to this end the provisions of this Act are declared to be severable.

Sec. 5. EFFECTIVE DATE. The effective date of this Act shall be January 1, 1951.

Approved by the Governor—April 19, 1950.

Filed in the Office of the Secretary of State—April 19, 1950.

CHAPTER 10

(Senate Bill No. 10)

AN ACT

RELATING TO EDUCATION; PROVIDING FOR COUNTY HIGH SCHOOLS IN COUNTIES OF FOURTH CLASS;

PRESERVING THEIR STATUS UPON A CHANGE OF CLASSIFICATION, VALIDATING BOND ISSUES AND AMENDING SECTION 54-915, ARIZONA CODE OF 1939.

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

Section 1. Sec. 54-915, Arizona Code of 1939, is amended to read:

54-915. COUNTY HIGH SCHOOLS IN COUNTIES OF FOURTH CLASS. (a) Any county of the fourth class may establish county high schools. An election shall be held to determine whether one or more of such schools shall be established and the location thereof in the manner prescribed for county union high schools. A county high school board of five qualified school electors, not more than one of whom shall be a resident of any one public school district, shall be appointed and elected, hold similar terms and have the powers and duties prescribed for boards of union high schools. Bonds for such county high schools may be voted for the same purpose as bonds of other high schools except that it shall be done in every respect and the issue redeemed as provided by law for increasing, by bond issue, school district indebtedness over four per cent. The money necessary for defraying the expenses of county high schools shall be levied and collected in the same manner, and upon like estimates submitted to the board of supervisors, as other county taxes.

(b) Nothing contained in subsection (a) shall be deemed to prevent any county which has heretofore established, operated and maintained a high school or high schools under the the provisions of section 54-915, Arizona Code of 1939, from continuing the operation and maintenance thereof following change in county classification had been made, nor shall any are hereby expressly authorized to operate and maintain such high school or high schools in the same manner as though no change in county classification had been made, nor shall any change in county classification affect the validity of county high school bonds heretofore or hereafter issued in counties operating and maintaining high schools under the provisions of 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—April 19, 1950.

Filed in the Office of the Secretary of State—April 19, 1950.

CHAPTER 11

(House Bill No. 6)

AN ACT

RELATING TO COUNTY OFFICES; AUTHORIZING THE PERFORMANCE OF CERTAIN DUTIES BY DEPUTIES AT PLACES OTHER THAN THE COUNTY SEAT.

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

Section 1. PERFORMANCE OF DUTIES OF COUNTY OFFICE AT PLACES OTHER THAN THE COUNTY SEAT. Whenever in the opinion of the chief officer of any county office, the public interest requires the performance of any of the duties of said office at a city or town having a population of more than two hundred people and which city or town is more than thirty miles distant from the county seat, said duties may be performed at said city or town by a duly appointed and qualified deputy of such county officer, in the same manner, and with like effect as if performed at the county seat. All records of such acts shall be filed in the office of the county officer at the county seat.

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—April 19, 1950.

Filed in the Office of the Secretary of State—April 19, 1950.

RESOLUTIONS

HOUSE CONCURRENT RESOLUTION NO. 3

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT OF THE CONSTITUTION RELATING TO COUNTY OFFICERS.

Be it Resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. The following amendment of 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, and if and when the constitution of Arizona is amended to provide four-year term for governor and legislature:

> Section 3. Subject to change by law, there are hereby created in and for each county of the state the following officers, who shall be elected by the qualified electors thereof: Sheriff, Recorder, Treasurer, School Superintendent, County Attorney, Assessor, and three Supervisors, each of whom shall be elected for a term of four years, from the first day of January next after their election.

2. The proposed amendment (approved by a majority of 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 by the House April 14, 1950 by the following vote: 42 Ayes, 9 Nays, 7 Absent, 0 Excused.

Passed by the Senate April 14, 1950 by the following vote: 18 Ayes, 1 Nays, 0 Not voting.

Filed in the Office of the Secretary of State—April 14, 1950.

BILLS VETOED BY THE GOVERNOR

EXECUTIVE OFFICE

State House

Phoenix, Arizona

April
Twenty seventh
1 9 5 0

Hon. Wesley Bolin
Secretary of State
State House

My dear Mr. Bolin:

I herewith hand you Senate Bill No. 3 "An act relating to the duties of state and county officers as to amendments and measures proposed under the initiative and referendum; requiring certain statements to be made by the State Auditor and Attorney General as to amendments and measures proposed under the initiative and referendum and requiring such statements to be included in publicity pamphlets required to be prepared, printed and distributed pursuant to Article 1 of Chapter 60, Arizona Code 1939, as amended; amending Section 60-107, Article 1 of Chapter 60, Arizona Code of 1939, as amended; and declaring an emergency".

In disapproving Senate Bill No. 3, I am actuated by the fact that the bill as originally drawn has been amended to such an extent it has become unworkable.

In including this item in the Call for the Second Special Session of the Nineteenth Legislature, it was my hope that legislation might be enacted whereby the electorate of the state could be made acquainted with cost and other pertinent data on initiative and referendum measures through having information prepared and given them that they might intelligently vote on such measures.

That legislation furnishing the electorate with this information is necessary is beyond a doubt however the legislation provided for in this bill carries a provision, which is an amendment to the original bill, making it incumbent upon the State Auditor to furnish a statement of the results and defects of initiative measures or referendums upon state, county and local public expense and public revenue. In preparing this data it may be necessary for the Auditor to make a breakdown of the costs in units as small as school districts and should such be the case it would be impossible for such a statement to be prepared in the short period of time provided in the bill for that purpose.

The final date for filing initiative and referendum petitions is July 7th. This bill does not become effective until July 14th. The statements to be furnished by the Attorney General and the Auditor must be in the hands of the Secretary of State not later than July 28th. Under the provisions of this bill which makes it mandatory upon the Auditor and the Attorney General to furnish this data, there would not be sufficient time for these statements to be pre-

pared and placed in the hands of the Secretary of State on the date specified.

While I am of the opinion that legislation furnishing the electorate cost and other pertinent data should be enacted, I believe that inasmuch as this bill cannot be made operative for elections to be held in November of this year, more study, more thought should be given to legislation of this kind that it might be enacted into law at the next regular session of the legislature.

I firmly believe that the best results will be obtained by careful study and consideration in the preparation of legislation that will give the people the necessary data and at the same time give the state officials sufficient time in which to prepare the statements required. The assimulation and distribution of data to be furnished by the state officials will require the expenditures of monies, none of which have been appropriated in the bill I am disapproving. Provision should be made in the proposed legislation to appropriate funds for that purpose.

For the above reasons Senate Bill No. 3 has been disapproved.

Sincerely,

(Signed) Dan E. Garvey
Governor

DEG:E

(Senate Bill No. 3)

AN ACT

RELATING TO THE DUTIES OF STATE AND COUNTY OFFICERS AS TO AMENDMENTS AND MEASURES PROPOSED UNDER THE INITIATIVE AND REFERENDUM; REQUIRING CERTAIN STATEMENTS TO BE MADE BY THE STATE AUDITOR AND ATTORNEY GENERAL AS TO AMENDMENTS AND MEASURES PROPOSED UNDER THE INITIATIVE AND REFERENDUM AND REQUIRING SUCH STATEMENTS TO BE INCLUDED IN PUBLICITY PAMPHLETS REQUIRED TO BE PREPARED, PRINTED AND DISTRIBUTED PURSUANT TO ARTICLE 1 OF CHAPTER 60, ARIZONA CODE 1939, AS AMENDED; AMENDING SECTION 60-107, ARTICLE 1 OF CHAPTER 60, ARIZONA CODE OF 1939, AS AMENDED; AND DECLARING AN EMERGENCY.

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; and (4) under the respective captions "statement of state auditor" and "statement of attorney general", (a) a statement by the state auditor giving a fair estimate by that officer of the annual cost or expense of said measure or amendment if said measure or amendment is enacted, and a fair estimate of the annual result and effect of said measure or amendment upon state, county and local public expense and public revenue, and (b) a statement by the attorney general giving a concise, fair, plain and complete analysis of the provisions of said measure or amendment; provided, however, that in case a measure or amendment or any provision thereof is so incomplete or defective or deficient as to render it impossible for either the state auditor or the attorney general, or both, to give the statements herein required, then in such case, the publicity pamphlet shall contain a statement by the state auditor or attorney general, or both, as the case may be, so stating and giving the factual reasons therefor; and the state auditor and attorney general are required and directed to prepare and file with the secretary of state the statements herein required of them not later than forty-five (45) days preceding the regular primary election for inclusion by him in said publicity pamphlet.

(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.

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

Disapproved by the Governor—April 27, 1950.

Filed in the Office of the Secretary of State—April 27, 1950.

EXECUTIVE OFFICE

State House

Phoenix, Arizona

April
Twenty Seventh
1950

Hon. Wesley Bolin
Secretary of State
State House

My dear Mr. Bolin:

I hand you herewith House Bill No. 16 "An Act relating to the special legislative committee on state operation; amending Section 1, Chapter 63, Laws of 1949, Regular Session, and making a supplemental appropriation".

I have disapproved House Bill No. 16 for the reason that it is practically the same as House Bill No. 56 which I disapproved in the First Special Session of the Nineteenth Legislature, giving as my reason that the bill "provides for over-lapping authorities which in the past has resulted in lack of cooperation between the several departments of the state with the result that the operation of the committee has not achieved the objectives which I believe were originally intended". I am disapproving House Bill 16 for the same reasons.

In disapproving this legislation I feel that the need of an Interim Committee for the purpose of investigating and drafting of legislation for governmental reorganization is definitely required and inasmuch as there appears to be sufficient funds available for the continuation of the present Interim Committee to carry out the reorganization program now under consideration there is no necessity to approve House Bill No. 16 to secure an additional appropriation.

For these reasons I have disapproved House Bill No. 16.

Sincerely,

/s/ Dan E. Garvey
Governor

DEG-E

(House Bill No. 16)

AN ACT

RELATING TO THE SPECIAL LEGISLATIVE COMMITTEE

ON STATE OPERATIONS; AMENDING SECTION 1, CHAPTER 63, LAWS OF 1949, REGULAR SESSION, AND MAKING A SUPPLEMENTAL APPROPRIATION.

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

Section 1. Sec. 1. chapter 63, Laws of 1949, regular session, is amended to read:

Sec. 1. APPOINTMENT AND DUTIES OF COMMITTEE. A joint legislative committee, to be known as the special legislative committee on state operations, is created. The committee shall consist of five members of the senate, and five members of the house, who shall be appointed by the president of the senate and the speaker of the house, and shall make a thorough investigation of the affairs and operations of the various departments and institutions of the state. The survey shall cover all phases of operation, including purchases, travel, personnel and administrative functions. Upon completion of the survey the committee shall prepare a report to be submitted to the next regular session of the legislature and make such recommendations for consolidation, curtailment of operation or elimination of departments as will effect the greatest efficiency and economies in the conduct of state affairs. It shall be the special duty of the committee to consult with the departments or officers of the state engaged in carrying out construction programs authorized by the legislature for the 38th and 39th fiscal years, and to investigate the conduct of such programs, with particular reference to the plans for and type of construction, the methods of letting bids, and all other matters pertaining to the construction programs so authorized during the 38th and 39th fiscal years. During the existence of the committee it shall prepare a written report upon the first day of each month as to its activities, findings and expenditures during the previous thirty days. A copy of said report shall be mailed forthwith to each member of the Arizona state legislature.

Sec. 2. APPROPRIATION. In addition to the amount already appropriated under section 3, chapter 63, Laws of 1949, regular session, the sum of $15,000.00 is appropriated to the special legislative committee on state operations.

Disapproved by the Governor—April 27, 1950.

Filed in the Office of the Secretary of State—April 27, 1950.

GENERAL ELECTION RETURNS, STATE OF ARIZONA, NOVEMBER 7, 1950

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
TOTAL REGISTRATION	3,816	14,014	6,855	10,738	5,431	5,052	131,510	3,876	6,550	52,775	11,153	3,454	12,618	11,322	279,164
TOTAL VOTES CAST	2,469	10,569	4,908	8,025	3,988	3,513	93,919	2,694	4,880	37,966	7,833	2,772	9,115	8,116	200,767
PER CENT OF VOTES CAST	64.7	75.4	71.6	74.7	73.4	69.5	71.4	69.5	74.5	71.9	70.2	80.3	72.2	71.7	71.9
JUDGE OF THE SUPREME COURT															
Arthur T. LaPrade	1,283	5,532	2,362	4,303	1,534	1,622	64,110	1,522	3,212	23,038	3,941	1,448	5,044	5,055	124,006
STATE TAX COMMISSIONER															
Warren Peterson	1,317	5,567	2,371	4,378	1,435	1,404	53,145	1,603	3,117	20,891	3,965	1,405	5,024	5,047	110,669
UNITED STATES SENATOR															
Carl Hayden (D)	1,636	7,326	2,859	5,231	1,864	2,847	52,032	1,503	3,094	21,561	4,945	1,811	4,661	4,876	116,246
Bruce Brockett (R)	555	2,623	1,513	2,142	1,238	447	35,160	845	1,401	13,673	2,193	607	3,855	2,594	68,846
REPRESENTATIVE IN CONGRESS—DIST. No. 1															
John R. Murdock (D)							51,526								51,526
Carl W. Divelbiss (R)							33,528								33,528
REPRESENTATIVE IN CONGRESS—DIST. No. 2															
Harold A. "Porque" Patten (D)	1,529	7,148	2,566	4,946	1,959	2,756		1,481	2,554	22,500	4,856	1,754	4,899	5,043	63,991
John H. Curnutte (R)	483	2,177	1,313	1,753	711	392		687	1,750	12,170	1,822	514	3,017	1,833	28,622
GOVERNOR															
Ana Frohmiller (D)	1,329	6,728	2,146	4,765	2,015	2,564	42,493	1,331	2,288	16,990	4,024	1,515	4,106	3,824	96,118
Howard Pyle (R)	1,058	3,676	2,524	3,128	1,852	895	48,798	1,192	2,488	19,960	3,625	1,114	4,798	4,001	99,109

GENERAL ELECTION RETURNS, STATE OF ARIZONA, NOVEMBER 7, 1950

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
SECRETARY OF STATE															
Wesley Bolin (D)	1,535	7,550	2,766	5,471	2,577	2,844	55,464	1,624	3,024	20,790	5,078	1,702	5,236	5,279	120,940
R. J. Hight (R)	567	2,081	1,400	1,700	808	398	31,084	614	1,307	13,343	1,961	593	2,980	1,822	60,658
ATTORNEY GENERAL															
Fred O. Wilson (D)	1,597	7,505	2,842	5,532	2,524	2,852	53,409	1,590	3,096	21,138	5,034	1,817	5,301	5,329	119,566
John J. Rhodes (R)	558	2,098	1,371	1,806	852	404	32,580	670	1,310	13,530	2,021	583	2,988	1,846	62,617
STATE AUDITOR															
Jewel W. (Mrs. Lon) Jordan (D)	1,747	8,161	3,303	6,159	2,824	2,961	63,066	1,906	3,598	23,992	5,663	1,972	6,435	6,010	137,797
STATE TREASURER															
E. T. "Eddie" Williams, Jr. (D)	1,460	7,431	2,570	5,392	2,317	2,806	50 603	1,563	2,814	19,525	4,884	1,715	4,884	5,261	113,225
Charles A. Lamb (R)	662	2,122	1,490	1,794	957	422	34,161	677	1,487	14,849	2,068	603	3,279	1,873	66,449
SUPERINTENDENT OF PUBLIC INSTRUCTION															
M. L. Brooks (D)	1,501	7,414	2,668	5,466	2,409	2,825	50,666	1,636	3,048	21,019	4,882	1,744	5,105	5,118	115,501
Harvey M. McKemy (R)	606	2,124	1,430	1,715	884	417	34,186	642	1,349	13,160	2,118	580	3,045	1,877	64,133
STATE MINE INSPECTOR															
Clifford J. Murdock (D)	1,583	7,661	2,777	5,559	2,485	2,885	51,362	1,764	3,125	21,284	5,095	1,705	5,232	5,356	117,873
Philip J. Hickey (R)	537	2,014	1,367	1,760	852	389	33,453	589	1,228	13,066	1,963	556	3,063	1,764	62,601
CORPORATION COMMISSIONER															
Wilson T. Wright (D)	1,449	7,440	2,690	5,561	2,402	2,819	51,747	1,600	2,971	19,895	4,935	1,734	4,987	5,230	115,460
William C. Frey (R)	650	2,098	1,369	1,770	895	391	33,260	625	1,335	14,381	2,054	598	3,144	1,855	64,425

OFFICIAL CANVASS OF VOTE ON INITIATIVE AND REFERENDUM MEASURES
GENERAL ELECTION, NOVEMBER 7, 1950

Note: Short titles used to save paper

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
CONSTITUTIONAL AMENDMENT REFERRED BY THE LEGISLATURE															
Relating to liability of bank stockholders															
100 Yes	542	3,277	1,473	1,918	939	628	26,123	578	1,176	16,141	1,929	1,142	2,749	2,581	61,196
101 No	1,081	5,415	2,041	4,010	2,094	2,078	45,930	1,428	2,356	12,189	3,929	765	4,281	3,470	91,067
CONSTITUTIONAL AMENDMENTS PROPOSED BY INITIATIVE PETITION															
Maintenance of kindergarten schools, common schools and high schools															
102 Yes	699	2,076	1,402	2,600	1,358	807	31,139	484	1,847	14,841	2,132	820	2,246	2,812	65,263
103 No	1,086	6,949	2,389	3,944	1,977	2,054	47,318	1,327	2,147	16,572	4,205	1,258	5,274	3,786	100,286
State board of education															
104 Yes	377	1,341	855	1,509	564	517	17,490	337	755	9,787	1,306	431	1,245	1,725	38,239
105 No	1,204	6,940	2,623	4,470	2,441	2,172	54,894	1,423	2,708	17,493	4,510	1,419	5,527	4,285	112,109
Merit system for public employees															
106 Yes	589	2,246	1,463	2,185	731	672	31,562	711	1,136	9,421	1,945	463	2,512	2,546	58,182
107 No	1,043	6,421	2,222	3,681	2,344	2,024	43,611	1,199	2,551	19,224	4,115	1,351	4,672	3,775	98,233
INITIATIVE MEASURES PROPOSED BY INITIATIVE PETITION															
Merit system for peace officers															
300 Yes	562	2,981	1,609	2,428	831	786	34,206	750	1,318	9,472	2,185	530	2,581	2,913	63,152
301 No	940	5,784	2,055	3,574	2,251	1,929	40,081	1,127	2,372	18,420	3,762	1,449	4,466	3,382	91,592
Legalized Gambling															
302 Yes	257	1,267	635	1,326	347	407	11,943	428	482	6,289	1,017	363	1,398	1,524	27,683
303 No	1,414	6,564	3,132	5,086	2,758	2,413	66,070	1,531	3,191	23,474	4,825	1,579	5,973	4,829	132,839
Excise Taxation															
304 Yes	403	1,149	818	1,377	622	435	15,461	276	788	6,279	1,272	367	1,187	1,784	32,218
305 No	1,240	7,272	2,631	4,640	2,329	2,242	56,686	1,534	2,720	21,762	4,680	1,478	6,019	3,946	119,179

OFFICIAL CANVASS OF VOTE ON INITIATIVE AND REFERENDUM MEASURES
GENERAL ELECTION, NOVEMBER 7, 1950

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
Local Option															
306 Yes	665	1,564	820	1,394	1,072	472	20,038	372	1,085	6,716	1,379	310	1,396	1,536	38,819
307 No	1,224	7,753	3,244	5,555	2,330	2,562	60,340	1,770	2,711	25,200	5,219	1,788	6,457	5,135	131,288
Workmen's Compensation															
308 Yes	552	2,726	1,790	2,521	1,233	743	34,694	652	1,327	11,531	2,518	853	2,846	3,037	67,023
309 No	1,071	5,809	1,759	3,714	1,857	1,981	39,019	1,226	2,263	17,245	3,425	956	4,371	3,126	87,822
Social security and public welfare															
312 Yes	597	3,246	1,682	3,279	890	943	33,205	866	1,320	10,042	2,377	556	2,966	3,122	65,091
313 No	1,099	5,612	2,037	3,241	1,880	1,539	43,737	1,108	2,303	18,965	3,780	1,371	4,524	3,320	94,516
Employment security—unemployment benefits extended															
314 Yes	530	2,584	1,356	2,917	722	1,074	28,955	690	1,160	9,876	1,932	474	2,368	2,650	57,288
315 No	1,114	6,047	2,305	3,338	2,351	1,655	45,937	1,202	2,536	19,100	4,063	1,432	4,857	3,647	99,584
Employment security—agricultural workers															
316 Yes	483	2,223	1,326	2,397	671	812	27,609	658	982	8,825	1,689	426	2,239	2,472	52,812
317 No	1,103	6,236	2,192	3,598	2,353	1,968	46,137	1,175	2,569	18,061	4,189	1,544	4,755	3,642	99,522
Segregation															
318 Yes	605	2,631	1,484	2,290	967	1,090	27,026	606	1,137	12,879	1,852	584	2,413	2,406	57,970
319 No	1,140	6,099	2,273	4,085	2,415	1,742	51,129	1,305	2,599	16,654	4,329	1,375	4,932	4,149	104,226

OFFICIAL CANVASS OF VOTE ON REFERENDUM MEASURES
SPECIAL ELECTION HELD CONCURRENTLY WITH PRIMARY ELECTION, SEPTEMBER 12, 1950

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
CONSTITUTIONAL AMENDMENTS REFERRED BY THE LEGISLATURE:															
Proposing An Amendment of The Constitution of Arizona Relating To the Legislature.															
100 Yes	709	3,141	1,641	2,663	984	1,462	22,445	854	1,342	12,575	2,947	770	2,535	3,133	57,201
101 No	814	4,353	1,661	2,942	1,754	1,397	25,867	1,013	1,598	7,318	2,632	915	3,373	2,364	58,001
Proposing An Amendment Of The Constitution of Arizona Relating To Sessions of The Legislature.															
102 Yes	730	3,322	1,861	2,812	1,233	1,503	26,248	892	1,474	13,085	3,164	795	2,921	3,474	63,514
103 No	781	4,077	1,412	2,733	1,478	1,266	22,103	937	1,358	6,625	2,389	864	2,988	1,907	50,918
Proposing An Amendment To The Constitution of Arizona Relating To The Terms of Executive Officers.															
104 Yes	640	2,892	1,534	2,428	983	1,274	21,393	767	1,178	11,891	2,781	742	2,359	3,170	54,032
105 No	902	4,693	1,881	3,227	1,832	1,541	28,858	1,142	1,689	8,193	3,016	921	3,787	2,382	64,064
Proposing An Amendment Of The Constitution Of Arizona Relating To County Officers.															
106 Yes	662	2,925	1,555	2,549	956	1,378	20,943	768	1,205	11,902	2,677	847	2,349	3,147	53,863
107 No	892	4,571	1,823	3,186	1,832	1,514	27,865	1,139	1,668	8,000	2,919	897	3,663	2,397	62,366
Proposing An Amendment Of The Constitution of Arizona, Relating To State And School Lands.															
108 Yes	906	5,439	2,408	3,628	1,660	1,849	33,896	1,145	1,862	14,862	3,981	1,139	3,763	4,194	80,732
109 No	629	2,526	956	2,001	1,055	1,023	14,984	711	978	5,008	1,640	514	2,221	1,307	35,553
Proposing An Amendment To The Constitution of Arizona Relating To Public Debt, Revenue and Taxation.															
110 Yes	699	4,356	1,904	3,022	1,331	1,475	30,601	969	1,406	13,415	3,337	980	3,158	3,437	70,090
111 No	786	3,193	1,343	2,510	1,309	1,340	17,691	836	1,325	6,238	2,092	594	2,555	1,838	43,650

PRIMARY ELECTION RETURNS, STATE OF ARIZONA, SEPTEMBER 12, 1950

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
VOTE CAST	2,337	10,104	4,510	7,733	4,130	3,887	75,535	2,646	4,049	31,456	7,328	2,344	7,945	7,482	171,486
TOTAL REGISTRATION	3,664	13,599	6,575	10,327	5,277	4,906	123,892	3,792	6,067	50,797	10,805	3,233	11,974	11,056	265,964
PER CENT VOTES CAST	63.8	74.3	68.6	74.9	78.3	79.2	61.0	69.8	66.7	61.9	67.8	72.5	66.4	67.7	64.5
UNITED STATES SENATOR															
Democratic															
Carl Hayden	1,316	5,823	2,366	4,558	2,000	2,625	40,899	1,451	2,420	17,473	4,608	1,410	3,774	4,821	95,544
Cecil H. Miller	261	1,507	629	1,434	993	454	11,112	447	366	2,864	949	329	1,840	1,155	24,340
Robert E. Miller	247	1,307	410	894	459	444	5,871	350	387	2,176	612	275	727	593	14,752
Republican															
Bruce Brockett	141	530	555	257	173	36	9,388	137	486	4,443	501	103	1,050	463	18,263
REPRESENTATIVE IN CONGRESS DIST. No. 1															
Democratic															
John R. Murdock							51,621								51,621
Republican															
Carl W. Divelbiss							8,844								8,844
REPRESENTATIVE IN CONGRESS, DIST. No. 2															
Democratic															
William A. Duffen	464	2,194	789	1,755	653	623		811	834	5,235	1,520	499	1,538	1,624	18,539
Harold A. "Porque" Patten	1,139	5,721	2,140	4,373	2,390	2,743		1,225	2,114	16,393	4,206	1,416	4,206	4,377	52,443
Republican															
John H. Curnutte	129	458	477	229	146	36		131	478	3,940	456	100	918	428	7,926

PRIMARY ELECTION RETURNS, STATE OF ARIZONA, SEPTEMBER 12, 1950

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
JUDGE OF THE SUPREME COURT															
Democratic															
Marshall W. Haislip	502	2,390	951	1,883	982	1,208	18,553	772	675	7,132	1,683	535	1,884	1,742	40,892
Arthur T. LaPrade	1,135	5,706	2,159	4,494	2,101	2,117	36,884	1,273	2,435	12,917	4,154	1,304	4,006	4,215	84,900
GOVERNOR															
Democratic															
Ana Frohmiller	341	3,983	1,309	2,315	777	1,219	19,747	536	779	3,979	1,656	453	2,951	2,098	42,143
Dan Garvey	717	2,069	695	1,456	422	715	8,726	618	772	10,657	1,720	972	1,288	1,668	32,495
Richard F. "Dick" Harless	305	1,388	767	1,555	370	999	12,910	388	670	7,472	1,379	410	1,042	1,463	31,118
Jim Smith	576	1,245	568	1,452	2,145	675	7,850	610	866	1,300	690	245	772	918	19,912
Howard Sprouse	12	23	20	59	6	22	218	6	9	57	27	7	21	27	514
Ralph A. Watkins	76	523	331	484	125	176	11,770	247	265	1,655	999	107	478	695	17,931
Republican															
Howard Pyle	151	554	572	269	185	38	9,873	142	532	4,638	519	107	1,092	435	19,107
SECRETARY OF STATE															
Democratic															
Wesley Bolin	1,501	7,140	2,730	5,610	2,320	3,003	51,910	1,864	2,652	18,657	5,321	1,527	5,309	5,452	114,996
Republican															
R. J. Hight	121	472	469	228	162	34	8,678	133	444	4,161	471	81	907	413	16,774
ATTORNEY GENERAL															
Democratic															
Fred O. Wilson	1,483	7,088	2,731	5,590	2,384	3,109	50,216	1,858	2,656	18,791	5,236	1,544	5,152	5,472	113,310
Republican															
John J. Rhodes	128	489	479	221	169	35	8,708	140	459	4,232	461	91	919	412	16,943

PRIMARY ELECTION RETURNS, STATE OF ARIZONA, SEPTEMBER 12, 1950

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
STATE AUDITOR															
Democratic															
Jewel W. (Mrs. Lon) Jordan	815	3,694	1,494	3,063	1,281	1,386	31,833	1,075	1,192	9,740	2,846	823	3,124	2,871	65,237
K. D. (Kent) Lockwood	307	2,452	1,063	1,347	663	878	12,646	502	732	7,671	1,962	535	1,511	1,924	34,193
Albert L. Means	588	2,073	708	2,426	1,226	1,187	13,970	628	1,136	3,617	1,260	464	1,452	1,335	32,070
STATE TREASURER															
Democratic															
Bernard Brown	947	2,834	1,230	2,765	1,813	1,351	25,892	904	1,228	8,284	2,887	789	2,496	1,891	55,311
E. T. "Eddie" Williams, Jr.	695	4,903	1,674	3,296	1,058	1,927	26,667	1,045	1,552	11,446	2,759	918	2,992	3,950	64,882
Republican															
Charles A. Lamb	130	493	475	216	170	36	8,671	121	457	4,328	461	93	928	394	16,973
SUPERINTENDENT OF PUBLIC INSTRUCTION															
Democratic															
M. L. Brooks	1,481	7,222	2,738	5,687	2,429	3,085	49,266	1,825	2,861	18,655	5,274	1,479	5,288	5,404	112,694
STATE MINE INSPECTOR															
Democratic															
Clifford J. Murdock	1,488	7,296	2,786	5,790	2,557	3,109	49,662	1,931	2,815	18,826	5,308	1,536	5,388	5,519	114,011
CORPORATION COMMISSION															
Democratic															
J. W. Kelly	373	1,566	726	1,203	576	681	11,555	469	647	4,911	1,167	351	1,340	1,283	26,848
William E. Stanford	682	2,674	935	1,770	796	1,112	24,292	573	919	9,153	2,186	755	2,047	1,701	49,595
Wilson T. Wright	617	3,813	1,422	3,679	1,452	1,566	19,332	997	1,358	6,895	2,477	729	2,466	2,986	49,789
Republican															
William C. Frey	123	454	457	210	124	31	8,347	126	412	4,201	431	82	866	370	16,234

PRIMARY ELECTION RETURNS, STATE OF ARIZONA, SEPTEMBER 12, 1950

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
TAX COMMISSIONER															
Democratic															
Warren Peterson	1,243	5,241	2,105	4,202	2,204	2,565	31,578	1,232	2,079	13,608	3,737	1,138	3,589	3,592	78,113
John H. Wilson	484	2,915	1,103	2,353	828	907	22,622	820	844	7,108	2,053	687	2,318	2,362	47,404

I, JOHN E. JENNINGS, Acting Secretary of State of Arizona, do hereby certify that the foregoing table is a true, correct and complete tabulation of the vote cast at the Primary Election held in the State of Arizona on September 12, 1950, showing the name of each person voted for, for a National or State Office in said election, the number of votes received by each person in each county of said state, and total number of votes received by each person in said election, as shown by tabulations received from the Boards of Supervisors of each county in the State of Arizona.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Arizona, this second day of October, 1950, at Phoenix, Arizona, the Capital.

(SEAL)

/s/ JOHN E. JENNINGS
Acting Secretary of State

LAWS OF ARIZONA

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LAWS OF ARIZONA

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