

A C T S
Resolutions and Memorials
OF THE
REGULAR SESSION
Twelfth Legislature
OF THE
STATE OF ARIZONA
-1935-



Regular Session Convened January 14th, 1935.
Regular Session Adjourned Sine Die March 21st,
1935, Legislative Day of March 14th, 1935.

Publication Authorized
Paragraph 23, Article 2, Chapter 2,
1928 Revised Code of Arizona
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NOTICE:

There are a few errors of spelling and punctuation in the body of this volume, which had to be duplicated in order to conform with the engrossed and enrolled copies of the originals on file in the office of the Secretary of State.

SIMS PRINTING CO.



AUTHENTICATION

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

THIS IS TO CERTIFY—That the Acts, Resolutions and Memorials published in this volume, beginning at page 1 and ending at page 628 hereof, are full, true and correct copies of the originals, passed at the Regular Session of the Twelfth Legislature of the State of Arizona, as they appear on file in the Office of the Secretary of State of Arizona.

That the Regular Session of the Twelfth Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, January 14, 1935, and adjourned sine die on the 21st day of March, 1935.

That the Acts, Resolutions and Memorials passed at said Session were officially published on the 20th day of June, 1935.

IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 20th day of June, 1935.



JAMES H. KERBY,
Secretary of State.

ARIZONA STATE SENATE
REGULAR SESSION
TWELFTH LEGISLATURE, 1935

OFFICERS

JOE C. HALDIMAN President
W. J. GRAHAM Secretary
REV. PERRY McARTHUR Chaplain
REV. T. T. HUGHES Chaplain
FRANK GILLICK Sergeant at Arms

MEMBERS OF THE SENATE

County:	Name and Party:	Address:
Apache	—Bryant Whiting (R)	St. Johns
Cochise	—Dan Angius (D)	Bisbee
Cochise	—Joe S. Hunt (D)	Douglas
Coconino	—Clyde Stauffer (D)	Flagstaff
Gila	—E. H. McEachren (D)	Miami
Gila	—Daniel E. Rienhardt (D)	Globe
Graham	—Aaron Nelson (D)	Safford
Greenlee	—Peter Riley (D)	Clifton
Maricopa	—George A. Johnson (D)	Mesa
Maricopa	—Joe C. Haldiman, Pres. (D) 47 W. Jeff., Phoenix	
Mohave	—J. Hubert Smith (D)	Kingman
Navajo	—G. W. Nelson (D)	Winslow
Pima	—E. T. Houston (D)....	424 E. 16th, Tucson
Pima	—Thos. Collins (D) ..	1057 E. 8th St., Tucson
Pinal	—Peter H. Ethington (D)....	Casa Grande
Santa Cruz	—J. A. Harrison (D)	Nogales
Yavapai	—Paul C. Keefe (D)	Clarkdale
Yavapai	—W. E. Patterson (D)	Prescott
Yuma	—Nellie T. Bush, Mrs. (D)	Parker

ATTACHES OF SENATE

Clarke, Mary	Stenographer
Crozier, Ben	Janitor
Drake, Anne	Stenographer
Gillick, Frank	Sergeant-at-Arms
Glenn, Lucille	Stenographer
Graves, Mabel	Stenographer
Graham, W. J.	Secretary
Gronds, Billie	Stenographer
Hengesbach, V. P.*	Reading Clerk
Hughes, Rev. T. F.*	Chaplain
McArthur, Rev. Perry*	Chaplain
McCorkle, C. W.*	Door-keeper
Neuse, R. F.*	Door-keeper
Taylor, Rachael	Stenographer
Westover, B. E.	Printing Clerk

*-Appointment to continue for first period of session only.

HOUSE OF REPRESENTATIVES
REGULAR SESSION
TWELFTH LEGISLATURE, 1935

OFFICERS

THOMAS D. TWAY Speaker
LALLAH RUTH Chief Clerk
RUBY COULTER Assistant Chief Clerk
REV. CECIL HARRIS Chaplain
HENRY HILBERS Sergeant-at-Arms
DOROTHY REED Hd. Min. Clerk

MEMBERS OF THE HOUSE

District: Name and Party: Address:

APACHE

1 Don R. Patterson (D) St. Johns

COCHISE

1 David J. Marks (D) Bisbee
2 Frank Bowling (D) Lowell
3 M. A. Gray (D) Douglas
4 Frank W. Sharpe, Jr. (D) Douglas
5 Vernon G. Davis (D) Willcox

COCONINO

1 James E. Babbitt (D) Flagstaff
2 L. S. Williams (D) Williams

GILA

1 James R. Heron (D) Globe
2 Ben H. Franklin (D) Miami
3 W. G. Rosenbaum (D) Hayden

GRAHAM

1 Frank Skinner (D) Safford
2 Fred Webb (D) Pima

GREENLEE

1 Matt Danenhauer (D) Clifton

MARICOPA

- 1 William (Bill) Petersen (D) Phoenix
14 S. 20th Avenue
- 2 M. G. Pratt (D) Phoenix
1133 E. Portland
- 3 Bridgie M. Porter, Mrs. (D) Phoenix
1439 E. McKinley
- 4 J. E. (Eddie) Love (D) Phoenix
907 Grand Ave.
- 5 J. Melvin Goodson (D) Phoenix
215 N. 3rd Avenue
- 6 Bert C. Armstrong (D) Phoenix
920 N. 3rd Street
- 7 Raymond S. Hill (D) Phoenix
1826 N. 12th St.
- 8 L. Alton (Pat) Riggs (D) .. Box 504, Mesa
- 9 Philip A. Isley (D) Mesa
- 10 M. E. Curry (D) 520 Mill Ave., Tempe
- 11 W. R. Palmer (D) Phoenix
201 N. 17th St.
- 12 Tom J. Imler (D) Phoenix
138 W. Merrill
- 13 William F. Gillett (D) Glendale
137 W. D. Ave.
- 14 J. C. Wilson (D) Buckeye
- 15 Harry J. Sullivan (D) Phoenix
Rt. 6, Box 975
- 16 C. T. Thompson (D) Phoenix
Rt. 9, Box 120
- 17 G. A. Batchelder (D) Phoenix
222 Indianola
- 18 Guy C. Chisum (D) Phoenix
910 W. Moreland
-

MOHAVE

- 1 Robt. E. Morrow (D) . Sandy Rte., Kingman

NAVAJO

- 1 James Petersen (D) Standard
- 2 O. L. Murray (D) Winslow

PIMA

- 1 Justo A. Chávez (D) Tucson
28 S. Palomas
- 2 John H. Rapp (D) Tucson
736 N. Euclid
- 3 William Wisdom (D) Tucson
1827 E. 10th St.
- 4 C. W. (Jack) Gardner (D) Tucson
103 W. Lincoln
- 5 D. M. Penny (D) Tucson
38 N. Church
- 6 Ben O'Neill (D) Ajo
- 7 Thomas D. Tway (D) Tucson
2522 E. 3rd St.

PINAL

- 1 R. W. Kenworthy (D) Coolidge
- 2 Thomas S. Richards (D) Ray

SANTA CRUZ

- 1 E. F. Bohlinger (D) Patagonia

YAVAPAI

- 1 John H. Orthel (D) Prescott
- 2 V. A. Reichard (D) Prescott
- 3 Philemon G. Steinel (D) Clarkdale
- 4 Harry J. Mader (D) Jerome

YUMA

- 1 Bernard T. Caine (D) Yuma
- 2 William Wisener (D) Yuma

ATTACHES OF HOUSE OF REPRESENTATIVES

Ball, Odessa*	Clerk
Bingham, Warren*	Clerk
Carr, Melvin*	Clerk
Caudell, W. S.*	Clerk
Coulter, Rubby	Ass't Chief Clerk
De Baud, Chas.*	Clerk
Doherty, Georgia*	Clerk
Dudley, Brooks	Enrolling and Engrossing Clerk
Finn, Patey*	Stenographer
Fuller, Nancy*	Stenographer
Geare, Kathryn	Stenographer
Gibson, Cecil*	Clerk
Grisham, T. J.*	Clerk
Hanson, Carl*	Clerk
Harris, Rev. Thos. C.	Chaplain
Henson, Adele	Stenographer
Hilbers, Henry L.	Sergeant at Arms
Holtsnider, Clara*	Clerk
Jones, Lawrence*	Page
Jones, Martha*	Stenographer
Johnson, Mary L.*	Proof Reader
Kiernan, E. P.	Stenographer
Kulinovich, F.*	Page
Laird, Clyde*	Clerk
LaZure, Joe*	Clerk
León, Livia*	Stenographer
Luckenback, Mary	Head Stenographer
Mac Lennan, Joyce*	Stenographer
Mullins, Hazel	Stenographer
Newcomb, Dorothy	Speaker's Secretary
Nichols, W. D.	Door Keeper

Pickering, Mary* Clerk
Reed, Dorothy R. Head Minute Clerk
Reiber, Lucille* Stenographer
Lallah, Ruth Chief Clerk
Scott, Kathryn Assistant Minute Clerk
Weiland, Ralph* Clerk

*—Appointment to continue for first period of session only.

Governor's Message

TO THE TWELFTH LEGISLATURE

Ladies and Gentlemen of the Twelfth Legislature:

I know you have a full realization of the responsibilities confronting us at this time. Notwithstanding the fact that material progress has been made in the financial and governmental affairs of the State of Arizona, there remains much to be accomplished.

I pledge you my whole-hearted cooperation, and I feel that I can depend upon you to the extent of your ability, and to the depths of your patriotism. It is my prayerful hope that we may possess in ample degree the talent and vision to adequately assess and wisely solve the many pressing problems which harass our beloved state.

STATE EXPENDITURES

Through the cooperation of the legislature and the various departments of state government drastic reductions have been effected in governmental expenditures during the past biennium. In spite of these reductions, through careful supervision the efficiency of the various departments has been increased.

Two years ago the financial condition of the state was chaotic. Our warrants were mere scraps of paper, being discounted from 15% to 25%, the bonded indebtedness of our subdivisions had defaulted, the orderly processes of government were threatened, our schools faced shortened terms or

possible closing. Our citizens were unemployed and confronted with the spectre of starvation.

It is a source of gratification to me that our warrants are now cashable at face value, that our teachers are being paid in cash, and that bonded obligations of our various subdivisions are rapidly approaching par.

Arizona is definitely on the road to recovery. Bank clearances have increased tremendously, retail sales are larger than for many years, general business activities are being resumed, the prices of farm and dairy products have increased materially, our copper mines are being opened to a limited extent, and many of our citizens are being returned to gainful employment.

Revenues from new methods of tax collection have made it possible for us to meet the demands of the federal government in matching funds for aid of our unemployed, and at the same time approach a balance in our budget.

REVENUE MEASURES

In this period of reconstruction we must give thought to the basic factors which will accelerate recovery. Speedy recovery can only be attained through economy in governmental expenditures, a low tax rate, a broad base over which the tax load may be spread, few exemptions and an efficient tax collection system.

Funds must be provided for the operation of government, the high standard of our schools must

be maintained, and provisions must be made for our unemployed citizens.

I am more than ever convinced that present day conditions demand the lightening of the tax burden on real property. To meet these conditions I recommend the very careful study of the various tax plans which will be submitted to you. A program should be evolved permitting the eventual elimination of property taxes for state purposes, bearing in mind that no person or group of persons should at any time be allowed to escape the liability of a just proportion of state governmental costs. Through the elimination of property taxes for state purposes it will be possible to secure equitable assessed valuation on all property throughout the state, and one county will no longer be affected by or interested in the assessed property valuation of another, thus eliminating the long-standing animosity between agricultural and mining counties.

When property taxes are levied only for county and municipal purposes the real property taxpayer will become more acutely tax-conscious of the cost of county and municipal government, and will demand more rigid economy and efficiency, thus effecting further tax reductions.

Unless a more feasible plan can be evolved, I recommend the re-enactment of the sales tax, which is self-repealing and expires March 1, 1935, and that the rate be increased.

In this connection I also recommend an increase in the rate of the various classifications of the net income tax, and the enactment of an equitable intangibles tax which will comply with our Constitution.

Inasmuch as the intangibles tax enacted by the Eleventh Legislature was declared unconstitutional, I recommend that legislation be enacted authorizing the proper officials to refund to those who have made payment in compliance therewith the moneys paid to the state under this law, without imposing upon them the necessity of court action.

RELIEF

Through the use of the entire proceeds of our luxury tax, 10% of our state gasoline tax, and 15% of the proceeds of the sales tax Arizona has been able to meet the requirements of the federal government in matching funds for the relief of the needy and unemployed.

Our President in his Message to Congress indicated that the states of the Union will be required in the future to assume a larger proportion of this burden. I recommend that the scope of the luxury tax be broadened to provide the necessary funds for this purpose.

CONSOLIDATION OF DEPARTMENTS

Experience of the past two years has brought to me forcibly a realization of the need for a survey of governmental functions with a view to consolidation of departments and elimination of much duplication of effort. Efficient government demands such consolidation at an early date. Governmental needs have been met by "stopgap" legislation which destroyed efficiency and promoted duplication of effort.

In order to permit more thorough and effective supervision of brokers, dealers in securities, small

loan companies and insurance companies, I recommend the transfer to the State Banking Department of the supervision of licensing of brokers and dealers in securities, small loan companies and insurance companies of all kinds, and the supervision thereof.

To facilitate the enforcement of the Motor Vehicle regulations, I recommend that the administration of all such regulations now being administered by the Arizona Corporation Commission be transferred to the Motor Vehicle Division of the Arizona Highway Department, with the exception of the issuance of permits of necessity and convenience. This will effect greater efficiency and material savings.

One of the most constructive changes which can be made in our state government is the reform of our law-making machinery. The unwieldy legislatures of our states have retarded the enactment of sound and progressive laws which should be drafted with clarity and skill and based upon accurate information, always with the thought in mind that both individual and property rights must be adequately protected and justice assured to all. The complications inherent in our present legislative system are too great and too fundamental to be overcome by individual efforts, however well intentioned or directed.

I recommend that you consider the submission to the people of a constitutional provision for a one-house legislature, of much smaller membership than we now have. I offer no suggestions as to details, but believe that the inauguration of this reform will mark a long step forward in the development of efficient and economical government.

I consider the changes in our organic law necessary to accomplish these reorganizations of such importance as to justify their submission to the electorate of the state at a special election. This will permit their discussion and determination to be freed from the distractions of a partisan campaign, and if approved by the electors will make them effective in 1937.

OLD AGE PENSION LAW

It has come to my attention that certain abuses are occurring in the administration of the Old Age Pension Law. On the basis of information now available, I recommend the establishment of an Old Age Pension Administrator, with full power to investigate and accept or reject all applications for benefits under this law.

EXTENSION OF TIME FOR PAYMENT OF DELINQUENT TAXES

The Eleventh Legislature enacted legislation permitting delinquent taxpayers to avail themselves, within a limited period, of the privilege of liquidating the delinquent taxes in twenty payments extended over a period of ten years. Many taxpayers have availed themselves of this privilege with resulting benefit to themselves and the state. Many other taxpayers were not in a position within the time provided to avail themselves of the privilege. I therefore recommend that a similar law be enacted for an additional limited period.

The citizen who pays his taxes is also entitled to protection. In good faith he has paid his portion of the expense of the government through real

property taxes or through sales, income or luxury taxes. Certainly it is not fair that he should be required to come to the tax collector again and pay not only his portion, but the portion of the delinquent taxpayer as well. And it is your duty and mine to see that this injustice is not done. To that end I recommend that you give earnest attention to a strengthening of our delinquency laws, tempering justice with mercy, but ever insisting that each citizen bear his just proportion of the load, and preventing the escapement of just taxes. The laws should be strengthened, making mandatory on taxing officials the enforcement of collection, or involving the penalties for malfeasance, else our government shall fail.

MORTGAGE MORATORIUM

The distressed owners of homes, farms and other property must be given protection during this period of stress and an opportunity to protect their interests as normal conditions return. To this end I recommend that the moratorium on mortgage foreclosures be extended for an additional two years.

This recommendation is based upon a careful study of the operation of the act. Many distressed property owners have secured just relief, the act has not been widely abused, and the courts have administered it equitably.

INVESTMENT OF STATE PERMANENT FUNDS IN STATE WARRANTS

At the present time permanent funds of the state amounting to \$750,000.00 are invested in bonds yielding approximately 2% per annum. It is imperative that these funds be protected at all

times. I believe that there is no better security than Arizona state warrants yielding 5% interest. I recommend and urge legislation permitting the investment of state permanent funds in state warrants. An annual saving of approximately \$22,500.00 can be made by this action.

STATE CONSTABULARY

I recommend the very careful study of the plan which will be submitted to you for the creation of a state constabulary.

TRAVEL EXPENSE

I recommend that a rigid check be made of all travelling expense accounts of state officials and employees by the establishment of a Travel Control Secretary, to be appointed by the Governor, with full power to authorize, audit and investigate all travel expense, thus effecting a saving to the state and eliminating unnecessary travel at state expense.

In this connection I recommend that the mileage allowance on personal automobiles used for state purposes be increased from 5c to 8c per mile, and that hotel and meal allowances be changed from a fixed \$5.00 per diem to actual expenses.

PROTECTING THE STATE'S INTERESTS

Our copper mining industry has suffered from depressed conditions and from the inroads made by cheap foreign production. The copper miner in Arizona is entitled to the enjoyment of American standards of living and American wage scales. The activities of the Arizona Copper Tariff Board dur-

ing the past two years have been of great advantage to our copper industry. The present National Revenue Act, including the 4c import duty on copper, expires this year and new legislation by the National Congress must give to this industry adequate protection. I recommend that this legislature make an additional emergency appropriation for the use of the Arizona Copper Tariff Board in sufficient amount to carry on this fight during the present session of Congress.

The activities of the Arizona Colorado River Commission have brought to the attention of the federal government Arizona's rights on the river, and it is my belief that our case now rests on solid legal ground. Physical development on the river has sufficiently progressed that final adjudication of our rights should be reached in the next few months. For the protection of Arizona's rights I found it necessary to utilize the National Guard, and I shall never hesitate to take adequate steps within the law to protect this state's rights in that great natural resource.

LIQUOR CONTROL

I recommend and urge the enactment of more rigid laws adequately controlling the sale of spirituous liquors, wines and beer, providing severe penalties for violations, and making mandatory strict enforcement by the officials charged with the administration thereof.

DEVELOPMENT OF NEW RESOURCES

The decline of the copper mining industry makes it highly important that we undertake the develop-

ment of other resources and industries. Arizona's scenic beauties and climatic advantages offer a large field for future development. Each year sees an influx of tourists from northern and eastern portions of the United States who come to Arizona to escape the rigors of winter and to spend weeks and months in the sunshine of southern and central Arizona. Northern Arizona, with its mountainous areas covered with virgin pine, can well provide a playground for thousands of people each summer. These visitors within our borders often linger and become permanent residents; they invest their money and take an ever increasing part in our governmental affairs.

I recommend the creation of a continuing appropriation for national advertising in order that the people of the nation may have full knowledge of the advantages Arizona has to offer.

TAX SUITS

I recommend that an adequate appropriation be made to the Attorney General's office to cover the necessary expense of a vigorous defense of the pending tax suits brought against the state of Arizona by certain large taxpayers.

LEGISLATIVE COOPERATION WITH FEDERAL GOVERNMENT

In order that Arizona may avail herself of all the benefits to which she is entitled under the help-program of the federal government, I ask your full and whole-hearted cooperation with the request made by our President in his letter to me of Decem-

ber 22, 1934. A copy of this letter will be placed on your desks.

BIENNIAL BUDGET

A printed copy of the budget to cover governmental expenditures for the ensuing biennium will be handed to each of you today. A thorough survey has been made of all departments and a fund of detailed information has been assembled. This budget is based on the actual needs of the various departments. This information in its entirety will be made available to you.

I recommend that the Appropriation Bill be formulated and introduced during the early days of your session to the end that it may have proper and sufficient consideration.

CONCLUSION

I pledge you my full cooperation and want you to feel that my office is ever open to you, that my time will be given unstintedly to you in every endeavor to aid in the solution of our problems. Let us approach each question with an open mind, let us lay aside selfish motives and with reverent hearts devote ourselves solely to the welfare and best interests of our beloved state.

B. B. MOEUR, Governor.

January 14, 1935.

Order of Acts

Order of Acts

REGULAR SESSION OF THE TWELFTH LEGISLATURE, STATE OF ARIZONA

1. H. B. 3. An Act making an Appropriation for the current and contingent expenses of carrying on, conducting and defraying the expenses of the Twelfth Legislature, Regular Session, of the State of Arizona; and declaring an emergency. Approved January 16, 1935 ... 1
 2. H. B. 6. Relating to the duties of the State Auditor, and providing for the numbering of warrants and the keeping of a register of warrants. Approved Jan. 21, 1935 3
 3. H. B. 24. Relating to appropriations; and providing an emergency appropriation for the use of the state law and legislative reference library. Approved Jan. 22, 1935 4
 4. S. B. 31. Relating to the Intangible Property Tax, and providing for the refund of money held in trust by the State Tax
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Commission in the intangibles tax account, and declaring an emergency. Approved Febr. 4, 1935 5

5. S. B. 3. Relating to public printing and publication of notices, defining "newspaper", and amending section 2744, Revised Code of 1928. Approved Febr. 9, 1935 6

6. S. B. 29. Making an appropriation to the Attorney General to defray the expenses of prosecuting and defending suits brought by or against the State of Arizona in any manner relating to the Colorado River and furnishing legal services to the State or any of its agencies in all matters pertaining to said river; repealing all laws and parts of laws and all acts and parts of acts in conflict herewith; and declaring an emergency; and ratifying expenditures made by the Attorney General out of the funds appropriated by the Tenth Legislature. Approved Febr. 9, 1935. 8

7. H. B. 43. Relating to counties; correcting the name of the county seat of Cochise Coun-

- ty, and amending section 744, Revised Code of 1928. Approved Feb. 11, 1935 11
8. H. B. 31. Relating to public health; and providing for the transfer of records of births and deaths to the state registrar of vital statistics. Approved Febr. 15, 1935 12
9. S. B. 2. Relating to real estate mortgages; providing procedure in actions and foreclosure of real estate mortgages, amending section 2, chapter 29, Session Laws 1933, Regular Session, and fixing the date when this act and chapter 29, Session Laws 1933, Regular Session, shall be deemed to be repealed. Approved Feb. 15, 1935 12
10. H. B. 7. An Act relating to chattel mortgages; providing for entry of satisfaction; providing a penalty for failure to acknowledge satisfaction, and amending section 2332, Revised Code of 1928, as amended by Chapter 54, Session Laws of 1933. Approved Febr. 15, 1935. 14
11. H. B. 37. An Act for the relief of

- Ed. Spear. Approved Febr.
15, 1935. 15
12. H. B. 13. An Act relating to war-
rants; and providing for the
acceptance thereof by coun-
ties, cities and towns in pay-
ment of certain debts, and
declaring an emergency. Ap-
proved Feb. 16, 1935. 16
13. S. B. 27. An Act relating to crimes
against the person; prescrib-
ing the punishment for kid-
naping, and amending sec-
tion 4609, Revised Code of
1928. Approved Feb. 20,
1935. 17
14. S. B. 86. An Act relating to the
"emergency stamp tax", ex-
tending the expiration date
thereof, and continuing all
provisions of chapter 18,
Session Laws of 1933 in full
force and effect and declar-
ing an emergency, and
amending section 11, chap-
ter 18, Session Laws of 1933,
first special session. Approv-
ed Feb. 20, 1935. 18
15. S. B. 85. An Act relating to "the
emergency revenue act of
1933", extending the expir-
ation date thereof and con-
tinuing all provisions of

- chapter 17, Session Laws of 1933, in full force and effect and declaring an emergency, and amending section 4, article 3, chapter 17, Session Laws of 1933, first special session. Approved Feb. 20, 1935. 19
16. H. B. 20. An Act relating to irrigation districts; amending section 3356, Revised Code of 1928; relating to estimates of annual financial requirements and providing for repayment of district taxes; amending section 3357, Revised Code of 1928, as amended by section 8, chapter 98, Session Laws of 1931; providing for the cancellation of district taxes; and declaring an emergency. Approved Feb. 20, 1935. 20
17. H. B. 17. An Act defining taxing districts; authorizing such districts to secure the benefits of chapter IX of the act of Congress entitled, "an act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended; prescribing the mode of procedure for securing the benefits of,
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and validating petitions and proceedings under said chapter IX of said act of Congress, as amended; relating to securing financial relief of such districts and to the issuance, form and manner of payment of refunding bonds and other obligations and contracts of such districts pursuant to a plan of readjustment and providing for relief from general and special assessments and taxes; and declaring an emergency. Approved Feb. 25, 1935.

23

- 18. S. B. 48. An Act relating to education; and authorizing the board of regents of the University of Arizona, and the board of education of the Arizona state teachers colleges at Tempe and Flagstaff to employ legal assistance in the matter of procuring loans from the United States government. Approved Feb. 27, 1935.

32

- 19. H. B. 30. An Act to amend section 618 of the Revised Code of Arizona, 1928, relating to building and loan associations; investment of funds; loans; securities; and de-

- clarating an emergency. Ap-
 proved Feb. 27, 1935. 33
20. H. B. 29. An Act relating to regis-
 tration of electors; provid-
 ing for the permanent reg-
 istration of electors of in-
 corporated cities and towns;
 and amending chapter 62,
 Session Laws 1933, Regular
 Session, by adding a new
 section to be known as sec-
 tion 19 a. Approved Feb.
 27, 1935. 35
21. H. B. 27. An Act to amend Section
 231, Revised Code of Ari-
 zona, 1928, as amended by
 Chapter 89, Laws of the
 Regular Session of the
 Eleventh Legislature, relat-
 ing to savings banks loans;
 penalties; and declaring an
 emergency. Approved Feb.
 27, 1935. 36
22. S. B. 21. An Act relating to probate
 procedure; providing for as-
 signment of estate to sur-
 viving spouse or minor chil-
 dren, and amending section
 3977, Revised Code of 1928,
 as amended. Approved Feb.
 27, 1935. 38
23. H. B. 1. An Act to amend and sup-
 plement section 1503, chap-

ter 26, Revised Code of the State of Arizona, 1928, relating to no-fence districts. Approved March 4, 1935. 40

24. S. B. 45. An Act relating to Dentistry; creating the State Board of Dental Examiners, defining its powers and duties, providing for licenses and penalties, and repealing Chapter 11, Session Laws 1929. Approved March 4, 1935. 42

25. H. B. 19. 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, registered assistant pharmacists, and apprentices; and prescribing the minimum age, educational qualification and necessary experience of each; regulating the practice of pharmacy; regulating the manufacture, production, sale and distribution of drugs, medicinal chemicals, poisons and patent medicines in Arizona; providing for the registration and licensing of

- pharmacies, dispensaries, drug stores and stores in which drugs, medicines, or poisons are retailed, compounded and dispensed; and providing penalties for the violation of this act. Approved March 4, 1935. 58
26. S. B. 15. An Act relating to narcotic drugs, and to make uniform the law with reference thereto. Approved March 4, 1935 88
27. H. B. 128. An Act relating to cities and towns; providing for the issuance of refunding improvement bonds, and amending section 3, article 18, chapter 12, Revised Code of 1928 (chapter 21, Session Laws 1933, Regular Session.) Approved March 4, 1935. 107
28. S. B. 40. An Act relating to the city of Prescott; imposing conditions and limitations upon the making of contracts; authorizing the making of a contract to lease land and water rights belonging to said city, and amending section 1, article X, Act 37, Laws of the Territory of Arizona, 1883. Approved March 4, 1935. 108
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29. S. B. 41. An Act relating to the city of Prescott; providing for the method of assessment, levy and collection of taxes; amending section 2, article II, Act 37, Laws of the Territory of Arizona, 1883, as amended by section 2, chapter 176, Session Laws 1921; and repealing sections 5, 6, 7, and 8, article V, and section 8, article X, Act 37, Laws of the Territory of Arizona, 1883. Approved March 4, 1935. 110
30. H. B. 5. An Act relating to the sale of property for delinquent taxes and amending Section 18, Chapter 103, Session Laws 1931, as amended by Chapter 72, Session Laws 1933, and declaring an emergency. Approved March 4, 1935. 111
(Sub.)
31. S. B. 35. An Act relating to Photography; defining and regulating the practice thereof, and creating a Board of Examiners in Photography. Approved March 5, 1935. 117
32. S. B. 38. An Act relating to the registration of architects, assayers, engineers, and land surveyors; and creating the

- state board of technical registration, and repealing article 1, chapter 58, Revised Code of 1928. Approved March 5, 1935. 126
33. H. B. 60. An Act relating to driving while under the influence of liquor or drugs; fixing a penalty therefor, and amending section 1688, Revised Code of 1928. Approved March 6, 1935. 136
34. H. B. 54. An Act to permit the issuance of bonds in anticipation of the collection of state taxes, and to authorize such bond issues for the last half of the year 1934, all of the year 1935, and the first half of the year 1936. Approved March 6, 1935. 137
35. H. B. 115. An Act making an Appropriation for the payment of Salary and expenses of a Representative of the Governor from the State of Arizona, at the National Capitol. Approved March 9, 1935. 140
36. H. B. 140. An Act relating to Education; providing for District School Libraries, authorizing the procurement of services of county free libraries,

- and amending section 1058,
Revised Code of 1928. Ap-
proved March 9, 1935. 141
37. H. B. 171. An Act relating to the Ari-
zona State Teachers College
at Tempe; and making an
appropriation for emergency
repairs to certain buildings.
Approved March 9, 1935. . . 143
38. H. B. 66. An Act relating to Educa-
tion; providing for state aid
for Public Junior Colleges;
amending article 9, chapter
21, Revised Code of 1928, by
adding a new section, to be
designated section 1087k.
Approved March 11, 1935. . . 146
39. H.B. 205. An Act to amend section
2013, Revised Code of 1928,
so as to exempt loans made
under the Federal Housing
Act from the provisions of
chapter 45 of the Revised
Code of 1928, and validating
such loans. Approved March
15, 1935. 147
40. H. B. 122. An Act to provide for the
building of a grand stand
and other improvements on
the state fair grounds, and
making an appropriation
therefor. Approved March
15, 1935. 149

41. H. B. 162. An Act amending section 2014, section 2015, section 2017, section 2019, section 3861, section 3862, of the 1928 Revised Code of Arizona, and section 2016 of the 1928 Revised Code of Arizona, amended by chapter 9, of the 1931 Session Laws of Arizona; providing for a uniform procedure for recording and docketing judgments and repealing all acts and parts of acts in conflict herewith. Approved March 18, 1935. 150
42. H. B. 191. An Act relating to the Copper Industry; and providing an emergency appropriation for the use of the Arizona Copper Tariff Board. Approved March 18, 1935... 157
43. H. B. 22. An Act to amend section 602 of the Revised Code of Arizona 1928 which provides for the formation of non-profit corporations, so as to provide for amending the articles of incorporation of any such corporation. Approved March 19, 1935. 158
44. H. B. 39. An Act relating to Game and Fish; providing for their preservation, and amending

sections 12, 15, 19, 23 and 25, chapter 84, Session Laws 1929, as amended. Approved March 19, 1935..... 160

45. H. B. 41. An Act to amend section 1664 of the Revised Code of 1928 so as to require proof of financial responsibility of motor vehicle operators to respond in damages for negligent operation of motor vehicles. Approved March 19, 1935. 165

46. S. B. 124. An Act relating to the Manufacture and Sale of Spirituous Liquors; imposing a tax thereon; repealing chapter 76, Laws of the Eleventh Legislature, 1933, Regular Session, as amended by chapter 9, Laws of the Eleventh Legislature, 1933, First Special Session, and all laws or parts of laws in conflict herewith. Approved March 19, 1935. 182

47. H. B. 131. An Act for the relief of Fred W. Norton, and directing the board of supervisors of Maricopa County to reimburse the said Norton for the payment of a certain judgment. Approved March 19, 1935. 198

48. H. B. 227. An Act to amend section 505 of the Revised Code of Arizona of 1928 so as to provide for the issuance of district assessment bonds by the municipality, payable only out of the proceeds collected from the improvement bonds issued in pursuance of article 15 of chapter 12 of the Revised Code of 1928, providing for the collection of the process of said improvement bonds by the municipality, the application of the money so collected to the payment of said district assessment bonds and extending to the owners of the property assessed, the benefits of any saving of interest, authorizing the legislative bodies of municipalities to prescribe the procedure for carrying out this act, and declaring an emergency. Approved March 19, 1935. 199
49. H. B. 228. An Act to amend article 15 of chapter 12 of the Revised Code of 1928, by adding eleven sections to said article, providing that in proceedings under said article where bonds have been advertised but not sold within

two years from the first advertisement thereof, the legislative body of the city may (1) abandon said proceedings, or (2) continue said proceedings by sale of the bonds theretofore authorized, or (3) continue said proceedings under a reappraisalment of damages awarded and benefits assessed, providing for a hearing of the property owners affected to determine what action shall be taken, prescribing the procedure for a reappraisalment of damages awarded and benefits assessed, providing for appeal to the Superior Court to revise the damages awarded, for a hearing before the legislative body to revise the benefits assessed, for the issuance of bonds on revised assessment of benefits, for the sale of said bonds, for additional assessment in the event the superior court shall allow additional damages, for limited additional assessment to pay deficiencies, and declaring an emergency. Approved March 19, 1935. 203

- tion districts; prescribing qualifications of electors; defining certain terms; requiring the registration of electors, and amending article 2, chapter 81, Revised Code of 1928, by adding two sections, to be designated section 3339a and section 3377a. Approved March 19, 1935. 213
51. S. B. 44. An Act relating to Barbering; providing for the regulation thereof, creating a board of barber examiners, and amending article 15, chapter 58, Revised Code of 1928 (chapter 39, Session Laws 1931, Regular Session.) Approved March 20, 1935... 215
52. S. B. 42. An Act relating to Beauty Culture; providing for the regulation of the business thereof, and creating a board of beauty culturist examiners. Approved March 20, 1935. 235
53. S. B. 26. An Act in aid of Navigation; providing a penalty for its violation and declaring an emergency. Approved March 20, 1935. 255
54. S. B. 165. An Act to permit the is-

suance of bonds in anticipation of the collection of state taxes, and to authorize such bond issues for the last half of the year 1934, all of the year 1935, and the first half of the year 1936. Approved March 20, 1935. 256

55. H. B. 112. An Act to provide for the establishment of a State Employment System and for cooperation with the United States Government in the promotion of a national employment system and the acceptance of the provisions of the Wagner-Peyser Act, 48 Statutes 113, United States Code, Title 29, Section 49 by the State of Arizona; and designating the board of directors of state institutions of the State of Arizona as the agency of the state for the purposes of administering said Wagner-Peyser Act; and directing the legislature of the State of Arizona to make an appropriation in a sum of \$6,500.00 or so much thereof as may be needed, for the purposes designated in this and the Wagner-Peyser Acts. Approved March 20, 1935. 259

56. H. B. 111. An Act providing for the payment of certain claims which were not presented to and allowed by the auditor within one year after they accrued. Approved March 20, 1935. 262
57. H. B. 157. An Act to provide penalties for using, manufacturing, selling or giving away tokens, slugs, or spurious coins for the fraudulent operation of vending machines, coin box telephones or other receptacles, designed to receive lawful coins of the United States of America, in the sale, use or enjoyment of property or service. Approved March 20, 1935..... 268
58. H. B. 163. An Act relating to license taxes; providing for a license tax on dogs, and amending section 1982, Revised Code of 1928. Approved March 20, 1935..... 270
59. S. B. 4. An Act for the relief of Marion Mae Dugdale. Approved March 20, 1935. 271
60. H. B. 59. An Act for the relief of L. A. Woods. Approved March 21, 1935. 272

- 61. H. B. 71. An Act relating to appointment of attorney by and service of process upon non-resident operating or owning a motor vehicle. Approved March 21, 1935. 273
- 62. S. B. 141. An Act relating to the Initiative and Referendum; providing for the printing and distribution of publicity pamphlets, and amending section 1746, Revised Code of 1928. Approved March 21, 1935. 276
- 63. H. B. 198. An Act to amend section 584, Revised Code of Arizona, 1928, relating to transfers of corporate stock, corporate records and the inspection of corporate records. Approved March 21, 1935. 279
- 64. H. B. 177. An Act providing for the refunding of certain certificates of indebtedness issued by the state auditor for insurance premium penalties collected by the Arizona Corporation Commission, and making an appropriation therefor. Approved March 21, 1935. 280
- 65. H. B. 160. An Act relating to Agri-

- culture and Horticulture; and making an appropriation for the extermination of citrus scales and for a survey of orchards and fields. Approved March 21, 1935... 281
66. H. B. 110. An Act to amend section 2, chapter 8, Session Laws of 1929 as heretofore amended by chapter 99, Session Laws of 1933, so as to permit the removal of leaves of Yucca plants for obtaining fibre for commercial purposes. Approved March 21, 1935. 282
67. S. B. 73. An Act relating to Education; providing that teachers and administrative officers in public schools shall take and subscribe to the oath of allegiance, and amending article 6, chapter 21, Revised Code of 1928, by adding two sections, to be designated sections 1041a and 1041b. Approved March 21, 1935. 284
68. H. B. 44. An Act relating to the crew to be used on locomotives propelled by motive power other than steam. Approved March 21, 1935..... 286
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- 69. S. B. 37. An Act relating to expenses of public officers; providing for reimbursement for mileage and traveling expenses, and amending section 2803, Revised Code of 1928, as amended by chapter 40, Session Laws 1933, Regular Session. Approved March 22, 1935. 287

- 70. S. B. 157. An Act relating to Motor Vehicle Fuel, and amending sections 1673c and 1674c, chapter 31, Revised Code of 1928, as enacted by chapter 16, Session Laws of 1931-32 (1st Special); and amending section 1675, chapter 31, Revised Code of 1928, as amended by said chapter 16, Session Laws of 1931-32 (1st Special). Approved March 22, 1935.... 289

- 71. S. B. 101. An Act for the relief of Western Union Telegraph Company. Approved March 22, 1935. 294

- 72. S. B. 99. An Act for the relief of the Mountain States Telephone and Telegraph Company. Approved March 22, 1935.... 295

- 73. S. B. 180. An Act relating to the State Fair Commission; cre-

- ating the state fair fund;
amending sections 2943,
2944, and 2945, Revised Code
of 1928, and repealing chap-
ter 12, Session Laws 1933.
Approved March 22, 1935... 295
74. H. B. 224. An Act to authorize the
loan commissioners of the
State of Arizona to refund
\$200,000.00 of bonds, date
July 15, 1916, and matur-
ing July 15, 1941, but op-
tional for prior redemption
after July 15, 1931: To pro-
vide for payment thereof,
and to repeal all acts or parts
of acts inconsistent here-
with. Approved March 22,
1935. 299
75. H.B. 225. An Act to enable the State
to refund all or any part of
its present outstanding bond-
ed indebtedness issued for
and on behalf of Territorial
indebtedness; to provide for
the payment of any refund-
ing bonds issued hereunder,
and to repeal all acts or parts
of acts inconsistent here-
with. Approved March 22,
1935. 304
76. S. B. 188. An Act relating to the
contingent expense of the
Twelfth Legislature, and

making an appropriation.
 Approved March 23, 1935... 309

77. H. B. 118. An Act relating to Excise Taxation, and to impose a license fee and a privilege tax upon the privilege of engaging in certain occupations and business; and declaring an emergency. Approved March 23, 1935..... 310

78. S.B. 88. An Act relating to Taxation, and to provide for the raising of additional public revenue for unemployment and welfare relief by imposing a Tax on the Sale of Certain Luxuries and by imposing a Privilege Tax on the privilege of engaging in certain businesses, and declaring an emergency. Approved March 23, 1935. 341

79. H. B. 187. An Act relating to Horse-Racing and Dog - Racing Meets; providing for permits therefor; authorizing the use of parimutuel machines, and providing for the collection of revenue therefrom. Approved March 25, 1935.. 263

80. H. B. 231. An Act relating to Taxation, providing a graduated tax on Net Incomes, amend-

- ing chapter 8, Session Laws of 1933, First Special Session, by adding thereto a new section to be known as section 49 (d) making an appropriation and providing for an emergency. Approved March 25, 1935. 366
81. H. B. 229. An Act relating to the National Guard and providing for Life Commissions for officers retired on account of age. Approved March 25, 1935. 369
82. H. B. 220. An Act for the relief of Arizona State Teacher's College at Flagstaff. Approved March 25, 1935. 369
83. H. B. 214. An Act providing for the payment to the Central Arizona Light and Power Company for light and power furnished the State Capitol building and grounds during the months of July, 1929, and March and July, 1930. Approved March 24, 1935. . . 370
84. H. B. 193. An Act relating to miscellaneous crimes; providing for semi-monthly paydays, and amending section 4876, Revised Code of 1928. Approved March 25, 1935. . . . 372
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85. H. B. 180. An Act relating to state institutions; providing for the care of girl juvenile offenders, and repealing sections 2938 and 2939, Revised Code of 1928. Approved March 25, 1935. 373
86. H. B. 167. An Act relating to liens; providing for the protection of hotel, inn, boarding house, lodging house, apartment house and auto camp keepers, and amending sections 2038, 2039, 2040, and 4788, Revised Code of 1928, as amended. Approved March 25, 1935. 375
87. H. B. 138. An Act relating to the Municipal Charter of the City of Tombstone, Arizona and amending act number 39, Laws of the Territory of Arizona, 1881. Approved March 25, 1935. 378
88. H.B. 137. An Act relating to state institutions; and providing for credit transfers for intra-institutional sales of products or goods. Approved March 25, 1935. 379
89. H. B. 129. An Act relating to Secondary State Routes and Highways, providing for their de-

- signature, improvement, maintenance and repair. Approved March 25, 1935. . . . 381
90. H. B. 102. An Act to amend section 3080, Revised Code of Arizona, 1928, relating to transient live stock; providing the method of assessment and collection of taxes and extending the jurisdiction of the County Assessor. Approved March 25, 1935. . . . 382
91. H. B. 55. An Act relating to Education; and providing an appropriation for the Arizona State School for the Deaf and the Blind, for the construction and remodeling of buildings. Approved March 25, 1935. . . . 384
92. H. B. 48. An Act relating to the State Financial Code limiting quarterly expenditures; warrants for new construction; report of quarterly expenditures for travel. Approved March 25, 1935. . . . 385
93. S. B. 159. An Act relating to Building and Loan Associations and to amend chapter 14, Revised Code of 1928, by adding seven sections to be designated sections 628a, 628b,

- 628c, 628d, 628e, 628f and 628g, respectively; and declaring an emergency. Approved March 25, 1935. . . . 386
94. S. B. 142. An Act relating to the registration of electors, and amending section 9, chapter 62, Session Laws 1933. Approved March 25, 1935. . . . 395
95. S. B. 128. An Act relating to Building and Loan Associations; amending section 618, chapter 14, Revised Code of 1928, and adding two sections to said chapter 14, Revised Code of 1928, to be designated sections 618a and 618b, respectively; and declaring an emergency. Approved March 25, 1935. . . . 396
96. S. B. 89. An Act relating to weights and measures and public weighmasters and to amend sections 3631, 3632, 3633, 3634, and 3635, chapter 82, Revised Code of 1928. Approved March 25, 1935. . . . 402
97. S. B. 79. An Act relating to inspection of livestock and collection of fees therefor, and amending section 2104, Revised Code of 1928, as amended by section 1, chap-

- ter 69, Session Laws of
1933. Approved March 25,
1935. 406
98. S. B. 57. An Act relating to Fees
and Costs; prescribing fees
to be charged by county rec-
orders, and amending sec-
tion 1462, Revised Code of
1928. Approved March 25,
1935. 407
99. S. B. 167. An Act relating to Practice
of Medicine, Surgery and
Osteopathy; amending sec-
tions 2554 and 2560, Revis-
ed Code of 1928; and amend-
ing chapter 58, article 9, Re-
vised Code of 1928, by add-
ing a section to be design-
ated section 2560a, providing
for an annual licensing fee.
Approved March 25, 1935. . . 409
100. S. B. 5. An Act relating to Poll
Taxes for schools and roads,
and repealing article 13,
chapter 75, Revised Code of
1928. Approved March 25,
1935. 412
101. S. B. 179. An Act amending section
2108, Revised Code of 1928,
and acts amendatory there-
of by regulating holding of
cattle in seizure cases and
fixing costs of holding in

- seizure cases. Approved
March 25, 1935. 413
102. S. B. 183. An Act providing for the Exercise of the Right of Eminent Domain by federal agencies, the state, counties, cities, towns, municipal corporations, or other authorized corporations; providing for the procedure for taking property for public use, fixing the method of determining the amount of compensation, and providing for payment therefor; and declaring an emergency. Approved March 25, 1935... 415
103. S. B. 175. An Act relating to public health; providing for the appointment of a supervisor of public health nursing, and amending article 1, chapter 61, Revised Code of 1928 by adding a section, to be designated section 2679a. Approved March 27, 1935... 435
104. S. B. 174. An Act relating to public health; prescribing the qualifications of supervising nurses, and amending article 6, chapter 61, Revised Code of 1928, by adding a section, to be designated section 2743a. Approved March 27, 1935. 436

105. H. B. 88. An Act to create a Board of Naturopathic Examiners; to provide for the appointment of the members of said board; to fix their term of office and their compensation; define Naturopathy and to provide for the enforcement of this act. Approved March 28, 1935..... 437
106. H. B. 100. An Act relating to education; fixing the state levy for common and high school education; providing for a county levy, and amending sections 1088 and 1090, Revised Code of 1928, as amended. Approved March 28, 1935. 448
107. H. B. 217. An Act making appropriations for the various departments of state, for the state institutions, for public schools, for state departments, activities, agencies, and purposes appurtenant thereto; and for the interest on and redemption of the public debt; providing for the manner in which appropriations for labor shall be expended and the manner in which and conditions under which all appropriations herein shall be paid, all

for the fiscal year beginning July 1, 1935 and ending June 30, 1936, hereinafter designated as the 24th fiscal year, and beginning July 1, 1936 and ending June 30, 1937, hereinafter designated as the 25th fiscal year, all of which constitute a general appropriation bill for said fiscal years. Approved March 29, 1935. 451

VETOED BILLS

- S. B. 62. An Act relating to cities and towns; giving power to common councils to impose property taxes, to impose license fees or occupational taxes. Vetoed March 25, 1935.
- H. B. 91. An Act relating to the pecan industry, and providing an appropriation for the University of Arizona, for the investigation of pecan problems. Vetoed March 25, 1935.
- H. B. 156. An Act relating to trade practices; and providing for the protection of trademark owners, distributors and the public against injurious and un-economic trade practices. Vetoed March 25, 1935.
- S. B. 132. An Act relating to taxation; providing the manner in which delin-

quent or back taxes shall be distributed, and amending section 33, chapter 103, Session Laws 1931, regular session. Vetoed March 25, 1935.

- S. B. 100. An Act to provide for pensions for aged and physically disqualified members of police departments, and for the creation of police pension funds and police pension boards. Vetoed March 29, 1935.
- H. B. 194. An Act relating to workmen's compensation insurance, and amending sections 1412, 1413, 1415, 1417, 1418, 1422, 1423, 1425, 1427, 1428, 1430, 1432, 1434, 1438, 1444, 1449, 1452, 1454, 1455, 1457, of article 5, entitled "Workmen's Compensation Law", of Chapter 24, entitled "Employer and Employee", Revised Code of 1928, and repealing all acts and parts of acts in conflict therewith, and providing for the constitutionality of the remainder of the amendments should any part thereof be held unconstitutional, and providing for the submission to a vote of the people of said section 1430 as herein amended. Vetoed March 30, 1935. 498

This Measure was vetoed by the Governor (H. B. 194) but contains referendum ordered by the Legislature.



ACTS

ACTS

CHAPTER 1

(House Bill No. 3)

AN ACT

MAKING AN APPROPRIATION FOR THE CURRENT AND CONTINGENT EXPENSES OF CARRYING ON, CONDUCTING AND DEFRAYING THE EXPENSES OF THE TWELFTH LEGISLATURE, REGULAR SESSION, OF THE STATE OF ARIZONA; AND DECLARING AN EMERGENCY.

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

Section 1. That the sum of Eighty-three thousand Four Hundred Thirty-One Dollars, or so much thereof as may be necessary, is hereby appropriated out of the General Fund now in the hands of the state Treasurer of the state of Arizona, for the several objects and purposes hereinafter named:

(1) The sum of Thirty-Three Thousand, Six hundred Dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of the salaries of the members of the Twelfth Legislature of the state of Arizona.

(2) The sum of Fifteen Thousand, Four Hundred Eighty Dollars, or so much thereof as may

be necessary, is hereby appropriated for the payment of employees of said legislature; Four Thousand, Six Hundred Eighty Dollars, or so much thereof as may be necessary, for the payment of the employees of the Senate; and Ten Thousand, Eight Hundred Dollars, or so much thereof as may be necessary, for the payment of the employees of the House.

(3) The Sum of One Thousand, Nine Hundred Fifty-One Dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of mileage of the members of said legislature.

(4) The Sum of Thirty-two Thousand, Four Hundred Dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of the contingent expenses of said Legislature; Twelve Thousand, Four Hundred Fifty Dollars, or so much thereof as may be necessary, for the payment of the contingent expenses of the Senate; and Nineteen Thousand, Nine Hundred Fifty Dollars, or so much thereof as may be necessary, for the contingent expenses of the House.

Section 2. All claims for salaries of and mileage for members of the respective Houses of said legislature shall be honored by the state auditor upon the presentation of a certificate signed by the presiding officers of the respective Houses of said legislature, whereupon said state auditor shall issue his warrant upon the state treasurer for the payment of the same, and said treasurer, upon presentation, shall pay the same out of the appropriation herein provided for and from the General Fund of the State of Arizona.

Section 3. That all salaries for clerks and employees of said respective Houses of said Legislature shall be paid in like manner as provided in Section 2 of this Act.

Section 4. The salaries of said members of said legislature and the salaries of the said employees thereof, shall be payable on Monday of each and every week during the session of said legislature. The incidental expenses of said legislature shall be payable whenever the proper voucher shall be presented.

Section 5. WHEREAS, an urgent necessity exists for the appropriation of funds to pay the salaries and mileage of the members of the legislature, and to provide funds for the contingent expenses of said legislature, the provisions of this Act are necessary for the expenses and maintenance of said legislature, to keep it intact and preserve the public peace, health and safety, 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, and is hereby exempt from the provisions of referendum provided for in the Constitution of the state of Arizona.

Approved January 16, 1935.

CHAPTER 2

(House Bill No. 6)

AN ACT

RELATING TO THE DUTIES OF THE STATE
AUDITOR, AND PROVIDING FOR THE NUM-

BERING OF WARRANTS AND THE KEEPING
OF A REGISTER OF WARRANTS.

**Be It Enacted by the Legislature of the State of
Arizona:**

Section 1. 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.

Sec. 2. EMERGENCY CLAUSE. To preserve the public peace, health and safety, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved January 21, 1935.

CHAPTER 3

(House Bill No. 24)

AN ACT

RELATING TO APPROPRIATIONS; AND PROVIDING AN EMERGENCY APPROPRIATION FOR THE USE OF THE STATE LAW AND LEGISLATIVE REFERENCE LIBRARY.

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

Section 1. APPROPRIATION. The sum of four thousand eight hundred dollars, or so much thereof as may be necessary, is hereby appropriated for the use of the state law and legislative reference bureau of the state library.

Section 2. EMERGENCY. To preserve the public peace, health and safety it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved January 22, 1935.

CHAPTER 4

(Senate Bill No. 31)

AN ACT

RELATING TO THE INTANGIBLE PROPERTY TAX, AND PROVIDING FOR THE REFUND OF MONEY HELD IN TRUST BY THE STATE TAX COMMISSION IN THE INTANGIBLES TAX ACCOUNT, AND DECLARING AN EMERGENCY.

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

Section 1. REFUND OF INTANGIBLES TAX.

The state tax commission is hereby authorized and directed to refund, to all persons who have heretofore paid to the state tax commission a tax on intangible property, under the provisions of "the intangible property tax act of 1933" (chapter 16, Session Laws 1933, first special session), which act was on November 27, 1934, held by the supreme court of Arizona to be unconstitutional, the amounts of money so paid by them, as shown by the records of the state tax commission. The state treasurer and state auditor are hereby authorized and directed to return to the state tax commission all money received and held by them or either of them under the provisions of said chapter 16, Session Laws 1933, first special session.

Sec. 2. EMERGENCY. To preserve the public peace, health and safety it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved February 4, 1935.

CHAPTER 5

(Senate Bill No. 3)

AN ACT

RELATING TO PUBLIC PRINTING AND PUBLICATION OF NOTICES, DEFINING "NEWSPAPER", AND AMENDING SECTION 2744, REVISED CODE OF 1928.

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

Section 1. AMENDING CLAUSE. Sec. 2744, Revised Code of 1928, is hereby amended to read as follows:

Sec. 2744. NEWSPAPER DEFINED; WHAT NEWSPAPERS QUALIFIED TO DO PUBLIC PRINTING. (a) For the purposes of this chapter, and unless otherwise required by the context, "newspaper" shall mean a publication regularly issued for the dissemination of news and intelligence of a general and public character at stated short intervals of time from a known office of publication, bearing the dates of issue and numbered consecutively, and not designed primarily for advertising, or for free circulation, or for circulation at nominal rates, but having a bona fide list of paying subscribers; and shall not apply to any publication which, for at least one year, has not been admitted to the United States mails, as second class matter, under the act of Congress approved March 3, 1879.

(b) No contract shall be awarded to any publisher of a newspaper at any public bidding for publishing any notice or matter, the cost of which is paid from public funds, unless said newspaper is published within the state of Arizona and the publisher thereof files an affidavit with his bid showing that his newspaper falls within the definition hereinabove set forth.

Approved February 9, 1935.

CHAPTER 6

(Senate Bill No. 29)

AN ACT

MAKING AN APPROPRIATION TO THE ATTORNEY GENERAL TO DEFRAY THE EXPENSES OF PROSECUTING AND DEFENDING SUITS BROUGHT BY OR AGAINST THE STATE OF ARIZONA IN ANY MANNER RELATING TO THE COLORADO RIVER AND FURNISHING LEGAL SERVICES TO THE STATE OR ANY OF ITS AGENCIES IN ALL MATTERS PERTAINING TO SAID RIVER; REPEALING ALL LAWS AND PARTS OF LAWS AND ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY; AND RATIFYING EXPENDITURES MADE BY THE ATTORNEY GENERAL OUT OF THE FUNDS APPROPRIATED BY THE TENTH LEGISLATURE.

Whereas, the general appropriation bill enacted by the Tenth Legislature at its regular session carried an appropriation of one hundred thousand dollars to the attorney general for the "prosecution of the Colorado river suit, for salaries and wages, operation, travel and capital investment", which said act was by said appropriation bill made subject to the condition that it should be exempt from the provisions of the finance code and balances should not revert at the end of the fiscal year; and

Whereas, there remains an unexpended balance of sixty-nine thousand two hundred seventy-six

dollars and fifty-one cents in said appropriation;
and

Whereas, some question and doubt has arisen as to whether the balance of said appropriation is still legally available for the use of the attorney general in the prosecution and defense of suits brought by or against the state of Arizona involving its rights in the Colorado river, and for defraying expenses of legal services to be rendered to the state of Arizona and its agencies on matters pertaining to said river; now, therefore,

**Be It Enacted by the Legislature of the State of
Arizona:**

Section 1. Any unexpended balance of the appropriation of one hundred thousand dollars to the attorney general provided for by the provisions of section 1, subdivision 6, chapter 113, Session Laws of Arizona, 1931 (the general appropriation bill of the tenth legislature,) shall immediately revert to the general fund.

Section 2. That there be and there hereby is appropriated from any funds in the state treasury not otherwise appropriated sixty-nine thousand two hundred seventy-six dollars and fifty-one cents, or so much thereof as may be necessary, for the use of the attorney general for salaries and services, operation, travel and capital investment, in prosecuting and defending any suits brought by or against the state of Arizona in any manner relating to the Colorado river, and furnishing legal services to the state or any of its agencies in all matters pertaining to said river.

Section 3. The appropriation provided for under the provisions of this act shall become immediately available and be exempt from the provisions of the state financial code, and the balances shall not revert at the end of the fiscal year; and all expenditures authorized by the provisions of this act shall be made pursuant to the provisions of sub-section 2 of section 4, chapter 3, Session laws of 1929. Expenditures therefrom not thus controlled by said sub-section 2 of section 4, chapter 3, laws of 1929 shall be subject to approval by the Governor and the Attorney General.

Section 4. All expenditures heretofore made out of the appropriation of one hundred thousand dollars to the attorney general under the provisions of section 1, subdivision 6, chapter 113, Session Laws of 1931, are hereby approved and ratified.

Section 5. All laws and parts of laws and all acts and parts of acts in conflict or inconsistent with this act are hereby repealed.

Section 6. Whereas, the provisions of this act are necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, and this act is hereby exempt from the referendum provisions of the state constitution, and shall take effect and be in full force and effect from and after its passage and approval by the Governor.

Approved February 9, 1935.

CHAPTER 7

(House Bill No. 43)

AN ACT

RELATING TO COUNTIES; CORRECTING THE NAME OF THE COUNTY SEAT OF COCHISE COUNTY, AND AMENDING SECTION 744, REVISED CODE OF 1928.

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

Section 1. AMENDING CLAUSE. Sec. 744, Revised Code of 1928, is hereby amended to read as follows:

Sec. 744. COCHISE COUNTY. Cochise county, the county seat of which is * * * BISBEE, bounded: Commencing at a point six miles south of where the east line of range 18 east intersects the second standard parallel south, thence running south to the boundary line of Arizona; thence east along said boundary line to the southeast corner of the state of Arizona; thence north along the boundary line between the state of Arizona and the state of New Mexico, to a point six miles south of where said boundary line is intersected by the second standard parallel south; thence west to a point six miles south of a point where the east line of range No. 18 east intersects the second standard parallel south, the place of beginning.

Approved February 11, 1935.

CHAPTER 8

(House Bill No. 31)

AN ACT

RELATING TO PUBLIC HEALTH; AND PROVIDING FOR THE TRANSFER OF RECORDS OF BIRTHS AND DEATHS TO THE STATE REGISTRAR OF VITAL STATISTICS.

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

Section 1. TRANSFER OF RECORDS OF BIRTHS AND DEATHS. Upon the written demand of the state registrar of vital statistics, any county clerk, county recorder, city clerk, or other county, city or town officer having custody of records of births and deaths for any year or years, shall transfer the same, for transcription, to the said registrar of vital statistics.

Approved February 15, 1935.

CHAPTER 9

(Senate Bill No. 2)

AN ACT

RELATING TO REAL ESTATE MORTGAGES; PROVIDING PROCEDURE IN ACTIONS AND FORECLOSURE OF REAL ESTATE MORTGAGES, AMENDING SECTION 2, CHAPTER

29, SESSION LAWS 1933, REGULAR SESSION, AND FIXING THE DATE WHEN THIS ACT AND CHAPTER 29, SESSION LAWS 1933, REGULAR SESSION, SHALL BE DEEMED TO BE REPEALED.

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

Section 1. AMENDING CLAUSE. Sec. 2, chapter 29, Session Laws 1933, regular session, is hereby amended to read as follows:

Sec. 2. ACTIONS FOR FORECLOSURE. In all actions for the foreclosure of real estate mortgages now pending, in which final judgment has not been rendered, and in all actions hereafter commenced for the foreclosure of real estate mortgages or on notes secured thereby executed prior to March 4, 1933, in any court in the state, said court, upon application of either the plaintiff or the defendant in such action, provided said defendant is not in default for want of pleading, and unless upon hearing of said application good cause is shown to the contrary, may order such cause continued for a period not longer than March 4, 1937.

Sec. 2. SELF-REPEALING CLAUSE. This act and chapter 29, Session Laws 1933, regular session, shall be deemed to be repealed as of March 4, 1937.

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

sure, and shall take effect upon its passage in the manner provided by law.

Approved February 15, 1935.

CHAPTER 10

(House Bill No. 7)

AN ACT

RELATING TO CHATTEL MORTGAGES; PROVIDING FOR ENTRY OF SATISFACTION; PROVIDING A PENALTY FOR FAILURE TO ACKNOWLEDGE SATISFACTION, AND AMENDING SECTION 2332, REVISED CODE OF 1928, AS AMENDED BY CHAPTER 54, SESSION LAWS OF 1933.

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

Section 1. Sec. 2332, Revised Code of 1928, is hereby amended to read as follows:

Sec. 2332. RECORD OF SATISFACTION; PENALTY FOR FAILURE TO MAKE. When the debt, secured by such instrument has been paid or satisfied, the mortgagee, his assignee or personal representative shall enter satisfaction thereof; such entry of satisfaction shall be made under the column "remarks" in the book in which the instrument is entered. Any instrument acknowledging satisfaction need not be recorded at length, but the recorder shall make the entry under the head of "remarks" showing that the same has been paid,

file the instrument acknowledging satisfaction and return the mortgage or other instrument to the mortgagor. If any such person receiving satisfaction shall not within thirty days after request and tender of costs acknowledge satisfaction on the margin of the record or file with the county recorder of the county wherein such mortgage was recorded a sufficient release, he shall be guilty of a misdemeanor and punished by a fine of not less than twenty-five dollars nor more than two hundred dollars or by imprisonment, not to exceed sixty days or by both such fine and imprisonment.

Approved February 15, 1935.

CHAPTER 11

(House Bill No. 37)

AN ACT

FOR THE RELIEF OF ED. SPEAR

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

Section 1. APPROPRIATION. The sum of one thousand dollars is hereby appropriated for the relief of Ed. Spear.

Sec. 2. BASIS OF CLAIM. Said sum shall be in full satisfaction of the claim of said Ed. Spear for the unpaid balance on one Dodge Eight Sedan automobile, purchased by the executive department of the state on March 30, 1933.

Approved February 15, 1935.

CHAPTER 12

(House Bill No. 13)

AN ACT

RELATING TO WARRANTS; AND PROVIDING FOR THE ACCEPTANCE THEREOF BY COUNTIES, CITIES AND TOWNS IN PAYMENT FOR CERTAIN DEBTS, AND DECLARING AN EMERGENCY.

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

Section 1. WARRANTS ACCEPTED IN PAYMENT OF DEBTS; LIMITATIONS. Warrants lawfully issued by a county, city or town, or by a county school superintendent on behalf of a school district, are hereby declared to be assignable and shall be accepted at face value with accrued interest in payment of not to exceed seventy-five per cent of any debt or demand, including taxes, due the political subdivision on behalf of which said warrants are issued, but no such warrant shall be accepted in payment of taxes levied for a political subdivision other than that against which the same is drawn.

Sec. 2. WARRANTS TREATED AS MONEY IN ACCOUNTING. Warrants of any city, town, or school district accepted in accordance with the provision of section 1 by the county treasurer as tax collector, shall in all matters of accounting between said treasurer and such city, town, or school district, be treated as money to the face value thereof with interest accrued to the date of acceptance by said treasurer.

Sec. 3. COUNTY WARRANTS CHARGED TO RESPECTIVE FUNDS. Warrants accepted in payment of debts or demands, including taxes, shall be charged to the respective funds against which drawn, and in the case of county warrants the board of supervisors shall direct the county treasurer to transfer from the general fund to the funds against which said warrants are drawn, sufficient money to cover the same.

Sec. 4. EMERGENCY CLAUSE. To preserve the public peace, health and safety it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved February 16, 1935.

CHAPTER 13

(Senate Bill No. 27)

AN ACT

RELATING TO CRIMES AGAINST THE PERSON; PRESCRIBING THE PUNISHMENT FOR KIDNAPING, AND AMENDING SECTION 4609, REVISED CODE OF 1928.

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

Section 1. AMENDING CLAUSE. Sec. 4609, Revised Code of 1928, is hereby amended to read

as follows:

Sec. 4609. KIDNAPING FOR EXTORTION, ROBBERY OR RANSOM. Except in the case of a minor by a parent thereof, every person who seizes, confines, inveigles, entices, decoys, abducts, conceals, kidnaps or carries away any individual by any means whatsoever with intent to hold or detain, or who holds or detains such individual for ransom, reward or otherwise, or to commit extortion or robbery, or to exact from relatives of such person or from any other person any money or valuable thing, or any person who aids or abets any of the aforementioned acts, is guilty of a felony, and upon conviction thereof shall be punished (a) if the person subjected to any such act suffers bodily harm inflicted by the person guilty of the violation of this act, by death or by life imprisonment without the possibility of parole, whichever the jury shall recommend; or (b) if there is no bodily harm, by imprisonment from twenty to fifty years without the possibility of parole until the minimum sentence imposed has been served.

Approved February 20, 1935.

CHAPTER 14

(Senate Bill No. 86)

AN ACT

RELATING TO THE "EMERGENCY STAMP TAX", EXTENDING THE EXPIRATION DATE THEREOF, AND CONTINUING ALL PROVI-

SIONS OF CHAPTER 18, SESSION LAWS OF 1933 IN FULL FORCE AND EFFECT AND DECLARING AN EMERGENCY, AND AMENDING SECTION 11, CHAPTER 18, SESSION LAWS OF 1933, FIRST SPECIAL SESSION.

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

Section 1. AMENDING CLAUSE. Sec. 11. chapter 18, Session Laws of 1933, first special session, is hereby amended to read as follows:

Sec. 11. EXPIRATION DATE. This act shall be self-repealing and shall expire May 1, 1935.

Sec. 2. EMERGENCY CLAUSE. To preserve the public peace, health, safety and welfare, it is necessary that this act shall become immediately operative. It is, therefore, declared to be an emergency measure and shall take effect upon its passage in the manner provided by law.

Approved February 20, 1935.

CHAPTER 15

(Senate Bill No. 85)

AN ACT

RELATING TO "THE EMERGENCY REVENUE ACT OF 1933" EXTENDING THE EXPIRATION DATE THEREOF AND CONTINUING ALL PROVISIONS OF CHAPTER 17, SESSION

LAWS OF 1933, IN FULL FORCE AND EFFECT AND DECLARING AN EMERGENCY, AND AMENDING SECTION 4, ARTICLE 3, CHAPTER 17, SESSION LAWS OF 1933, FIRST SPECIAL SESSION.

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

Section 1. AMENDING CLAUSE. Sec. 4 of article 3 of chapter 17, Session Laws of 1933, first special session, is hereby amended to read as follows:

Sec. 4. EXPIRATION OF ACT. This act shall be self-repealing and shall expire May 1, 1935.

Sec. 2. EMERGENCY CLAUSE. To preserve the public peace, health, safety and welfare, it is necessary that this act become immediately operative. It is, therefore, declared to be an emergency measure and shall take effect upon its passage in the manner provided by law.

Approved February 20, 1935.

CHAPTER 16

(House Bill No. 20)

AN ACT

RELATING TO IRRIGATION DISTRICTS;
AMENDING SECTION 3356, REVISED CODE
OF 1928; RELATING TO ESTIMATES OF AN-

ANNUAL FINANCIAL REQUIREMENTS AND PROVIDING FOR REPAYMENT OF DISTRICT TAXES; AMENDING SECTION 3357, REVISED CODE OF 1928, AS AMENDED BY SECTION 8, CHAPTER 98, SESSION LAWS OF 1931; PROVIDING FOR THE CANCELLATION OF DISTRICT TAXES; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 3356, Revised Code of 1928, is hereby amended to read as follows:

Sec. 3356. ESTIMATE OF ANNUAL FINANCIAL REQUIREMENTS. It shall be the duty of the board of directors on or before July first of each year, to make estimates of the amount of money required to meet the obligations of the district for the next fiscal year including maturing bonds and interest, maintenance, operating and current expenses together with such additional amount, as may be necessary to meet any deficiency in the payment of said items incurred during any previous year, and to provide funds for tax sale purchases of delinquent district lands; and said board of directors may, in its discretion, include in such estimates the amount of money required for the repayment to the persons entitled thereto of the whole or any portion of district taxes theretofore paid for any year or years, in cases where the district taxes remaining unpaid for said year or years shall have been cancelled, as provided in section 2 of this act. Such estimates shall be fully itemized so as to show amounts required for each of the specified funds into which the money of the dis-

trict is divided by the treasurer, and the total amount of such itemized estimates, entering such estimates in full upon the records of the district and transmit a certified copy thereof to the boards of supervisors of each county in which any lands of such district are located, together with a certified copy showing the total number of acres of taxable lands of such district and description of such portions thereof as are situated in each of the counties respectively, and shall include therein all lands within the boundaries of such district, except such as have been excluded by orders made in pursuance of this article.

Sec. 2. Sec. 3357, Revised Code of 1928 as amended by Sec. 8, Chapter 98, Session Laws 1931, is hereby amended to read as follows:

Sec. 3357. MONEY RAISED BY TAXATION: HOW ALLOWED. All moneys raised by taxation on the estimated assessment and levy for purposes under this article shall be applied to the objects for which levied, and may be used for no other purpose, except that if there shall be a surplus in any fund at any time, and there no longer is a demand for money in said fund, the board may be order duly entered cause the treasurer of the district to transfer said surplus to any other fund. Whenever the purposes of any fund for which taxes have previously been levied have been satisfied by moneys from any other source, and there shall be no outstanding warrants against the said fund, the district treasurer shall upon the order of the board deposit all moneys thereafter collected on account of the same into such other fund or funds as may be designated by the order of the board; or whenever the purposes of any fund for which district

taxes have previously been levied in any year or years have been satisfied by reason of the refinancing or refunding of the district's outstanding and unpaid bonds and other indebtedness, and there shall be no outstanding warrants or other obligations or indebtedness against said fund, upon order of the board of directors of any such district, the board of supervisors of each county in which any portion of the lands of such district are located shall adopt a resolution releasing all lands in such county upon which district taxes for said purposes remain unpaid from the lien of said taxes, interest, costs and penalties, and directing that the same shall be cancelled upon the books of the county treasurer of such county, and of the treasurer of the district.

Sec. 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 4. To preserve the public peace, health and safety it is necessary that this act shall become immediately operative. It is, therefore, declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved February 20, 1935.

CHAPTER 17

(House Bill No. 17)

AN ACT

DEFINING TAXING DISTRICTS; AUTHORIZING
SUCH DISTRICTS TO SECURE THE BENE-

FITS OF CHAPTER IX OF THE ACT OF CONGRESS ENTITLED, "AN ACT TO ESTABLISH A UNIFORM SYSTEM OF BANKRUPTCY THROUGHOUT THE UNITED STATES", APPROVED JULY 1, 1898, AS AMENDED; PRESCRIBING THE MODE OF PROCEDURE FOR SECURING THE BENEFITS OF, AND VALIDATING PETITIONS AND PROCEEDINGS UNDER SAID CHAPTER IX OF SAID ACT OF CONGRESS, AS AMENDED; RELATING TO SECURING FINANCIAL RELIEF OF SUCH DISTRICTS AND TO THE ISSUANCE, FORM AND MANNER OF PAYMENT OF REFUNDING BONDS AND OTHER OBLIGATIONS AND CONTRACTS OF SUCH DISTRICTS PURSUANT TO A PLAN OF READJUSTMENT AND PROVIDING FOR RELIEF FROM GENERAL AND SPECIAL ASSESSMENTS AND TAXES; AND DECLARING AN EMERGENCY.

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

Section 1. DEFINITIONS. For the purpose of this act a "taxing district" is hereby defined to be a "taxing district" as described in chapter IX of an act of Congress entitled, "an act to establish a uniform system of bankruptcy through the United States", as approved July 1, 1898 and as amended by the addition thereto of chapter IX, approved May 24, 1934. Said act of congress and acts amendatory and supplementary thereto, as the same may be amended from time to time, are herein referred to as the "Federal Bankruptcy Statute."

Sec. 2. EXERCISE OF POWERS. All powers herein granted to taxing districts may be exercised

by such districts, or, in the event that such districts have no officers of their own, such powers may be exercised by the officers who have the power to contract on behalf of such districts, or to levy special assessments or special taxes within such districts.

Sec. 3. FILING PETITIONS; PAYMENT OF EXPENSES. Any taxing district in the state of Arizona is hereby authorized to file the petition mentioned in the federal bankruptcy statute and to incur and pay the expenses thereof and any and all other expenses necessary or incidental to the consummation of the plan of readjustment contemplated in such petition or as the same may be modified from time to time.

Sec. 4. RESOLUTION OF AUTHORITY OF ATTORNEY. Before the filing of any petition referred to in section 3 hereof, such taxing district shall adopt a resolution authorizing the filing thereof and authorizing its duly and regularly elected or appointed attorney or special counsel duly appointed for such purpose, to file the same and to represent it in the proceedings with respect thereto in the competent United States district court.

Sec. 5. POWERS OF TAXING DISTRICT. Any taxing district is hereby authorized and empowered to take any and all action necessary to carry out any plan of readjustment contemplated in said petition, or as the same may be modified from time to time, subject only to the provisions of the constitution of the state of Arizona, notwithstanding any other provisions of law.

Sec. 6. FINAL DECREE EFFECTIVE UPON

FILING RESOLUTION OF CONSENT. No final decree or order of the United States district court confirming a plan of readjustment shall be effective for the purpose of binding the taxing district unless and until such taxing district files with the court a certified copy of a resolution of such taxing district, adopted by it or by the officials referred to in section 2 hereof, consenting to the plan of readjustment set forth or referred to in such final decree or order.

Sec. 7. POWERS UPON FILING RESOLUTION OF CONSENT; ISSUANCE, MANNER OF PAYMENT AND FORM OF REFUNDING BONDS; CONTENTS OF PETITION; NOTICE OF INTENTION TO ADOPT RESOLUTION; CANCELLATION OF TAXES AND ASSESSMENTS. Upon the filing of such certified copy of such resolution, any taxing district shall have power to consummate the plan of readjustment including the following powers:

(a) To cancel in whole or in part, or remit or reduce, the moneys payable under any bonds, warrants or evidences of indebtedness or other obligations of or issued by, such taxing districts, sought to be refunded by such plan of readjustment.

(b) To issue refunding bonds to refund obligations specified in paragraph (5) of this subdivision, subject to the following:

(1) Such obligations may be those of, or issued by, such taxing district, as described in such plan of readjustment. Such refunding bonds shall have such denominations, rates of interest, and maturities, and shall be payable by taxes, special

assessment taxes, or special assessments, levied or assessed in the manner provided in such plan of readjustment, except that no such refunding bonds shall exceed in amount, or bear a higher rate of interest than the total obligations sought to be refunded.

(2) In those cases where the bonds sought to be refunded were issued pursuant to statute requiring any election of voters or electors as a prerequisite for the issuance of such bonds, it shall not be necessary to hold any election to authorize the issuance of such refunding bonds, except as may be required by the constitution and laws of the state of Arizona.

(3) The refunding bonds need not be payable out of taxes or special assessments levied or assessed in the manner in which the bonds sought to be refunded were payable. By way of illustration of, but not by way of limitation upon, the powers herein granted, bonds payable by taxes levied in whole or in part according to the assessed valuation of real or taxable property in a district, may be refunded by the issuance of refunding bonds so payable or by the issuance of refunding bonds constituting specific liens upon real property described in such refunding bonds and subject to enforcement, collection and foreclosure pursuant to the plan of readjustment; provided, however, anything to the contrary herein contained notwithstanding, no refunding bonds shall be payable by the levy of taxes or special assessment taxes upon all taxable property in a district, unless the bonds sought to be refunded were payable by the levy of taxes or special assessment taxes upon all taxable property in a district.

(4) It shall be sufficient for the purpose of this act that the petition shall set forth by reference or authorize:

(I) Procedure to be followed, respectively, in the levy and collection of taxes, special assessment taxes, or special assessment for the payment of such refunding bonds.

(II) The character and effect of, and method of enforcing the liens sought to be created by the issuance of such refunding bonds.

(III) The rights of the holders of such refunding bonds upon the issuance thereof.

(5) The refunding bonds herein authorized shall include bonds to refund bonds secured by unpaid assessments heretofore levied upon real property in a district, and shall also include bonds to fund or refund or pay any obligation of such taxing district whether reduced to judgment or not and whether represented by any written instrument or not and whether arising by contract, statute or otherwise.

(b-1) To issue such new securities, notes, warrants and obligations, and/or to enter into such contracts, agreements, arrangements and readjustments with creditors or other persons as are authorized or contemplated by any law of the state and approved by the court under the provisions of the federal bankruptcy statute.

(c) To adopt such ordinances as are necessary to accomplish the purposes of this act or to provide due process of law with respect to any pro-

ceedings herein authorized. The officers of such taxing district, or the officers referred to in section 2 hereof, are hereby constituted a legislative body of the taxing district for such purpose.

(d) To assess, levy and collect taxes, special assessment taxes and special assessments and to enforce the collection thereof by the officers now provided by law.

(e) In the event that the plan of readjustment contemplates the issuance of refunding bonds payable by special assessment taxes, or by special assessments or reassessments, which will constitute liens upon real property, the taxing district shall not have jurisdiction to adopt the resolution mentioned in section 6 hereof unless, before the issue of the final decree or order confirming the plan of readjustment, it holds a hearing after notice thereof as herein provided. In such event before the signing of the order or decree of the federal district court approving the plan of readjustment, the taxing district shall cause to be given a notice, for a reasonable time and in a reasonable manner, of its intention to adopt the resolution mentioned in section 6 hereof after the issue of the final decree or order and of the fact that by the plan of readjustment it is purposed to levy special assessments or reassessments or special assessment taxes upon real property in the amounts and in the manner set forth in such plan of readjustment and of the time and place when and where all persons interested in any such assessments or reassessments or special assessment taxes will be heard by such taxing district.

(f) The taxing district shall prescribe by or-

dinance or resolution the manner of holding such hearing and of giving notice thereof and the effect to be given to its determination at such hearing.

(g) To cancel or reduce the taxes or special assessment taxes heretofore levied or assessed by such taxing district or in its behalf upon any taxable or real property within such district, if such levy or assessment was for the purpose of paying the principal or interest on the bonds sought to be refunded by the plan of readjustment, in the manner and as set forth in such plan of readjustment, and the powers herein granted shall include cancellation or reduction of interest, penalties and costs that may be levied as assessed upon such property within such district by reason of any previous delinquency in the payment of such taxes or special assessments.

(h) The above enumeration of powers shall not be deemed to exclude powers not herein mentioned that may be necessary for or incidental to the accomplishment of the purposes hereof.

Sec. 8. VALIDATION OF PROCEEDINGS HAD PRIOR TO THIS ACT. Whenever any taxing district has heretofore filed or purported or attempted to file a petition under chapter IX of the federal bankruptcy statute or has taken or attempted to take any other proceedings under or in contemplation of proceedings under chapter IX of the federal bankruptcy statute, all acts and proceedings of such taxing district and of the governing board or body and of public officers of such taxing district in connection with such petition or proceedings, are hereby legalized, ratified, confirmed and declared valid to all intents and purposes, and the

power of such taxing district to file such petition and take such other proceedings is hereby ratified, confirmed and declared valid, but all such proceedings taken after the date this act takes effect shall be taken in accordance with and pursuant to this act.

Sec. 9. PURPOSES AND INTENT. This act shall in no wise affect any other act or acts now existing or which may hereafter be adopted covering the same subject matter, or apply to any proceedings thereunder, but is intended to and does provide, among other matters, an alternative system for the refunding of bonds, the same to be used pursuant to the provisions of, and in conjunction with the federal bankruptcy statute.

Sec. 10. CONSTRUCTION; SAVING CLAUSE. This act and all of its provisions shall be liberally construed to the end that the purposes hereof may be made effective. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional or unenforceable, such decision shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional or unenforceable.

Sec. 11. EMERGENCY CLAUSE. To preserve the public peace, health and safety, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency mea-

sure, and shall take effect upon its passage in the manner provided by law.

Approved February 25, 1935.

CHAPTER 18

(Senate Bill No. 48)

AN ACT

RELATING TO EDUCATION; AND AUTHORIZING THE BOARD OF REGENTS OF THE UNIVERSITY OF ARIZONA, AND THE BOARD OF EDUCATION OF THE ARIZONA STATE TEACHERS COLLEGES AT TEMPE AND FLAGSTAFF TO EMPLOY LEGAL ASSISTANCE IN THE MATTER OF PROCURING LOANS FROM THE UNITED STATES GOVERNMENT.

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

Section 1. The board of regents of the University of Arizona, the board of education of the Arizona state teachers college at Tempe and the board of education of the Arizona state teachers college at Flagstaff are authorized to employ legal assistance in the matter of procuring loans for such institutions from the United States government. Any fees or compensation paid said legal assistance shall never be a lien upon the general fund of the state, but must be paid from the funds of said institutions.

Sec. 2. EMERGENCY CLAUSE. To preserve the public peace, health and safety, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved February 27, 1935.

CHAPTER 19

(House Bill No. 30)

AN ACT

TO AMEND SECTION 618 OF THE REVISED CODE OF ARIZONA, 1928, RELATING TO BUILDING AND LOAN ASSOCIATIONS; INVESTMENT OF FUNDS; LOANS; SECURITIES; AND DECLARING AN EMERGENCY.

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

Section 1. That Section 618 of the Revised Code of Arizona, 1928, is hereby amended to read as follows: Section 618. INVESTMENT OF FUNDS; LOANS; SECURITIES. The association may make loans only upon notes secured by first mortgage on improved real property, or real property to be improved under contract with the association. Such loans shall not exceed sixty per cent of the conservative market value of the improved real property, EXCEPT THAT THE ASSOCIATION MAY MAKE LOANS IN EXCESS OF SIXTY PER

CENT OF THE CONSERVATIVE MARKET VALUE OF THE IMPROVED REAL PROPERTY WHERE THE FEDERAL HOUSING ADMINISTRATOR ACTING PURSUANT TO THE PROVISIONS OF TITLE 2, OF AN ACT OF CONGRESS ENTITLED "NATIONAL HOUSING ACT", APPROVED JUNE 27, 1934, INSURES OR MAKES A COMMITMENT TO INSURE SUCH LOANS. No loan shall be made except upon the report in writing of three appraisers, who shall be members of such association, and who shall report the conservative value of the property to be mortgaged. Every borrower shall, at the time of procuring a loan, subscribe for an amount of stock in the association equal to the loan, and the same, together with the accumulation, shall be held as further security for said loan. The association may also loan upon the security of the shares in the association to the amount of ninety per cent of their withdrawal value; and may loan upon or invest, an amount not greater than twenty per cent of the total assets of the association, in bonds of the United States, the state of Arizona, counties, school districts and other municipalities, and of improvement districts in said state, AND OF NATIONAL MORTGAGE ASSOCIATIONS OR SIMILAR CREDIT INSTITUTIONS NOW OR HEREAFTER ORGANIZED UNDER THE PROVISIONS OF TITLE III OF SAID ACT OF CONGRESS ENTITLED "NATIONAL HOUSING ACT."

Sec. 2. EMERGENCY CLAUSE. TO PRESERVE THE PUBLIC PEACE, HEALTH AND SAFETY, IT IS NECESSARY THAT THIS ACT SHALL BECOME IMMEDIATELY OPERATIVE, IT IS THEREFORE DECLARED TO BE AN EMERGENCY MEASURE, AND SHALL TAKE

EFFECT UPON ITS PASSAGE IN THE MANNER PROVIDED BY LAW.

Approved February 27, 1935.

CHAPTER 20

(House Bill No. 29)

AN ACT

RELATING TO REGISTRATION OF ELECTORS; PROVIDING FOR THE PERMANENT REGISTRATION OF ELECTORS OF INCORPORATED CITIES AND TOWNS; AND AMENDING CHAPTER 62, SESSION LAWS 1933, REGULAR SESSION, BY ADDING A NEW SECTION TO BE KNOWN AS SECTION 19a.

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

Section 1. Chapter 62, Session Laws 1933, regular session, is hereby amended by adding a new section, to be known as section 19a, and to read as follows:

Sec. 19a. PROVISIONS OF ACT APPLICABLE TO INCORPORATED CITIES AND TOWNS. The provisions of this act, except as to the registration of absent electors, are hereby made applicable to cities and towns incorporated under the provisions of articles 1 and 2, chapter 12, Revised Code of 1928, and except as to the registration of such absent electors the duties imposed upon the county

recorder of each county are hereby imposed upon the city or town clerk of every such incorporated city or town. The registration of electors of all such cities or towns in accordance with the provisions of this act, shall begin on July 1, 1935, but every person whose name appears on the current register of voters for such city or town as of said date, shall, if otherwise qualified, be entitled to vote at any election held by such city or town before January 1, 1936, whether or not such person has re-registered in accordance with the provisions of this act.

Sec. 2. EMERGENCY. To preserve the public peace, health and safety it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved February 27, 1935.

CHAPTER 21

(House Bill No. 27)

AN ACT

TO AMEND SECTION 231, REVISED CODE OF ARIZONA 1928, AS AMENDED BY CHAPTER 89, LAWS OF THE REGULAR SESSION OF THE ELEVENTH LEGISLATURE, RELATING TO SAVINGS BANKS LOANS; PENALTIES; AND DECLARING AN EMERGENCY.

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

Section 1. Section 231, Revised Code of Arizona, 1928, as amended by Chapter 89, Laws of Regular Session of the Eleventh Legislature, 1933, is hereby amended to read as follows:

Section 231. SAVINGS BANKS LOANS; PENALTIES. A savings bank may invest the capital and deposits and the income derived therefrom: 1. In first lien mortgages upon real property, such loan shall not exceed at the date it is made sixty per cent of the market value of the real property mortgaged, EXCEPT THAT SUCH LOAN MAY EXCEED, AT THE DATE IT IS MADE, SIXTY PER CENT OF THE MARKET VALUE OF THE REAL PROPERTY MORTGAGED WHERE THE FEDERAL HOUSING ADMINISTRATOR ACTING PURSUANT TO THE PROVISIONS OF TITLE 2 OF AN ACT OF CONGRESS ENTITLED "NATIONAL HOUSING ACT", APPROVED JUNE 27, 1934, HAS INSURED SUCH LOAN OR MADE A COMMITMENT TO INSURE SUCH LOAN; at least fifty per cent of such loans shall at all times be upon real property situated in this state; liens of the federal government on any United States reclamation project or liens of the state government on any project organized under the laws of Arizona shall not be considered a first lien under the provisions hereof; the mortgage or assignment thereof shall be immediately recorded in the office of the county recorder; 2. In the interest bearing bonds of, or other securities issued by this state, or of any county, city, town, school or road district therein, or any securities issued by authority of law for local improvements, that may have been lawfully

issued, or in any bonds, debentures and notes issued by any federal home loan bank, OR BY ANY NATIONAL MORTGAGE ASSOCIATION OR SIMILAR CREDIT INSTITUTION, or in capital stock issued by any federal home loan bank, of which such savings bank may be eligible to become a member.

Sec. 2. EMERGENCY CLAUSE. TO PRESERVE THE PUBLIC PEACE, HEALTH AND SAFETY, IT IS NECESSARY THAT THIS ACT SHALL BECOME IMMEDIATELY OPERATIVE. IT IS THEREFORE DECLARED TO BE AN EMERGENCY MEASURE, AND SHALL TAKE EFFECT UPON ITS PASSAGE IN THE MANNER PROVIDED BY LAW.

Approved February 27, 1935.

CHAPTER 22

(Senate Bill No. 21)

AN ACT

RELATING TO PROBATE PROCEDURE; PROVIDING FOR ASSIGNMENT OF ESTATE TO SURVIVING SPOUSE OR MINOR CHILDREN. AND AMENDING SECTION 3977, REVISED CODE OF 1928, AS AMENDED.

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

Section 1. AMENDING CLAUSE. Sec. 3977.

Revised Code of 1928, as amended, is hereby amended to read as follows:

Sec. 3977. 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 two thousand 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 creditors shall not be necessary. If, upon the hearing, the court finds that the said value does not exceed the sum of two thousand 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.

Approved February 27, 1935.

CHAPTER 23

(House Bill No. 1)

AN ACT

TO AMEND AND SUPPLEMENT SECTION 1503,
CHAPTER 26, REVISED CODE OF THE STATE
OF ARIZONA, 1928, RELATING TO NO-FENCE
DISTRICTS.

**Be It Enacted by the Legislature of the State of
Arizona:**

Section 1. That section 1503 of chapter 26, of the Revised Code of 1928, be and the same is hereby amended and supplemented to read as follows:

Sec. 1503. 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 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 acres, and where at least seventy-five 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 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 people by the last preceding United States census, and extending not more than five 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 livestock may be driven. The board shall publish said order once each week in a newspaper published in the county for four 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 livestock 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 livestock 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 livestock may be driven. The owner or owners of, and/

or the person or persons in charge of any livestock, who knowingly, willfully, carelessly or negligently suffers, allows or permits any such livestock, 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 March 4, 1935.

CHAPTER 24

(Senate Bill No. 45)

AN ACT

RELATING TO DENTISTRY; CREATING THE STATE BOARD OF DENTAL EXAMINERS, DEFINING ITS POWERS AND DUTIES, PROVIDING FOR LICENCES AND PENALTIES, AND REPEALING CHAPTER 11, SESSION LAWS 1929.

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

Section 1. SHORT TITLE. This act shall be known and may be cited as "the dental act of 1935."

Sec. 2. DEFINITIONS. As used in this act, unless otherwise required by the context:

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

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

(c) "Dentistry", "dentist", and "dental" shall include and embrace "orthodontia", "orthodontist", and "orthodontic" respectively.

Sec. 3. WHO DEEMED TO BE PRACTICING DENTISTRY. A person shall be deemed to be practicing dentistry who, by himself or by an agent, employee, servant, or contractor, for fee, compensation, emolument, or reward, direct or indirect, received or expected to be received by himself or another person, and, with specific reference and application to the teeth, gums, jaws, oral cavity, or tissues adjacent thereto, in living persons, shall do or propose, agree, or attempt to do, or make an examination or give an estimate of cost with intent to: (a) Perform an operation or administer an anesthetic in connection therewith; (b) diagnose or treat any condition, disease, or lesion; (c) take an impression; (d) correct a malposition; (e) treat a fracture; (f) remove calcareous deposits; (g) replace missing anatomy with an artificial substitute; (h) construct, make, alter, or repair an artificial substitute or restorative or corrective appliance; (i) do any other remedial, corrective, or restorative work.

Sec. 4. PRACTICING WITHOUT LICENSE A MISDEMEANOR. Except as otherwise provided, any person who, without a valid license as prescribed in this act, shall: (a) Practice dentistry or any branch thereof; (b) in any manner or by any means, direct or indirect, advertise, represent, or

hold himself out as engaged or ready and willing to forthwith engage in such practice; (c) manage, maintain, or carry on, in any capacity or by any arrangement, a practice, business, office, or institution for such practice of dentistry, or which is advertised, represented, or held out to the public as such, shall be guilty of a misdemeanor.

Sec. 5. EXCEPTIONS. Nothing in this act shall be construed to prohibit: (a) A dentist officially employed in the service of the United States from practicing dentistry in his official capacity, within the scope of his authority, upon persons enlisted in, directly connected with, or under the immediate control of some branch of service of the United States; (b) a bona fide student of dentistry from operating in the clinical departments or laboratories of a recognized dental school; (c) an unlicensed person from performing for a licensed dentist merely mechanical work upon inert matter in the construction, making, alteration, or repairing of any artificial dental substitute or any dental restorative or corrective appliance, when the casts or impressions for such work have been furnished by a licensed dentist and the work is directly supervised by the dentist for whom done or under a written authorization signed by him, but the burden of proving such written authorization or direct supervision shall be upon the person charged with the violation of this provision; (d) a clinician not licensed in this state from giving demonstrations, before bona fide dental societies and study clubs, that are free to the persons on whom made; (e) a person whom the board may deem qualified from making dental examinations or teaching oral hygiene in charity health clinics established by the state or any of its political subdivi-

sions or in the public schools, under a special permit for such purpose, which the board, upon proper showing, is hereby authorized in its discretion to issue and renew for periods of from one month to two years; (f) nor to abridge a license issued under the laws of this state relating to medicine or surgery.

Sec. 6. CREATION OF BOARD; TERMS; PRESENT MEMBERS TO SERVE; APPOINTMENTS. The Arizona state dental board is hereby created. Said board shall consist of five members, to be appointed by the governor as hereinafter provided. The terms of office of members of the board shall be five years and shall be so arranged that one term shall expire on January 1 of each year. The members of the board of dental examiners, serving at the time this act becomes effective shall be the members of the board until the expiration of the terms for which they were respectively appointed. All vacancies shall be filled by the governor from a list of ethical practitioners recommended for appointment by the Arizona state dental society, over the signatures of its president and secretary. The governor may request such additional lists as he may deem expedient.

Sec. 7. REMOVAL FROM OFFICE. The governor may remove a member of the board for persistent neglect of duty, incompetency, unfair, biased, partial, or dishonorable conduct, or gross immorality. Conviction of a felony or revocation of the dental license of a member of the board shall ipso facto terminate such membership.

Sec. 8. ORGANIZATION AND MEETINGS. The board shall organize by the election of one of

its members as president and one as secretary, who shall act also as treasurer. Meetings of the board may be called by the president or by a majority of the members, by mailing a written notice of the time, place, and object of meeting to all members not parties to the call at least fifteen days before the day of meeting. Each member shall file his mailing address with the secretary and give written notice of any change. The board shall meet at least once but not more than twice in each year for the purpose of holding examinations, but may meet as often as necessary to transact such other business as may be required in carrying out the purposes of this act.

Sec. 9. COMPENSATION OF MEMBERS AND SECRETARY. The board shall fix the compensation of its members, at not to exceed ten dollars for each day actually spent in performing necessary work authorized by the board, in carrying out the purpose of this act, and actual and necessary travelling expenses. The secretary may in addition be allowed a salary not to exceed twenty-five dollars per month. He shall give a surety bond, running to the board, in the penal sum of two thousand dollars, conditioned upon the faithful performance of his duties, the premium on which shall be a charge against the dental law enforcement fund. Provided however, that all expenditures, which the board is authorized to make shall be limited to ninety per cent of the total revenue of the said board, and that no part of the expenses, charges, or expenditures of the dental board shall ever be or become a charge against any fund of the state.

Sec. 10. POWERS AND DUTIES OF BOARD.

The board shall make rules not inconsistent with this act for the regulation of its own conduct and the holding of examinations; adopt a seal; keep a record of its proceedings and reports; establish a uniform and reasonable standard of minimum educational requirements to be observed by dental schools in order to be classed as recognized dental schools; pass upon the reputability and classification of dental schools in accordance with their compliance with said standard; pass upon the eligibility of applicants for examination, examine such as are found eligible, and issue licenses to those who satisfactorily pass the examination; investigate charges of misconduct on the part of licensees, revoke licenses as the facts may warrant, and reinstate licenses in proper cases; collect and disburse monies, and perform all other duties and things necessary to carry out the purposes of this act which are not specifically or by necessary implication delegated to some other person or persons. The board may sue and be sued, and shall have the power to compel the attendance of witnesses, administer oaths, and take testimony concerning all matters coming within its jurisdiction. If any person refuses to obey a subpoena issued by the board, such refusal shall be certified to the superior court of Maricopa County and proceedings instituted for contempt of court.

Sec. 11. BOARD TO ASSIST IN PROSECUTION OF VIOLATIONS. The dental board or any member thereof, as well as any other person, may prefer complaints for violations of this act before any court of competent jurisdiction. The attorney-general, upon request, shall act for the board in all matters requiring legal assistance, but the board may employ other or additional counsel in

its own behalf. It shall be the duty of the board to assist prosecuting officers in the enforcement of this act, and in so doing may engage suitable persons to assist in investigations and in the procurement and presentation of evidence. Subpoenas or other orders issued by the board may be served by any officer empowered to serve processes, who shall receive the fees prescribed by law. Expenditures made in carrying out the provisions of this section shall be paid out of the dental law enforcement fund.

Sec. 12. BOARD RECORDS ADMITTED IN EVIDENCE. A copy of any part of the recorded proceedings of the board certified by its secretary, or a certificate by him that any asserted or purported record, name, license number, or action is not entered therein, shall be admitted as evidence in any of the courts of this state. Any person making application therefor and paying a fee of twenty-five cents per folio and fifty cents for each certification, may procure from the secretary a certified copy of any portion of the records of the board.

Sec. 13. PREVIOUS LICENSES TO REMAIN IN FORCE. All dental licenses in force at the time this act takes effect shall remain in force subject to the provisions of this act, and shall be recognized as entitling the holders to practice dentistry in all its branches, and any orthodontic license issued under the provisions of any dental law of this state shall be recognized as entitling the holder to practice orthodontia.

Sec. 14. RECOGNITION OF NATIONAL LICENSES. The board shall have authority to re-

cognize a license issued by a national board of dental examiners approved by the American Dental Association, or may, without examination, upon payment of the examination fee, issue to the holder a license to practice in this state.

Sec. 15. SECRETARY OF STATE TO KEEP DENTAL REGISTER. The secretary shall furnish the secretary of state with a certified list of dentists legally licensed at the time this act becomes effective, and thereafter shall promptly notify him of the issuance, forfeiture, revocation, or reinstatement of any license or of any other change in the status of a person affecting his right to practice. The secretary of state shall record the information in a book to be known as the "dental register", which he shall keep in his office for the inspection of the public.

Sec. 16. DENTAL BOARD ADMINISTRATION FUND; DENTAL LAW ENFORCEMENT FUND; DISPOSITION OF FINES. 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 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 of the total of all revenue received by the board shall be placed by the state treasurer to the credit of two funds, the first to be known as the "dental board administration fund", and the second as the "dental law enforcement fund." The said revenue shall be apportioned by the treasurer to each of the hereinabove named funds as directed by the dental board

as follows: all registration fees and fines shall be apportioned to the law enforcement fund; all other fees shall be apportioned to the administration fund. The said board shall by proper resolution each month direct the treasurer as to the manner in which the said revenue shall be apportioned, and the amount that shall be placed to the credit of each of the hereinabove named funds, and such resolution shall accompany the monthly transmission of all revenue by the secretary of the board to the state treasurer. All administrative expenses of the board authorized by this act shall be paid out of the dental board administration fund. All expenditures of the board in connection with the enforcement of this act shall be paid out of the dental law enforcement fund. Any other provision of law notwithstanding, the unexpended balance remaining in said dental law enforcement fund as of the end of the fiscal year shall not revert to the general fund, but shall be credited to said dental law enforcement fund for the next fiscal year. Whenever there is in the dental law enforcement fund more than one thousand dollars, and it shall be found that there is in the dental board administration fund insufficient money with which to pay the board's administrative expense, the board may authorize the state auditor and state treasurer to transfer to said fund so much of said excess as may be necessary.

Sec. 17. ANNUAL REGISTRATION; FORFEITURE OF LICENSE; REINSTATEMENT. On or before January 1 of each year every licensed dentist shall pay an annual registration fee of not to exceed five dollars. Said fee shall be five dollars for the year 1936, and for each succeeding year until changed by order of the board. Failure to

pay said annual registration fee shall ipso facto work a forfeiture of license, but upon written application and payment within the calendar year of such forfeiture, of a fine of ten dollars, or if after such year, of a fine equal to the examination fee current at the time of application, the board shall, without examination, reinstate said license. Whenever issued, such reinstatement shall be as of the date of application, and shall entitle the applicant to an annual registration receipt only for such calendar year.

Sec. 18. ELIGIBILITY FOR EXAMINATION; APPLICATION; FEE. To be eligible for examination, a candidate for a license to practice dentistry must be at least twenty-one years of age, of good moral character, a citizen of the United States or an applicant for citizenship, and the holder of a diploma issued to him by a recognized dental school, or in lieu of such diploma must have been for at least five consecutive years immediately prior to such application duly licensed and engaged in the active, legal practice of dentistry in a state or territory of the United States or a foreign country in which the standards of dental education and practice are acceptable to the board. Any such candidate shall make written application to the secretary and accompany the same with the examination fee, to be fixed by the board, not exceeding fifty dollars, which fee shall in no case be refunded if the applicant is found to be eligible, and shall otherwise comply with all of the requirements, rules and regulations of the board.

Sec. 19. EXAMINATIONS; PAPERS OPEN TO INSPECTION. Examinations shall be upon subjects included in the curricula of recognized

dental schools and shall be both theoretical and practical. Any board member participating in an examination being given by the board shall have the right to examine the candidate in any subjects included in the examination. The theoretical examination shall be written in the English language and may be supplemented by an oral examination at the discretion of the board. The practical examination shall consist of laboratory technique and clinical demonstrations. The theoretical and practical examinations shall be graded at fifty per cent each, but the board, in its discretion, may allow applicants who have been for more than five years engaged in the practice of dentistry a greater percentage, not over seventy-five, according to the number of years of practice, for the practical examination. The board may delegate any part of the written theoretical examination to any properly qualified examining body created by the laws of this state, and may require that an applicant shall accompany his application with a certificate showing that he has successfully passed the examination of said examining body in the subject matter assigned to it. All examination papers shall be kept by the secretary and open to inspection at reasonable times by members of the board, by the applicant or an authorized agent, or by a court of competent jurisdiction in a proceeding in which the question of the contents of such papers is properly involved, for a period of ninety days from the date on which the examinations are begun, and may then be destroyed. Such examination papers shall be deemed to be the property of the board and shall not be removed from its possession without its consent.

Sec. 20. REVOCATION OF LICENSE. When-

ever it shall appear to the dental board upon a hearing, hereinafter provided for in this act, that any person holding a license, recognized by this act, to practice dentistry in this state is physically or mentally incompetent to practice; or has been guilty of fraud or misrepresentation in securing said license or in his practice; or of gross immorality; or of habitual use of intoxicants or drugs to such an extent as to render him unfit for practice; or of employing unlicensed persons to perform work which can be done legally only by licensed persons; or of committing a felony or any crime involving moral turpitude, either before or after conviction in court; or of employing or making use of solicitors or publicity press agents; or of the making, circulation, or publication of misleading, fraudulent, or false statements concerning his knowledge, skill, art, or methods of treatment or practice tending to deceive or mislead the public, it shall revoke said license.

Sec. 21. ACCUSATION AND HEARING. Upon accusation in writing, duly verified and filed with the board, charging a violation of any provision of the preceding section, the board shall, if the charge appears sufficient and reasonably founded, by an order duly made and entered upon the minutes of the board, fix a time and place for hearing the same, which time shall be not less than ten days after a written copy of the accusation and the order of the board are served upon the accused in person, if he can be found within the state, or if he absents himself from the state or conceals himself within the state for the purpose of evading service, then as the board may direct. At the time and place fixed in said order, the accused may appear in person or by his attorney and answer

under oath the charge filed against him and introduce in his behalf such evidence as he may have touching said charge and show cause, if any, why his license should not be revoked. The board may for good cause continue the hearing from time to time. If the accused does not appear, the board may determine the proceedings in his absence. If, after hearing, it shall appear to the satisfaction of the board that the charge has been sustained the license of the accused shall be revoked unless, the licensee, within thirty (30) days thereafter, shall sue out a writ of certiorari in a superior court of the county wherein the licensee maintains his practice of dentistry. The board shall reinstate such licensee upon judgment of the court having jurisdiction of the cause or causes, when such revocation has been removed by the court; provided, that the licensee has paid registration fees for the year of the reinstatement and in any event the license shall not be revoked until the final judgment of the court having jurisdiction of the cause. The successful party to such action shall recover of his adversary all the costs expended or incurred therein except where otherwise provided by law.

Sec. 22. DENTISTRY TO BE PRACTICED ONLY UNDER NAME OF LICENSEE; NAME AND LICENSE TO BE DISPLAYED; DUPLICATE LICENSES. It shall be unlawful to practice dentistry under the name of a corporation. The name of every person practicing dentistry shall be conspicuously displayed at the entrance to the place where he practices. His annual registration receipt for the current calendar year shall be displayed in his place of practice in such manner as to be readily observable at any time by patients or by visi-

tors and shall be exhibited to any member of the board or to any duly authorized agent of the board upon request. The registration receipt for the calendar year immediately preceding shall be kept on display until replaced by the receipt for the current year. During the year in which the licensee is first licensed and until the annual registration receipt for the following year is received the license itself shall be displayed in lieu of said annual registration receipt. In the case of licensees maintaining more than one place of practice, the board may issue one or more duplicate licenses or annual registration receipts on payment of a fee fixed by the board of not over five dollars for each such duplicate. In the case of a person legally changing his name from that in which his license was originally issued, the board may, upon satisfactory proof of such fact and the surrender of the original license certificate, if obtainable, issue a new license in the new name, charging therefor the established fee for duplicate licenses.

Sec. 23. FRAUDULENT CERTIFICATES. Any person who shall present to, file, or attempt to file with the board as his own, a diploma, degree, license, certificate, or identification belonging to another, or which is forged or fraudulent, or who shall exhibit or display any such instrument with the intent that it shall be used as evidence of the right of such person to practice dentistry in this state, or who with fraudulent intent shall alter any such instrument or use or attempt to use it when so altered, shall be guilty of forgery. Any person who shall sell or transfer or offer to sell or transfer, or who shall purchase or procure or offer to purchase or procure any diploma, license, certificate, or identification, with intent that the same shall be

used as evidence of the right to practice dentistry in this state by a person other than the one to whom it belongs or is issued, shall be guilty of a misdemeanor.

Sec. 24. OTHER VIOLATIONS. Any person who shall employ, contract with, or by any means procure the assistance of, or association with, for the purpose of practicing dentistry, a person not having a valid license therefor, or who shall fail to obey a summons or other order regularly and properly issued by the board, or who shall violate any other provision of this act for which the penalty is not specifically prescribed, shall be guilty of a misdemeanor. In any prosecution or hearing under this act it shall be necessary to prove only a single act of violation and not a general course of conduct, and where such violation is continued over a period of one or more days each day shall constitute a separate violation and shall be subject to the penalties prescribed in this act.

Sec. 25. PENALTIES FOR MISDEMEANOR. A person convicted of a misdemeanor under this act shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than one month nor more than six months, or by both such fine and imprisonment, and upon conviction of a subsequent misdemeanor under this act by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than six months nor more than one year, or by both such fine and imprisonment. All such violations shall be prosecuted by the county attorney and tried be-

fore the superior court of the county in which the violation occurs.

Sec. 26. ANNUAL REPORT. Not later than February 1, the board shall make an annual report in writing to the governor for the preceding year, which shall set forth the number of licensed dentists in the state, the number of licenses issued during the preceding year and to whom issued, the number of examinations held and the dates thereof, the facts with respect to accusations filed with the board, of hearings held in connection therewith, and the results thereof; the facts with respect to the prosecution of persons charged with violations of this act; a full and complete statement of the financial transactions of the board, and such other matters as the board shall see fit to include therein or as the governor may require. The governor may at any time demand a further or supplemental report, and the board shall furnish the same.

Sec. 27. SAVING CLAUSE. If any part of provision of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, the remainder thereof shall not thereby be invalidated, impaired or affected.

Sec. 28. REPEALING CLAUSE. Chapter 11, Session Laws 1929, is hereby repealed.

Approved March 4, 1935.

CHAPTER 25

(House Bill No. 19)

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, REGISTERED ASSISTANT PHARMACISTS, AND APPRENTICES; AND PRESCRIBING THE MINIMUM AGE, EDUCATIONAL QUALIFICATION AND NECESSARY EXPERIENCE OF EACH; REGULATING THE PRACTICE OF PHARMACY; REGULATING THE MANUFACTURE, PRODUCTION, SALE AND DISTRIBUTION OF DRUGS, MEDICINAL CHEMICALS, POISONS AND PATENT MEDICINES IN ARIZONA; PROVIDING FOR THE REGISTRATION AND LICENSING OF PHARMACIES, DISPENSARIES, DRUG STORES AND STORES IN WHICH DRUGS, MEDICINES OR POISONS ARE RETAILED, COMPOUNDED AND DISPENSED; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ACT.

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

Section 1. 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, com-

pound, and dispense physicians' prescriptions, and to sell drugs, medicines and poisons at retail.

(b) The term "registered assistant pharmacist" shall mean a person who on the effective date of this act is duly registered and licensed as "registered assistant pharmacist" under the laws of Arizona.

(c) The term "apprentice", when not otherwise limited, shall mean a person who shall have all the qualifications and experience as set out in section 10 of this act.

(d) 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, "pharmacist", "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.

(e) The term "chemicals", where not otherwise limited, means definite chemical compounds, or chemical compounds, or materials or medicines. for use as a curative or remedial substance intend-

(f) The term "drugs", where not otherwise

limited, means any substance used as a medicine or in the preparation of medicines.

(g) The term "medicines", where not otherwise limited, means drugs or chemicals, or compounds, or preparations thereof, in suitable form ed to be used either internally or externally for man.

(h) The term "board" or "board of pharmacy" wherever used in this act, unless otherwise specifically indicated, shall mean the Arizona state board of pharmacy.

(i) 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.

(j) The term "National Formulary", when not otherwise specifically indicated, shall mean the latest edition of that work as published by the American Pharmaceutical Association.

Sec. 2. 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, provided, however, that no vacancies shall be filled if there remain on the board of pharmacy five or more members. Hereafter no appointments to the board of pharmacy shall be made unless the appointees have been registered as licentiates in pharmacy under this or some former law of this state for a period of at least five years. Members of the state board of pharmacy shall be appointed by the governor of the state 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 terms of office shall be so arranged that the term of one member shall expire on the thirty-first day of January of each year; and, provided, further, that on April 1, 1935, when five vacancies shall occur in the present state board of pharmacy, the governor shall appoint only three members to said board—one member whose term shall expire January 31, 1936; another member whose term shall expire January 31, 1938; and another member whose term shall expire January 31, 1939, and that after the expiration of the term of the two members of the present board whose terms expire January 31, 1937, the governor shall appoint one member whose term shall expire January 31, 1940, and another member whose term shall expire January 31, 1942. Thereafter the term of one member shall expire January 31 of each succeeding year. Vacancies occurring in the board other than by expiration of term shall be filled for the unexpired term only.

On or before January 15 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 other 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.

Sec. 3. 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 money in a special fund to be known as 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 members, officers and employees 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 and secretary 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 five dollars per diem and their necessary expenses while actually engaged in the performance of the duties of the board.

Sec. 4. 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 Formulary as a standard, or conforming to the requirements of existing United States Pure Food and Drug Acts; 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 Pharmacopoeia or National Formulary, or existing United States Pure Food and Drug Acts; 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 registered assistant pharmacists 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.

Sec. 5. 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.

Sec. 6. 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 medical practitioner unless such a person be a licentiate in pharmacy or a registered assistant pharmacist, 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 hospitals, 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 section 13 and section 14 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, to persons, firms or corporations duly licensed under the provisions of section 13 or section 14 of this act.

Sec. 7. 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 and such additional meetings as may be necessary, which shall be not less than four meetings in each fiscal year, such meetings shall be held not less than thirty days apart, two meetings of which number shall be for the purpose of holding examinations as hereinafter provided. The board of pharmacy shall hold its regular meeting for examination of applicants at a place designated by the board at least ten days before the time of exam-

ination, which shall be during the months of April and November of each year.

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.

Sec. 8. 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, 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, of sufficient service and experience in a retail pharmacy under the supervision of a licentiate in pharmacy to make a total, together with actual time of college attendance, of at least four years of pharmaceutical training, and shall pass an examination satisfactory to the board of pharmacy; provided, that in all cases the actual time of attendance at a school or college of pharmacy or a department of pharmacy of a university to be credited on the required four years of pharmaceutical training shall not exceed three years.

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; and, provided, that exemption from the graduate in pharmacy requirement for entrance to examination for registration as licentiate in pharmacy shall be allowed to persons who, before this act becomes effective, have been registered as assistant pharmacists under the laws of this state or who have been employed for at least one month in a retail pharmacy under the supervision of a licentiate in pharmacy and who register as apprentices with the board of pharmacy for such exemption within ninety days after this act becomes effective; and who, within not more than five years from the date on which this act becomes effective, produce and file evidence satisfactory to the board of having had at least four years of pharmaceutical training under the supervision of a licentiate in pharmacy, not to exceed two years of which may be successfully completed actual time of attendance in a school or college of pharmacy, or department of pharmacy of a university recognized by the board, or of which not to exceed two years may be credited for pharmaceutical training acquired in a regularly chartered hospital or a hospital corps of the United States Army, United States Navy, or United States Marine Corps. Of the four years of pharmaceutical training required each applicant shall have had not less than two years of service and experience in a retail pharmacy under the supervision of a licentiate in pharmacy, and shall prove to have acquired the requisite fitness and knowledge by passing successfully the examination required by the board of pharmacy for registration as licentiate in pharmacy within the said five years; if such applicant

cannot or does not qualify by successful passing of such an examination within the said five years, in keeping with public welfare, he shall be required thereafter to become a graduate of a school or college of pharmacy, or department of pharmacy of a university recognized by the board before again being permitted entrance to examination for registration as a licentiate in pharmacy; provided, further, that the board of pharmacy may in its discretion register as a licentiate in pharmacy, without examination, any person 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 licentiates in pharmacy duly registered by examination in this state.

Sec. 9. REGISTERED ASSISTANT PHARMACIST. From and after the date on which this act shall become effective, no further applications for examination and registration as registered assistant pharmacist shall be received or accepted by the board of pharmacy, and said board, after the effective date of this act, shall conduct no further

examinations for registration as registered assistant pharmacist, and no person shall be licensed as a registered assistant pharmacist after the effective date of this act; except every person on said date duly licensed as a registered assistant pharmacist or assistant pharmacist under the laws of Arizona shall be issued a renewal license or certificate as a registered assistant pharmacist as provided in section 12 of this act, provided, however, that from and after January 1, 1940, the board of pharmacy shall not issue nor renew any license or certificate as registered assistant pharmacist.

Between the effective date of this act and January 1, 1940, every person duly licensed or registered as a registered assistant pharmacist shall be entitled to make application for examination and registration as a licentiate in pharmacy as provided in sections 8 and 11 of this act, and not thereafter.

Sec. 10. APPRENTICE; QUALIFICATIONS. It shall be the duty of a licentiate in pharmacy who employs an apprentice for the purpose of becoming a licentiate in pharmacy to require such a candidate to apply to the board of pharmacy for registration as an apprentice to a licentiate in pharmacy. The applicant for apprentice registration must be at least fifteen years of age.

The board shall establish the preliminary educational qualifications which shall be not less than two years of satisfactorily completed high school or the equivalent in standard units of education, 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.

An apprentice, registered as such, may be employed in a retail pharmacy and shall receive instruction in the practice of pharmacy. Apprentices 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.

The beginning of the term of experience required of applicants for licentiate in pharmacy shall be computed from the date of registration as apprentice; provided, however, that a person, who before this act takes effect has served part or all of his apprenticeship in this state, or who before or after this act takes effect has served part or all of his apprenticeship in some other state not requiring registration as an apprentice may, when applying for registration in this state, give proof of such service satisfactory to the board and receive credit therefor.

Sec. 11. 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 fifteen 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 an apprentice 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 twenty-five 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 ten 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 24 of this act.

Sec. 12. CERTIFICATES OF REGISTRATION; RENEWAL OF REGISTRATION; FEES; CANCELLATION AND REINSTATEMENT OF REGISTRATION. All certificates of registration men-

tioned in this act issued by the board of pharmacy shall expire on the thirty-first day of December following the date of issuance of the same.

Every licentiate in pharmacy shall pay to the secretary of the board annually before July 1 a renewal fee of three dollars. Every person now registered as a pharmacist under section 2581 of the Revised Code of Arizona, 1928, who has paid the fee of two dollars as provided therein for the calendar year ending December 31, 1935, shall on payment of an additional fee of one dollar and fifty cents, be entitled to receive a license as a licentiate in pharmacy, for the year ending June 30, 1936.

Every registered assistant pharmacist shall pay to the secretary of the board annually before July 1 a renewal fee of two dollars.

Every person now registered as an assistant pharmacist under section 2581 of the Revised Code of Arizona, 1928, who has paid the fee of one dollar, as provided therein for the calendar year ending December 31, 1935, shall upon the payment of an additional fee of one dollar be entitled to receive a license as a registered assistant pharmacist for the year ending June 30, 1936.

Every apprentice to a licentiate in pharmacy shall pay to the secretary of the board annually before July 1 a renewal fee of two dollars.

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 registered assistant pharmacist 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 registered assistant pharmacist 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 registered assistant pharmacist 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 registered assistant pharmacist shall within thirty days after changing his place of business or employment notify the secretary of the board of his new business location.

Sec. 13. REGISTRATION OF PHARMACIES, DRUG STORES 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, 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, compounded, dispensed, stocked, exposed, or offered for sale in this state. Any person, firm, corporation, or co-partnership desiring to operate, maintain, open,

or establish a 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 in this state shall apply to the board of pharmacy for a permit or license to do so. The application 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, 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, 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 the required fee of two dollars and fifty cents, and every application for a "drug and/or pharmacy permit", as hereinafter described, shall be accompanied by the required fee of seven dollars and fifty cents, 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 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 30 of each calendar year unless the renewal fee as herein provided shall be paid before such date. If the renewal fee herein provided for be not paid before the thirtieth day of June of each calendar year, such permits or licenses shall become null and shall be cancelled and may be reinstated only upon application as in this section provided, accompanied by a fee of five dollars, in the event said permit is one designated "proprietary or patent medicine permit", and accompanied by a fee of fifteen dollars in the event such permit is one designated as a "drug and/or pharmacy permit", and in either event an additional fee of two dollars per month shall be paid for such renewal for each month of delinquency after August 1. 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 two types and classes

of 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, co-partnerships 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, co-partnerships 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 class or kind of license or permit shall be known and designated as a "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, co-partnerships 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 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 law.

**Sec. 14. PERMITS TO RURAL DEALERS;
LIMITATIONS; FEES; RENEWAL; REINSTATE-**

MENT. 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, cathartic pills, chamomile flowers, caraway seed, chlorate of potash, moth balls, plasters, salves, ointments, peroxide of hydrogen, gum camphor, blue ointment, asafoetida, saffron, anise seed and saltpeter, 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.

Sec. 15. 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 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 pharmacy,

drug store, pharmacy department, dispensary, or apothecary shall display conspicuously his certificate in the part of the pharmacy, drug store, or apothecary, pharmacy department, or dispensary usually occupied by customers.

Sec 16. 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 registered assistant pharmacist 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 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 person 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 ten cents for each folio thereof, the board shall make and certify such 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.

Sec. 17. 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 professorial 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 university or a state department or bureau of education issuing a qualifying certificate.

Sec. 18. 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 manu-

facture, 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 therefore without authority of the prescriber or purchaser, any other drug, medicine, chemical or pharmaceutical preparation.

Sec. 19. 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 written, 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.

Sec. 20. 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 a 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.

Sec. 21. POISONS. Schedule "a"

Arsenic and the compounds, preparations and chemical derivatives of arsenic; corrosive sublimate, phosphorus and its poisonous compounds and derivatives; tartar emetic and other poisonous salts or compounds of antimony; opium and its preparations and derivatives; hydrocyanic acid (prussic acid), potassium cyanide and other cyanides and prussiates or poisonous compounds and derivatives of cyanogen, and oil of bitter almond containing hydrocyanic acid; the following organic principles; aconitine, apomorphine, atropine, brucine, cantharadin, cocaine, codeine, colchicine, coniine, digitalin, emetine, eucaine, gelsemine, homatropine, hyosine, hyoscyamine, morphine, diacetylmorphine (heroin), ethylmorphine (dionin), physostigmine (eserine), scopolamine, strophanthin, strychnine, thyroxin, veratrine, or any of their

chemical compounds, salts or derivatives; and 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.

POISONS. Schedule "b".

Aconite, belladonna, cannabis, cantharides, cocculus, conium, cotton root bark, digitalis, ergot, henbane, nux vomica, veratrum (hellebore), chloroform, chloral hydrate, ether methanol (wood or methyl alcohol), veronal (barbital), white precipitate, red precipitate, silver nitrate, salts of barium, lead salts, oxalic acid, mineral acids, iodine, tincture of iodine, lysol, compound solution of cresol, phenol (carbolic acid), creosote, croton oil, oils of penny-royal, rue, savin and tansy, 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 avordupois ounce, if solid, shall not be regarded to be poisons, and also that the provisions of this act governing the sale and distribution of poisons, unless otherwise specifically provided by law, shall not apply to the sale or distribution of compounds, preparations, or remedies

which do not contain more than two grains of opium, or more than one-fourth grain of morphine, or more than one-eighth grain of heroin or more than one grain of codeine, or any salt or derivative of any of them in one fluid ounce, or, if solid, or semi-solid preparations, in one avoirdupois ounce; or to liniments, ointments or other preparations which are prepared for external use only, when sold or distributed for use as medicines. 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.

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; or without plainly labeling with the name of the article in English and the word "poison", and the name and the 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 upon conviction be fined not less than one hundred dollars nor more than three hundred dol-

lars, and cost of prosecution for each offense; 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; provided that 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 household cleanser, industrial, agricultural, or horticultural use, sold in unbroken packages when the same are labeled as heretofore provided in this act.

Sec. 22. 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.

Sec. 23. EXEMPTION FROM JURY DUTY. Any person registered as a licentiate in pharmacy under this act shall be exempt from jury duties.

Sec. 23a. 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 man-

ufacture, production, sale and distribution of drugs, medicinal chemicals, poisons, patent and proprietary medicines in the state of Arizona.

Sec. 24. VIOLATIONS OF ACT; PENALTIES. The violation of any provision of this act shall constitute a misdemeanor and any person, firm or corporation convicted of such violation shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars. 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 third conviction of a violation of any part of this act by any person, firm or corporation registered or licensed hereunder, such registration, license or permit shall thereupon be cancelled and voided by the board.

Sec. 25. CONSTRUCTION CLAUSE. Should any provision or section or portion of section of this act be declared unconstitutional by any 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 March 4, 1935.

CHAPTER 26

(Senate Bill No. 15)

AN ACT

RELATING TO NARCOTIC DRUGS, AND TO
MAKE UNIFORM THE LAW WITH REFER-
ENCE THERETO.

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

Section 1. SHORT TITLE. This act shall be known and may be cited as "the Arizona uniform narcotics act of 1935."

Sec. 2. DEFINITIONS. For the purposes of this act, and unless otherwise required by the context:

(a) "Board of health" shall mean the state board of health.

(b) "Person" shall mean any individual, corporation, association, or co-partnership.

(c) "Physician" shall mean a person licensed to practice medicine, or osteopathy, or otherwise licensed to treat sick and injured human beings, and to use narcotic drugs in connection with such treatment.

(d) "Dentist" shall mean a person licensed to practice dentistry.

(e) "Veterinarian" shall mean a person licensed to practice veterinary medicine.

(f) "Manufacturer" shall mean a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares narcotic drugs for purposes other than to be sold or dispensed on prescriptions.

(g) "Wholesaler" shall mean a person who supplies narcotic drugs that he himself has not pro-

duced nor prepared, on official written orders, but not on prescriptions.

(h) "Apothecary" shall mean a licensed pharmacist and the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this act shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws.

(i) "Hospital" shall mean an institution for the care and treatment of the sick and injured, approved by the board of health as proper to be entrusted with the custody and use of narcotic drugs under the direction of a physician, osteopath, dentist, or veterinarian.

(j) "Laboratory" shall mean a laboratory approved by the board of health to be entrusted with the custody and use of narcotic drugs, for instructive, scientific and medical purposes.

(k) "Sale" shall include barter, exchange, or gift, or offer therefor, and each such transaction made by any person whether as principal, proprietor, agent, servant, or employee.

(l) "Coca leaves" shall include cocaine and any compound, manufacture, salt, mixture, preparation, or derivative of coca leaves, except such as do not contain cocaine, ecgonine, or substances from which such ingredients may be synthesized or made.

(m) "Opium" shall include morphine, codeine,

and heroin, and any compound, manufacture, salt, derivative, mixture, or preparation of opium, but does not include apomorphine or any of its salts.

(n) "Narcotic drugs" shall mean coca leaves, opium, cannabis, or any substance neither chemically nor physically distinguishable from them.

(o) "Cannabis" shall include the following substances under whatever names they may be designated: (1) *Marihuana*; (2) the dried flowering or fruiting tops of the pistillate plant *cannabis sativa* L., from which the resin has not been extracted; (3) the resin extracted from such tops; and (4) every compound manufacture, salt, derivative, mixture or preparation of such resin, or of such tops from which the resin has not been extracted.

(p) "Federal narcotic laws" shall mean the laws of the United States relating to opium, coca leaves, and other narcotic drugs.

(q) "Official written order" shall mean an order written on a form provided for that purpose by the United States commissioner of narcotics, under any law of the United States, and if no such form is so provided, then on an official form provided for that purpose by the board of health.

(r) "Subsequent offense" shall include a prior conviction in any state or federal court, for violation of any law or ordinance regulating the use, supply, or possession of any narcotic drug.

(s) "Dispense" shall include distribute, leave with, give away, dispose of, or deliver.

(t) "Registry number" shall mean the number assigned to each person registered under the federal narcotic laws.

(u) "Licensed" shall mean authorized by the laws of this state to do certain things.

Sec. 3. ACTS PROHIBITED. It shall be unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense, or compound any narcotic drug except as authorized in this act.

Sec. 4. MANUFACTURERS AND WHOLESALEERS. No person shall manufacture narcotic drugs, and no person as a wholesaler shall supply the same, without having first obtained a license so to do from the board of health.

Sec. 5. QUALIFICATION FOR LICENSES. No license shall be issued under this act unless the applicant therefor has furnished proof satisfactory to the board of health: (a) That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character; (b) that the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his application. No license shall be granted to any person who has within five years been convicted of a willful violation of any law of the United States, or of any state, relating to narcotic drugs, or to any person who is a narcotic drug addict. The board of health may suspend or revoke any license for cause.

Sec. 6. SELLING AND DISPENSING. (a) A

duly licensed manufacturer or wholesaler may sell and dispense narcotic drugs only on official written orders: (1) To a manufacturer, wholesaler, or apothecary; (2) to a physician, osteopath, dentist, or veterinarian, or (3) to a person in charge of a hospital or laboratory, but only for use by or in such institutions for scientific or medical purposes.

(b) Such manufacturer or wholesaler may sell narcotic drugs: (1) On a special written order accompanied by a certificate of exemption as required by the federal narcotic laws, to an employee of the United States government or of any state, territorial, district, county, municipal, or insular government, purchasing, receiving, possessing, or dispensing narcotic drugs by reason of his official duties; (2) to a person in charge of any ship or aircraft, when the same is not in port, upon which no physician is regularly employed, for the actual medical needs of a person on board, and only in pursuance of a special order on a form approved by a commissioned medical officer or assistant surgeon of the United States public health service, or (3) to a person in a foreign country, if the provisions of the federal narcotic laws are complied with.

Sec. 7. USE OF OFFICIAL WRITTEN ORDERS. An official written order for any narcotic drug shall be signed in duplicate by the person giving it or by his duly authorized agent. The original shall be presented to the person who sells or dispenses the narcotic drugs named therein. Upon acceptance of such order, each party to the transaction shall preserve his copy for a period of two years in such a way as to be readily accessible for official inspection. Compliance with the federal

narcotic laws as to the use of order forms shall be deemed compliance with this act.

Sec. 8. **LAWFUL POSSESSION AND USE.** Possession or control of narcotic drugs obtained as authorized by this act shall be lawful if in the regular course of business, occupation, profession, employment, or duty of the possessor. A person in charge of a hospital or of a laboratory, or in the employ of this or any other state, or of any political subdivision thereof, and a proper officer of a ship or aircraft, who obtains narcotic drugs under the provisions of this act, shall administer, dispense, or otherwise use such drugs only for scientific or medicinal purposes and within the scope of such employment or official duty.

Sec. 9. **SALES BY APOTHECARIES.** An apothecary, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription of a physician, osteopath, dentist, or veterinarian, dated and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the full name, address, and registry number under the federal narcotic laws of the person prescribing, if he is required by such laws to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription, which shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for official inspection. No prescription shall be refilled.

Sec. 10. SALES PERMITTED; DISCONTINUANCE; APOTHECARY. On an official written order therefor, and not otherwise, the legal owner of any stock of narcotic drugs in a pharmacy, who discontinues dealing in said drugs, may sell said stock to a manufacturer, wholesaler, or apothecary, or an apothecary may sell to a physician, osteopath, dentist, or veterinarian, for medical purposes, in quantities not exceeding one ounce at any one time, aqueous or oleaginous solutions of the content of which narcotic drugs does not exceed a proportion greater than twenty per cent of the complete solution.

Sec. 11. PROFESSIONAL USE OF NARCOTIC DRUGS. (a) A physician, osteopath, or a dentist, in good faith and in the course of his professional practice only, may prescribe, administer, and dispense narcotic drugs, or he may cause the same to be administered by a nurse or interne under his direction and supervision..

(b) A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense narcotic drugs, and he may cause them to be administered by an assistant or orderly under his direction and supervision.

Sec. 12. PREPARATIONS EXEMPTED. Except as herein otherwise specifically provided, this act shall not apply to prescribing, administering, dispensing, or selling at retail:

(a) Any medicinal preparation that contains in one fluid ounce, or if a solid or semi-solid preparation, in one avoirdupois ounce, (1) not more than

two grains of opium, (2) not more than one-quarter of a grain of morphine or of any of its salts, (3) not more than one grain of codeine or of any of its salts, (4) not more than one-eighth of a grain of heroin or of any of its salts, (5) not more than one-half of a grain of extract of cannabis nor more than one-half of a grain of any more potent derivative or preparation of cannabis, (6) and not more than one of the drugs named in this paragraph.

(b) Liniments, ointments, and other preparations, susceptible of external use only and that contain narcotic drugs in such combinations as prevent their being readily extracted therefrom, except that this act shall apply to all liniments, ointments, and other preparations that contain coca leaves.

Sec. 13. RESTRICTION OF EXEMPTIONS.

(a) No person shall prescribe, administer, dispense, or sell under the exemptions of this act, to any one person, or for the use of any one person or animal, any preparation or preparations mentioned in section 12, when he knows or can by reasonable diligence ascertain that such action will provide the person to whom or for whose use, or the owner of the animal for the use of which, such preparation is prescribed, administered, dispensed, or sold, within any forty-eight consecutive hours, with more than four grains of opium, or more than one-half grain of morphine or of any of its salts, or more than two grains of codeine or of any of its salts, or more than one-quarter of a grain of heroin or of any of its salts, or will provide such person or the owner of such animal within forty-eight consecutive

hours, with more than one preparation exempted by section 12 from the operation of this act.

(b) Nothing in this section shall be construed to limit the kind and quantity of any narcotic drug that may be prescribed, administered, dispensed, or sold, to any person or for the use of any person or animal, when it is prescribed, administered, dispensed, or sold, in compliance with the general provisions of this act.

Sec. 14. OTHER DRUGS REQUIRED. Any medicinal preparation, or any liniment, ointment, or other preparation susceptible of external use only, prescribed, administered, dispensed, or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone. Such preparation shall be prescribed, administered, dispensed, and sold in good faith as a medicine, and not for the purpose of evading the provisions of this act.

Sec. 15. PROFESSIONAL RECORDS. Every physician, osteopath, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs, shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall be deemed sufficient compliance with this section if any such person using small quantities of solutions or other preparations of such drugs for local application, shall keep a record of the quantity, character and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made up, without

keeping a record of the amount of such solution or other preparation applied by him to individual patients.

Sec. 16. WHEN RECORDS NOT REQUIRED.

No record need be kept of narcotic drugs administered, dispensed, or professionally used in the treatment of any one patient when the amount thus administered, dispensed, or used does not exceed in any forty-eight consecutive hours: (a) four grains of opium, or (b) one-half of a grain of morphine or of any of its salts, or (c) two grains of codeine or of any of its salts, or (d) one-fourth of a grain of heroin or of any of its salts, or (e) one grain of extract of cannabis or one grain of any more potent derivative or preparation of cannabis, or (f) a quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated.

Sec. 17. DEALERS TO KEEP RECORDS. (a)

Manufacturers and wholesalers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown, or by any other process produced or prepared, or received and disposed of by them, in accordance with the provisions of this act.

(b) Apothecaries shall keep records of all narcotic drugs received and disposed of by them in accordance with the provisions of this act.

(c) Every person who purchases for resale, or who sells narcotic drug preparations exempted by this act, shall keep a record showing the quantities and kinds thereof received and sold, or disposed of otherwise.

Sec. 18. FORM AND PRESERVATION OF RECORDS. The form of records shall be prescribed by the board of health. The record of narcotic drugs received shall in every case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received; the kind and quantity of narcotic drugs produced or removed from process of manufacture, and the date of such production or removal from process of manufacture; and the record shall in every case show the proportion of morphine, cocaine, or ecogonine contained in or producible from crude opium or coca leaves received or produced, and the proportion of resin contained in or producible from the dried flowering or fruiting tops of the pistillate plant *cannabis sativa* L., from which the resin has not been extracted, received or produced. The record of all narcotic drugs sold, administered, dispensed, or otherwise disposed of, shall show the date of selling, administering, or dispensing, the name and address of the person to whom, or for whose use, or the owner and species of animal for which the drugs were sold, administered or dispensed, and the kind and quantity of drugs.

Sec. 19. SUBSTANTIAL COMPLIANCE. All records required by this act shall be kept for a period of two years from the date of the transaction recorded. The keeping of a record required by or under the federal narcotic laws, containing

substantially the same information as is herein specified, shall constitute compliance with this act, except that every such record shall contain a detailed list of narcotic drugs lost, destroyed, or stolen, if any, the kind and quantity of such drugs, and the date of the discovery of such loss, destruction, or theft.

Sec. 20. MANUFACTURERS' AND WHOLESALEERS' LABELS. Whenever a manufacturer sells or dispenses a narcotic drug, and whenever a wholesaler sells or dispenses a narcotic drug in a package prepared by him, he shall securely affix to such package a label showing in legible English the name and address of the vendor and the quantity, kind, and form of narcotic drug contained therein. No person, except an apothecary for the purpose of filling a prescription under this act, shall alter, deface, or remove any label so affixed.

Sec. 21. APOTHECARIES' LABELS. Whenever an apothecary sells or dispenses any narcotic drug he shall affix to the container thereof a label showing his name, address, and registry number or that of the apothecary for whom he is lawfully acting; the name, address and registry number of the physician, osteopath, dentist, or veterinarian, by whom the prescription was written; the name and address of the patient, or if the patient is an animal, the name and address of its owner, and the species of the animal, and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.

Sec. 22. AUTHORIZED POSSESSION OF NARCOTIC DRUGS BY INDIVIDUALS. A person to whom or for whose use any narcotic drug has

been prescribed, sold or dispensed, by a physician, osteopath, dentist, apothecary, or other person authorized under the provisions of this act, and the owner of any animal for which any such drug has been prescribed, sold, or dispensed, by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

Sec. 23. PERSONS AND CORPORATIONS EXEMPTED. The provisions of this act restricting the possession and having control of narcotic drugs shall not apply to common carriers or to warehousemen, while engaged in lawfully handling such drugs, nor to any employee of the same acting within the scope of his employment, nor to public officers or their employees in the performance of their official duties requiring possession or control of narcotic drugs, nor to temporary incidental possession by employees or agents of persons lawfully entitled to possession or by persons whose possession is for the purpose of aiding public officers in performing their official duties.

Sec. 24. COMMON NUISANCES. Any place which is resorted to by narcotic drug addicts for the purpose of using narcotic drugs, or which is used for the illegal keeping or selling of the same, shall be deemed a common nuisance. No person shall keep or maintain such a common nuisance.

Sec. 25. NARCOTIC DRUGS TO BE DELIVERED TO STATE OFFICIAL. All narcotic drugs the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer, shall be forfeited to the state.

Sec. 26. DESTRUCTION OF DRUGS SEIZED.

Except as in this act otherwise provided, the court or magistrate having jurisdiction shall order forfeited and destroyed all narcotic drugs seized as provided in section 25. A record of the place where said drugs were seized, of the kinds and quantities of drugs so destroyed, and of the time, place, and manner of destruction, shall be kept and a return under oath, reporting said destruction, shall be made to the court or magistrate and to the United States commissioner of narcotics, by the officer who destroys them.

Sec. 27. USE OF DRUGS NOT DESTROYED.

Upon written application by the state board of health the court or magistrate by whom the forfeiture of narcotic drugs has been decreed may order the delivery of any of them, except heroin and its salts and derivatives, to said board of health, for distribution or destruction, as hereinafter provided. Upon application by any hospital not operated for private gain, the board of health may in its discretion deliver any such narcotic drugs that have come into its custody to the applicant for medicinal use. The board of health may from time to time deliver excess stocks of such narcotic drugs to the United States commissioner of narcotics, or may destroy the same.

Sec. 28. RECORD OF BOARD OF HEALTH.

The board of health shall keep a full and complete record of all drugs received and of all drugs disposed of, showing the exact kinds, quantities, and forms of such drugs; the persons from whom received and to whom delivered; by whose authority received, delivered, and destroyed; and the dates of the receipt, disposal, or destruction, which record

shall be open to inspection by all federal or state officers charged with the enforcement of narcotic laws.

Sec. 29. NOTICE OF CONVICTION TO BE SENT TO LICENSING BOARD. On the conviction of any person of the violation of any provision of this act, a copy of the judgment and sentence, and of the opinion of the court or magistrate, if any opinion be filed, shall be sent by the clerk of the court, or by the magistrate, to the board or officer, if any, by whom the convicted defendant has been licensed or registered to practice his profession or to carry on his business. On the conviction of any such person, the court may, in its discretion, suspend or revoke the license or registration of the convicted defendant to practice his profession or to carry on his business. On the application of any person whose license or registration has been suspended or revoked, and upon proper showing and for good cause, said board or officer may reinstate such license or registration.

Sec. 30. RECORDS CONFIDENTIAL. Prescriptions, orders, and records required by this act, and stocks of narcotic drugs shall be open for inspection only to officers whose duty it is to enforce laws relating to narcotic drugs. No officer having knowledge by virtue of his office of any such prescription, order or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, orders or records relate is a party.

Sec. 31. FRAUD OR DECEIT. (a) No person

shall obtain or attempt to obtain a narcotic drug, or procure or attempt to procure the administration of a narcotic drug, by fraud, deceit, misrepresentation, or subterfuge; or by the forgery or alteration of a prescription or of any written order, or by the concealment of a material fact; or by the use of a false name or the giving of a false address.

(b) Information communicated to a physician in an effort unlawfully to procure a narcotic drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(c) No person shall wilfully make a false statement in any prescription, order, report, or record required by this act.

(d) No person shall, for the purpose of obtaining a narcotic drug, falsely assume the title of, or represent himself to be a manufacturer, wholesaler, apothecary, physician, osteopath, dentist, veterinarian, or other authorized person.

(e) No person shall make or utter any false or forged prescription or written order, nor affix any false or forged label to a package or receptacle containing narcotic drugs.

Sec. 32. EXCEPTIONS AND EXEMPTIONS NOT REQUIRED TO BE NEGATIVED. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this act, it shall not be necessary to negative any exception, excuse, proviso, or exemption, contained in this act, and the burden of

proof of any such exception, excuse, proviso, or exemption, shall be upon the defendant.

Sec. 33. ENFORCEMENT AND COOPERATION. It is hereby made the duty of the board of health, its officers, agents, inspectors, and representatives, and of all peace officers, and of all county attorneys, to enforce all provisions of this act, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of other states and of the United States relating to narcotic drugs.

Sec. 34. PENALTIES. Any person violating any provision of this act shall upon conviction be punished for the first offense by a fine of not less than five hundred nor more than one thousand dollars, or by imprisonment in the county jail for not less than six months nor more than one year, or by both such fine and imprisonment; and for any subsequent offense, such person shall upon conviction be punished by a fine of not less than one thousand nor more than five thousand dollars, or by imprisonment for not less than one year nor more than ten years, or by both such fine and imprisonment.

Sec. 35. COMMITMENT TO STATE HOSPITAL. It shall be within the discretion of the judge pronouncing sentence upon any violator of this act to order him confined in the state hospital for the insane, and the superintendent of such institution shall care for and provide treatment to all persons thus delivered to him. In the case of any such commitment the county from which the person is committed shall pay to the superintendent the sum of twenty dollars per month during the period of

said confinement. The superintendent shall transmit such money to the state treasurer, who shall place the same in the fund for the maintenance of the state hospital, and it shall be subject to use as other monies of said fund. No person shall be committed to said institution under this provision, who shall have been previously committed thereto or treated therein.

Sec. 36. EFFECT OF ACQUITTAL OR CONVICTION UNDER FEDERAL NARCOTIC LAWS.

No person shall be prosecuted for a violation of any provision of this act if such person has been acquitted or convicted under the federal narcotic laws of the same act or omission which it is alleged constitutes a violation of this act.

Sec. 37. SAVING CLAUSE. If any part or provision of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, the remainder thereof shall not thereby be invalidated, impaired, or affected.

Sec. 38. 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.

Approved March 4, 1935.

CHAPTER 27

(House Bill No. 128)

AN ACT

RELATING TO CITIES AND TOWNS; PROVIDING FOR THE ISSUANCE OF REFUNDING IMPROVEMENT BONDS, AND AMENDING SECTION 3, ARTICLE 18, CHAPTER 12, REVISED CODE OF 1928 (CHAPTER 21, SESSION LAWS 1933, REGULAR SESSION).

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

Section 1. AMENDING CLAUSE. Sec. 3, article 18, chapter 12, Revised Code of 1928 as enacted by chapter 21, Session Laws of 1933, is hereby amended to read as follows:

Sec. 3. REFUNDING BONDS; AMOUNT OF; PRIOR DELINQUENCES; HOW PAYABLE; INTEREST. The amount for which said refunding bonds shall be issued may include the total amount remaining due on the principal of the original issue and all interest delinquencies existing at the time of the adoption of the resolution for such refunding. Said refunding bonds shall be payable in equal annual installments either the same or twice as many as the number of installments remaining unpaid on the original bonds, but the time of the payment of said installments of principal may be postponed so that the first annual installment shall be payable not more than five years after the date of the resolution of intention for the refunding bonds. The rate of interest of the said refunding

bonds may be less but shall not exceed the rate of interest on the original bonds. Any or all of the refunding bonds shall be callable at par on any interest payment date, by thirty days notice prior to said date, mailed to the persons who presented the last interest coupon that was collected on said refunding bond, and thereafter said bonds shall cease to bear interest. If a part of said bonds are called only the earlier maturities shall be called first.

Sec. 2. EMERGENCY CLAUSE. To preserve the public peace, health and safety, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved March 4, 1935.

CHAPTER 28

(Senate Bill No. 40)

AN ACT

RELATING TO THE CITY OF PRESCOTT; IMPOSING CONDITIONS AND LIMITATIONS UPON THE MAKING OF CONTRACTS; AUTHORIZING THE MAKING OF A CONTRACT TO LEASE LAND AND WATER RIGHTS BELONGING TO SAID CITY, AND AMENDING SECTION 1, ARTICLE X, ACT 37, LAWS OF THE TERRITORY OF ARIZONA, 1883.

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

Section 1. Sec. 1, article X, Act 37, Laws of the Territory of Arizona, 1883, is hereby amended to read as follows:

Sec. 1. (a) Except as hereinafter provided, the city of Prescott shall not be and is not bound by any contract, nor in any way liable thereon, unless made in writing by order of the common council, the draft thereof approved by the council, and said contract ordered to be signed and is signed by the mayor or some other person in behalf of the city. The mayor and common council may, by ordinance, resolution or motion, authorize any officer, committee, or agent of the city to bind the city without a contract in writing for the payment of any sum of money not exceeding three hundred dollars. No contract shall be valid unless it be completely executed, fulfilled, and performed within one year after the date of the execution and delivery of same, except as provided in paragraph (b) of this section.

(b) The city of Prescott, upon resolution duly adopted by the mayor and common council, is empowered and authorized to execute and deliver a lease of any of its real estate and water rights, for a term not to exceed twenty years, upon such terms and conditions as the mayor and common council may prescribe, but any such lease shall contain a provision that the city of Prescott may retake said real estate or water rights, and use the same and water therefrom at any time during the term of said lease, if in the judgment of the mayor and common council such retaking is necessary and proper to

maintain the public health or safety or for the needs of the city, and such lease shall be at all times subject to the said condition of drawback. Any lease so authorized shall be signed by the mayor, under the seal of the city, and attested by the clerk of the council.

Approved March 4, 1935.

CHAPTER 29

(Senate Bill No. 41)

AN ACT

RELATING TO THE CITY OF PRESCOTT; PROVIDING FOR THE METHOD OF ASSESSMENT, LEVY AND COLLECTION OF TAXES; AMENDING SECTION 2, ARTICLE II, ACT 37, LAWS OF THE TERRITORY OF ARIZONA, 1883, AS AMENDED BY SECTION 2, CHAPTER 176, SESSION LAWS 1921; AND REPEALING SECTIONS 5, 6, 7, AND 8, ARTICLE V, AND SECTION 8, ARTICLE X, ACT 37, LAWS OF THE TERRITORY OF ARIZONA, 1883.

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

Section 1. Sec. 2, article II, Act 37, Laws of the Territory of Arizona, 1883, as amended by section 2, chapter 176, Session Laws 1921, is hereby further amended to read as follows:

Sec. 2. Beginning with the calendar year 1936, and each year thereafter, the city of Prescott shall assess, levy, and collect taxes as provided in article 5, chapter 75, Revised Code of 1928, and as the same may be amended from time to time.

Sec. 2. Sections 5, 6, 7, and 8, article V, and section 8, article X, Act 37, Laws of the Territory of Arizona, 1883, are hereby repealed, but said repeal shall not affect the assessment and collection of any taxes now levied, or that may be levied prior to December 31, 1935, or the sale, after that date, of any property for non-payment of taxes assessed and levied prior to said date.

Approved March 4, 1935.

CHAPTER 30

(Substitute House Bill No. 5)

AN ACT

RELATING TO THE SALE OF PROPERTY FOR DELINQUENT TAXES AND AMENDING SECTION 18, CHAPTER 103, SESSION LAWS 1931, AS AMENDED BY CHAPTER 72, SESSION LAWS 1933, AND DECLARING AN EMERGENCY.

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

Section 1. Section 18, chapter 103, Session Laws 1931, as amended by chapter 72, Session Laws 1933,

is hereby further amended to read as follows:

Section 18. FORM OF NOTICE OF SALE. (a) All real property upon which the taxes, including personal property taxes secured thereby, are unpaid and delinquent, shall be subject to sale as herein provided. The county treasurer shall prepare a list of all real property upon which the taxes are unpaid and delinquent, describing such real estate as the same is described on the tax roll, with an accompanying notice stating that so much of each tract of real property as may by him be deemed necessary for the purpose will, on a day specified, and succeeding days, be sold by him at public auction at the county treasurer's office, for the taxes, penalties, interest, and charges thereon, and taxes, penalties, interest and charges assessed against the owner thereof for personal property. The said treasurer shall send, by letter mail, to the owner of each parcel of said property, if the owner be known at his last known address, a copy of said notice of proposed sale. Such notice may be in the following form:

Treasurer's office, County,
Arizona.

Public notice is hereby given that I will offer at public sale at the office of the treasurer of...
.....County, Arizona, on the day
of, 193..., and on succeeding
days, so much of the following described real prop-
erty, upon which there are delinquent taxes, as
shall be deemed necessary to pay the taxes here-
inbelow set down, together with the interest, pen-
alties and charges thereon, to wit:

NAME OF OWNER
IF KNOWN

	Name of mining claim or description of property	
	Part of Section or lot	
	Section or Block	
	Township, City or Town	
	Range, Division or Addition	
	Number of Acres	
	Dollars	Valuation
	Cents	
	Dollars	Amount of Taxes
	Cents	

The county treasurer shall cause said list and notice to be published in two consecutive weekly issues of a newspaper which has been designated by the board of supervisors as the official paper of the county, the first of which publications shall not be less than two weeks nor more than three weeks prior to the day of sale prescribed therein, and shall also cause to be posted near the outer door of the county treasurer's office a correct copy of said list and notice, which shall remain so post-

ed for a period of not less than two weeks before the date of such sale. If there be no newspaper published in the county, notice given by posting as herein provided shall be sufficient. In the event the board of supervisors, by resolution, elect to pursue any other remedy at law existing under the Revised Code of 1928, this notice may be dispensed with. Such action shall not, however, in any wise affect the following section.

(b) All taxes now levied against real property which shall be delinquent on June 1, 1934, may be paid in twenty equal semi-annual installments during and within a period of ten years, beginning on the first Monday in November, 1935, provided that such real property taxpayer at the time of any such semi-annual due date shall not then be delinquent in the payment of any current state, county, city or town tax levied after the date of the passage and approval of this act against the property involved. Where not supplied by existing records, county treasurers shall provide lists of taxpayers in their respective counties entitled to proceed as provided in this act. The amount or amounts of any such taxes so delinquent on said date of June 1, 1934, upon which the taxpayer shall elect to pay the taxes as provided herein, shall bear interest at the rate of 6% per annum. Any taxpayer may pay the entire amount or amounts due at any time, and if so paid the interest shall be computed only to the date of payment. If any taxpayer, having elected to comply with the provisions of this subsection, shall become delinquent in two or more of such semi-annual payments, then the entire amount of such delinquent taxes shall become due, and the county treasurer shall proceed with the sale of

such property, as provided in paragraph (a) of this section.

(c) As to all taxes levied against real or personal property which were delinquent on June 1, 1934, any taxpayer who does not choose to adopt the method of payment provided in subsection (b) of this section, may pay the same in the following manner: if paid on or before the first Monday in November, 1935, by the payment of the amount taxed, without penalties or interest; if paid between the first Monday in November, 1935, and the first Monday in July, 1936, by the payment of the taxes plus 6% interest thereon from June 1, 1934; if paid after the first Monday in July, 1936, the same penalties and interest shall be charged and collected as apply to taxes not paid under the provisions of this act. In calculating the interest to be paid under this act, a fraction of a month shall be counted as a whole month, and when taxes and interest, if any, are paid in accordance with the provisions hereof, or with the provisions of said subsection (b), they shall be marked paid in full. The taxes may be paid and accepted on the least subdivision entered opposite the person or description on the assessment roll.

(d) Any person who has elected to pay taxes delinquent on June 1, 1933, and has paid in installment or installments thereon, all as provided in subsection (b) of Section 1, Chapter 72, Session Laws of Arizona, 1933, may continue such payments under like conditions as therein provided. Or he may pay such delinquent taxes in conformance with the provisions of subsection (c) of this Act, and there shall be credited by the County Treasurer on the amount of taxes to be paid by him under this

Act the amount he has theretofore paid in installments on such taxes plus the amount credited to interest on the payment or payments made under the provisions of said subsection (b) of Section 1, Chapter 72, Session Laws of Arizona, 1933.

When real property has been advertised or sold for taxes, which may be paid in the manner provided in either sub-section (b) or (c) of this section, upon which the period of redemption shall not have expired, except where sale has been made to private persons, and certificates of purchase issued, such taxes may be paid within the time, under the conditions and in the manner heretofore provided in said sub-sections (b) and (c), and the period of redemption on such real property is hereby extended accordingly.

A compliance with the terms of this Act by a purchaser of real estate at a foreclosure sale shall be sufficient compliance with the terms of Section 3116, Revised Code of Arizona, 1928, as to entitle such purchaser to a certificate of purchase, and to a deed thereto upon the expiration of the period of redemption, in the event such property is not redeemed.

Sec. 2. EMERGENCY. To preserve the public peace, health and safety, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved March 4, 1935.

CHAPTER 31

(Senate Bill No. 35)

AN ACT

RELATING TO PHOTOGRAPHY; DEFINING AND REGULATING THE PRACTICE THEREOF, AND CREATING A BOARD OF EXAMINERS IN PHOTOGRAPHY.

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

Section 1. PHOTOGRAPHY DEFINED. (a) Photography is defined to be: (1) The production of pictures by the action of light on prepared sensitive surfaces; (2) the processes of projecting and registering images by means of lens and camera upon sensitized materials, development and fixation of the latent image to render same visible and permanent, and the subsequent reproduction or transfer of such image, either negative or positive, upon other sensitized material by aid of light and chemical action.

(b) The practice of photography is defined to be the business or profession, occupation or avocation of taking or producing photographs, or any part thereof, for hire.

Sec. 2. CREATION OF BOARD. The board of examiners in photography is hereby created. Said board shall consist of five members, to be appointed by the governor. Each of said members shall have been engaged in the practice of photography in the state for not less than five years next

preceding his appointment. The terms of the members first appointed shall be, one for five years; one for four years; one for three years; one for two years; and one for one year. Thereafter the term of each member shall be for five years.

Sec. 3. ORGANIZATION; DUTIES OF OFFICERS; MEETINGS; COMPENSATION. (a) Within thirty days after the appointment of the members thereof, the board shall organize by electing one of its members as president, one as vice-president, and one as secretary and treasurer. The board shall make such rules and regulations as may be necessary to the performance of its duties. A majority of the board shall constitute a quorum.

(b) It shall be the duty of the president to preside at all meetings. In the absence or incapacity of the president, the vice-president shall assume his duties. It shall be the duty of the secretary-treasurer to keep a record of all proceedings of the board, which shall be open at all times to public inspection. He shall have custody of all funds and shall hold, use or expend such funds only in the manner hereinafter provided. He shall give such surety bond as the board shall from time to time prescribe, in not less than double the amount of money he would hold at any one time, and the premium shall be a charge against the board.

(c) The board shall hold public meetings at least once each year and as often and at such places as it may deem necessary.

(d) Each member of the board shall receive as compensation five dollars for each day actually in session or actively engaged in the duties of the board or of his office, and actual necessary travel-

ing expenses and hotel bills when in session. In addition the secretary-treasurer shall be allowed an annual expense account not to exceed one hundred dollars for stenographic assistance.

(e) The Secretary-Treasurer shall transmit to the State Treasurer all fees or other revenue received by the Board. The State Treasurer shall place 10% thereof in the general fund to assist in defraying the cost of the maintenance of the state government, and shall place the remainder in a separate fund to be known as "The Photographers' License Fund", to be used only in defraying the expenses of the Board and in the prosecution of violations of this act. Any other provision of law notwithstanding, the unexpended balance remaining in said photographers' license fund as of the end of the fiscal year shall not revert to the general fund but shall be credited to said fund for the succeeding fiscal year. The board shall never incur any expense nor approve any claim against said fund in excess of the balance therein, nor shall the state auditor issue any warrant against said fund in excess of said balance.

Sec. 4. AUTHORITY TO GIVE EXAMINATIONS; CERTIFICATES AND LICENSES. (a) The board shall have authority to examine applicants who desire to practice photography in the state; to collect fees for such examinations, and to issue certificates of registration and license to practice photography to such as qualify as to competency, ability and integrity. The board shall adopt rules for the issuance of temporary certificates pending an examination, which shall be null and void after the next ensuing examination by the board. For the advancement of the profession, the board shall

also provide for temporary certificates to apprentices.

(b) In giving examinations the board may take testimony, under oath, which may be administered by any member, as to technical qualifications or the business record of the applicant, and the board may, at its discretion, for sufficient reason, grant or withhold a license to practice.

Sec. 5. FORMS OF TECHNICAL EXAMINATIONS. The board shall provide three forms of technical examinations, covering respectively portrait, commercial work, and kodak or amateur finishing, and shall provide separate certificates for each such branch of photography. A certificate for any one branch shall not permit practice of the other branches, but a person may hold certificates in all three branches. An applicant may take the examination in one or more such branches of photography, and if taken at the same meeting of the board, one examination fee shall suffice.

Sec. 6. REPORTS; REMOVAL OF MEMBER.

(a) The board shall make an annual report of its proceedings to the governor, not later than the fifteenth day of December of each year, which report shall contain an account of all moneys received and disbursed, from what source received, and for what purpose paid out.

(b) After a full and complete hearing of charges, the governor, on a majority vote of the remaining members and himself, may remove any member of the board for continued neglect of duty, incompetency, of unlawful or dishonorable conduct.

Sec. 7. EXAMINATIONS; FEES; LICENSES.

(a) Every person desiring to commence the practice of photography in this state after this act takes effect, shall file an application, under his true name, for a license to so practice, together with an examination fee of twenty-five dollars, with the secretary of the board. He shall appear before the board for examination within six months, and present such references and credentials as the board may require, and shall give satisfactory evidence as to competency and fitness to practice photography, based on technical knowledge and business integrity.

(b) If the applicant successfully passes the examination he shall be registered by the board as a qualified photographer and receive a license signed by each member, authorizing him to practice photography. Such license shall not be transferable.

(c) No company, firm, corporation or association shall practice photography under an assumed or fictitious name, unless the name of the concern, together with the name of each person working under such name, or in any way associated with such concern who shall in all cases be a resident of Arizona, shall be prominently and continually displayed in the place of business of such concern. Said sign shall be conspicuously printed in plain type in the English language, on a card not less than twelve by fourteen inches, and shall be framed under glass.

(d) Fees paid for examinations shall in no case be refunded, but an applicant who fails in the first examination may take a subsequent examina-

tion in branches in which he failed, and the fee for such re-examination shall be ten dollars. Should the applicant again fail, and desire to again come before the board for a third examination, he may make application as in the first instance, accompanied by the regular examination fee of twenty-five dollars.

(e) The board shall hold examinations at least once a year, or as often as it may deem necessary.

Sec. 8. LICENSE TO BE RECORDED. Each recipient of a license to practice photography shall record the same in the office of the county recorder of the county in which he practices photography, and shall keep such license conspicuously displayed in his camera room.

Sec. 9. FEES. (a) Every person licensed to practice photography, who maintains an established place of photographic business, and who is not merely an employee of an established business, shall pay an annual fee of five dollars for an establishment license.

(b) Every person licensed to practice photography, who is an employee of an established photographic business, shall pay an annual license fee as follows: (1) If employed in the portrait or commercial branch of photography, three dollars; (2) if employed in kodak or amateur finishing, two dollars.

(c) All fees shall be paid to the secretary on or before July 1, and he shall give a receipt for the same.

(d) The annual establishment fee shall include

the issuance or certificates covering portrait, commercial, and kodak or amateur finishing when issued to the same person, provided he is qualified to hold the same. The annual employee fee shall cover issuance of all three certificates if applicant is qualified to hold same.

(e) The secretary shall notify every licensee, at his last known address, that his license fee is due on July 1 of each year after this act takes effect, and that his license will be revoked unless said fee is paid in full on or before October 1 of the same year, and thirty days prior to said date shall send a second notice to all who have failed to make payment.

(f) A photographer whose license is revoked for non-payment of the annual fee may make application to the secretary for reinstatement, accompanied by a fee of ten dollars, and if the board shall find the applicant to be guilty of no violation of this act other than default in payment of annual dues, he may be immediately reinstated.

Sec. 10. REVOCATION OF LICENSE. The board shall have power to revoke the license of any photographer found guilty of fraudulent practices, or of willful misrepresentations, or for professional inactivity within the state for a period of four months, unless given further time by the board, or who is convicted of a crime involving moral turpitude. Before any license shall be so revoked, the licensee shall be given notice in writing, mailed to his last known address, advising him of the charges, and at a date and place specified in said notice, not less than ten days after service thereof, he shall be given a public hearing, and shall have the right

to be represented by counsel and to present testimony in his behalf. In the conduct of any such hearing the board shall be governed by the usual rules of evidence, and all testimony shall be taken and a record of the hearing made and filed with the secretary of the board.

Sec. 11. PHOTOGRAPHERS PRACTICING AT TIME ACT TAKES EFFECT. The board shall issue a license certificate to every photographer lawfully engaged in the practice of photography in the state, at the time this act takes effect, upon receipt of an application accompanied by the fee prescribed by section 8, which fee shall be deemed to be payment in full to July 1, 1936. Engagement in the lawful practice of photography shall be proven by the possession of a city license, issued prior to the date of passage of this act, in cities requiring city licenses, or in localities where city licenses are not required, by an affidavit signed by at least five taxpayers, declaring the applicant to be engaged in the lawful practice of photography for profit and permanently located. A resident photographer so entitled to a certificate shall make application therefor, accompanied by the proper fee, within thirty days after notification by the secretary. Failure to do so shall act to forfeit the right to a certificate without examination.

Sec. 12. UNLAWFUL TO PRACTICE WITHOUT LICENSE. (a) From and after thirty days following the organization of the board, and notification by the board of the requirements of this act with respect to the filing of application for license, it shall be unlawful for any person or firm not licensed as prescribed herein, to practice protography, either directly or indirectly, or by agent or em-

ployee, or for any person representing himself to be qualified to practice photography in the state.

(b) A person shall be regarded as practicing photography who is a manager, proprietor or conductor of a place in which photographs are made and offered for sale.

Sec. 13. MISDEMEANOR TO PRACTICE PHOTOGRAPHY WITHOUT LICENSE. Any person who shall practice, or attempt to practice photography in the state, without first having complied with the provisions of this act, or who shall violate any provision of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine for each offense of not less than fifty nor more than two hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment. Each sale shall be a separate offense.

Sec. 14. EXEMPTIONS. Nothing in this act shall be construed to apply: (1) To a person in the employ of any newspaper or periodical publication, provided the negatives or photographs made by such person are not sold or offered for sale, or otherwise disposed of in this state for profit; (2) to a person who shall make negatives or photographs for experimental purposes or for his or her own personal use or pleasure, provided such negatives or photographs are not sold or offered for sale in this state; (3) nor to a person who is in the employ of any school, college, or institution maintained by the state of Arizona, who shall make negatives or any reproduction therefrom solely for the use of said school, college or institution, for educa-

tional or scientific purposes; (4) to a licensed medical or dental practitioner who shall make negatives or photographs for clinical purposes; (5) to motion picture operators in making motion pictures; (6) to x-ray, blue-print, photostatic or motion picture operators.

Sec. 15. SAVING CLAUSE. If any part or provision of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, the remainder thereof shall not thereby be invalidated, impaired, or affected.

Approved March 5, 1935.

CHAPTER 32

(Senate Bill No. 38)

AN ACT

RELATING TO THE REGISTRATION OF ARCHITECTS, ASSAYERS, ENGINEERS, AND LAND SURVEYORS; AND CREATING THE STATE BOARD OF TECHNICAL REGISTRATION, AND REPEALING ARTICLE 1, CHAPTER 58, REVISED CODE OF 1928.

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

Section 1. SHORT TITLE. This act shall be known and may be cited as the "technical registration act of 1935."

Sec. 2. DEFINITIONS. For the purposes of this act, and unless otherwise required by the context:

(a) "Board" shall mean the state board of technical registration.

(b) "Architect" shall mean a person other than an engineer who prepares drawings or specifications or supervises but does not superintend the construction of buildings and structures, as an authorized agent of the owner thereof.

(c) "Assayer" shall mean a person who analyses metals, ores, minerals or alloys in order to ascertain the quantity of gold or silver or any other substance present in them.

(d) "Engineer" shall mean a person who, by reason of his knowledge of mathematics, the physical sciences and the principles of engineering, is qualified to engage in engineering practice. The term shall include all persons practicing geology, but shall not include persons engaged in the manual operation of engines or like machinery.

(e) "Land surveyor" shall mean a person who engages in the practice of surveying tracts of land for the determination of their correct locations, areas, boundaries and descriptions, for conveyancing and recording, or for the establishment or re-establishment of boundaries and the plotting of lands and subdivisions.

Sec. 3. REQUIREMENTS TO PRACTICE ARCHITECTURE, ASSAYING, ENGINEERING, OR LAND SURVEYING. Any person desiring to prac-

tice the professions of architecture, assaying, engineering, or land surveying, shall first secure a certificate of registration as herein provided, and shall comply with all of the conditions prescribed in this act.

Sec. 4. CREATION OF BOARD. The state board of technical registration is hereby created. Said board shall be composed of seven members, one of whom shall be the dean of the college of mines and engineering at the University of Arizona and six of whom shall be appointed by the governor, and shall be as evenly representative as may be of the professions of architecture and engineering, and shall possess the qualifications prescribed in section 5. The terms of office of said members shall be three years each, and they shall be so appointed that the terms of two members shall expire each year. The present members of the state board of registration shall be the members of the state board of technical registration until the expiration of the terms for which they were appointed respectively. The governor may remove any member of the board for misconduct, incapacity, or neglect of duty. Any vacancy shall be filled only for the unexpired portion of the term.

Sec. 5. QUALIFICATIONS OF BOARD MEMBERS. An appointive member of the board shall be at least thirty-five years of age, have been a resident of this state for at least three years immediately preceding his appointment, have had at least ten years active professional experience as an architect or engineer, be of recognized good standing in his profession, and be registered as provided in this act.

Sec. 6. COMPENSATION OF BOARD MEMBERS. The members of the board shall receive no compensation for their services as such, but shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties, and their certificates of registration shall be annually renewed without payment of the renewal fee.

Sec. 7. ORGANIZATION; MEETINGS; QUORUM. The board shall annually elect from among its members a chairman, a vice-chairman, and a secretary. It shall hold at least two regular meetings in each year and such special or called meetings as the by-laws may provide. Not less than four members, of whom at least one shall be an architect and two shall be engineers, shall constitute a quorum for the transaction of business.

Sec. 8. POWERS AND DUTIES OF THE BOARD. The board shall have power and it shall be its duty to adopt by-laws and rules for the conduct of its meetings and the performance of the duties imposed upon it by law; to adopt an official seal for the attestation of certificates of registration and other official papers and documents; to consider and pass upon applications for registration; to hear and pass upon complaints or charges; to compel the attendance of witnesses, administer oaths, and take testimony concerning all matters coming within its jurisdiction; to keep a record of its proceedings; to keep a register which shall show the date of each application for registration, the name, age, qualifications, place of business and residence of the applicant, and disposition of the application; to keep a list which shall show the name, place of business and residence of each reg-

istrant; and to do all other things necessary to carry out the purposes of this act.

Sec. 9. REPORT; COPIES OF LISTS OF REGISTRANTS TO BE FILED. In January of each year the board shall make a report to the governor, which shall be accompanied by a copy of the list of registrants. A copy of such list shall also be filed with the secretary of state, and a copy with the clerk of the board of supervisors of each county.

Sec. 10. SECRETARY OF THE BOARD; DUTIES; SALARY. The secretary shall be the custodian of the records of the board, receive applications for registration and lay them before the board, file complaints with the proper officials against violators of the technical registration act, assist in the prosecution of such cases, and perform such other duties as the board may prescribe. He shall receive such salary as the board may determine, not to exceed one hundred dollars per month.

Sec. 11. ELIGIBILITY REQUIREMENTS. An applicant for registration as architect or engineer shall be not less than twenty-five years of age and of good moral character and repute. If an applicant for registration as an architect or an engineer, he shall have engaged actively for at least eight years in architectural or engineering work of a character satisfactory to the board, but each year of teaching of architectural or engineering subjects or of study satisfactorily completed in an architectural or engineering school approved by the board, up to a maximum of five years, shall be considered equivalent to one year of active engagement. If an applicant for registration as an assayer or a land

surveyor, he shall have engaged actively for at least four years in assaying or land surveying work of a character satisfactory to the board, but each year of teaching of assaying or land surveying or of study satisfactorily completed in a school approved by the board, up to a maximum of two years, shall be considered equivalent to one year of active engagement.

Sec. 12. REGISTRATION FEES. The following fees shall accompany all applications for registration: If for a certificate as architect or engineer, fifteen dollars; if for a certificate as assayer or land surveyor, ten dollars; if the applicant holds an unexpired certificate of registration issued by the authority of a national bureau of registration, or a certificate of reciprocal registration issued under the regulations of the national council of state boards of engineering examiners, five dollars.

Sec. 13. APPLICATION FOR REGISTRATION; CONSIDERATION; RETURN OF FEE IN CASE OF REJECTION. A person wishing to practice architecture, assaying, engineering, or land surveying shall make application for registration on a form prescribed by the board, subscribed under oath and accompanied by the registration fee. If the evidence submitted satisfies the board that the applicant is fully qualified to practice the profession for which registration is asked, it shall give him a certificate of registration, signed by the chairman and the secretary and attested by the official seal. If in the judgment of the board the applicant has not furnished satisfactory evidence of qualifications for registration, it may require additional data, or may require the applicant to submit to an oral or written examination. If the application is

denied, the registration fee shall be returned, less the cost, as determined by the board, of considering the application.

Sec. 14. REGISTRATION UPON UNEXPIRED CERTIFICATES. The board may register without examination an applicant who holds a valid and subsisting certificate of registration issued by authority of a national bureau of registration, or by another state or foreign country having requirements for registration satisfactory to the board, or a certificate of reciprocal registration issued under the regulations of the national council of state boards of engineering examiners.

Sec. 15. RENEWAL OF CERTIFICATES; PENALTY FOR FAILURE. All certificates of registration shall expire on the last day of December of each year, and shall be invalid after that date unless renewed by the payment of a renewal fee of five dollars. If not paid prior to the expiration date, the renewal fee shall be accompanied by a penalty of ten per cent for each month or fraction of a month of delinquency, but such penalty shall not exceed ten dollars. In the event that a registration has lapsed for three years, a new application, accompanied by the proper fee, shall be required.

Sec. 16. REVOCATION OF CERTIFICATE; HEARING; NOTICE OF FINDINGS. The board may revoke the certificate of any registrant found guilty of fraud or deceit in obtaining such certificate, or of gross negligence, incompetence, bribery, or other misconduct in the practice of his profession. Charges shall be in writing and sworn to by the complainant, and, unless dismissed without hearing, shall be determined within three months.

A copy of the charges, together with notice of the time and place of hearing, shall be served on the accused not less than thirty days before the date set for the hearing. The accused may appear personally and by counsel, cross-examine witnesses against him, and produce evidence. If five or more members of the board find the accused guilty, his certificate shall be revoked, but may be reissued upon the vote of five or more members. The board shall immediately notify the secretary of state and the clerk of the board of supervisors of each county in the state of the revocation of a certificate or of the reissuance of a revoked certificate.

Sec. 17. SEAL TO BE USED BY REGISTRANT; DOCUMENT TO BE SIGNED; UNLAWFUL USE OF SEAL OR SIGNATURE. The board shall adopt and prescribe a seal for the use of registrants holding a valid certificate, which shall bear the legend "registered" and the name of the registrant. Plans, specifications, plats, or reports prepared by any such registrant shall be issued under seal and shall bear the signature of the maker. It shall be unlawful for a registrant whose certificate has expired or been revoked to use said seal, or to sign, stamp, or seal any document not prepared by him or his bona fide employee.

Sec. 18. EXEMPTIONS AND LIMITATIONS. Architecture, engineering, assaying, or land surveying may be practiced without compliance with the requirements of this act by: (a) An officer or employee of the United States, practicing as such; (b) a consulting associate of a registrant, if a non-resident who has no established place of business in this state and is qualified to practice in his own state or country; (c) an employee of a regis-

trant or of a person exempt from registration, provided such employment does not involve direct responsibility for design, inspection, or supervision; (d) a non-registrant who holds an unexpired certificate of registration issued by authority of another state or country that has requirements for registration satisfactory to the board, provided such non-registrant shall inform the board in writing of his intention to practice and the approximate length of time which shall not exceed thirty days in any calendar year, that the work upon which he is to be engaged will consume; (e) a non-registrant who designs buildings, the cost of which does not exceed three thousand each or alterations, the cost of which does not exceed one thousand five hundred dollars for each building; or (f) a non-registrant who designs bulidings or structures to be erected on property owned or leased by him or by a person, firm, or corporation that employs him on a full time basis, provided such buildings or structures are intended solely for the use of the owner or lessee of the property and are not for sale, rental or use by the public.

Sec. 19. EXCEPTIONS. A registered architect may engage in the practice of engineering or a registered engineer may engage in the practice of architecture, assaying, or land surveying, but only to the extent that such person is qualified under the provisions of this act and as such work may be necessary and incidental to the work of his profession.

Sec. 20. FIRM OR CORPORATION PRACTICING. No firm or corporation shall engage in the practice of architecture, assaying, engineering, or

land surveying unless the work is under the charge of a registrant.

Sec. 21. PUBLIC WORKS. All drawings, plans, specifications, and estimates for public works of the state or any political subdivision thereof involving architecture or engineering shall be prepared by or under the personal direction, and the construction of such works executed under the direct supervision, of a registered architect or engineer, and all surveys, maps, or assays required in connection with public land surveying or assaying shall be made by or under the personal direction of a registered land surveyor or assayer.

Sec. 22. TECHNICAL REGISTRATION FUND. The secretary shall transmit to the state treasurer all fees or other revenues received by the board. The treasurer shall place ten per cent thereof in the general fund to assist in defraying the cost of maintenance of the state government and shall place the remainder in a separate fund to be known as "the technical registration fund", to be used only in defraying the expenses of the board and in the prosecution of violations of this act. Any other provisions of law notwithstanding, the unexpended balance remaining in said technical registration fund as of the end of the fiscal year shall not revert to the general fund, but shall be credited to said fund for the succeeding fiscal year. The board shall never incur any expense nor approve any claim against said fund in excess of the balance therein, nor shall the state auditor issue any warrant against said fund in excess of said balance.

Sec. 23. VIOLATION; PENALTY. Any person not registered as provided in this act who shall

practice, offer to practice, or hold himself out as qualified to practice, as an architect, assayer, engineer, or land surveyor, or shall advertise or display any card, sign or other device which might indicate to the public that he is an architect, assayer, engineer, or land surveyor, or is qualified to practice as such, or shall assume the title of engineer, or shall use or attempt to use as his own the certificate of registration of another, or use or attempt to use an expired or revoked certificate of registration, or shall present false evidence to the board for the purpose of obtaining a certificate of registration, or shall otherwise violate any provision of this act, shall be guilty of a misdemeanor.

Sec. 24. SAVING CLAUSE. If any part of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, the remainder thereof shall not thereby be invalidated, impaired, or affected.

Sec. 25. REPEAL. Article 1, chapter 58, Revised Code of 1928, is hereby repealed.

Approved March 5, 1935.

CHAPTER 33

(House Bill No. 60)

AN ACT

RELATING TO DRIVING WHILE UNDER THE
INFLUENCE OF LIQUOR OR DRUGS; FIXING
A PENALTY THEREFOR, AND AMENDING

SECTION 1688, REVISED CODE OF 1928.

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

Section 1. Sec. 1688, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1688. DRIVING WHILE UNDER INFLUENCE OF LIQUOR OR DRUGS; PENALTY. Any person under the influence of intoxicating liquor or narcotic drugs, or who is a habitual user of narcotic drugs, who shall drive any vehicle upon any highway within this state, shall be guilty of a misdemeanor, and punished by imprisonment in the county jail for not less than thirty nor more than ninety days. No judge may suspend imposition of sentence for a violation of this section, and if upon the conviction for three such offenses; the party convicted shall, forfeit his driver's license.

Sec. 2. To preserve the public peace, health and safety it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved March 6, 1935.

CHAPTER 34

(House Bill No. 54)

AN ACT

TO PERMIT THE ISSUANCE OF BONDS IN AN-

TICIPATION OF THE COLLECTION OF STATE TAXES, AND TO AUTHORIZE SUCH BOND ISSUES FOR THE LAST HALF OF THE YEAR 1934, ALL OF THE YEAR 1935, AND THE FIRST HALF OF THE YEAR 1936.

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

Section 1. WHEN BONDS MAY BE ISSUED. Whenever the legislature shall have made appropriations for any fiscal year as authorized by law and taxes have been levied upon the taxable property within this state sufficient to produce funds to pay such appropriations, and the loan commissioners of the state of Arizona shall ascertain that the proceeds of such taxes will not be in the state treasury in time to pay in cash the expense provided for by such appropriation, then the said loan commissioners may anticipate the collection of such taxes by issuing and selling, as herein provided, bonds to be designated "State of Arizona tax anticipation bonds."

Sec. 2. ISSUANCE OF BONDS. Such bonds shall be signed by the governor, attested by the state auditor, and countersigned by the state treasurer, shall be payable within six months from date, and shall bear such rate of interest not in excess of three per cent per annum, bear such date and be payable at such place, all as may be determined and designated by said loan commissioners. Each bond shall specifically recite that it is issued in anticipation of state taxes theretofore levied for the fiscal year (here insert year for which taxes are levied) that it is payable solely from the pro-

ceeds of such taxes, and is issued pursuant to this act, naming the title thereof.

Sec. 3. BONDS NOT TO EXCEED FIFTY PER CENT OF UNCOLLECTED TAX. The total amount of such bonds, including both, principal and interest thereon, issued for any fiscal year, shall not exceed fifty per cent of such taxes uncollected and not in the state treasury at the time of the issuance of the said bonds. When the issuance and sale of such bonds shall have been consummated, the state treasurer is hereby authorized and he shall immediately call in and pay from the proceeds of such bond issues, all state warrants which shall have been registered and accumulated at such date.

Sec. 4. RESOLUTION OF LOAN COMMISSIONERS FOR ISSUANCE. The loan commissioners shall by resolution authorize the issuance of any such bonds, prescribe their form, the form of the coupons representing the interest thereon, and the manner in which the said coupons shall be signed, and shall fix the manner, the terms, and the conditions under which such bonds shall be sold.

Sec. 5. USE OF PROCEEDS FROM BONDS. The funds arising from the sale of said bonds shall be used solely for the purposes for which the taxes upon which they are based are levied.

Sec. 6. PAYMENT OF BONDS AND INTEREST. When tax anticipation bonds are issued in accordance with the provisions of this act, the taxes upon which they are based and by which they are secured shall, when and as collected, be kept by the state treasurer and by him used solely for the payment of such bonds and the interest thereon, until all of the bonds so issued, together with the

interest thereon, shall be paid in full; provided, that the state treasurer may pay such interest out of the general fund of the state.

Sec. 7. MANDAMUS PROCEEDINGS. The holder of any bond issued in accordance with the provisions of this act may, in his own name and on his own behalf, or on behalf of all of the holders of such bonds, by mandamus proceedings in the supreme court of the state of Arizona, compel the performance of any duty imposed by this act.

Sec. 8. APPLICATION OF ACT. The provisions of this act shall apply to all uncollected taxes for the last half of the year 1934, all of the year 1935, and the first half of the year 1936.

Sec. 9. REPEALING CLAUSE. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 6, 1935.

CHAPTER 35

(House Bill No. 115)

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF SALARY AND EXPENSES OF A REPRESENTATIVE OF THE GOVERNOR FROM THE STATE OF ARIZONA, AT THE NATIONAL CAPITOL.

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

Sec. 1. There is hereby appropriated for the use of the Governor, the sum of Seven Thousand Five Hundred (\$7,500.00) Dollars, or so much thereof as may be necessary, from funds not otherwise appropriated, for the purpose of paying the salary and expenses of a personal representative of the Governor, to represent the state of Arizona, at the national capitol in all matters affecting the interests of the state.

Sec. 2. This appropriation shall be exempt from the provisions of the financial code and any balance remaining at the end of the fiscal year shall not revert to the General Fund.

Sec. 3. To preserve the public peace, health and safety, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved March 9, 1935.

CHAPTER 36

(House Bill No. 140)

AN ACT

RELATING TO EDUCATION; PROVIDING FOR DISTRICT SCHOOL LIBRARIES, AUTHORIZING THE PROCUREMENT OF SERVICES OF

COUNTY FREE LIBRARIES, AND AMENDING SECTION 1058, REVISED CODE OF 1928.

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

Section 1. AMENDING CLAUSE. Sec. 1058, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1058. DISTRICT LIBRARIES; USE OF SCHOOL MONEY FOR LIBRARY PURPOSES. *
* * The Board of Trustees of any school district may establish and maintain a district library, which shall be located in the school house. Such library shall be under the control of the Board, which shall be accountable for its care, but may be placed under the direct charge of a teacher or other qualified person. When requested the Board shall report on the library to the County Superintendent on blanks to be supplied by the Superintendent of Public Instruction. Any such district library shall be free to all pupils of suitable age belonging to the school, and residents of the district may become entitled to its privileges by the payment of fees and compliance with regulations prescribed by the Board. The Board of School Trustees of any school district or City Board of Education may enter into a contract or agreement with the proper authorities of any county free library or other public library possessing facilities for rendering the desired service, for the procurement of reference or other library books or the extension services of such library, provided the amount so expended shall not exceed three per cent of the total school district

budget for the school year during which such services are utilized.

Approved March 9, 1935.

CHAPTER 37

(House Bill No. 171)

AN ACT

RELATING TO THE ARIZONA STATE TEACHERS COLLEGE AT TEMPE; AND MAKING AN APPROPRIATION FOR EMERGENCY REPAIRS TO CERTAIN BUILDINGS.

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

Section 1. APPROPRIATION. There is hereby appropriated for the Arizona state teachers college at Tempe:

A. \$8,951.00, or so much thereof as may be necessary, to be used and expended exclusively for reroofing buildings of said college, with standardized domestic copper roofing, providing that relative costs are within reason;

B. \$975.00 or so much thereof as may be necessary, to be used and expended exclusively for repairing roofs on buildings of said college;

C. \$6,000.00, or so much thereof as may be necessary, to be used and expended exclusively for gen-

eral repairs on the building of said college known as East Hall;

D. \$2,400.00, or so much thereof as may be necessary, to be used and expended exclusively for improvements and repairs on sewers and plumbing for said college, and

E. \$8,000.00, or so much thereof as may be necessary, to be used and expended exclusively for improvements and repairs on the heating system of said college.

Section 2. PURPOSES. Each of the amounts hereby appropriated, or so much thereof as may be necessary for the purpose for which such appropriation is made, shall be expended by and under the direction and control of the board of education of the Arizona state teachers college at Tempe, subject to the following conditions:

A. No part of the money appropriated under sub-division A, of section 1, of this act shall be expended by said board, except pursuant to contract let to the lowest responsible bidder, who upon acceptance of his bid shall enter into a written contract with said board to furnish all materials and labor and perform all work contemplated or provided for in his bid, and furnish a bond acceptable to said board and executed by a responsible surety company authorized to do business in this state, or a cash bond conditioned that he will faithfully perform his contract.

B. No part of the money appropriated under subdivision E, of section 1, of this act shall be expended by said board, except pursuant to contract

let to the lowest responsible bidder, who upon acceptance of his bid shall enter into a written contract with said board to furnish all materials and labor and perform all work contemplated or provided for in his bid, and furnish a bond acceptable to said board and executed by a responsible surety company authorized to do business in this state, or a cash bond conditioned that he will faithfully perform his contract.

Section 3. CONTRACT. Upon entering into any contract and accepting any bond mentioned in section 2, of this act, the board of education of the Arizona state teachers college at Tempe shall forthwith furnish to and file with the State Auditor a true copy of such contract and bond, together with a true copy of the accepted bid of the contractor named in such contract, and every claim approved by said board against any such appropriation shall specifically refer to and identify the particular contract and the appropriation under which such claim is made. The State Auditor shall not allow or approve any claim or any item in any claim, or draw a warrant for any claim against any appropriation made in section 1, of this act, unless and until the amount of such claim is found to be due under and pursuant to the terms of a contract made and performed in strict conformity with the terms and conditions of this act.

Section 4. EMERGENCY CLAUSE. To preserve the public peace, health and safety it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency

measure, and shall take effect upon its passage in the manner provided by law.

Approved March 9, 1935.

CHAPTER 38

(House Bill No. 66)

AN ACT

RELATING TO EDUCATION; PROVIDING FOR STATE AID FOR PUBLIC JUNIOR COLLEGES; AMENDING ARTICLE 9, CHAPTER 21, REVISED CODE OF 1928, BY ADDING A NEW SECTION, TO BE DESIGNATED SECTION 1087k.

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

Section 1. ADDING CLAUSE. Article 9, chapter 21, Revised Code of 1928, as amended, is hereby further amended by adding a section, to be designated section 1087k, and to read as follows:

Sec. 1087k. STATE AID; APPROPRIATION.
(a) One-half of the cost of maintaining any public junior college possessing the qualifications hereinafter prescribed, not exceeding fifteen thousand dollars per annum, shall be paid by the state.

(b) To be eligible for state aid a public junior college shall be equipped with suitable buildings, equipment and campus, approved by the superin-

tendent of public instruction; shall have had an average daily attendance of not less than one hundred students taking courses of college grade for at least two academic years immediately preceding an application for state aid, and its academic courses shall have been substantially approved and accepted by the university of Arizona for a period of three years.

(c) Not later than January 1 of each odd-numbered year the board of education of any public junior college qualified to receive state aid shall submit to the state superintendent of public instruction a budget for the ensuing fiscal biennium, and the superintendent shall transmit the same to the legislature, with his certificate as to the eligibility of the said public junior college and his recommendation concerning the amount of state aid to be extended. No part of said state aid shall be expended for the construction or repair of buildings, or the purchase of grounds or equipment.

Approved March 11, 1935.

CHAPTER 39

(House Bill No. 205)

AN ACT

TO AMEND SECTION 2013, REVISED CODE OF 1928, SO AS TO EXEMPT LOANS MADE UNDER THE FEDERAL HOUSING ACT FROM THE PROVISIONS OF CHAPTER 45 OF THE

REVISED CODE OF 1928, AND VALIDATING
SUCH LOANS.

**Be It Enacted by the Legislature of the State of
Arizona:**

Section 1. That Section 2013, Revised Code of Arizona, 1928, is hereby amended so as to read as follows:

Section 2013. VIOLATIONS DEFINED; PENALTY; EXEMPTION OF FEDERAL HOUSING ACT. Any money-lender violating the penal provisions of this chapter shall be guilty of a crime and punished by a fine of not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both. Any agent or other employee of the money-lender who knowingly participates in a violation of this chapter shall be guilty of a misdemeanor. No unlicensed money-lender shall be criminally liable unless the charges made for such small loan be in excess of twelve per cent per annum: Provided that loans of any amount heretofore or hereafter made pursuant to and in accordance with the provisions of the Federal Housing Act may be made without license under this chapter and on terms prescribed in said Federal Housing Act or rules and regulations heretofore or hereafter issued thereunder in lieu of the terms provided by this chapter, and all such loans, guaranteed in whole or in part by the Federal Government under the provisions of said Act, shall be valid to all intents and purposes as if made in compliance with the provisions of this Act.

Approved March 15, 1935.

CHAPTER 40

(House Bill No. 122)

AN ACT

TO PROVIDE FOR THE BUILDING OF A GRAND STAND AND OTHER IMPROVEMENTS ON THE STATE FAIR GROUNDS, AND MAKING AN APPROPRIATION THEREFOR.

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

Section 1. For the purpose of purchasing supplies and materials for the building of a grand stand, and the roofing thereof, if practicable copper roofing be used, provided the copper is Arizona mineral, and other improvements at the state fair grounds and for paying the cost of supervising the construction thereof, the sum of \$35,000.00 or so much thereof as may be needed is hereby appropriated out of the general fund of the state.

Sec. 2. The appropriation hereby made shall be immediately available and expended by and under the supervision of the Arizona state fair commission.

Sec. 3. The state auditor is hereby authorized to draw warrants for claims approved by the board of directors of state institutions and Arizona state fair commission, in not to exceed the sum hereby appropriated and the state treasurer is authorized to pay the same.

Sec. 4. All laws or parts of laws in conflict with

the provisions of this act, are hereby repealed.

Approved March 15, 1935.

CHAPTER 41

(House Bill No. 162)

AN ACT

AMENDING SECTION 2014, SECTION 2015, SECTION 2017, SECTION 2019, SECTION 3861, SECTION 3862, OF THE 1928 REVISED CODE OF ARIZONA, AND SECTION 2016 OF THE 1928 REVISED CODE OF ARIZONA, AMENDED BY CHAPTER 9, OF THE 1931 SESSION LAWS OF ARIZONA: PROVIDING FOR A UNIFORM PROCEDURE FOR RECORDING AND DOCKETING JUDGMENTS AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

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

Section 1. Section 2014 of the 1928 Revised Code of Arizona is hereby amended to read as follows:

Sec. 2014. SUPERIOR COURT JUDGMENTS; JUDGMENT DOCKET; RECORDING OF JUDGMENT. At the time of entering judgment in the superior court, directing in whole or in part the payment of money, the clerk of such court shall

enter in a judgment docket arranged alphabetically and kept by him, a docket of such judgment containing: The names in full as shown by the record of each judgment debtor, judgment creditor, and of the attorney for the judgment creditor; the hour and date of entering judgment, and the amount of the debt, damages or other sum of money recovered, with the amount of costs. If the judgment be against several persons it shall be re-docketed under the name of each person against whom the judgment was rendered, in the alphabetical order of their names, each docket to contain the names of all the persons against whom judgment was rendered.

An abstract of the judgment of any court in this state certified by the clerk of the court where such judgment was rendered, entered and docketed, must be filed and recorded with the county recorder of each county wherein the judgment creditor desires said judgment to become a lien upon the real property of the judgment debtor in the manner hereinafter provided, before the said judgment shall become a lien upon, or in any manner affect or encumber the real property or any part thereof of the judgment debtor. The abstract of judgment shall contain the following: Title of the court and cause and number of the action; date of entry of the judgment and the docket record thereof; names of the judgment debtor or debtors and judgment creditor or creditors and amount of the judgment, and attorney of record for judgment creditor.

Each county recorder shall procure and keep a special record book for the purposes of this section and shall likewise keep and maintain a complete

index to all judgment debtors and all judgment creditors. Each county recorder shall charge and receive one dollar for the recording of each abstract of judgment or affidavit of renewal of judgment.

Sec. 2. Section 2015, of the 1928 Revised Code of Arizona, is hereby amended to read as follows:

Section 2015. DOCKETING JUDGMENT OF JUSTICE COURT. The clerk of the superior court shall, upon the presentation to him of a certified transcript of a judgment for more than fifteen dollars, exclusive of costs, rendered by a justice of the peace in his county, forthwith file and docket such judgment as prescribed in the preceding section. Such judgment, from the time of the filing of the transcript thereof, shall be deemed the judgment of the superior court, be in the control thereof and carried into execution in the same manner, and with like effect, as judgments of the superior court. Such judgment, after the docketing thereof by the clerk of the superior court, must be recorded in the manner set out in the preceding section before the said judgment shall become a lien upon, or in any manner affect or encumber, the real property or any part thereof of the judgment debtor.

Sec. 3. Section 2016 of the 1928 Revised Code of Arizona, as amended by Chapter 9 of the 1931 Session Laws, is hereby amended to read as follows:

Sec. 2016. RECORDING A JUDGMENT OF UNITED STATES COURT. An abstract of a judgment rendered in any court of record of the United States within this state shall be recorded in the manner provided in Section 2014, as amended, of the 1928 Revised Code of Arizona, before said judg-

ment shall become a lien upon, or in any manner affect or encumber, the real property or any part thereof of the judgment debtor.

Sec. 4. Section 2017 of the 1928 Revised Code of Arizona, is hereby amended to read as follows:

Sec. 2017. LIEN OF JUDGMENT; NOT TO AFFECT DECLARATION OF HOMESTEAD; DISCHARGE AND RELEASE OF LIEN OF JUDGMENT. From and after the time of recording, as provided in Section 2014, as amended, a judgment shall become a lien for a period of five years from the date of its rendition upon all the real property of the judgment debtor, except such as is or may be exempt from execution, including the interest in the homestead, in the county where the same is recorded, whether the said property is then owned by said judgment debtor or is later acquired; provided, any person entitled thereto may declare a homestead on real property as provided by law after such lien may have attached to said real property and may thereafter hold the homestead interest in the same free and clear of such lien.

Any judgment of the justice court, superior court or United States court which has become a lien, as hereinbefore provided, shall immediately, upon the payment or satisfaction thereof, be discharged of record by the judgment creditor or his attorney by filing a satisfaction of judgment with the county recorder of the county in which such judgment is recorded or by entering a satisfaction thereof upon the margin of the record of the recorder in each county where said judgment or renewal thereof is recorded and the judgment creditor or his attorney shall likewise enter the proper nota-

tion on the docket of the clerk of the superior court of each county wherein said judgment has been entered or docketed, and in like manner enter a proper notation on the docket of the clerk of the United States District Court.

Sec. 5. Section 2019 of the 1928 Revised Code of Arizona is hereby amended to read as follows:

Sec. 2019. REVERSAL TO BE ENTERED; TRANSCRIPT; ABSTRACT OF JUDGMENT. Whenever a judgment has been docketed and/or recorded and is reversed on appeal and the judgment of reversal filed, or a remittitur is filed, the clerk of the court shall forthwith enter on the docket thereof such fact and the judgment creditor or his counsel shall forthwith enter such facts by proper marginal notation in the judgment record of the county recorder of the county in which said judgment is recorded.

The clerk of the court shall furnish a certified transcript or abstract of any judgment docketed in his office upon proper demand therefor and the payment of necessary fees in connection therewith.

Sec. 6. Section 3861 of the 1928 Revised Code of Arizona is hereby amended to read as follows:
SEC. 3861. RENEWAL OF JUDGMENT BY AFFIDAVIT. A judgment for the payment of money which has been entered and docketed in the judgment docket of the United States District Court or superior court, whether originally rendered by it or entered upon a transcript of judgment from another court, or recorded with the county recorder, may be renewed by filing with the clerk of the proper

court an affidavit for renewal. The judgment creditor, his personal representative or assignee may within ninety days next preceding the expiration of five years from the date of the judgment, make an affidavit, entitled as in the section, setting forth the names of the parties, the name of the court in which docketed, if recorded the county in which recorded, the date and amount of the judgment, the number and page of the judgment docket in which entered by the clerk of the court, if recorded, the number and page of the judgment book in which recorded by the county recorder, the name of the owner of the said judgment, and his source and successor of title, if not the judgment creditor; * * * that no execution is anywhere outstanding and unreturned upon said judgment; or, if any execution is outstanding, that fact shall be stated; the date and amount of all payments upon said judgment, that all payments have been duly credited upon said judgment; that there are no set-offs or counterclaims in favor of the judgment debtor; and if a counterclaim or set-off does exist in favor of the judgment debtor, the amount thereof, if certain, or, if the counterclaim or set-off is unsettled or undetermined, a statement that when the same shall be settled or determined, by action or otherwise, the same may be allowed as a payment or credit upon said judgment; the exact amount due upon said judgment, after allowing all set-offs and counterclaims known to the affiant, and any other facts or circumstances necessary to a complete disclosure as to the exact condition of said judgment. If the judgment was docketed by the clerk of the court upon a certified copy from any other court and subsequently an abstract recorded with the county recorder, the affidavit must, in addition to the fore-

going, set forth a statement of each county in which such transcript has been docketed and abstract recorded. Said affidavit must be verified by the person making it, not upon information and belief. The filing of said affidavit in the office of the clerk of the * court where said judgment is entered and docketed, shall renew and revive said judgment to the extent of the balance shown due in said affidavit. * * *

Sec. 7. Section 3862 of the 1928 Revised Code of Arizona is hereby amended to read as follows:

Sec. 3862. DOCKETING AND RECORDING; EFFECT. The affidavit of renewal shall be docketed by the clerk in the case docket, and he shall enter in his judgment docket forthwith, after the statement of the original judgment, the date and fact of said renewal, and the amount for which said judgment is renewed. The entry and docketing of said affidavit by the clerk shall renew the judgment * * for a period of five years from the time of such docketing. No lien upon or against the real property of the judgment debtor shall be continued by an affidavit of renewal until a copy of said affidavit, properly certified by the clerk of the court, shall be recorded in the office of the county recorder. From and after the time of recordation of the copy of the affidavit of renewal, certified by the clerk of the court, the judgment shall be a lien to the extent of the balance shown in the affidavit of renewal against all the real property of the judgment debtor, except such as is or may be exempt from execution, including the interest in the homestead, for a period of five years from the date of docketing of said affidavit of renewal with the clerk. A copy of said renewal affidavit and of the docket entries thereon, certified by the clerk of the

court wherein the same is filed, may be * * docketed in any other county of the state in which a transcript of the original judgment was filed, and a copy of said renewal affidavit may be recorded with the county recorder of any county wherein the same has been previously filed or docketed, or wherein the judgment creditor desires said judgment to become a lien upon the real property of the judgment debtor.

Sec. 8. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 18, 1935.

CHAPTER 42

(House Bill No. 191)

AN ACT

RELATING TO THE COPPER INDUSTRY; AND
PROVIDING AN EMERGENCY APPROPRIATION FOR THE USE OF THE ARIZONA COPPER TARIFF BOARD.

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

Section 1. APPROPRIATION. The sum of three thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated for the use of the Arizona copper tariff board.

Sec. 2. PURPOSE. The purpose of said ap-

propriation is to enable the board to assist in the work of retaining the protection to domestic copper at present afforded by law, or to secure a more adequate tariff on foreign produced copper.

Sec. 3. EMERGENCY CLAUSE. To preserve the public peace, health and safety it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved March 18, 1935.

CHAPTER 43

(House Bill No. 22)

AN ACT

TO AMEND SECTION 602 OF THE REVISED CODE OF ARIZONA 1928 WHICH PROVIDES FOR THE FORMATION OF NON-PROFIT CORPORATIONS, SO AS TO PROVIDE FOR AMENDING THE ARTICLES OF INCORPORATION OF ANY SUCH CORPORATION.

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

Section 1. That Section 602 of the Revised Code of Arizona, 1928, be and the same hereby is amended to read as follows:

Section 602. NON-PROFIT CORPORATIONS;

FORMATION; AMENDMENTS TO ARTICLES. Any number of persons associated together for any purpose where pecuniary profit is not their object, and for which individuals may lawfully associate themselves, may in accordance with the rules, regulations or discipline of such association, elect directors, the number thereof not to be less than three, nor more than twenty-five, and may incorporate themselves as herein provided. The articles of incorporation shall conform to articles of incorporation of corporations in general, as near as may be, and in addition set forth the holding of the election for directors, and the time and place where the same was held. The articles of incorporation of any such corporation now or hereafter created, may be amended either as provided in the articles themselves or if the articles of incorporation and/or by-laws provided for memberships, by the affirmative vote of a majority of the members present at a meeting called for that purpose, or if no provision is made for memberships, then by an affirmative vote of the majority of the board of directors meeting for that purpose. Notice of proposed amendment or amendments shall be given by written notice to the directors at least ten days prior to the meeting, and, if there be memberships, by a publication once a week for two successive weeks prior to the meeting in a newspaper of general circulation in the county wherein the articles of incorporation were published. Amendments shall be signed and acknowledged by the president and attested by the secretary of the corporation and shall be filed, recorded and published as articles of incorporation of private corporations are required to be, provided, however, that such publication may be dispensed with when each member signs a waiver of notice.

Approved March 19, 1935.

CHAPTER 44

(House Bill No. 39)

AN ACT

RELATING TO GAME AND FISH; PROVIDING FOR THEIR PRESERVATION,, AND AMENDING SECTIONS 12, 15, 19, 23 AND 25, CHAPTER 84, SESSION LAWS 1929, AS AMENDED.

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

Section 1. AMENDING CLAUSE. Sec. 12, chapter 84, Session Laws 1929, is hereby amended to read as follows:

Sec. 12. TAKING LIMIT; POSSESSION, SALE AND TRANSPORTATION RESTRICTED; HUNTING WITH DOGS PROHIBITED. No person shall take any wild bird, wild animal, or fish, or the nest or egg of any wild bird, or the spawn or eggs of fish, or possess, buy, sell, offer or expose for sale, or transport, or receive from another, any such bird, animal, or fish, or part thereof, or any bird's nest or egg, or any spawn or eggs of fish, except as expressly permitted by this act. The possession of any game animal, game bird, or game fish, or part thereof, in any hotel, restaurant, cafe, market or store, shall be prima facie evidence of the possession thereof for the purpose of sale in violation of this act, but this provision shall not prohibit a person lawfully obtaining such game animal, game bird, or game fish from having it prepared in a public eating place and served to himself and guests or placed in storage, during the respective open sea-

son therefor and twenty days immediately thereafter. Any person may have in his possession not more than twenty-five pounds of dried meat of game animals lawfully killed. No person shall take or run, with the aid of a dog or dogs, any game animal except bear. Any act committed or done by a dog or dogs in running a game animal shall be deemed a violation of this section, for which the owner of the dog shall be liable.

Sec. 2. AMENDING CLAUSE. Sec. 15, chapter 84, Session Laws 1929, is hereby amended to read as follows:

Sec. 15. INDIANS PROHIBITED FROM HUNTING OR FISHING. It shall be unlawful for any Indian, who is a ward of the federal government, to take any game or fish in this state when off the government reservation to which he has been assigned, and no license shall be sold to any such Indian.

Sec. 3. AMENDING CLAUSE. Sec. 19, chapter 84, Session Laws 1929, is hereby amended to read as follows:

Sec. 19. POSSESSION OF GAME ANIMALS, BIRDS AND FISH. Game animals, game birds and game fish lawfully taken, and parts thereof, may be possessed during the open season therefor and the first twenty days next succeeding the close of such open season, but a person may not have in possession at any time more than one male deer, two wild turkeys, and one day's bag limit of other game animals, game birds, and game fish.

Sec. 4. AMENDING CLAUSE. Sec. 23, chap-

ter 84, Session Laws 1929, as amended by section 3, chapter 97, Session Laws 1931, and section 6, chapter 93, Session Laws 1933, is hereby amended to read as follows:

Sec. 23. LICENSE FEES. Licenses shall be divided into classes and fees paid therefor as follows: Class "A", resident general hunting and fishing license, three dollars and fifty cents; class "B", resident general hunting license, two dollars and fifty cents; class "B-1", resident fishing license, one dollar and seventy-five cents; class "C", non-resident general hunting and fishing license, twenty-five dollars; class "D", non-resident fish and small game license, ten dollars; class "E", non-resident fishing license, three dollars; class "F", non-resident trapping license, twenty-five dollars; class "G", alien general hunting and fishing license, seventy-five dollars; class "H", alien fish and small game license, thirty dollars; class "I", special license, alien applicant for citizenship, for general hunting, twenty-five dollars; class "J", special license, alien applicant for citizenship, fishing and small game, ten dollars. Classes "A", "C", "G", and "I" include all varieties of fish and game; classes "D", "H", and "J" include all fish and small game; class "F" includes all varieties of predatory and fur-bearing animals; and class "E" includes all kinds of fish that may be taken under this act. An alien applicant for citizenship may not receive during the pendency of his application more than two class "I" or "J" licenses. A resident for the purpose of this act is defined to be a citizen of the United States who has resided in this state for one year immediately preceding application for license. A complimentary license may be issued by the commission to a pioneer seventy years of age or older who has been a resident of this

state for twenty-five or more consecutive years. If any alien obtains a resident or non-resident license by fraudulent misrepresentation, or if any non-resident obtains a resident license by fraudulent misrepresentation, such license so fraudulently obtained shall be void and of no effect from the date of issuance thereof, and such alien or non-resident who shall hunt, fish or take any game animal, bird or fish while holding such void license shall be guilty of so doing without a license.

Sec. 5. AMENDING CLAUSE. Section 24, chapter 84, Session Laws of 1929, regular session is hereby amended to read as follows:

Sec. 24. DISPOSITION OF FEES. The officer issuing the license shall on the first Tuesday of each month transmit to the commission all license fees, with a statement setting forth the name and residence of each licensee, the serial number, and class of, and the amount paid for each license issued. The officers other than the state game and fish warden issuing the license, shall retain as his compensation five per cent of all license fees collected.

Sec. 6. AMENDING CLAUSE. Sec. 25, chapter 84, Session Laws 1929, as amended by section 4, Session Laws 1931, and section 7, chapter 93, Session Laws 1933, is hereby amended to read as follows:

Sec. 25. FORM AND CONTENTS OF LICENSE; SHIPPING COUPONS; EXHIBITING LICENSE; MINORS. The form of license shall be determined and the license blanks prepared by the commission and by it furnished and charged to the

person authorized to issue licenses. Each license shall be accompanied by a shipping permit, authorizing the licensee to ship either within or out of the state not to exceed one day's bag limit of game or fish, which permit or coupon thereof must be attached to the shipment. If a resident desires, and is entitled, to make an additional shipment within the state; or a non-resident desires, and is entitled to make additional shipment either within or out of the state, he shall first secure from the commission an additional permit authorizing the shipment, which permit shall be attached to the shipment. The commission shall provide the state game and fish warden and his deputies with coupon or shipping permit blanks, which shall be issued by them, in accordance with the provisions of this section, upon payment of a fee of twenty-five cents each. The license shall be issued in the name of the commission, sealed with its seal and countersigned by the officer issuing the same. Each license shall be signed by the licensee in ink on the face thereof, and there shall be issued with each license authorizing the killing or taking of deer or wild turkeys, suitable blank forms for attaching to any deer or wild turkey when killed or taken, and for reporting the same to the state game warden. It shall be unlawful for any person to have in his possession a deer or turkey unless tagged with the blank form hereinbefore provided, which said blank form must be detached from the license and attached to the horns of the said deer or the feet of the said turkey immediately upon killing of such game and remain thereon during the balance of the year for which said hunting license shall have been issued. All persons killing or taking any deer or wild turkey shall immediately thereafter make report thereof

on such forms to the state game warden and failure to do so shall be unlawful. Each license shall be void after December 31 next succeeding its issuance. No person shall take fish, birds, or animals in this state, unless, at the time of such taking, he shall have such license on his person and shall exhibit the same upon request for inspection to any person. It shall not be unlawful for a resident of this state under the age of sixteen years to fish during open season, and when accompanied by a person holding a valid license, to take small game during open season, even though such resident child has no license, provided that not more than two such resident children shall accompany such person holding a valid license, but no child, either resident or non-resident shall take any big game without first obtaining a license as herein provided.

Approved March 19, 1935.

CHAPTER 45

(House Bill No. 41)

AN ACT

TO AMEND SECTION 1664 OF THE REVISED CODE OF 1928 SO AS TO REQUIRE PROOF OF FINANCIAL RESPONSIBILITY OF MOTOR VEHICLE OPERATORS TO RESPOND IN DAMAGES FOR NEGLIGENT OPERATION OF MOTOR VEHICLES.

**Be It Enacted by the Legislature of the State of
Arizona:**

Section 1. Sec. 1664 of the Revised Code of 1928 is hereby amended to read as follows:

Sec. 1664. COURTS TO REPORT CONVICTIONS; SUSPENSIONS; GROUNDS OF REVOCATION; PROOF OF FINANCIAL RESPONSIBILITY.

(a) Upon the conviction of any person for a violation of any law regulating the operation of motor vehicles upon the highways, the court in which the conviction occurred shall immediately forward to the division a record of such conviction, upon forms prescribed by the division, and may recommend the suspension of the operator's or chauffeur's license of the person so convicted. The division shall thereupon act upon such record and recommendation as may seem desirable.

(b) The division shall forthwith revoke the license of any person upon receiving a record of his conviction of any of the following offenses: Manslaughter resulting from the operation of a motor vehicle; driving a vehicle while under the influence of intoxicating liquor or a narcotic drug; perjury, or the making of a false affidavit to the division under this or any other law of this state requiring the registration of motor vehicles or regulating their operation on highways; any crime punishable as a felony under the motor vehicle laws of this state, or any other felony in the commission of which a motor vehicle was used; conviction or forfeiture of bail upon three charges of reckless driving within the preceding twelve months; or a con-

viction upon a charge of failure to stop and disclose his identity at the scene of the accident, where such accident resulted in the death or injury of another person. The division, upon receiving a record of the conviction of any person operating a motor vehicle while the license of such person is suspended or revoked, shall immediately extend the period of such first suspension or revocation for an additional like period.

(c) The division shall also suspend the operator's and chauffeur's license and all registration certificates or cards and registration plates issued to any person upon receiving authenticated report as hereinafter provided that such person has failed for a period of thirty days to satisfy any final judgment in amounts and upon a cause of action as hereinafter stated.

(d) The judgment hereinbefore referred to shall mean a final judgment of any court of competent jurisdiction in any state or of the United States against a person as defendant upon a cause of action as hereinafter stated.

(e) The judgment herein referred to shall mean any final judgment in the sum of one hundred dollars or more for damage to property or for damages in any amount on account of bodily injury to or death of any person resulting from the operation of any motor vehicle upon a highway.

(f) This act shall not apply to any such judgment rendered against this state or any political subdivision thereof or any municipality therein.

(g) The suspension shall remain in effect and

no other motor vehicle shall be registered in the name of such judgment debtor nor any new license issued to such person unless and until such judgment is satisfied or stayed and the judgment debtor gives proof of financial responsibility in future, as hereinafter provided, except under the conditions as hereinafter stated.

(h) A discharge in bankruptcy following the rendering of any such judgment shall not relieve the judgment debtor from any of the requirements of this act.

(i) Every judgment herein referred to shall for the purposes of this act be deemed satisfied:

1. When five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount for bodily injury to or the death of one person as the result of any one accident; or

2. When, subject to said limit of five thousand dollars as to one person, the sum of ten thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount for bodily injury to or the death of more than one person as the result of any one accident; or

3. When one thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount for damage to property of others as a result of any one accident.

Credit for such amounts shall be deemed a satisfaction of any such judgment or judgments in ex-

cess of said amounts only for the purposes of this act.

4. When said judgment has remained unsatisfied, in whole or in part, for the full period of five years from the date of its entry.

Whenever payment has been made in settlement of any claims for bodily injury, death, or property damage arising from a motor vehicle accident resulting in injury, death, or property damage to two or more persons in such accident, any such payment shall be credited in reduction of the amounts provided for in this section.

5. The division shall not suspend a license or registration of a motor vehicle and shall restore any suspended license or registration following non-payment of a final judgment when the judgment debtor gives proof of financial responsibility in future and when the judgment debtor obtains an order from the trial court in which such judgment was rendered, permitting the payment of such judgment in installments and while the payment of any said installment is not in default.

A judgment debtor upon five days notice to the judgment creditor may apply to the trial court in which the judgment was obtained 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, fixing the amounts and times of payment of the installments.

In the event the judgment debtor fails to pay any installment as permitted by the order of the

court, then upon notice of such default the division shall forthwith suspend the license and registration certificates and registration plates of the judgment debtor until said judgment is satisfied as provided in this act.

(j) Whenever, after one judgment is satisfied and proof of financial responsibility is given as herein required another such judgment is rendered against the judgment debtor for any accident occurring prior to the date of the giving of said proof and such person fails to satisfy the latter judgment within the amounts specified herein within thirty days after the same becomes final, then the division shall again suspend the operator's or chauffeur's license of such judgment debtor and the registration of any vehicle registered in the name of such judgment debtor as owner and shall not renew the same and shall not issue to him any operator's or chauffeur's license or registration of any vehicle while such latter judgment remains in effect and unsatisfied within the amounts specified herein.

(k) Whenever the division determines that any person required to give proof hereunder by reason of a conviction is not the owner of a motor vehicle but was at the time of such conviction a chauffeur or motor vehicle operator, however designated, in the employ of an owner of a motor vehicle or a member of the immediate family or household of the owner of a motor vehicle, the division shall accept proof of financial responsibility given by such owner in lieu of proof given by such other person so long as such latter person is operating a motor vehicle for which the owner has given proof as herein provided. The division shall

designate the restrictions imposed by this section on the face of such person's operator's or chauffeur's license. No such license shall be reinstated or any new license issued until otherwise permitted under the laws of this state.

(1) Proof of financial responsibility shall mean proof of ability to respond in damages for any liability thereafter incurred resulting from the ownership, maintenance, use, or operation of a motor vehicle for bodily injury to or death of any one person in the amount of five thousand dollars, and subject to said limit for any one person injured or killed, in the said amount of ten thousand dollars for bodily injury to or death of two or more persons in any one accident, and for damage to property in the amount of one thousand dollars resulting from any one accident. Such proof in said amounts shall be furnished for each motor vehicle registered by such person.

(m) Proof of financial responsibility when required under this act may be given by the following alternate methods: Either by proof that a policy or policies of liability insurance have been obtained and are in full force and effect or that a bond has been duly executed or that deposit has been made of money or securities all as hereinafter provided.

(n) Proof of financial responsibility may be made by filing with the division the written certificate or certificates of any insurance carrier duly authorized to do business in this state, certifying that it has issued to or for the benefit of the person furnishing such proof and named as the insured a motor vehicle liability policy or policies, or in

certain events an operator's policy, meeting the requirements of this act and that said policy or policies are then in full force and effect. Such certificate or certificates shall give the dates of issuance and expiration of such policy or policies and certify that the same shall not be canceled unless ten days' prior written notice thereof be given to the division and shall explicitly describe all motor vehicles covered thereby, unless the policy or policies are issued to a person who is not the owner of a motor vehicle.

(o) The division shall not accept any certificate or certificates unless the same cover all motor vehicles registered in the name of the person furnishing such proof as owner and an additional certificate or certificates shall be required as a condition precedent to the subsequent registration of any motor vehicle or motor vehicles in the name of the person giving such proof as owner.

(p) When a certificate is filed showing that a policy or policies have been issued covering all motor vehicles owned by the insured but not insuring such person when operating any motor vehicle not owned by him it shall be unlawful for such person to operate any motor vehicle not owned by him or not covered by such certificate. In such event the division shall designate the above restriction upon the operator's or chauffeur's license of such person.

(q) In the event the owner of a motor vehicle or motor vehicles desires to be relieved of the foregoing restriction and to be permitted to drive any other motor vehicle he may have such restric-

tions removed upon filing a certificate showing that there has been issued to him a policy of insurance insuring him as insured against liability imposed by law upon such insured for bodily injury to or death of any person or damage to property to the amounts and limits as provided under sub-section (n) of this section with respect to any motor vehicle operated by him and which otherwise complies with the requirements of this act with respect to such type of policy. Such policy is hereinafter referred to as an operator's policy.

(r) When the person required to give proof of financial responsibility is not the owner of a motor vehicle then an operator's policy of the type and coverage described in the preceding paragraph shall be sufficient under this act.

(s) The non-resident owner of a foreign vehicle may give proof of financial responsibility by filing with the division 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 non-resident does not own a motor vehicle then in the state in which the insured resides and otherwise conforming to the provisions of this act and the division shall accept the same.

If any foreign insurance carrier which has qualified to furnish proof of financial responsibility as hereinbefore required defaults in any said undertakings or agreements, the division shall not thereafter accept any certificate of said carrier, whether theretofore filed or thereafter tendered, as proof

of financial responsibility so long as such default continues.

(t) A motor vehicle liability policy as said term used in this act shall mean a policy of liability insurance issued by an insurance carrier authorized to transact business in this state to or for the benefit of the person named therein as insured which policy shall meet the following requirements:

Said policy shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby intended to be granted.

Said policy shall insure the person named therein and any other person using or responsible for the use of said motor vehicle or motor vehicles with the express or implied permission of said insured.

Said policy shall insure every said person on account of the maintenance, use or operation of said motor vehicle or motor vehicles within the continental limits of the United States or the Dominion of Canada against loss from the liability imposed by law arising from such maintenance, use or operation to the extent and aggregate amount, exclusive of interest and costs, with respect to each such motor vehicle, of five thousand dollars for bodily injury to or death of one person as a result of any one accident and, subject to said limit as to one person, the amount of ten thousand dollars for bodily injury to or death of all persons as a result of any one accident and the amount of one thousand dollars for damage to property of others as a result of any one accident.

When an operator's policy is required it shall insure the person named therein as insured against the liability imposed by law upon the insured for bodily injury to or death of any person or damage to property to the amounts and limits above set forth and growing out of the use or operation by the insured within the continental limits of the United States or the Dominion of Canada of any motor vehicle not owned by him.

Any liability policy or policies issued hereunder need not cover any liability of the insured assumed by or imposed upon said insured under any workman's compensation law nor any liability for damage to property in charge of the insured or the insured's employees.

Any such policy may, however, grant any lawful coverage in excess of or in addition to the coverage herein specified or contain any agreements, provisions or stipulations not in conflict with the provisions of this act and not otherwise contrary to law.

Any motor vehicle liability policy which by endorsement contains the provisions required hereunder shall be sufficient proof of ability to respond in damages.

The department may accept several policies of one or more such carriers which together meet the requirements of this section.

Any binder pending the issuance of any policy, which binder contains or by reference includes the provisions hereunder shall be sufficient proof of ability to respond in damages.

(u) No motor vehicle liability policy or operator's policy shall be accepted as proof of ability to respond in damages hereunder unless and until all of the following requirements of this section shall be complied with.

A copy of the form of such policy shall be filed with the division of insurance who shall within thirty days approve or disapprove the same. If the division approves the same within such time or fails to take action for thirty days the form of policy shall be deemed approved. If within said thirty days the division disapproves such form of policy upon the ground that it does not comply with the requirements of this act it shall give written notice thereof and its reason therefor to the carrier and said policy shall not be accepted as proof of financial responsibility under this act.

Any said form of policy shall specify the name, address, and business, if any, of the insured, the coverage afforded by the policy, the premium charged therefor, the policy period, and the limits of liability.

The insurance carrier shall, however, 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 the policy.

No such policy shall be canceled or annulled as respects any loss or damage by any agreement between the carrier and the insured after the said insured has become responsible for such loss or damage and any such cancellation or annulment shall be void.

The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this act shall constitute the entire contract between the parties.

(v) An insurance carrier who has issued a motor vehicle liability policy or policies or an operator's policy meeting the requirements of this act shall upon request of the insured therein deliver to the insured for filing, or at the request of the insured shall file direct with the division, and appropriate certificate showing that such policy or policies have been issued, which certificates shall meet the requirements of this act.

(w) When an insurance carrier has certified a motor vehicle liability policy under this act it shall give ten days' written notice to the division before cancellation of such policy and the policy shall continue in full force and effect until the date of cancellation specified in such notice or until its expiration.

(x) 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 endorsed to conform to the requirements of this act, shall be accepted as proof of financial responsibility when required under this act.

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, operation, or use by persons in the insured's employ or in his behalf of motor vehicles not owned by the insured.

(y) A person required to give proof of financial responsibility may file with the division a bond meeting the requirements of this section.

Such bond shall be executed by the person giving such proof and by a surety company duly authorized to transact business in this state or by the person giving such proof and by two individual sureties, each owning real estate within this state and having an equity therein in the amount of such bond which real estate shall be scheduled therein, and the division shall not accept any such real estate bond unless it is first approved by a judge of a court of record.

The division shall not accept any such bond unless it is conditioned for payments in amounts and under the same circumstance as would be required in a motor vehicle liability policy furnished by the person giving such proof under this act.

No such bond shall be canceled unless ten days' prior written notice of cancellation is given the division but cancellation of such bond shall not prevent recovery thereon with respect to any right or cause of action arising prior to the date of cancellation.

Before any said real estate bond is accepted by the division it shall be recorded as other instruments affecting real property in the county or counties wherein any real estate described therein is located. Any liability covered by the conditions of said bond shall constitute a lien upon such real estate effective as of the date said bond is so recorded.

If a judgment is rendered against the principal of any such surety or real estate bond upon a liability covered by the conditions of such bond and such judgment is not satisfied within thirty days after it becomes final, then 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 who executed 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, which foreclosure action shall be brought in like manner and subject to all the provisions of law applicable to an action to foreclose a mortgage upon real estate.

(z) A person may give proof of financial responsibility by delivering to the division a receipt of the treasurer of this state showing the deposit with said treasurer of money in an amount or securities approved by said treasurer and of a market value in a total amount as would be required for coverage in a motor vehicle liability policy furnished by the person giving such proof under this act. Such securities shall be United States or state of Arizona bonds.

All money or securities so deposited shall be subject to execution to satisfy any judgment mentioned in this act but shall not otherwise be subject to attachment or execution.

The state treasurer shall not accept any such deposit or issue a certificate therefor, and the division shall not accept such certificate unless accompanied by evidence that there are no unsatisfied

judgments against the depositor registered in the office of the county clerk of the county where the depositor resides.

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.

The division shall cancel any bond or return any certificate of insurance, or the division 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.

Whenever any evidence of proof of ability to respond in damages filed by any person under the provisions of this act no longer fulfills the purpose for which required, the division shall, for the purpose of this act, require other evidence of ability to respond in damages as required by this act, and shall suspend the operator's license, chauffeur's license, and registration certificate and registration plates of such person pending such proof.

The division shall upon request cancel any bond or return any certificate or insurance, or the division 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 waive the requirement of filing proof of financial responsibility in any of the following events:

1. 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

2. In the event the person who has given proof of financial responsibility surrenders his operator's or chauffeur's license, registration certificates, and registration plates to the division, but the division shall not release such proof in the event any action for damages upon a liability referred to in this act is then pending or any judgment upon any such liability then outstanding and unsatisfied or in the event the division has received notice that such person has within the period of six months immediately preceding been involved as a driver in any motor vehicle accident. An affidavit of the applicant of the non-existence of such facts shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.

The division shall upon request furnish any insurance carrier or any person or surety a certified abstract of the operating record of any person subject to the provisions of this act, which abstract shall fully designate the motor vehicles, if any, registered in the name of such person, and if there is no record of any conviction of such person of a violation of any provision of any statute relating to the operation of a motor vehicle or of any injury or damage caused by such person as herein provided, the division shall so certify. The division shall collect for each such certificate the sum of one dollar. Such record shall not be admissible as evi-

dence in any action for damages or criminal proceedings arising out of a motor vehicle accident.

Approved March 19, 1935.

CHAPTER 46

(Senate Bill No. 124)

AN ACT

RELATING TO THE MANUFACTURE AND SALE OF SPIRITUOUS LIQUORS; IMPOSING A TAX THEREON; REPEALING CHAPTER 76, LAWS OF THE ELEVENTH LEGISLATURE, 1933, REGULAR SESSION, AS AMENDED BY CHAPTER 9, LAWS OF THE ELEVENTH LEGISLATURE, 1933, FIRST SPECIAL SESSION, AND ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH.

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

Section 1. DEFINITION. The term "spirituous liquor" shall be construed to embrace alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer; all malt liquors; all malt beverages, absinthe and all compounds or mixtures of any of them; all compounds or mixtures of any of them with any vegetable or other substances; alcohol bitters, bitters containing alcohol; also all liquid mixtures or preparations whether patented or otherwise which shall produce intoxication; fruits preserved in ardent spirits and all beverages con-

taining more than one-half of one per cent of alcohol by volume. The word "beer" means any beverage obtained by the alcoholic fermentation or the infusion or decoction of barley malt and/or hops, and/or other ingredients not drinkable. * * The word "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; to traffic in. The word "person" may extend to and include a partnership, association, company or corporation as well as a natural person. The word "company" or "association", when used in reference to a corporation, embraces the words "successors or assigns of such company or association", the same as if such word or words of similar import were expressed. Words singular number or masculine gender may extend to or be applied to several persons or things, or females, and similarly the plural number may include the singular. The requirement of an "oath" will be complied with by affirmation in judicial form. The word "traveler" means a person who in consideration of a given price per day, or fraction of 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 * * *

The word "hotel" means any establishment provided with accommodations where, in consideration of payment, food and lodging are customarily furnished to travellers and where spirituous liquors are sold in the original container or by individual portions.

The word "vehicle" means any means of transportation by land or by water, or by air, includes

everything made use of in any way whatsoever for such transportation.

The term "package-retailer" means any person operating a bona fide regularly 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.

The term "restaurant retailer" means any person operating a bona fide restaurant where, in consideration of payment, food without lodging is habitually furnished to travellers, or patrons, and who is engaged in the sale of spirituous liquor in the original container and in individual portions for consumption on the premises.

The term "broken package" shall mean any container of spirituous liquor on which the United States Federal Tax Seal has been broken or removed, or from which the cap, cork or seal placed thereupon by the manufacturer has been removed.

Sec. 2. STATE TAX COMMISSION. The State Tax Commission is hereby authorized and empowered to enforce the provisions of this act. For such purpose it shall have the powers, duties and functions: (a) to make such regulations as are necessary and feasible for carrying out the provisions of this act, and such regulations shall have the full force and effect of law; (b) to prescribe forms and applications and licenses, and such other forms as are necessary to carry out the provisions of this act; (c) to establish rules and regulations for

conducting the business to be carried on under each specific type of license issued under the provisions hereof. Such rules and regulations, if not obeyed, shall be grounds for the revocation of the license of any licensee who violates any of such regulations; (d) to examine books, records and papers of each licensee, and to hear and determine complaints against any licensee; (e) to issue subpoenas and all necessary processes, and to send for and require the presence of persons, and the production of papers, and to administer oath, take testimony and punish for contempt; (f) to employ necessary deputies and assistants, and pay the compensation thereof, and the expenses necessary in carrying out the provisions of this act from the taxes collected hereunder. * * * The license fees herein imposed shall be for the purpose of defraying the costs of the administration of this act and to aid in defraying the necessary and ordinary expenses of the state, the several counties thereof. The expenditures for the administration of this act shall not exceed \$35,000.00 per year, beginning January 1st, 1936, provided, that for the balance of the year ending December 31, 1935, there may be expended not to exceed twenty five thousand dollars (\$25,000.00) of the funds collected under the provisions of Chapter 76, Laws of the Eleventh Legislature, 1933, Regular Session, as amended by Chapter 9, Laws of the Eleventh Legislature, 1933, First Special Session. The balance of said fund collected under Chapter 76, Laws of the Eleventh Legislature, 1933, Regular Session, as amended by Chapter 9, Laws of the Eleventh Legislature, 1933, First Special Session, shall revert to the general fund of the State.

The State Tax Commission shall not less than once each month, inspect the records, premises and stock of each licensee for the purpose of determining whether or not said licensee has fully complied with the laws of the state, the regulations established by the State Tax Commission and paid the taxes and fees provided by the laws of the state.

The State Tax Commission shall at the end of each calendar month make a detailed report of its activities for said month in duplicate to the governor and state treasurer.

The members of the State Tax Commission or any of its employees, deputies or assistants shall not be interested directly or indirectly in any business licensed under the provisions of this act. A violation of this provision by any member of the State Tax Commission shall create a vacancy in office and a violation by any employee shall cause his immediate dismissal.

All employees, deputies or assistants of the State Tax Commission engaged in the inspection of the premises or exercising any of the State Tax Commission's executive authority shall execute a like bond in an amount to be fixed by the State Tax Commission but in no event to be less than five thousand dollars (\$5,000.00).

Sec. 3. MANUFACTURE OR SALE OF LIQUOR WITHOUT LICENSE ILLEGAL. It shall be unlawful for any person to buy for resale, sell or deal in spirituous liquors in the state of Arizona without first having procured a license issued by the State Tax Commission as herein provided. Pro-

vided, however, that the provisions of this act shall not apply to drug stores selling only spirituous liquors upon prescription. The provisions of this act shall not apply to ethyl alcohol intended for use and/or used for the following purposes: (1) For scientific, chemical, mechanical, industrial and medicinal purposes. (2) For use by those authorized to procure the same tax-free, as provided by the acts of congress and regulations promulgated thereunder. (3) In the manufacture of denatured alcohol produced and used as provided by the acts of congress and regulations promulgated thereunder. (4) In the manufacture of patented, patent, proprietary, medicinal, pharmaceutical, antiseptic, toilet, scientific, chemical, mechanical, and industrial preparations or products, unfit and not used for beverage purposes. (5) In the manufacture of flavoring extracts and syrups, unfit for beverage purposes. Provided, however, that it shall be unlawful to sell or deal in alcohol for beverage purposes without first complying with the provisions of this act.

Every person having in his possession or custody or under his control any still or distilling apparatus shall register the same with the State Tax Commission under such rules and regulations as the commission may prescribe, and every still or distilling apparatus not so registered together with all mash, wort, wash, for distillation or for the production of spirits or alcohol, and all finished products, together with all personal property in the possession or custody of, or under the control of any person, which property may be used in the manufacture or transportation of spirituous liquors, and which shall be found in the building or in

any yard or enclosure connected with the building in which the unregistered still or distilling apparatus may be, shall be forfeited to the state.

Such still, distilling apparatus, mash, wort, wash, or finished products shall forthwith be destroyed by any agent of the state tax commission or other peace officer, and all personal property forfeited to the state shall be sold at public auction to the highest bidder for cash on five days notice, which notice shall be posted at the court house in the county in which such personal property was seized or at the office of the state tax commission in Phoenix, Arizona, and shall be published in some newspaper of general circulation located in the state of Arizona in some place nearest to where the personal property was seized. After paying the expenses of such publication and the expenses of sale out of the proceeds of the sale any balance shall be paid into the general fund of the state.

It shall be unlawful for any person to have in his possession or to transport any spirituous liquor, which liquor shall have been manufactured in any distillery, winery, brewery, or rectifying plant contrary to the laws of the United States and the state of Arizona; and any property used in the transporting of such spirituous liquor shall be forfeited to the state and shall be seized and disposed of as provided in the preceding paragraph of this section.

Any house, building, out-house, or enclosure in which a still or distilling apparatus is operated or in which any still, distilling apparatus or spirituous liquors upon which all taxes imposed have not been

paid is hereby declared to be a public place.

Sec. 4. LICENSE TO BE ISSUED. Any person desiring a license to sell or deal in spirituous liquors shall make an application therefor to the State Tax Commission upon forms to be provided by it. * * * License shall be issued by the State Tax Commission when a satisfactory showing has been made as to the capability, qualification and reliability of the applicant. A separate license may be issued for each specific business and in each license issued the particular liquor or beverage which the applicant or licensee shall be authorized to handle or deal in shall be named and/or described, and separate licenses shall be issued by the State Tax Commission. * * * As provided for in section five of this act. Each license shall specify the place where and * * * kind of beverage to be manufactured, sold or otherwise dealt with, and the purpose for which the same were manufactured or sold. Every license shall be issued for the period of the calendar year and will give to the person named therein the right to manufacture, sell or deal in spirituous liquors, only at the place and in the manner provided in said license. No license shall be issued to any person who within one year prior to the application therefor or issuance thereof shall have violated the terms or provisions of any license theretofore issued under this act, or who has within a period of two years prior to the filing of the application * * * been adjudged guilty of a felony under the laws of the United States or of any state, and no license shall be granted to any individual person who is not a qualified elector of the State of Arizona, or to a partnership, the members of which are not qualified electors of

the State of Arizona. All licenses shall be suspendable or revokable for any violation thereof or of this act, after reasonable notice to the licensee or to any employee of the licensee when served on the licensee's premises, and after a hearing before the State Tax Commission. No license shall be issued to any applicant for a period of one year after said applicant has had a license revoked by the State Tax Commission. No license shall be valid in the hands of any person, corporation or partnership which secures the same under an assumed name or who is not the actual bona fide operator of such licensed business.

No retail restaurant license shall be issued by the State Tax Commission for any premises within three hundred (300) feet of a public or parochial school, except upon special permission granted by the State Tax Commission.

Any person desiring to obtain a license to deal in spirituous liquors in an incorporated city or town shall make application therefor on a form provided by the commission. Such application shall be made in triplicate, one copy of which shall be filed with the commission and the other two copies filed with the city clerk of the incorporated city or town in which the applicant desires to engage in the class of spirituous liquor business described in the application.

The city clerk with whom such application is filed shall immediately file one of such copies in the records of his office and post the other copy for a period of ten days in a conspicuous place on the front of the building or room wherein the ap-

plicant intends to conduct the business for which the license is applied for. The clerk shall also post with said notice a statement requiring any person opposed to the issuance of such license to file with such clerk his written objections to such license being issued within ten days from the date of posting said notice. The city council or other governing body of the incorporated city or town wherein the applicant desires to engage in the spirituous liquor business shall within five days after the expiration of the ten days posting of said notice meet and consider said application and any objections opposing the issuance of a license to the applicant, and shall at said meeting enter an order approving or disapproving the issuance of a license to such applicant, and shall immediately file a certified copy of such order with the commission. If the issuance of the license is disapproved a statement of the reasons for such disapproval shall be attached to the certified copy of the order filed with the commission. 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 said clerk and the board of supervisors shall perform the duties and acts relating to such application provided to be performed in this section by the city or town clerks and city or town council. Upon receipt of an application for a license the commission shall place the same on file until the expiration of the time fixed for said certified order and statement by the city or town council or board of supervisors, as the case may be, and shall consider such order and statement together with other facts in their possession per-

taining to the qualifications of the applicant to obtain a license.

Sec. 5. LICENSE FEES. The State Tax Commission shall issue the following licenses and receive therefor the following annual fees, to-wit:

Distiller's License	\$350.00
Winer's License	150.00
Brewer's License	350.00
Wholesaler's License to sell liquors other than beer and wine	250.00
Wholesaler's License to sell beer and wine	100.00
Hotel License to sell beer and wine	75.00
Hotel License to sell Liquor other than beer and wine	150.00
Restaurant Retailer's License to sell liquors other than beer and wine by individual portions and in the original container	150.00
Restaurant Retailer's License to sell beer and wine by individual portions and in the original container	50.00
Package Retailer's License to sell liquor other than beer and wine	50.00
Package Retailer's License to sell beer and wine	50.00
Restaurant Retailer's License to sell beer by individual portions and in the original container	25.00
Package Retailer's License to sell beer ...	25.00

If the application is made on or after * * * the first day of July, only one-half * * * of such annual fee shall be paid. The fee shall accompany the application and all licenses shall expire on the 1st day of each year. Provided, however, that any license issued for the year ending December 31, 1935, under the provisions of Chapter 76, Laws of the Eleventh Legislature, 1933, Regular Session, as amended by Chapter 9, of the Laws of the Eleventh Legislature, 1933, First Special Session shall remain in full force and effect for the balance of the year 1935.

Sec. 6. PORTION TO COUNTIES. The license fees provided in the foregoing section shall be collected by the State Tax Commission as provided therein, and at the end of the calendar month in which the same were collected it shall forward to the county treasurer of the county wherein such licensed business is located, one third of said license fees.

Sec. 7. INCORPORATED CITIES AND TOWNS AUTHORIZED TO REGULATE THE MANUFACTURE, SALE, AND DISPOSAL OF SPIRITUOUS LIQUORS. In addition to the license, taxes, and regulations herein provided for, incorporated cities and towns, shall have the power to license, tax, and regulate the manufacture, sale, possession, and disposal of spirituous liquors, within their incorporated 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. 8. UNLAWFUL ACTS. It shall be unlawful for any distiller, winer, brewer or wholesaler to sell, dispose of, or give away, any spirituous liquors to be consumed on his premises, except such sampling of wares as is necessary in the ordinary course of his business.

It shall be unlawful for any package retailer to sell spirituous liquors except in the original container and shall not permit any spirituous liquors to be consumed on the premises. Package retailers shall not sell spirituous liquors in containers having a capacity of less than eight ounces.

It shall be unlawful for any licensee to serve, sell or furnish spirituous liquors to any intoxicated or disorderly person, or to allow or permit any such intoxicated or disorderly person to come into or remain in or about such premises.

It shall be unlawful for any licensee under this act or any other person to sell, dispose of or give any spirituous liquors to any person under the age of twenty-one years.

It shall be unlawful for any licensee to employ any person under the age of twenty-one years to manufacture, sell or dispose of spirituous liquors.

It shall be unlawful for any person operating under a retail restaurant license to employ any person under the age of twenty-one years in any capacity connected with his said licensed business.

It shall be unlawful for any licensee operating under a hotel, retail restaurant or retail package license, to sell, dispose of, deliver or give away any

spirituous liquor to any person or to allow any person to consume spirituous liquor on his licensed premises between the hours of 1:00 o'clock A. M., and 6:00 o'clock A. M., on week days and 1:00 o'clock A. M., and 12:00 o'clock noon on Sundays.

It shall be unlawful for any licensee to operate or allow the operation of any gambling or game of chance in any form upon his premises.

It shall be unlawful for any licensee operating under a hotel, retail restaurant or retail package license to sell, dispose of, deliver or give away any spirituous liquor to any person or to allow any person to consume spirituous liquor on his licensed premises on election days during the hours that polling places are open for voting purposes.

It shall be unlawful for any licensee operating under a restaurant, hotel or retailer's license to obscure from the view of the public or any passerby on a thoroughfare immediately adjacent to said licensee's place of business a clear and unobstructed view of the whole interior of said establishment.

It shall be unlawful for any distiller, winer, or brewer to use a vehicle for the trucking or transportation of spirituous liquor unless there shall be affixed to both sides of such vehicle a permanent sign showing the name and address of the licensee together with the type of license and the license number in letters not less than three and one-half inches in height.

It shall be unlawful for any licensee operating under a restaurant or hotel license to employ females for the purpose of soliciting the purchase of

beverages by patrons of the establishment for themselves, on a percentage basis of the price paid for such beverages by the patron or otherwise, and no such licensee shall serve any of his female employees or allow any patron of his establishment to give, to purchase for or drink with any of said licensee's female employees.

It shall be unlawful for any person to consume spirituous liquors from a broken package in any public place, thoroughfare or gathering, the license of any licensee who allows a violation of the foregoing provision on his premises shall be subject to revocation. Provided, however, that the foregoing restriction shall not apply to sales of spirituous liquors in individual portions by a licensed restaurant retailer.

Sec. 9. PENALTIES. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and punishable by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not less than thirty days nor exceeding one year, or by both such fine and imprisonment.

Sec. 10. REPORTS REQUIRED. Every person to whom a license is issued under the provisions of this act shall, on or before the 5th day of each month, make a report to the State Tax Commission for the preceding calendar month upon forms to be prescribed by the State Tax Commission showing the exact amount of spirituous liquors manufactured by said licensee in this state during said preceding calendar month, and the character thereof, the exact amount of spirituous liquors purchased or otherwise received by such licensee dur-

ing said preceding calendar month, and from whom purchased or received; showing the exact character of said liquors, and whether manufactured within or without this state; the exact amount of spirituous liquors sold or otherwise disposed of by said licensee during said preceding calendar month, and the exact character of such liquors; the inventory of licensee, at the end of said month, showing the exact character of liquors in inventory. The State Tax Commission shall have a right at any time to make an examination of the books and records of any licensee, and of his premises and to otherwise check the accuracy of the report herein required.

Sec. 11. POLICE POWERS, CREDENTIALS. For the purpose of administering and enforcing the provisions of this act, the State Tax Commission and its agents and representatives shall, for identification purposes, have credentials signed by the chairman of the State Tax Commission, and countersigned by the governor and when bearing such credentials are hereby invested with all the powers and duties of police officers and sheriffs within the state of Arizona.

Sec. 12. REPEALING CLAUSE. Chapter 76 Laws of the Legislature of 1933, Regular Session, as amended by Chapter 9 Laws of the Legislature of 1933, First Special Session, and all laws or parts of laws in conflict herewith, are hereby repealed.

Sec. 13. SAVING CLAUSE. If any part of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, the remainder thereof shall not thereby be invalidated, impaired, or affected.

Sec. 14. EMERGENCY. To preserve the public peace, health and safety, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure and shall take effect upon its passage in the manner provided by law.

Approved March 19, 1935.

CHATER 47

(House Bill No. 131)

AN ACT

FOR THE RELIEF OF FRED W. NORTON, AND DIRECTING THE BOARD OF SUPERVISORS OF MARICOPA COUNTY TO REIMBURSE THE SAID NORTON FOR THE PAYMENT OF A CERTAN JUDGMENT.

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

Section 1. DIRECTION TO MARICOPA COUNTY BOARD OF SUPERVISORS. The board of supervisors of Maricopa county is hereby authorized and directed to pay to Fred W. Norton the sum of one thousand four hundred seventeen dollars and two cents .

Sec. 2. BASIS OF CLAIM. Said sum shall be in full satisfaction of the claim of said Fred W. Norton for reimbursement for the payment of that certain judgment issued out of the superior court

of the state of Arizona in and for Santa Cruz county, under date of March 24, 1934, wherein said Norton was the defendant, and which arose out of an accident on the Nogales-Tucson highway on July 7, 1932, while said Norton was acting for and in the course of his employment by said Maricopa county, and for expenses incurred in the defense of said suit.

Sec. 3. ITEM TO BE BUDGETED. In the event that there is no money available in the treasury of Maricopa county for the payment of said sum, the board of supervisors of said county shall include in its next annual budget, or estimate of expenditures, an item for the payment of the same.

Approved March 19, 1935.

CHAPTER 48

(House Bill No. 227)

AN ACT

TO AMEND SECTION 505 OF THE REVISED CODE OF ARIZONA OF 1928 SO AS TO PROVIDE FOR THE ISSUANCE OF DISTRICT ASSESSMENT BONDS BY THE MUNICIPALITY, PAYABLE ONLY OUT OF THE PROCEEDS COLLECTED FROM THE IMPROVEMENT BONDS ISSUED IN PURSUANCE OF ARTICLE 15 OF CHAPTER 12 OF THE REVISED CODE OF 1928, PROVIDING FOR THE COLLECTION OF THE PROCESS OF SAID IMPROVE-

MENT BONDS BY THE MUNICIPALITY, THE APPLICATION OF THE MONEY SO COLLECTED TO THE PAYMENT OF SAID DISTRICT ASSESSMENT BONDS AND EXTENDING TO THE OWNERS OF THE PROPERTY ASSESSED, THE BENEFITS OF ANY SAVING OF INTEREST, AUTHORIZING THE LEGISLATIVE BODIES OF MUNICIPALITIES TO PRESCRIBE THE PROCEDURE FOR CARRYING OUT THIS ACT, AND DECLARING AN EMERGENCY.

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

Section 1. That Section 505 of the Revised Code of 1928 be amended, and the same is hereby amended to read as follows:

505. SALE OF BONDS; DISPOSITION OF PROCEEDS; PURCHASE BY CITY. Improvement bonds issued hereunder shall be sold to the highest cash bidder, after advertising for bids by publication for at least three times in a daily newspaper published and circulated in said city, or if there be no such daily newspaper, then once in a weekly or semi-weekly newspaper so published and circulated. Said bonds shall not be sold for less than par, if sold in excess of par such excess shall be paid into the general fund of the city. The proceeds of the sale shall be paid into a fund representing the assessments in which said bonds were issued. The City may, without advertising or selling such bonds, advance to the appropriate fund the par value of all or any part of said bonds, whereupon the city shall have the same rights for the enforcement and collection thereof as a purchaser,

and may at any time sell said bonds to reimburse itself therefor, or the legislative body of said municipality may by resolution provide that said improvement bonds shall be taken over by the municipality and held by the municipality in trust to be collected by said municipality, and the amounts collected therefrom to be applied in payment of district assessment bonds which the city may issue against the proceeds realized from the collection of said bonds. Said legislative body may by said resolution further provide that district assessment bonds in an amount equal to said improvement bonds shall be issued and sold by the municipality, such district assessment bonds shall be issued in such form, of such amounts, and be payable on such dates as said legislative body may by resolution prescribe, but shall expressly provide that they are payable only out of the proceeds collected by the municipality from the improvement bonds against which they are issued, and that said municipality warrants the validity of the proceedings under which said improvement bonds are issued and pledges itself to diligently and faithfully employ all proper means for the collection of the assessments levied for principal and interest of said improvement bonds, and the application of the proceeds of such collection to the payment of said district assessment bonds, and for making any reassessment authorized by article 15, chapter 12 of the Revised Code of Arizona 1928, or any amendments thereto, to assure full payment of principal and interest on said district assessment bonds. Said district assessment bonds may be advertised for sale by publication for at least three times in a daily newspaper published and circulated in said municipality, or if there be no such daily newspaper, then once in a weekly

newspaper so published and circulated, or they may be sold to any United States Government Agency or authority without advertisement. Said bonds may be advertised or sold without pre-determination of the rate of interest, and when so advertised or sold the rate of interest not exceeding five per cent per annum shall be determined by the bid in the case of advertisement or by the contract in the case of sale without advertisement, and if such sale be made at a less rate of interest than is provided for in the improvement bonds against which they are issued, said municipality shall collect from the owners of the property assessed only the rate of interest specified in the sale of said district assessment bonds. Said district assessment bonds shall not be sold for less than par and accrued interest. The legislative body may by resolution provide the procedure for the issuance and sale of said district assessment bonds and for the application of the proceeds collected from said improvement bonds to the payment of said district assessment bonds, and for the collection of the assessment and the making of reassessments for the payment of said improvement bonds, provided that no such provision shall be in conflict with article 15 of chapter 12 of the Revised Code of 1928, and the amendments thereto made prior to the adoption of this Act.

Section 2. To preserve the public peace, health and safety, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect immediately upon its passage in the manner provided by law.

Approved March 19, 1935.

CHAPTER 49

(House Bill No. 228)

AN ACT

TO AMEND ARTICLE 15 OF CHAPTER 12 OF THE REVISED CODE OF 1928, BY ADDING ELEVEN SECTIONS TO SAID ARTICLE, PROVIDING THAT IN PROCEEDINGS UNDER SAID ARTICLE WHERE BONDS HAVE BEEN ADVERTISED BUT NOT SOLD WITHIN TWO YEARS FROM THE FIRST ADVERTISEMENT THEREOF, THE LEGISLATIVE BODY OF THE CITY MAY (1) ABANDON SAID PROCEEDINGS, OR (2) CONTINUE SAID PROCEEDINGS BY SALE OF THE BONDS THERETOFORE AUTHORIZED, OR (3) CONTINUE SAID PROCEEDINGS UNDER A REAPPRAISEMENT OF DAMAGES AWARDED AND BENEFITS ASSESSED, PROVIDING FOR A HEARING OF THE PROPERTY OWNERS AFFECTED TO DETERMINE WHAT ACTION SHALL BE TAKEN, PRESCRIBING THE PROCEDURE FOR A REAPPRAISEMENT OF DAMAGES AWARDED AND BENEFITS ASSESSED, PROVIDING FOR APPEAL TO THE SUPERIOR COURT TO REVISE THE DAMAGES AWARDED, FOR A HEARING BEFORE THE LEGISLATIVE BODY TO REVISE THE BENEFITS ASSESSED, FOR THE ISSUANCE OF BONDS ON REVISED ASSESSMENTS OF BENEFITS, FOR THE SALE OF SAID BONDS, FOR ADDITIONAL ASSESSMENT IN THE EVENT THE SUPERIOR COURT SHALL ALLOW ADDITIONAL DAMAGES, FOR LIMITED ADDITIONAL ASSESSMENT TO PAY DE-

FICIENCIES, AND DECLARING AN EMERGENCY.

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

Section 1. That whenever bonds authorized to be issued under the provisions of Article 15 of Chapter 12 of the Revised Code of 1928, or the amendments thereto, shall have been advertised for sale under the provisions of Section 505 of the Revised Code of 1928, or amendments thereto, and said bonds shall not have been sold within two years from the date of the first advertisement for sale, the legislative body of the municipality authorizing the issuance of said bonds may provide for a hearing of all persons interested in the property affected by such opening or widening proceedings for the purpose of determining whether or not such proceedings shall be abandoned under the provisions of Section 478 of the Revised Code of 1928, or whether they shall be continued by sale of the improvement bonds theretofore authorized without reappraisal of compensation and damages, or benefits, or whether they shall be continued under a reappraisal of the compensation and damages awarded for taking the property and of the benefits assessed for such opening or widening. Such hearing may be provided for by resolution which shall state the name of the street proposed to be opened or widened and the approximate limits between which said opening or widening is to be made, also the time and place of the hearing, that the purpose of said hearing is to determine whether or not the said proceedings shall be abandoned or shall be continued by sale of the improvement bonds thereto-

fore authorized, without reappraisal of compensation and damages, or benefits, or whether they shall be continued under a reappraisal of compensation and damages awarded for the taking of property and of the benefits assessed for such street opening or widening, and that all owners of property and persons having an interest in or lien upon property proposed to be taken for public purposes, or included in the district to be assessed, as described in the proceedings theretofore had and taken at or before the time fixed for said hearing, may file written request as to the action desired by them in regard to the matter. Such resolution, or a notice stating the matter above provided to be stated in said resolution, shall be published in a daily or weekly newspaper published in said municipality, on not less than two different dates before the day fixed for said hearing, the first of which publications shall be not less than five days before the day fixed for said hearing. At said hearing all persons interested shall be heard in support of written requests filed by them. Said hearing may be continued from time to time by the legislative body, and upon the determination of said hearing or continuance thereof, the legislative body shall enter an order of record in its minutes, determining what action shall be taken with respect to said proceedings.

Sec. 2. If the legislative body shall determine that the proceedings shall be abandoned upon entry of record of their determination to that effect, said proceedings shall stand abandoned and any property owners who have made payment shall be entitled to refunds, as provided in Section 478 of the Revised Code of 1928. In the event said legis-

lative body shall determine that said proceedings shall be continued without reappraisal, the bonds theretofore authorized shall be readvertised and sold, if satisfactory bids are received in accordance with Article 15 of Chapter 12, Revised Code of 1928. If said legislative body shall determine that said proceedings shall be continued under a reappraisal of compensation and damages awarded and benefits assessed it shall proceed in the manner provided in the following sections.

Sec. 3. Said legislative body, upon entering its said order to proceed, or at any time thereafter in its discretion shall appoint one appraiser or three appraisers who shall be persons having knowledge of real estate values in said municipality and who shall proceed to revise the compensation and damages to be awarded for the taking of each of the parcels of land proposed to be taken for public purposes. In revising such compensation and damages they shall follow the provisions of Section 474 of the Revised Code of 1928 except that all compensation and damages to be ascertained by them shall be deemed to have accrued on the date of the hearing provided for by section 1 of this act, and that there shall be allowed as a part of the value of the property to be taken the value of street improvements placed on said property after the date of the original estimate of compensation and damages in contemplation of the opening or widening of said street. Said appraisers shall make a list of all the parcels of land proposed to be taken describing them by legal or other definite description and set opposite said description of each parcel the separate items of compensation and damages provided for by Section 474 of the Revised Code of 1928 and

shall add thereto as a separate item the value of street improvements, if any thereon, for which compensation is authorized by this act. Said allowance for street improvements shall be included in the assessment for benefits and in the amount of the bonds that may be issued, but shall not be paid unless and until similar improvements on the major portion of the property taken for public use under said proceedings shall have been made or contracted to be made without cost or without being assessed to the owners of adjoining property. In the event similar improvements on the major portion of the property taken under said proceedings are assessed against the owners of adjoining property, the items allowed for such street improvements shall be cancelled. Said list when completed shall be certified by the appraiser or a majority of the board of appraisers and filed with the superintendent of streets.

Section 4. Said appraiser or board of appraisers shall also revise and reassess the benefits derived from said street opening or widening as tentatively determined by their reappraisal of compensation and damages, including costs and expenses authorized to be included by Section 480 of the Revised Code of 1928, and the expenses of the reappraisal upon the lots and parcels of lands assessed in the original assessment roll, making a new assessment roll for the purpose and placing their figures thereon, and leaving blank spaces for revised figures that may be made by the legislative body at the hearing hereinafter provided for.

Section 5. As soon as the reappraisals provided for in the two preceding sections shall be completed, said appraiser or board of appraisers shall

certify and file the same in the office of the superintendent of streets of said municipality and said superintendent of streets shall thereupon fix a time for the hearing for reviewing and passing upon said reappraisals, including the compensation and damages to be awarded for taking property and the assessments for benefits, and giving notice thereof by publication in a daily or weekly newspaper published in the municipality, which notice shall appear on at least two different dates of publication before the date of the hearing, and the first publication shall appear not less than five days before the date of the hearing. Said notices shall state the time and place fixed for the hearing and that at said hearing the legislative body of the municipality will consider and pass upon all reappraisals made by said appraiser, or board of appraisers; that said reappraisals are on file in the office of the superintendent of streets, where they may be seen and examined by the property owners interested, and that all owners of property or persons having liens upon or interested in property to be taken for said improvement, or to be assessed therefor, shall have the right to file written objections to said reappraisals and may appear at said hearing in person or by counsel, and be heard in support of any objections filed by them or against any changes in said figures made at said hearing.

The legislative body, at the time fixed for said hearing, may continue the same by order in their minutes, or may proceed therewith. It shall hear all persons interested and shall approve said reappraisal figures or make such changes therein at said hearing, or any continuation thereof as it may find to be just and proper, provided, that all such

changes shall be entered upon the minutes of said legislative body. Upon the conclusion of said hearing, said legislative body shall approve the reappraisal figures with any changes it may have made therein, and the same shall thereupon be refiled in the office of the superintendent of streets.

Section 6. As soon as the above reappraisal has been approved by the legislative body and refiled in the office of the superintendent of streets, said superintendent of streets shall publish a further notice in which he shall refer to said opening or widening proceedings by the name of the street to be opened or widened, stating approximately the limits within which said opening or widening is situated and advising all persons interested in the property to be taken that they may, within twenty days from the date of the first publication, file and serve a proceeding in the superior court of the county in which said municipality is situated, for a judicial review of the right to take said property and the amount of compensation and damages awarded for taking the property in which they are interested, and advising all persons interested in property to be assessed for said improvement that they may within twenty days from the date of the first publication appeal to the legislative body of the municipality for a review of the assessment against their property. The appeal to the superior court shall be taken by filing an action in said court praying for a judicial review of the right of the municipality to take said property, and in the event the right to take the same is sustained, fixing the amount of compensation and damages for the property to be taken. The municipality shall have the right to answer the complaint in said

cause on or before twenty days after the same is filed and served, and the court shall promptly determine the right of the municipality to take the property. In case such right is sustained the court shall immediately enter an order to that effect and the case shall thereupon stand for trial as to the compensation and damages to be paid for the property taken in regular course, which issue shall be tried to a jury, unless jury trial be waived by the parties. All reappraisal figures from which appeal is not taken, or of which review proceedings are not filed and served within the time herein provided shall be final and conclusive.

Section 7. The legislative body shall hear all appeals from the assessments of benefits and shall determine the same. The action of the legislative body in approving or revising said assessments shall be final and conclusive. As soon as said legislative body shall have passed upon all such appeals, and the court shall have entered orders sustaining the right to take the property, in all proceedings brought to review compensation and damages for property to be taken, the legislative body may order bonds to be issued and sold without waiting for determination of the amount of compensation and damages to be awarded to the owners in the proceedings pending in the superior court.

Section 8. Bonds shall be issued for the amount determined and assessed by the appraisers as revised by the legislative body, and the assessments for said amount shall remain of record in the office of the superintendent of streets. Such assessments shall be payable in installments, as provided by the original proceedings. If the proceedings in the superior court result in increasing the

amount necessary to pay compensation and damages assessed, the legislative body shall levy an additional assessment upon the parcels of land included in the assessment which additional assessment shall be apportioned among the several parcels of land included in the assessment in the same proportion as the assessments approved by the legislative body. If the proceedings in the superior court shall result in decreasing the amount necessary to pay compensation and damages, the amount of such decrease shall be pro-rated among the parcels assessed and credited on the City taxes assessed on the respective parcels. If for any reason any or all assessments against which bonds are issued under the provisions of Article 15 of Chapter 12 of the Revised Code of 1928, or this act shall be held invalid for any reason, the legislative body shall levy a new assessment against the parcel or parcels of land against which such assessments shall have been held invalid for the amount required to subject such parcel or parcels to the proper proportion of the benefits derived by it from said improvement.

Section 9. If the municipality shall become the holder of all of the improvement bonds issued under any proceeding and shall issue bonds or certificates against the fund to be collected on said improvement bond in pursuance of any present or future law or resolution, or ordinance of the municipality, and the moneys collected on said improvement bonds shall for any reason be or become insufficient to pay the bonds or certificates so issued by the municipality additional assessments may be levied by the legislative body to make good such deficiency, provided, that the total of addi-

tional assessments levied under this section shall not exceed fifteen per cent of the assessment made prior to the issuance of the improvement bonds. In no event shall the municipality be obligated to make good any deficiency in the fund, but it may make temporary advancements to the fund reimbursing itself for such advancements from any moneys thereafter coming into the fund, or by re-assessment as herein authorized.

Section 10. The legislative body shall provide appropriate procedure for permitting offset of compensation and damages against assessments, for determining the owners or lienors who are entitled to payment of compensation and damages, for permitting owners and/or lienors to elect whether bonds shall be issued or assessment be paid in cash, for refunding the owners or lienors amounts paid in excess of those finally determined to be payable, and for collecting any deficiency in amounts paid, and for any other act or thing that may become necessary or proper to carry out the intent and purpose of this act. In providing such procedure to carry out the provisions of this act the legislative body shall not be bound or limited by the provisions of Article 15 of Chapter 12 of the Revised Code of 1928.

The time allowed the property owners for any election provided for by said legislative body shall be fixed by said legislative body and may run concurrently with any other period of notice required to be given under this act or under any resolution of said legislative body.

Section 11. To preserve the public peace, health and safety it is necessary that this act shall become

immediately operative. It is, therefore, declared to be an emergency measure and shall take effect immediately upon its passage in the manner provided by law.

Approved March 19, 1935.

CHAPTER 50

(House Bill No. 189)

AN ACT

RELATING TO IRRIGATION DISTRICTS; PRESCRIBING QUALIFICATIONS OF ELECTORS; DEFINING CERTAIN TERMS; REQUIRING THE REGISTRATION OF ELECTORS, AND AMENDING ARTICLE 2, CHAPTER 81, REVISED CODE OF 1928, BY ADDING TWO SECTIONS, TO BE DESIGNATED SECTION 3339a AND SECTION 3377a.

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

Section 1. ADDING CLAUSE. Article 2, chapter 81, Revised Code of 1928, as amended, is hereby further amended by adding a section, to be designated section 3339a, and to read as follows:

Sec. 3339a. ADDITIONAL QUALIFICATIONS OF ELECTORS; DEFINITIONS OF "EVIDENCE OF TITLE", "HOLDER OF TITLE", AND "BONA FIDE LANDOWNER". (a) In addition to the qualifications of "general electors" and "qualified

electors" for bond issues and special assessments, as prescribed by sections 3324, and 3339 as amended, such electors shall be twenty-one years of age or more, and registered as provided by section 3377a.

(b) "Evidence of title", as used in this act, shall include bona fide contracts of purchase, placed on record not less than ninety days immediately preceding the date of any election at which the holder seeks to vote, by the terms of which the purchaser is given possession of the land, is required to pay all taxes and assessments thereon, and is expressly authorized to vote as to such land at district elections. In such case the holder of the record title shall not be entitled to vote as to such land.

(c) "Holder of title" or "bona fide landowner", as used in this act, shall mean only persons whose title has been recorded in the office of the county recorder not less than ninety days prior to the date of an election at which such person seeks to vote.

Sec. 2. ADDING CLAUSE. Article 2, chapter 81, Revised Code of 1928, as amended, is hereby further amended by adding a section, to be designated section 3377a, and to read as follows:

Sec. 3377a. REGISTRATION OF VOTERS. The board of directors of an irrigation district using the personal and individual system of voting shall, by resolution, not less than sixty days prior to any district election, provide for and require a registration of the voters of such irrigation district. The registration books shall be opened for a period of thirty days beginning on the eightieth day before the date of the election and the place of registra-

tion shall be the regular office of the election district, which shall include the full name and the sex of the registrant, and the certificate of the registrant that he possesses the qualifications of a general elector as prescribed by sections 3324, 3339 and 3339a, as amended. No person not so registered shall be entitled to vote, but a qualified and registered elector who voted at the last preceding district election, who continues to possess the qualifications of a general elector in the district in which he seeks to vote, shall not be required to re-register. Following the close of registration, the board of directors shall prepare lists of the qualified electors of the several divisions, and shall place the same in the hands of the judges of election of each such division respectively.

Approved March 19, 1935.

CHAPTER 51

(Senate Bill No. 44)

AN ACT

RELATING TO BARBERING; PROVIDING FOR THE REGULATION THEREOF, CREATING A BOARD OF BARBER EXAMINERS, AND AMENDING ARTICLE 15, CHAPTER 58, REVISED CODE OF 1928 (CHAPTER 39, SESSION LAWS 1931, REGULAR SESSION.)

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

Section 1. AMENDING CLAUSE. Article 15, chapter 58, Revised Code of 1928 (chapter 39, Session Laws 1931, regular session), is hereby amended to read as follows:

Article 15. BARBERING.

Section 1. DEFINITIONS. For the purpose of this act, and unless otherwise required by the context:

(a) "Board" shall mean the board of barber examiners.

(b) "Secretary" shall mean the secretary of the board.

(c) "Certificate" shall mean a certificate of registration entitling the person to whom issued to practice, or a school or shop to be operated.

(d) "Medical certificate" shall mean a certificate, issued not more than ten days prior to the date of application for registration or renewal, by a physician licensed under the laws of Arizona, that the applicant or registrant has been examined by him and is free from any contagious, infectious, or communicable disease.

(e) "Examination" shall mean an examination conducted by the board to determine the applicant's fitness to practice.

(f) "Registrant" shall mean a person registered by the board.

(g) "Registered" shall mean registered by the board, under the provisions of this act.

(h) "Barber", "apprentice", or "hair cutter" shall mean a person having a certificate to practice as a registered barber, barber apprentice, or hair cutter.

(i) "Hair cutter" shall mean a hair cutter in a beauty shop and hairdressing establishment.

(j) "Instructor" shall mean an instructor in a barber school.

Sec. 2. BARBERING WITHOUT A CERTIFICATE PROHIBITED. It shall be unlawful, without a certificate of registration issued as provided herein: (1) To practice barbering; (2) to act or attempt to act as a barber apprentice; (3) to practice as a hair cutter in a beauty shop and hairdressing establishment; (4) to own, manage, operate, or control a barber shop or a barber school; and in the case of the operation of a barber school, unless it shall at all times be operated under the personal supervision and management of a registered barber.

Sec. 3. BARBERING DEFINED. Any one or any combination of the following practices, when performed upon the head, face or neck for cosmetic purposes shall constitute the practice of barbering; (1) Shaving or trimming the beard; (2) cutting, clipping or trimming hair by the use of scissors, shears, clippers or other appliances; (3) giving facial or scalp massages or applications of oils, creams, lotions or other preparations, either by hand or by the use of mechanical or electrical appliances;

(4) singeing, shampooing or dyeing the hair or applying hair tonics; (5) applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face or neck. Any of such practices, when done for the treatment of physical or mental ailments or disease shall not constitute barbering.

Sec. 4. EXCEPTIONS. This article shall not apply to any person registered as a beauty culturist, unless such person shall engage in the practice of hair cutting, in which event he shall obtain a certificate therefor.

Sec. 5. BARBER SHOP; BARBER SCHOOL.

(a) Any place, shop or establishment wherein the practice of barbering is engaged in or carried on shall constitute a barber shop.

(b) Any place, shop or establishment wherein is taught any or all of the fundamentals, theories, practices and practical applications of barbering shall constitute a barber school.

Sec. 6. BARBER; QUALIFICATIONS. (a)

Any person shall be qualified to receive a certificate to practice as a barber who: (1) is qualified under the provisions of section 6; (2) is at least eighteen years of age; (3) is of good moral character and temperate habits; (4) has practiced as a registered apprentice for a period of eighteen months under the immediate personal supervision of a registered barber; (5) satisfactorily passes an examination to practice barbering.

(b) An applicant for a certificate to practice as a registered barber, who fails to satisfactorily pass an examination, must continue to practice as

an apprentice for an additional six months and must pay the required fee before he may again take the examination for a registered barber.

Sec. 7. APPRENTICE; QUALIFICATIONS.

(a) Any person shall be qualified to receive a certificate to practice as a registered apprentice who: (1) is at least sixteen and one-half years of age and of good moral character and temperate habits; (2) has a diploma from an eighth grade grammar school, or an equivalent education, as determined by the board; (3) has graduated from a registered barber school; (4) satisfactorily passes an examination to practice as an apprentice.

(b) An applicant for a certificate to practice as an apprentice who fails to satisfactorily pass an examination shall be required to complete a further course of study of not less than five hundred hours in a registered barber school, such course to be completed within a period of three months of not more than eight hours in any one working day, and shall pay the required fee before he may again take the examination for a registered apprentice.

(c) No registered apprentice shall independently practice barbering, but he may, as an apprentice, do any and all of the acts constituting the practice of barbering under the immediate personal supervision of a registered barber.

Sec. 8. APPRENTICES FROM OTHER STATES; STUDENTS. (a) Any person who is at least sixteen and one-half years of age and has a certificate to practice as an apprentice in a state or country which has substantially the same require-

ments as prescribed by this article, shall be credited with the time spent as a registered apprentice in such other state or country, on the period of apprenticeship required by this article as a qualification to take the examination for a certificate to practice as a registered barber.

(b) Any person who has practiced as an apprentice in another state or country which does not have substantially the same requirements for registration to practice as an apprentice as prescribed by this article, and who has the qualifications required in section 6, shall be credited with the time so spent, on the period of apprenticeship herein required as a qualification to take the examination for a certificate to practice as a registered barber.

Sec. 9. HAIR CUTTER; QUALIFICATIONS.

(a) Any person shall be qualified to receive a certificate to practice as a hair cutter who: (1) is a registered beauty culturist; (2) satisfactorily passes an examination to practice as a hair cutter.

(b) An applicant for a certificate to practice as a hair cutter who fails to satisfactorily pass an examination shall be required to complete a further course of study of not less than one hundred hours in a registered school, such course to be completed within a period of three months of not more than eight hours in any one working day, and shall pay the required fee before he may again take the examination.

Sec. 10. APPLICATION FOR CERTIFICATE OF REGISTRATION.

Any person who desires to practice barbering, or as an apprentice, or as a hair cutter, shall file with the secretary a written

application, under oath, on a form prescribed by the board, accompanied by two signed photographs of the applicant five by three inches in size, satisfactory proof of good moral character, and a medical certificate.

Sec. 11. EXAMINATIONS; ISSUANCE OF CERTIFICATES. (a) The board shall conduct examinations of applicants as provided in section 10 at least four times each year, at such times and places as the board shall determine. Such examinations, except as to applicants for certificates to practice as registered finger wavers, shall include both a practical demonstration and a written and oral test, and shall embrace the subjects usually taught in schools of barbering approved by the board.

(b) A certificate to practice shall be issued to each applicant who shall satisfactorily pass an examination with an average grade of not less than seventy-five per cent, and shall possess the other qualifications required by law.

(c) Before a certificate to practice as a hair cutter shall be issued to an applicant therefor, he shall pass the examination relative to hair cutting required of an applicant for a barber's license, with a grade of not less than seventy-five per cent.

Sec. 12. BARBER SCHOOL REQUIREMENTS. No barber school shall be licensed and approved by the board to operate as such unless it requires as a prerequisite to admission that the applicant: (1) be more than sixteen and one-half years of age; (2) be of good moral character and temperate

habits; (3) furnish a diploma showing graduation from an eighth grade grammar school or have an equivalent education, as determined by the board; (4) be free from any infectious, contagious or communicable disease; and unless such school also requires as a prerequisite to graduation a course of instruction consisting of not less than one thousand hours of continuous instruction, of not more than eight hours in any one working day, which course shall include: Not less than two hours out of each eight-hour day devoted to the scientific fundamentals of barbering, hygiene and bacteriology; histology of the hair, skin, muscles and nerves; structure of the head, face and neck; elementary chemistry relating to sterilization and antiseptics, diseases of the skin, hair and glands; and the balance of said eight-hour day devoted to the study of massaging and manipulating of the muscles; and cutting, shaving, arranging, dressing, coloring, bleaching and tinting of the hair. No such school shall have less than one instructor for each twelve students or fraction thereof.

Sec. 13. BARBER SHOP REQUIREMENTS.

No barber shop shall be licensed and approved by the board unless: (1) located in separate or segregated quarters, or if located in any part less than the whole of a single building, unless the quarters occupied are separated and segregated from the remainder of the building by solid walls reaching from floor to ceiling, but a barber shop and a beauty shop may be located in the same room or quarter; (2) running hot and cold water are provided therein; (3) it shall conform to and comply with such rules and regulations as shall be promulgated by the board.

Sec. 14. EXISTING LICENSES AND CERTIFICATES; RENEWAL. (a) Nothing in this article shall be construed as affecting any valid and unexpired license issued under the laws of this state, prior to the effective date hereof, authorizing the person to whom the same is issued to practice barbering, or as an apprentice barber, or to cut ladies' and children's hair.

(b) Any person who, at the date this act takes effect, holds a valid license to practice barbering in this state shall, upon the expiration of such license, payment of the required fee, and the filing of a medical certificate be registered and issued a certificate to practice as a registered barber.

(c) Any person who, at the date this act takes effect, holds a valid license to practice barbering as an apprentice shall, upon the expiration of such license, payment of the required fee, and the filing of a medical certificate be registered and issued a certificate to practice barbering as a registered apprentice. Such person shall also be given credit for the time spent as an apprentice prior to the date this act takes effect, on the time required to qualify for a certificate to practice as a registered barber.

(d) Any person who, at the date this act takes effect, holds a valid license to cut ladies' and children's hair shall, upon the expiration of such license, payment of the required fee, and the filing of a medical certificate be registered and issued a certificate to practice as a hair cutter.

(e) Any barber shop which, at the date this act takes effect, holds a valid license shall, upon

the expiration of such license, and upon payment of the required fee, be registered as a barber shop.

(f) Any person who, at the date this act takes effect, is a graduate of a barber school licensed under the laws of this state, or if a student therein, then upon graduation therefrom, may take the examination for a certificate to practice as an apprentice barber.

Sec. 15. EXEMPTIONS. The following persons are exempt from the provisions of this article while in the proper discharge of their professional duties: (1) Persons licensed under the laws of this state to practice medicine and surgery, osteopathy or chiropractic; (2) commissioned medical or surgical officers of the United States army, navy or marine hospital service; (3) registered nurses; (4) undertakers and morticians.

Sec. 16. CERTIFICATE TO BE DISPLAYED. Every holder of a certificate of registration shall display the same in a conspicuous place adjacent to or near his work chair.

Sec. 17. FEES. (a) The board shall charge the following fees: (1) for examining applicant to practice as barber, twenty-five dollars; (2) for issuing certificate as barber, ten dollars; (3) for renewing certificate as barber, five dollars; (4) for restoring expired certificate as barber, seven dollars and fifty cents; (5) for examining applicant for certificate as apprentice, fifteen dollars; (6) for issuing certificate as apprentice, five dollars; (7) for renewing certificate as apprentice, five dollars; (8) for restoring expired certificate as apprentice, seven dollars and fifty cents; (9)

for examining applicant to practice as hair cutter, fifteen dollars; (10) for issuing certificate as hair cutter, ten dollars; (11) for renewing certificate as hair cutter, five dollars; (12) for restoring expired certificate as hair cutter, seven dollars and fifty cents; (13) for issuing establishment license to barber shop, five dollars; (14) for issuing certificate to operate a barber school, an annual fee of ten dollars for each chair installed in such school (upon which chair work or service may be performed upon a patron of the school), but no such annual fee shall be less than one hundred and twenty-five dollars .

(b) A duplicate certificate shall be issued to replace any lost certificate upon the filing of a verified statement by the applicant, and upon the payment of a fee of two dollars. Each certificate so issued shall have the word "duplicate" stamped across the face thereof and shall bear the same number as the lost certificate.

Sec. 18. EXPIRATION, RENEWAL AND RESTORATION OF CERTIFICATES. (a) All certificates issued under the provisions of this article shall expire on December 31 of each year, and shall be renewed only as provided herein.

(b) Every registered barber, apprentice, or hair cutter who continues in active practice or service shall annually, on or within thirty days before January 1, renew his certificate of registration and pay the renewal fee. Every applicant for a renewal certificate shall also furnish to the board a medical certificate.

(c) A registered barber, apprentice, or hair

cutter, whose certificate has expired for a period not to exceed six months may have the same restored upon payment of the restoration fee, and filing with the board a medical certificate as required in the case of renewal.

Sec. 19. GROUND FOR REFUSAL TO ISSUE, RENEW OR REVOKE CERTIFICATE. The board shall refuse to issue or renew, or shall suspend or revoke, a certificate for any one or more of the following causes: (1) Conviction of a felony as shown by a certified copy of the judgment of the court of conviction; (2) malpractice or incompetency; (3) when the applicant or registrant is or becomes afflicted with an infectious, contagious or communicable disease; (4) advertising by means of knowingly false or deceptive statements; (5) advertising, practicing or attempting to practice under a trade name or name other than one's own; (6) habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drug; (7) commission of any of the offenses enumerated in subdivision 3, 4 and 5, section 20; (8) violation of any of the sanitary regulations promulgated by either the board of barber examiners or the state board of health for the regulation of barber shops and barber schools; (9) to continue to be employed or to practice in a barber shop or beauty culture shop wherein the sanitary regulations of the board of barber examiners, the state board of health, or any other lawfully constituted board, promulgated for the regulation of barber shops, barber schools, beauty culture shops, or beauty culture schools, are known by the registrant to be violated.

Sec. 20. (a) NOTICE OF REFUSAL TO RENEW; SUSPENSION OR REVOCATION OF LICENSE; HEARING; APPEAL. No certificate shall, for any of the causes set forth in the preceding section, be suspended or revoked, nor the renewal thereof refused, until the accused has been furnished with a statement of the specific charges against him, and notice of the time and place of hearing thereof. The accused may be present at the hearing in person or by counsel, or both. The statement of charges and notice must be served personally or mailed to the last known address of the accused at least ten days prior to the hearing. If, upon such hearing, the board finds the charges to be true, it may refuse to issue or to renew a certificate of registration, or may revoke or suspend such certificate, if the same has been issued.

(b) Upon the hearing the board may administer oaths and may by its subpoena procure the attendance of witnesses and the production of relevant books and papers.

(c) Any superior court or judge thereof, upon application either by the accused or by the board, may require the attendance of witnesses and the production of relevant books and papers before the board in any hearing relating to the refusal, suspension or revocation of any certificate of registration. The failure of any person to comply with any order of such court in such respect shall be punished as for a contempt of court.

(d) An appeal may be taken from the action of the board to the superior court of the county in which the person taking the appeal is a resident, by

filing with the clerk of the court within thirty days from the entering of the board's order, a bond in the penal sum of two hundred dollars, to be approved by the clerk, to secure the payment of the costs of appeal should the cause be determined against him. It shall thereupon be the duty of such clerk to notify the board of the filing of the bond whereupon the board shall forward to the clerk the charges and a certified copy of its order in the premises. The clerk shall docket the same as a cause pending in said court. The charges shall be treated as a complaint. The accused may plead to said charges and issues may be formed thereon as in any civil case, and the cause shall be tried by the judge. It shall be the duty of the county attorney of the county in which the proceeding is pending to represent the board. The only finding and judgment shall be "guilty" or "not guilty" as to each of the charges. If the finding and judgment of the court be "not guilty" as to each of the charges, the clerk shall certify the same to the board, and the board shall make an order setting aside the order from which the appeal was taken and forward to the clerk of the court a certified copy thereof, which shall be made a part of the records in said cause. If a judgment of "guilty" of any of the charges be entered, the cost of the proceedings shall be recovered from the accused, and the order made by the board shall be and remain in effect. During the pendency of such appeal the accused shall not be entitled to practice.

(e) Where the appeal is from the refusal of the board to grant a certificate, the same shall be heard and determined upon the application and certified copy of the order of refusal, without any other

issue and the judge shall enter a judgment that the certificate shall or shall not be issued. Upon the entry of the order the clerk shall within two days send a certified copy thereof to the board. The county attorney shall represent the board in such appeal, and if the court shall refuse a license, judgment shall be entered against the applicant for costs.

(f) An appeal from any judgment of the superior court may be taken to the supreme court, as in other civil cases, either by the board in its own name or by the applicant or holder of a certificate.

Sec. 21. ACTS PROHIBITED; PENALTY FOR VIOLATION. Any of the following acts shall constitute a misdemeanor, punishable upon conviction by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment not to exceed thirty days, or both: (1) violation of any of the provisions of section 1 or of subdivision 3, section 18; (2) for an employer to permit a person in his employ or under his supervision or control to practice as a barber apprentice without a certificate of registration therefor; (3) obtaining or attempting to obtain a certificate of registration by the use of money other than the required fee, or any other thing of value, or by fraudulent misrepresentation; (4) wilful failure to display a certificate of registration, as required by section 15; (5) practicing or attempting to practice by fraudulent misrepresentation, provided however that practicing during the pendency of an appeal shall not be so construed; (6) use for barbering of a room or quarters also used for business purposes, except for the sale of hair tonics, lotions, creams,

toilet articles, or other commodities pertinent to barber shops, or as a laundry delivery agency; (7) use for barbering of a room or quarters also used for residential purposes, unless said quarters have an outside entrance and are separated from the remainder of the building by solid walls reaching from floor to ceiling; (8) for a barber or apprentice knowingly to continue the practice of barbering, or for a student knowingly to continue as a student in any school or college of barbering while having an infectious, contagious or communicable disease; (9) to own, manage, operate or control any barber shop or barber school in which hot and cold running water is not continuously provided; (10) to own, manage, operate or control any barber school, or part or portion thereof, whether connected therewith or in a separate building, wherein the practice of barbering is engaged in or carried on, unless all entrances to the place wherein the practice of barbering is carried on shall display a sign indicating that the work therein is done by students exclusively; (11) to own, manage, control or operate a barber shop unless there is displayed thereon a sign, clearly visible at the main entrance thereto, indicating that it is a barber shop; (12) to use a towel or neck band on more than one patron, until the same has been relaundersed; (13) to fail to provide the head rest on the barber's chair with a relaundersed towel or a sheet of clean paper for each patron; (14) to fail to place around the patron's neck a towel or neck band so that the hair cloth does not come in contact with the neck or skin of the patron's body; (15) to use in the practice of barbering any styptic pencil, finger bowl, sponge, lump alum or powder puff; and the possession of a styptic pencil, finger bowl, sponge, lump alum or powder puff in a barber

shop shall be prima facie evidence that the same is being used therein in the practice of barbering; (16) to use on a patron any razor, scissors, tweezers, comb, rubber discs or parts of a vibrator used on another person, unless the same be kept in a closed compartment and immersed in boiling water, or in a solution of two per cent carbolic acid, or its equivalent, for at least twenty minutes before each such use; (17) for a registered barber to render barber services in a barber school, except such as are incidental to instruction; (18) to own, manage, operate or control a barber school, or a part or portion thereof, while displaying a list of prices or service charges where the same can be seen from the outside of such school or establishment, unless such school shall display placards in clear and legible type within the school, place or establishment, and street or window signs in letters not less than eight inches in height, to clearly indicate to the public that the school, place or establishment is a barber school.

Sec. 22. FALSE STATEMENTS. The wilful making of any false statement to a material matter in any oath or affidavit required in this article shall be deemed to be perjury.

Sec. 23. BOARD CREATED; POWERS; DUTIES. (a) There is hereby created a board to consist of three members to be appointed by the governor, and to be known as "state board of barber examiners". Each member of the board shall be a practicing barber who has been a registered or licensed barber under the laws of this state for at least five years immediately prior to his appointment. At all times, at least one of said members

shall be a journeyman barber and one a master barber.

(b) One member of said board shall hold office for a term of one year, one for a term of two years, and one for a term of three years. Thereafter, one member shall be appointed each year for the term of three years. The board shall be non-partisan.

(c) The governor shall have power to remove a member of the board for incompetency, gross immorality, disability, or for any abuse of his official duties, or for other good cause, and shall fill any vacancy thus occasioned by appointment within thirty days after the occurrence thereof.

Sec. 24. ORGANIZATION OF BOARD. (a) The members of the first board shall, immediately upon their appointment, meet and organize by electing a president, vice-president and secretary from among their number. After the first meeting, the board shall annually, on the second Monday in January, meet and organize.

(b) A majority of the board shall constitute a quorum and may perform and exercise all the duties and powers devolving upon it.

(c) The board shall provide suitable quarters for the conduct of its business, and shall adopt and use a common seal for the authentication of its orders and records.

(d) The secretary shall keep a record of the proceedings of the board, a record of registered

barbers, apprentices, and hair cutters, showing the name, place of business, residence, and the date and number of the certificate of each, a record of licenses or certificates of registration issued to barber schools and barber shops, and a record of all licenses or certificates issued, refused, renewed, suspended or revoked. The records of the board shall be open to public inspection at all reasonable times.

(e) The board shall annually, on or before the first Monday in January, make a report to the governor of all its official acts during the preceding year, and of its receipts and disbursements, and such recommendations as it may deem expedient.

Sec. 25. SECRETARY TO GIVE BOND. Before entering upon the discharge of the duties of his office, the secretary shall give a bond to the state in the penal sum of five thousand dollars, conditioned upon the faithful performance of his duties.

Sec. 26. DISPOSITION OF FEES. All moneys received by the board under the provisions of this article shall be paid to the secretary, who shall receipt therefor. At the end of each month he shall report to the state auditor the total amount received by him under the provisions of this article, from all sources, and shall deposit the said amount with the state treasurer, who shall place the same in a special fund to be known as "state board of barber examiners' fund". Ninety per cent of all money so paid to the state treasurer shall remain and be a separate and permanent fund for the maintenance of the board, and for the enforcement of the pro-

visions of this article, and the remainder shall be credited to the general fund of the state.

Sec. 27. COMPENSATION OF MEMBERS OF BOARD. (a) The chairman and secretary of the board shall devote their entire time to the business of the board, and to the enforcement of the provisions of this article, and each shall receive an annual salary not to exceed two thousand four hundred dollars per year. The other member of the board shall receive ten dollars for each day actually employed in the discharge of his official duties. Each member of the board shall receive his necessary travel expenses incurred in the discharge of his official duties.

(b) The board shall have authority to employ such inspectors and clerks as it may deem necessary to carry out the provisions of this article, and to fix their compensation.

Sec. 28. BOARD MAY PROMULGATE RULES AND REGULATIONS. The board shall have authority to make reasonable rules and regulations for the administration of this article and to prescribe any sanitary requirements in addition to those specified herein, in aid or in furtherance of the provisions of this article. Any member of the board, or its agents or assistants, shall have authority to enter upon and to inspect any barber shop or barber school at any time during business hours. A copy of the rules and regulations and sanitary requirements adopted by the board shall be furnished to the owner or manager of each barber shop and barber school, and shall be posted in a conspicuous place in each such shop or school.

Sec. 29. DIVISION OF FUNDS OF BOARD OF BARBERS AND COSMETICIANS. Upon the date this act takes effect, one-half of the balance then remaining in the appropriation for the board of barbers and cosmeticians for the twenty-third fiscal year, shall be by the state treasurer credited to the "state board of barber examiners' fund" for use in carrying out the provisions of this act, and one-half of all property belonging to said board of barbers and cosmeticians shall be set aside and delivered to the said state board of barber examiners for use in carrying out the provisions of this act.

Approved March 20, 1935.

CHAPTER 52

(Senate Bill No. 42)

AN ACT

RELATING TO BEAUTY CULTURE; PROVIDING FOR THE REGULATION OF THE BUSINESS THEREOF, AND CREATING A BOARD OF BEAUTY CULTURIST EXAMINERS.

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

Section 1. DEFINITIONS. For the purposes of this act, and unless otherwise required by the context:

(a) "Board" shall mean the board of beauty culturist examiners.

(b) "Secretary" shall mean the secretary of the board.

(c) "Certificate" shall mean a certificate of registration entitling the person to whom issued to practice, or a school or shop to be operated.

(d) "Medical certificate" shall mean a certificate, issued not more than ten days prior to the date of application for registration or renewal, by a physician licensed under the laws of Arizona, that the applicant or registrant has been examined by him and is free from any contagious, infectious, or communicable disease.

(e) "Examination" shall mean an examination conducted by the board to determine the applicant's fitness to practice.

(f) "Registrant" shall mean a person registered by the board.

(g) "Registered" shall mean registered by the board, under the provisions of this act.

(h) "Beauty culturist", "manicurist", or "finger waver", shall mean a person having a certificate to practice as a registered beauty culturist, manicurist, or finger waver.

(i) "Finger waver" shall mean a finger waver in a barber shop.

(j) "Instructor" shall mean an instructor in a beauty culture school.

Sec. 2. PRACTICING WITHOUT CERTIFICATE PROHIBITED. On and after the date this act takes effect, it shall be unlawful, without a certificate of registration issued as provided herein:

- (1) To practice beauty culture, or manicuring;
- (2) to practice as a finger waver in a barber shop;
- (3) to instruct in a beauty culture school;
- (4) to own, manage, operate or control a beauty culture school or beauty culture shop; and unless the said school, or shop, shall be at all times operated under the personal supervision and management of a registered beauty culturist.

Sec. 3. BEAUTY CULTURE DEFINED. (a) Any one or any combination of the following practices when performed upon the head, face, neck, shoulders, arms or hands for cosmetic purposes, shall constitute the practice of beauty culture; (1) To massage, cleanse, stimulate, manipulate, exercise, or beautify, or apply oils, creams, antiseptics, clays or lotions or other preparations either by hand or mechanical or electrical appliances; (2) to style, arrange, dress, curl, wave, permanent wave, cleanse, singe, bleach, dye, tint, color or similarly treat the hair of a person; (3) to cut, clip or trim the hair by the use of scissors, shears, clippers or other appliances; (4) to arche eye-brows; (5) to remove superfluous hair from the face, neck, shoulders or arms of a person by the use of depilatories; (6) to cleanse, dress or polish the nails of a person, herein referred to as manicuring.

(b) Beauty culture shall be construed to include manicuring, although manicuring may be practiced separately from the other practices of beauty culture, under a certificate as a manicurist.

(c) Such practices, when done for the treatment of physical or mental ailments or disease, shall not constitute beauty culture.

Sec. 4. EXCEPTIONS. This act shall not apply to any person registered as a barber and who practices "barbering" as defined by the laws of this state, unless such person shall engage in the practice of finger waving, in which event he shall obtain a certificate therefor,

Sec. 5. BEAUTY CULTURE SHOP; BEAUTY CULTURE SCHOOL. (a) Any place, shop or establishment wherein the practice of beauty culture is engaged in or carried on, shall constitute a beauty culture shop.

(b) Any place, shop or establishment wherein is taught any or all of the fundamentals, theories, practices, and practical application of beauty culture, shall constitute a beauty culture school.

Sec. 6. BEAUTY CULTURIST; QUALIFICATIONS. (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 together with at least two years in high school; (5) has graduated after a course of not less than eighteen hundred hours in a beauty culture school approved by the board, or who 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 chapter 39, Session Laws 1931, regular session, or who has completed a course in a beauty culture school of some other state or country which has substantially the same requirements for registration as prescribed by this act, and who has had at least three years' practical experience under a license issued by such other state or country.

(b) An applicant for a certificate as a beauty culturist who fails to satisfactorily pass an examination must complete a further course of study of not less than three hundred hours in a registered beauty culture school, such course to be completed within a period of three months of not more than eight hours in any one working day, and shall pay the required fee before he may again take the examination.

Sec. 7. MANICURIST; INSTRUCTOR; QUALIFICATIONS. (a) Any person shall be qualified to receive a certificate to practice as a manicurist who: (1) possesses the qualifications mentioned in subdivisions 1, 2 and 4, subsection (a), section 6; (2) satisfactorily passes an examination to practice as a manicurist.

(b) Any person shall be qualified to receive a certificate to practice as a registered instructor who: (1) is a registered beauty culturist; (2) satisfactorily passes an examination to instruct in a beauty school. A certificate of registration to practice as an instructor shall include authority to practice as a beauty culturist.

(c) An applicant for a certificate as a man-

icurist or an instructor, who fails to satisfactorily pass an examination, shall be required to complete a further course of study of not less than one hundred hours in a registered school, such course to be completed within a period of three months of not more than eight hours in any one working day, and shall pay the required fee before he may again take the examination to practice as a manicurist.

Sec. 8. FINGER WAVER; QUALIFICATIONS.

(a) Any person shall be qualified to receive a certificate to practice as a registered finger waver who: (1) is a registered barber under the laws of this state; (2) satisfactorily passes an examination to practice as a finger waver.

(b) An applicant for a certificate as a finger waver who fails to satisfactorily pass an examination, shall be required to complete a further course of study of not less than one hundred hours in a registered beauty culture school, such course to be completed within a period of three months of not more than eight hours in any one working day, and shall pay the required fee before he may again take the examination.

Sec. 9. APPLICATION FOR CERTIFICATE.

Any person who desires to practice beauty culture, finger waving, manicuring, or instructing, shall file with the secretary a written application, under oath, on a form prescribed by the board, accompanied by two signed photographs of the applicant five by three inches in size, satisfactory proof of good moral character, and a medical certificate. An applicant who has within a period of six months filed

photographs and medical certificate as herein provided need not again do so.

Sec. 10. EXAMINATIONS; ISSUANCE OF CERTIFICATES. (a) The board shall conduct examinations of applicants as provided in section 9, at least four times each year, at such times and places as the board shall determine. Such examinations, except as to applicants for certificate to practice finger waving, shall include both a practical demonstration and a written and oral test, and shall embrace the subjects usually taught in schools of beauty culture approved by the board. A certificate of registration shall be issued to any applicant who shall satisfactorily pass the examination, making an average grade of not less than seventy-five per cent, and who shall possess the other qualifications required by law.

(b) In the case of an applicant for a certificate to practice finger waving it shall only be necessary for the applicant to pass an examination, with a grade of not less than seventy-five per cent, to determine his fitness to practice finger waving.

Sec. 11. BEAUTY CULTURE SCHOOL REQUIREMENTS. No school of beauty culture shall be licensed and approved to operate as such, which does not require as a prerequisite to enrollment as a student an eighth grade elementary school education, and as a prerequisite to graduation a course of instruction in such beauty school of eighteen hundred hours, to be completed within a period of not less than nine nor more than twelve months, not more than eight hours of which shall be in any one working day, such course of instruction to include all of the fundamentals, theories and practical ap-

plications of beauty culture, which shall also include histology of the hair, skin, muscles and nerves; structure of the head, face, neck, arms and hands; elementary chemistry relating to sterilization and antiseptics; diseases of the skin, hair and glands; nor unless such school shall have not less than one instructor for each twenty students or fraction thereof.

Sec. 12. BEAUTY CULTURE SHOP REQUIREMENTS. No beauty culture shop shall be licensed and approved unless: (1) located in separate or segregated quarters, or if located in any part less than the whole of a single building, the quarters occupied are separated or segregated from the remainder of the building by solid walls reaching from floor to ceiling, but a barber shop and a beauty shop may be located or conducted in the same quarters; (2) running hot and cold water are provided therein; (3) said beauty culture shop shall conform to and comply with the rules and regulations promulgated by the board.

Sec. 13. EXISTING LICENSES AND CERTIFICATES. (a) Nothing in this act shall be construed as affecting any valid and unexpired license issued under the laws of this state prior to the date this act takes effect, authorizing the person to whom issued to practice as a cosmetician or beauty culturist, apprentice cosmetician of beauty culturist, manicurist, or finger waver.

(b) Any person who, on or before the date this act takes effect, has been licensed under the laws of this state to practice as a cosmetician or beauty culturist, manicurist, or finger waver shall, upon the

expiration of such license, payment of the required fee, and filing with the board a medical certificate, be registered and issued a certificate to practice as a registered beauty culturist, manicurist, or finger waver, as the case may be.

(c) Any person who, on or before the date this act takes effect, has been licensed under the laws of this state to practice as an apprentice cosmetician and who shall not have served, at the expiration of such license, a twenty-four months apprenticeship, shall, upon the expiration of such license, payment of the required fee, and filing with the board a medical certificate, be registered by the board and issued a certificate to practice beauty culture as a registered apprentice for a sufficient length of time to permit such person to complete a twenty-four month's apprenticeship, but not thereafter. No certificate of registration shall be issued to a person who has held an apprentice license for two or more years prior to December 31, 1935, or who has not, prior to the date this act takes effect, held an apprentice cosmetician's license under the provisions of chapter 39, Session Laws 1931, regular session.

Sec. 14. TIME SPENT IN BEAUTY SCHOOL. Any person who, prior to the date this act takes effect, shall have graduated from a school of beauty culture licensed under the laws of this state, or who, at and prior to said date, is and has been a student in any such school of beauty culture, shall, in computing the eighteen hundred hours required by section 5, be credited with the time spent in such school.

Sec. 15. EXEMPTIONS. The following persons

are exempt from the provisions of this act while in the proper discharge of their professional duties: (1) licensees under the laws of this state to practice medicine and surgery, osteopathy or chiropractic; (2) commissioned medical or surgical officers of the United States army, navy or marine hospital service; (3) registered nurses; (4) undertakers and morticians.

Sec. 16. CERTIFICATE TO BE DISPLAYED. Every holder of a certificate of registration shall display the same in a conspicuous place adjacent to or near his work chair or booth.

Sec. 17. FEES. (a) The board shall charge the following fees: (1) for examining applicant to practice as beauty culturist, fifteen dollars; (2) for issuing certificate as beauty culturist, ten dollars; (3) for renewing certificate as beauty culturist, five dollars; (4) for restoring expired certificate as beauty culturist, seven dollars and fifty cents; (5) for examining applicant to practice as manicurist, ten dollars; (6) for issuing certificate as manicurist, five dollars; (7) for renewing certificate as manicurist, three dollars; (8) for restoring expired certificate as manicurist, five dollars; (9) for examining applicant to practice as finger waver, fifteen dollars; (10) for issuing certificate as finger waver, ten dollars; (11) for renewing certificate as finger waver, five dollars; (12) for restoring expired certificate as finger waver, seven dollars and fifty cents; (13) for examining applicant to practice as instructor, twenty-five dollars; (14) for issuing certificate as instructor, ten dollars; (15) for renewing certificate as instructor, five dollars; (16) for res-

toring expired certificate as instructor, seven dollars and fifty cents.

(b) A duplicate to replace a lost certificate shall be issued upon the filing of a verified statement by the applicant, accompanied by one signed photograph of the applicant, five by three inches in size, and the payment of a fee of two dollars. Each certificate so issued shall have the word "duplicate" stamped across the face thereof and shall bear the same number as the lost certificate.

(c) For issuing an establishment license to any beauty culture shop the fee shall be five dollars, and for issuing a certificate to operate a beauty culture school there shall be an annual fee of one hundred and twenty-five dollars.

Sec. 18. EXPIRATION, RENEWAL AND RESTORATION OF CERTIFICATES. (a) All certificates issued under the provisions of this act shall expire on December 31 of each year and shall be renewed only as provided herein. No apprentice certificate shall be renewed after the holder has held the same for two years. No original apprentice license or certificate of registration shall issue, and no apprenticeship shall be commenced after this act takes effect.

(b) Each registered beauty culturist, manicurist, instructor, or finger waver, who continues in active practice or service, shall annually, on or within thirty days before January 1, renew his certificate of registration and pay the required fee. Each applicant for renewal certificate shall also furnish to the board a medical certificate.

(c) A registrant whose certificate has expired for a period not to exceed one year may have his certificate restored immediately upon payment of the restoration fee and filing with the board a medical certificate. If such certificate has expired for more than one year it shall not be restored, and the holder thereof shall be required to submit to an examination as other applicants for registration.

Sec. 19. GROUNDS FOR REFUSAL TO ISSUE, RENEW, OR REVOKE CERTIFICATE. The board shall refuse to issue or renew or shall suspend or revoke, a certificate for any one or more of the following causes: (1) conviction of a felony as shown by a certified copy of the judgment of the court of conviction; (2) malpractice or incompetency; (3) when the applicant or registrant is or becomes afflicted with an infectious, contagious or communicable disease; (4) advertising by means of knowingly false or deceptive statements; (5) advertising, practicing or attempting to practice under a trade name or name other than one's own; (6) habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit-forming drug; (7) the commission of any of the offenses described in subdivisions 3, 4 and 5, section 2; (8) the violation of any of the sanitary regulations promulgated by either the board of beauty culturist examiners or the state board of health for the regulation of beauty culture shops and beauty culture schools; (9) to continue to be employed or to practice in a beauty culture shop or barber shop wherein the sanitary regulations of the board of beauty culturist examiners, the board of barber examiners, the state board of health, or any other lawfully constituted board, promulgated for the regulation of beau-

ty culture shops, beauty culture schools, barber shops, or barber schools, are known by the registrant to be violated.

Sec. 20. NOTICE OF REFUSAL TO RENEW; SUSPENSION OR REVOCATION OF CERTIFICATE; HEARING; APPEAL. (a) No certificate shall, for any of the cause set forth in the preceding section, be suspended or revoked, nor the renewal thereof refused, until the accused has been furnished with a statement of the specific charges against him, and notice of the time and place of hearing thereof. The accused may be present at the hearing in person or by counsel, or both. The statement of charges and notice must be served personally, or mailed to the last known address of the accused at least ten days prior to the hearing. If, upon such hearing, the board finds the charges to be true, it may refuse to issue or renew a certificate of registration, or may revoke or suspend such certificate if the same has been issued.

(b) Upon the hearing the board may administer oaths and may by its subpoena procure the attendance of witnesses and the production of relevant books and papers.

(c) Any superior court or judge thereof, upon application either by the accused or by the board, may require the attendance of witnesses and the production of relevant books and papers before the board in any hearing relating to the refusal, suspension or revocation of any certificate of registration. The failure of any person to comply with any order of such court in such respect shall be punished as for a contempt of court.

(d) An appeal may be taken from the action of the board to the superior court of the county in which the person taking the appeal is a resident, by filing with the clerk of the court, within thirty days from the entering of the board's order, a bond in the penal sum of two hundred dollars, to be approved by the clerk, to secure the payment of the costs of the appeal should the cause be determined against him. It shall thereupon be the duty of such clerk to notify the board of the filing of the bond, whereupon the board shall forward to the clerk the charges, and a certified copy of its order in the premises. The clerk shall docket the same as a cause pending in said court. The charges shall be treated as a complaint. The accused may plead to said charges and issues may be formed thereon as in any civil case, and the cause shall be tried by the judge. It shall be the duty of the county attorney of the county in which the proceeding is pending to represent the board. The only finding and judgment shall be "guilty" or "not guilty" as to each of the charges. If the finding and judgment of the court be "not guilty" as to each of the charges, the clerk shall certify the same to the board, and the board shall make an order setting aside the order from which the appeal was taken and forward to the clerk of the court a certified copy thereof, which shall be made a part of the records in said cause. If judgment of "guilty" of any of the charges be entered, the cost of the proceedings shall be recovered from the accused, and the order made by the board shall be and remain in effect. During the pendency of such appeal the accused shall not be entitled to practice.

(e) Where the appeal is from the refusal of

the board to grant a certificate, the same shall be heard and determined upon the application and certified copy of the order of refusal without any other issue, and the judge shall enter a judgment that the certificate shall or shall not be issued. Upon the entry of the order the clerk of such court shall within two days send a certified copy thereof to the board. The county attorney shall represent the board in such appeal, and if the court shall refuse a license, judgment shall be entered against the applicant for costs.

(f) An appeal from any judgment of the superior court may be taken to the supreme court, as in other civil cases, either by the board in its own name or by the applicant or holder of a certificate.

Sec. 21. ACTS PROHIBITED; PENALTY FOR VIOLATION. Any of the following acts shall constitute a misdemeanor, punishable upon conviction by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment not to exceed thirty days, or both: (1) the violation of any of the provisions of subdivisions 3, 4, 5 and 8, section 19; (2) for any employer to permit a person in his employ or under his supervision or control to practice as an apprentice without a certificate of registration thereof; (3) obtaining or attempting to obtain a certificate of registration by the use of money other than the required fee, or for any other thing of value, or by fraudulent misrepresentation; (4) wilful failure to display a certificate of registration, as required by section 16; (5) practicing or attempting to practice by fraudulent misrepresentation, or practicing during the pendency of an appeal; (6) the use for beauty culture of any room

or quarters also used for business purposes, except for the sale of hair tonics, lotions, creams, toilet articles, or other commodities pertinent to beauty culture shops, or as a laundry delivery agency; (7) the use for beauty culture, manicuring, or finger waving, of any room or quarters also used for residential purposes, unless said quarters have an outside entrance and are separated from the remainder of the building by solid walls reaching from floor to ceiling; (8) for a beauty culturist knowingly to continue the practice of beauty culture, or for any student knowingly to continue as a student in any school or college of beauty culture while having an infectious, contagious or communicable disease; (9) to own, manage, operate or control any beauty culture shop or beauty culture school in which hot and cold running water is not continuously provided; (10) to own, manage, operate or control any beauty culture school, part or portion thereof, whether connected therewith or in a separate building, wherein the practice of beauty culture is engaged in or carried on unless all entrances to the place wherein the practice of beauty culture is carried on shall display a sign indicating that the work therein is done by students exclusively; (11) to own, manage, control or operate a beauty culture shop unless there is displayed thereon a sign, clearly visible at the main entrance thereto, indicating that it is a beauty culture shop; (12) for a registered beauty culturist to render beauty culture services in a beauty culture school except such as are incidental to instruction; (13) to own, manage, operate or control a beauty culture school, or a part or portion thereof, while displaying a list of prices or service charges where the same can be seen from the outside of such school or establishment, unless

such school shall display placards in clear and legible type within the school, place or establishment, and street or window signs in letters not less than eight inches in height, to clearly indicate to the public that the school, place or establishment is a beauty culture school; (14) to practice beauty culture on the body of a person at a point more than two inches below the outer surface of each shoulder, or of the chest or back.

Sec. 22. FALSE STATEMENTS. The wilful making of any false statement to a material matter in any oath or affidavit required in this act shall be deemed to be perjury.

Sec. 23. BOARD CREATED; POWERS; DUTIES. (a) There is hereby created a board to consist of three members, to be appointed by the governor immediately after this act takes effect, and to be known as "state board of beauty culturist examiners". Each member of the board shall be a practicing beauty culturist who has been a registered or licensed beauty culturist under the laws of this state for at least five years immediately prior to his appointment.

(b) At all times at least one of said members shall be a journeyman beauty culturist and one a master beauty culturist. One member of said board shall hold office for a term of one year; one for a term of two years, and one for a term of three years. Thereafter one member shall be appointed each year for a term of three years. The board shall be non-partisan.

(c) The governor shall have power to remove a

member of the board for incompetency, gross immorality, disability or for any abuse of his official powers or duties, or for other good cause, and shall fill any vacancy thus occasioned by appointment within thirty days after the occurrence thereof.

Sec. 24. ORGANIZATION OF BOARD. (a) The members of the first board shall, immediately upon their appointment, meet and organize by electing a president, vice-president, and secretary from among their number. The vice-president shall act as inspector and the president shall act as assistant secretary and assistant inspector. After the first meeting, the board shall annually on the second Monday in January, meet and organize.

(b) A majority of the board shall constitute a quorum and may perform and exercise all the duties and powers devolving upon it.

(c) The board shall maintain its office at the state capitol, shall provide suitable quarters for the conduct of its business, and shall adopt and use a common seal for the authentication of its orders and records.

(d) The secretary shall keep a record of the proceedings of the board, a record of registered beauty culturists, manicurists, and finger wavers, showing the name, place of business, residence, and the date and number of the certificate of each, a record of licenses or certificates issued to beauty culture schools and beauty culture shops, and a record of all licenses or certificates issued, refused, renewed, suspended or revoked. The records of the board shall be open to public inspection at all reasonable times.

(e) The board shall annually, on or before the first Monday in January, make a report to the governor of all its official acts during the preceding year, and of its receipts and disbursements, and such recommendations as it may deem expedient.

Sec. 25. SECRETARY TO GIVE BOND. Before entering upon the discharge of the duties of his office, the secretary shall give a bond to the state in the penal sum of five thousand dollars, conditioned upon the faithful performance of his duties.

Sec. 26. DISPOSITION OF FEES. All moneys received by the board under the provisions of this act shall be paid to the secretary, who shall receipt therefor. At the end of each month he shall report to the state auditor the total amount received by him under the provisions of this act, from all sources, and shall deposit the said amount with the state treasurer, who shall place the same in a special fund to be known as "board of beauty culturist examiners' fund". Ninety per cent of all money so paid to the state treasurer shall remain and be a separate and permanent fund for the maintenance of the board and for the enforcement of the provisions of this act, and the remainder shall be credited to the general fund of the state.

Sec. 27. COMPENSATION OF MEMBERS OF BOARD. (a) Each member of the board shall receive a salary of one hundred and thirty-five dollars per month and necessary travel expenses.

(b) The board shall have authority to employ such inspectors and clerical help as may be neces-

sary to carry out the provisions of this act, and to fix their compensation. All salaries and expenditures hereby authorized shall be paid out of the board of beauty culturist examiners' fund.

Sec. 28. BOARD MAY PROMULGATE RULES AND REGULATIONS. The board shall have authority to make reasonable rules and regulations for the administration of this act, and to prescribe any sanitary requirements in addition to those specified herein, in aid or in furtherance of the provisions of this act. Any member of the board, or its agents or assistants, shall have authority to enter upon and to inspect any beauty culture shop or beauty culture school at any time during business hours. A copy of the rules and regulations and sanitary requirements adopted by the board shall be furnished to the owner or manager of each beauty culture shop and beauty culture school, and shall be posted in a conspicuous place in each such beauty culture shop or beauty culture school.

Sec. 29. DIVISION OF FUNDS OF BOARD OF BARBERS AND COSMETICIANS. Upon the date this act takes effect one-half of the balance then remaining in the appropriation for the board of barbers and cosmeticians for the twenty-third fiscal year, shall be by the state treasurer credited to the state board of beauty culturist examiners for use in carrying out the provisions of this act, and one-half of all property held by said board of barbers and cosmeticians shall be set aside and delivered to the said board of beauty culturist examiners for use in carrying out the provisions of this act.

Approved March 20, 1935.

CHAPTER 53

(Senate Bill No. 28)

AN ACT

IN AID OF NAVIGATION; PROVIDING A PENALTY FOR ITS VIOLATION, AND DECLARING AN EMERGENCY.

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

Section 1. It shall be unlawful to construct or commence the construction of any bridge, dam, dike or causeway over or in any navigable river or other navigable water within the jurisdiction of the state of Arizona unless and until such construction shall have been first recommended by the attorney general and authorized by the governor.

Sec. 2. Every person and every corporation that shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding two thousand five hundred dollars nor less than five hundred dollars, or by imprisonment (in the case of a natural person) not to exceed one year, or by both such punishments in the discretion of the court.

Sec. 3. To preserve the public peace, health and safety it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect up-

on its passage in the manner provided by law.

Approved March 20, 1935.

CHAPTER 54

(Senate Bill No. 185)

AN ACT

TO PERMIT THE ISSUANCE OF BONDS IN ANTICIPATION OF THE COLLECTION OF STATE TAXES, AND TO AUTHORIZE SUCH BOND ISSUES FOR THE LAST HALF OF THE YEAR 1934, ALL OF THE YEAR 1935, AND THE FIRST HALF OF THE YEAR 1936.

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

Section 1. WHEN BONDS MAY BE ISSUED. Whenever the legislature shall have made appropriations for any fiscal year as authorized by law and taxes have been levied upon the taxable property within this state sufficient to produce funds to pay such appropriations, and the loan commissioners of the state of Arizona shall ascertain that the proceeds of such taxes will not be in the state treasury in time to pay in cash the expense provided for by such appropriation, then the said loan commissioners may anticipate the collection of such taxes by issuing and selling, as herein provided, bonds to be designated "State of Arizona tax anticipation bonds."

Sec. 2. ISSUANCE OF BONDS. Such bonds shall be signed by the governor, attested by the state auditor, and countersigned by the state treasurer, shall be payable within six months from date, and shall bear such rate of interest not in excess of three per cent per annum, bear such date and be payable at such place, all as may be determined and designated by said loan commissioners. Each bond shall specifically recite that it is issued in anticipation of state taxes theretofore levied for the fiscal year (here insert year for which taxes are levied) that it is payable solely from the proceeds of such taxes, and is issued pursuant to this act, naming the title thereof.

Sec. 3. BONDS NOT TO EXCEED FIFTY PER CENT OF UNCOLLECTED TAX. The total amount of such bonds, including both principal and interest thereon, issued for any fiscal year, shall not exceed fifty per cent of such taxes uncollected and not in the state treasury at the time of the issuance of the said bonds. When the issuance and sale of such bonds shall have been consummated, the state treasurer is hereby authorized and he shall immediately call in and pay from the proceeds of such bond issues, all state warrants which shall have been registered and accumulated at such date.

Sec. 4. RESOLUTION OF LOAN COMMISSIONERS FOR ISSUANCE. The loan commissioners shall by resolution authorize the issuance of any such bonds, prescribe their form, the form of the coupons representing the interest thereon, and the manner in which the said coupons shall be signed, and shall fix the manner, the terms, and the conditions under which such bonds shall be sold. Said

bonds shall be sold to the highest bidder therefor, who meets the conditions imposed by the board, as herein provided.

Sec. 5. USE OF PROCEEDS FROM BONDS. The funds arising from the sale of said bonds shall be used solely for the purposes for which the taxes upon which they are based are levied.

Sec. 6. PAYMENT OF BONDS AND INTEREST. When tax anticipation bonds are issued in accordance with the provisions of this act, the taxes upon which they are based and by which they are secured shall, when and as collected, be kept by the state treasurer and by him used solely for the payment of such bonds and the interest thereon, until all of the bonds so issued, together with the interest thereon, shall be paid in full; provided, that the state treasurer may pay such interest out of the general fund of the state.

Sec. 7. MANDAMUS PROCEEDINGS. The holder of any bond issued in accordance with the provisions of this act may, in his own name and on his own behalf, or on behalf of all of the holders of such bonds, by mandamus proceedings in the supreme court of the state of Arizona, compel the performance of any duty imposed by this act.

Sec. 8. APPLICATION OF ACT. The provisions of this act shall apply to all uncollected taxes for the last half of the year 1934, all of the year 1935, and the first half of the year 1936.

Sec. 9. REPEALING CLAUSE. Chapter 34 (H. B. 54), Session Laws 1935, approved March 6, 1935 is hereby repealed.

Sec. 10. EMERGENCY CLAUSE. To preserve the public peace, health and safety it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved March 20, 1935.

CHAPTER 55

(House Bill No. 112)

AN ACT

TO PROVIDE FOR THE ESTABLISHMENT OF A STATE EMPLOYMENT SYSTEM AND FOR COOPERATION WITH THE UNITED STATES GOVERNMENT IN THE PROMOTION OF A NATIONAL EMPLOYMENT SYSTEM AND THE ACCEPTANCE OF THE PROVISIONS OF THE WAGNER-PEYSER ACT, 48 STATUTES 113, UNITED STATES CODE, TITLE 29, SECTION 49, BY THE STATE OF ARIZONA; AND DESIGNATING THE BOARD OF DIRECTORS OF STATE INSTITUTIONS OF THE STATE OF ARIZONA AS THE AGENCY OF THE STATE FOR THE PURPOSES OF ADMINISTERING SAID WAGNER-PEYSER ACT; AND DIRECTING THE LEGISLATURE OF THE STATE OF ARIZONA TO MAKE AN APPROPRIATION IN THE SUM OF \$6,500.00, OR SO MUCH THEREOF AS MAY BE NEEDED, FOR THE PURPOSES DESIGNATED IN THIS AND THE WAGNER-PEYSER ACTS.

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

Section 1. ACCEPTANCE OF ACT OF CONGRESS KNOWN AS THE WAGNER-PEYSER ACT. The state of Arizona accepts the provisions of the act of the Congress of the United States known as the Wagner-Peyser act, approved June 6, 1933 (48 Statutes 113, United States Code, Title 29, section 49), "An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes", in conformity with section 4 thereof, and will observe and comply with the requirements of said act.

Sec. 2. BOARD OF DIRECTORS DESIGNATED AGENCY FOR PURPOSES OF WAGNER-PEYSER ACT. The board of directors of state institutions of the state of Arizona is hereby designated and constituted the agency of the state of Arizona for the purposes of such act. Said board, its officers and employees are hereby given full power to cooperate with all authorities of the United States having powers or duties under said Wagner-Peyser act, and to do and perform all things necessary to secure to the state of Arizona the benefits of such act in the promotion and maintenance of a system of public employment offices.

Sec. 3. CREATION OF DIVISION OF ARIZONA STATE EMPLOYMENT SERVICE WITHIN THE BOARD OF DIRECTORS OF STATE INSTITUTIONS. There is hereby created within the board of directors of state institutions a division to be known as the Arizona state employment service, to be responsible for administering

a system of public employment offices for the purpose of assisting employers to secure employees and workers to secure employment. The board of directors of state institutions is authorized and directed to establish such offices in such parts of the state as it deems necessary and to prescribe rules and regulations not inconsistent with any of the provisions of this act, or with the powers and duties now vested in other commissions or boards of the state.

The existing free employment offices established pursuant to sections 1397 and 2931 of the Revised Code of 1928, are hereby abolished; and all records, files and property (including office equipment) of these offices transferred to the Arizona state employment service created under this act, and the unexpended balance of any appropriation made for such offices is hereby made available to the board of directors of state institutions for the purpose of maintaining said Arizona state employment service.

Sec. 4. BOARD OF DIRECTORS OF STATE INSTITUTIONS TO APPOINT OFFICERS AND EMPLOYEES. The board of directors of state institutions, in accordance with the regulations prescribed by the director of the United States employment service, shall appoint the officers and other employees of the Arizona state employment service created under this act.

Sec. 5. DISPOSITION OF FEDERAL FUNDS. All federal funds made available to this state under said act of Congress shall be paid into the general fund of this state, and said funds are hereby appropriated and made available to the board of

directors of state institutions to be expended as provided by said act of Congress and this act.

Sec. 6. APPROPRIATION. The sum of six thousand and five hundred dollars, or so much thereof as is needed, is hereby appropriated from the governor' relief fund derived from the luxury tax, for the 24th fiscal year and the sum of six thousand and five hundred dollars, or so much thereof as is needed, is hereby appropriated from the governor's relief fund derived from the luxury tax, for the 25th Fiscal year for the purpose of maintaining the public employment offices created under this act, and for the purpose of cooperating with the United States employment service.

Sec. 7. EFFECTIVE DATE OF ACT. This act shall take effect July, 1, 1935.

Approved March 20, 1935.

CHAPTER 56

(House Bill No. 111)

AN ACT

PROVIDING FOR THE PAYMENT OF CERTAIN CLAIMS WHICH WERE NOT PRESENTED TO AND ALLOWED BY THE AUDITOR WITHIN ONE YEAR AFTER THEY ACCRUED.

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

Section 1. When properly approved by the Arizona Game and Fish Commission, the Auditor shall audit, allow and draw his warrants as provided by law in payment of the following listed claims, regardless of the fact that said claims accrued more than one year prior to presentation thereof, and the Treasurer shall pay said warrants out of the funds heretofore appropriated for the use of said Fish and Game Commission:

Claimant: Claim For	Date Amount
Payson Store	3-27-33
Merchandise	\$ 25.57
The O. S. Stapley Company	7-19-33
Merchandise	\$ 2.54
The O. S. Stapley Company	8- 3-33
Merchandise	\$ 13.40
The O. S. Stapley Company	5-31-33
Merchandise	\$ 52.32
Indian Pine Service Station	10- 3-33
Repairs & Merchandise	\$ 41.65
Williams News	9-29-33
Legal Publication	\$ 2.50
Rio Grande Oil Company	4-17-33
Merchandise	\$ 133.98
H. M. Clark Office Supply Co.	10- 4-33
Office Supplies	\$ 31.82
Coconino Sun	4-19-33
Newspaper subscription	\$ 1.75

Claimant: Claim For	Date: Amount
Arizona Printers	10- 4-33
Printing	\$ 26.70
Arizona Printers	8- 2-33
Printing	\$ 5.00
Arizona Printers	8-25-33
Printing	\$ 3.50
Jerry Doyle	9-15-33
Merchandise	\$ 11.50
Heinze, Bowen & Harrington	10-11-33
Merchandise	\$ 4.58
Heinze, Bowen & Harrington	7-13-33
Merchandise	\$ 9.45
Heinze, Bowen & Harrington	5-15-33
Merchandise	\$ 7.15
Sam Haight	5-25-33
Horses for fish food	\$ 40.00
Halstead's Lumber Co.	9- 7-33
Merchandise	\$ 83.14
Halstead Lumber Co.	6-17-33
Merchandise	\$ 103.90
Halstead Lumber Co.	8-21-33
Merchandise	\$ 14.36
Halstead Lumber Co.	9-19-33
Merchandise	\$ 82.85
Halstead Lumber Co.	9- 7-33
Merchandise	\$ 77.55
Mesa-Journal Tribune	8-31-33
Printing	\$ 9.25

Claimant: Claim For	Date: Amount
Mountain States Tel & Tel Co.	8-23-33
Exchange & Toll Serv.	\$ 33.65
Mountain States Tel & Tel Co.	9-21-33
Exchange & Toll Serv.	\$ 42.75
Nielsen Radio & Sporting Goods	9-20-33
Merchandise	\$ 6.93
O'Connell Brothers	8- 3-33
Repairs & Merchandise	\$ 10.24
Payson Garage	5-13-33
Repairs and Labor	\$ 15.50
Plymouth Rock Trout Co.	2- 4-33
Trout Eggs	\$ 375.00
Phoenix Auto Supply Co.	8- 3-33
Merchandise	\$ 9.32
Peterson, Brooks, Steiner & Wist	9-30-33
Office Supplies	\$ 19.50
Postal Telegraph & Cable Co.	9- 3-33
Telegraph Service	\$ 7.49
Postal Telegraph & Cable Co.	10- 2-33
Telegraph Service	\$ 17.88
Standard Oil Company	6-30-33
Merchandise	\$ 37.58
Standard Oil Company	6-8-33
Merchandise	\$ 39.60
Standard Oil Company	8-29-33
Merchandise	\$ 10.87
Strauch Print Shop	8-11-33
Printing	\$ 7.50

Claimant: Claim For	Date: Amount
Jerry Doyle	9-19-33
Merchandise	\$ 7.50
Foxworth-Galbraith Lumber Co.	10- 3-33
Merchandise	\$ 20.45
J. B. Francis	9- 1-33
Storage State Boat	\$ 30.00
Guardian Western Ins. Agency	10- 7-33
Bond Premium	\$ 5.00
O'Connell Bros.	8- 3-33
Repairs	\$ 13.74
Mountain States Tel. & Tel. Co.	10-19-33
Exchange & Toll Serv.	\$ 27.70
Rio Grande Oil Company	10- 4-33
Merchandise	\$ 134.65
The O. S. Stapley Co.	7-29-33
Merchandise	\$ 164.13
Union Oil Company	5-11-33
Merchandise	\$ 58.65
Union Oil Company	2- 2-33
Merchandise	\$ 43.46
Union Oil Company	12-15-32
Merchandise	\$ 19.51
Union Oil Company	10- 2-32
Merchandise	\$ 30.14
Union Oil Company	12- 6-32
Merchandise	\$ 17.92
Union Oil Company	3- 6-33
Merchandise	\$ 8.29

Claimant: Claim For	Date: Amount
Western Metal Mfg. Co.	9- 9-33
Merchandise	\$ 107.18
Western Metal Mfg. Co.	11- 1-33
Merchandise	\$ 109.85
Western Metal Mfg. Co.	9-13-33
Merchandise	\$ 178.68
Walsh Bros.	7- 6-33
Office Supplies	\$ 3.25
Walsh Bros.	7- 6-33
Merchandise	\$ 7.00
Walsh Bros.	7- 6-33
Merchandise	\$ 4.00
Casa Grande Dispatch	6- 1-31
Advertising	\$ 50.00
	\$2,458.37

Sec. 2. This Act shall be construed as a Special Act, applying only to the above listed claims.

Sec. 3. To preserve the public peace, health, and safety, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved March 20th, 1935.

CHAPTER 57

(House Bill No. 157)

AN ACT

TO PROVIDE PENALTIES FOR USING, MANUFACTURING, SELLING OR GIVING AWAY TOKENS, SLUGS, OR SPURIOUS COINS FOR THE FRAUDULENT OPERATION OF VENDING MACHINES, COIN-BOX TELEPHONES OR OTHER RECEPTACLES, DESIGNED TO RECEIVE LAWFUL COINS OF THE UNITED STATES OF AMERICA, IN THE SALE, USE OR ENJOYMENT OF PROPERTY OR SERVICE.

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

Section 1. Any person who, by means of any token, slug, false or counterfeited coin, or by any other means, method, trick or device whatsoever not lawfully authorized by the owner, lessee, or licensee of any vending machine, coin-box telephone or other receptacle designed to receive or be operated by lawful coin of the United States of America in furtherance of or connection with the sale, use or enjoyment of property or service, knowingly shall operate or cause to be operated, or shall attempt to operate or attempt to cause to be operated, any vending machine, coin-box telephone or other receptacle designed to receive or be operated by lawful coin of the United States of America, or who ever shall take, obtain, accept or receive, from or by means of any such machine, coin-box telephone or other receptacle, any article of value or service or the use or enjoyment of any telephone, telegraph

or other facility or service, without depositing in, delivering to and payment into such machine, coin-box telephone or receptacle the amount of lawful coin of the United States of America required therefor by the owner, lessee or licensee of such machine, coin-box telephone or other receptacle, shall be punished by imprisonment in the county jail for not more than sixty days or by a fine of not more than two hundred dollars, or by both imprisonment and fine.

Sec. 2. Any person who, with intent to cheat or defraud the owner, lessee, licensee or other person entitled to the contents of any vending machine, coin-box telephone or other receptacle designed to receive or be operated by lawful coin of the United States of America in furtherance of or connection with the sale, use or enjoyment of property or service or the use or enjoyment of any telephone, telegraph or other facilities or service, or whoever, knowingly or having cause to believe that the same is intended for fraudulent or unlawful use on the part of the purchaser, donee or user thereof, shall manufacture for sale, sell or give away any token, slug, false or counterfeited coin or any device or substance whatsoever intended or calculated to be placed, deposited or used in any such vending machine, coin-box telephone or other receptacle shall be punished by imprisonment in the county jail for not more than sixty days or by a fine of not more than five hundred dollars, or by both imprisonment and fine.

Approved March 20, 1935.

CHAPTER 58

(House Bill No. 163)

AN ACT

RELATING TO LICENSE TAXES; PROVIDING
FOR A LICENSE TAX ON DOGS, AND AMEND-
ING SECTION 1982, REVISED CODE OF 1928.

**Be It Enacted by the Legislature of the State of
Arizona:**

Section 1. AMENDING CLAUSE. Sec. 1982, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1982. TAX ON DOGS. (a) Except on dogs kept in recognized dog kennels for breeding, sale or sporting purposes, every owner, keeper, or claimant of a dog shall pay therefor an annual license tax of one dollar if a male dog and two dollars if a female dog. The constable or peace officer of each precinct shall collect the said tax. He shall record in a book kept for the purpose the name of the owner of each dog on which the tax is collected, a brief description of the animal, and the amount collected, and shall furnish the owner with a metallic tag indicating the year for which the tax is paid, which shall be attached to said dog by a collar.

(b) The license herein provided for shall expire on the first day of January of each year, and all dogs found running at large, without a collar and tag, after May 1 of any year, shall be killed by the constable, or at his discretion, may be confined and kept, not exceeding thirty days, subject

to redemption by the owner or by any other person, upon the payment of said license tax.

(c) The constable or peace officer shall promptly, and not later than the second Monday of each month, pay all moneys collected for dog license taxes to the county treasurer of the county in which the tax is collected and said treasurer shall deposit the same to the credit of the county school fund. Provided, however, the board of supervisors of the respective counties shall allow the constables or peace officers the necessary expenses of the enforcement of this act.

(d) Any constable or peace officer who fails, neglects or refuses to discharge the duties imposed upon him under the provisions of this act shall be guilty of a misdemeanor.

(e) This act shall not apply to incorporated cities or towns exercising, by ordinance, the powers vested by law in such cities or towns to tax dogs and to restrain them from running at large, and provided further that such cities and towns are taxing such dogs, as required by law.

Approved March 20, 1935.

CHAPTER 59

(Senate Bill No. 4)

AN ACT

FOR THE RELIEF OF MARION MAE DUGDALE.

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

Section 1. APPROPRIATION. The sum of twenty five hundred dollars is hereby appropriated from the fund of the Flagstaff state teachers college for the relief of Marion Mae Dugdale.

Sec. 2. BASIS OF CLAIM. Said sum shall be in full satisfaction of the claim of said Marion Mae Dugdale for damages caused by the death of Marvin Dugdale, eight years of age, drowned in the swimming pool of the Arizona state teachers' College at Flagstaff, on June 21, 1932.

Approved March 20, 1935.

CHAPTER 60

(House Bill No. 59)

AN ACT

FOR THE RELIEF OF L. A. WOODS.

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

Section 1. APPROPRIATION. The sum of Two Thousand Four Hundred Dollars, to be paid out of the Highway Department Funds, is hereby appropriated for the relief of L. A. Woods.

Sec. 2. BASIS OF CLAIM. Said sum shall be in full satisfaction of the claim of said L. A.

Woods for personal injury sustained on April 10, 1923, in the course of and as a result of his employment in the Phoenix shop of the State Highway Department.

Approved March 21, 1935.

CHAPTER 61

(House Bill No. 71)

AN ACT

RELATING TO APPOINTMENT OF ATTORNEY
BY AND SERVICE OF PROCESS UPON NON-
RESIDENT OPERATING OR OWNING A MO-
TOR VEHICLE.

**Be It Enacted by the Legislature of the State of
Arizona:**

Section 1. APPOINTMENT BY NON-RESI-
DENT OF ATTORNEY UPON WHOM TO SERVE

PROCESS. (a) The rights and privileges conferred by Section 1646, Revised Code of 1928, as amended by section 4, chapter 100, Session Laws 1931, and by section 1654, Revised Code of 1928, shall be deemed to be accepted, and such acceptance evidenced, by a non-resident: 1. When such non-resident, by himself or his agent, operates a motor vehicle on a public highway in this state, under the provisions of and the conditions imposed by said sections; 2. When such non-resident, by himself or his agent, operates a motor vehicle on

a public highway in this state otherwise than under the provisions of either of said sections; 3. When a motor vehicle, owned by such non-resident, is operated on a public highway in this state with his express or implied permission, and, in either of said cases, the said motor vehicle is operated under such circumstances as would render a resident motor vehicle owner liable for damages to person or property caused by such operation. Such acceptance of the said rights and privileges shall be deemed to constitute and be the appointment of the vehicle superintendent of the division of motor vehicles, by such non-resident, as his true and lawful attorney, upon whom may be served all legal processes in any action or proceeding against him, growing out of any accident or collision in which may be involved such non-resident, his agent, or such other person operating as aforesaid a motor vehicle owned by him with his express or implied permission on a public highway in this state.

(b) The provisions of this section shall also apply to a non-resident defendant who was a resident of the state at the time of the accident or occurrence which gave rise to the cause of action sued on.

Section 2. SERVICE ON VEHICLE SUPERINTENDENT AND NOTICE TO NON-RESIDENT; PROOF OF SERVICE. (a) Service of process under Section 1 shall be by leaving a copy of the summons and complaint, with a fee of two dollars, in the hands of the vehicle superintendent, or in his office during office hours, and shall be deemed to be sufficient service upon such non-resident, provided: 1. The plaintiff shall forthwith send notice of such service and a copy of the summons and

complaint by registered mail to the non-resident defendant, and the defendant's return receipt and plaintiff's affidavit of compliance herewith shall be appended to the original summons and filed with the court within such time as the court may allow, or, 2. That such notice and copy of the summons and complaint shall be served upon the defendant, if found without the state, by any duly constituted officer qualified to serve like process in the state or jurisdiction where the defendant is to be found, and the officer's return showing such notice to have been made shall be filed in the case within such time as the court may allow. The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action.

(b) The vehicle superintendent shall keep a record, which shall include the day and hour of service, of all processes served upon him under this section. The fee of two dollars paid to him at the time of service shall be taxes by plaintiff as costs in the suit.

Section 3. CONSTITUTIONALITY. The several provisions of sections 1 and 2 shall be separable, and if any such provisions shall be held to be unconstitutional such unconstitutionality shall not affect the validity of the remaining provisions thereof.

Approved March 21, 1935.

CHAPTER 62

(Senate Bill No. 141)

AN ACT

RELATING TO THE INITIATIVE AND REFERENDUM; PROVIDING FOR THE PRINTING AND DISTRIBUTING OF PUBLICITY PAMPHLETS, AND AMENDING SECTION 1746, REVISED CODE OF 1928.

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

Section 1. AMENDING CLAUSE. Sec. 1746, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1746. PUBLICITY PAMPHLET; PRINTING; DISTRIBUTION. (a) Whenever the secretary of state is ordered, by the legislature or by petition, under the initiative and referendum provisions of the constitution, to submit to the people any measure or proposed amendment to the constitution, he shall cause to be printed, at the expense of the state, except as hereinafter provided, a publicity pamphlet, which shall contain: (1) a true copy of the title and text of such measure or proposed amendment; (2) the form in which the said measure or proposed amendment will appear on the ballot and the number by which it will be designated; (3) the arguments for and against the said measure or amendment.

(b) Not later than the tenth day before the primary election the secretary of state shall cause

to be delivered to the board of supervisors of each county a quantity of such publicity pamphlets equal to the number of registered voters in each county, according to information which shall be supplied to the secretary of state by the several county recorders immediately upon the closing of registration prior to said primary election; and with the election supplies directed by law to be sent to the voting precincts in each county there shall be sent a quantity of publicity pamphlets equal to the number of registered voters in said voting precincts respectively.

(c) It shall be the duty of the election board, at said primary election, to offer one 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 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 CLAUSE. To preserve the public peace, health, and safety, it is necessary that this act shall become immediately operative. It is, therefore, declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved March 21, 1935.

CHAPTER 63

(House Bill No. 198)

AN ACT

TO AMEND SECTION 584, REVISED CODE OF ARIZONA, 1928, RELATING TO TRANSFERS OF CORPORATE STOCK, CORPORATE RECORDS AND THE INSPECTION OF CORPORATE RECORDS.

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

Section 1. Section 584, Revised Code of Arizona, 1928, is hereby amended to read as follows:

Sec. 584. TRANSFER OF STOCK; STOCK BOOKS; INSPECTION OF RECORDS. Transfer of stock shall not be valid, except as between the parties thereto, until the same is entered upon the books of the corporation so as to show the names of the persons by whom and to whom the transfer is made, the number or other designation of the shares, and the date of the transfer. The books shall be so kept as to show intelligently the original stockholders, their respective interests, the amount which has been paid thereon, and all transfers thereof. All books, papers and records of the corporation shall at all times during reasonable office hours be subject to the inspection of any stockholder. The stockholders of a corporation which holds stock in another corporation shall have the right at all times during office hours to inspect the books, papers and records of such other corporation whose stock is so held.

The term stockholder as used in the two preceding sentences shall mean and include any person to whom stock is issued, any person who has subscribed for stock, or any person for whose benefit, by contract or otherwise, stock is or is to be, set aside or is to be delivered either presently or in the future.

Approved March 21, 1935.

CHAPTER 64

(House Bill No. 177)

AN ACT

PROVIDING FOR THE REFUNDING OF CERTAIN CERTIFICATES OF INDEBTEDNESS ISSUED BY THE STATE AUDITOR FOR INSURANCE PREMIUM PENALTIES COLLECTED BY THE ARIZONA CORPORATION COMMISSION, AND MAKING AN APPROPRIATION THEREFOR.

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

Section 1. There is hereby appropriated out of the general fund of the State of Arizona not otherwise appropriated, the sum of one thousand dollars, or so much thereof as may be necessary, for the payment of certain certificates of indebtedness issued by the state auditor as security for insurance premium penalties collected by the corporation commission of Arizona, from parties within the state

of Arizona under the provisions of Order No. 127-1 of the corporation commission, as provided for in sec. 1821, revised code of Arizona, 1928, and which said collections so made by the corporation commission were declared irregular and without authority of law by the attorney general of Arizona.

Sec. 2. Upon presentation to the state auditor of the certificates of indebtedness issued to secure insurance premium penalties collected as set forth in sec. 1 herein, the state auditor is hereby authorized, empowered and directed to draw her warrant upon the treasurer in the sum of said certificates, not to exceed the amount appropriated herein, and the state treasurer is hereby authorized, empowered and directed to pay said warrant.

Approved March 21, 1935.

CHAPTER 65

(House Bill No. 160)

AN ACT

RELATING TO AGRICULTURE AND HORTICULTURE; AND MAKING AN APPROPRIATION FOR THE EXTERMINATION OF CITRUS SCALES AND FOR A SURVEY OF ORCHARDS AND FIELDS.

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

Section 1. APPROPRIATION. The sum of

seventeen thousand dollars, or so much thereof as is necessary is hereby appropriated for the use of the Arizona commission of agriculture and horticulture.

Sec. 2. PURPOSE. The purpose of said appropriation is to enable the said commission of agriculture and horticulture to take the necessary steps to eradicate the citrus red scale or other citrus scales, the presence of which has been discovered in the Salt River valley and in the Yuma district, to conduct a survey of the agriculture and horticultural areas of the state, and to investigate citrus and deciduous fruit crops, vegetable, cotton, and miscellaneous field crops, to ascertain and to determine the facts with respect to the presence of destructive crop pests and diseases.

Approved March 21, 1935.

CHAPTER 66

(House Bill No. 110)

AN ACT

TO AMEND SECTION 2, CHAPTER 8, SESSION LAWS OF 1929 AS HERETOFORE AMENDED BY CHAPTER 99, SESSION LAWS OF 1933, SO AS TO PERMIT THE REMOVAL OF LEAVES OF YUCCA PLANTS FOR OBTAINING FIBRE FOR COMMERCIAL PURPOSES.

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

Section 1. Section 2 of Chapter 8, Session laws of 1929 as heretofore amended by Chapter 99, Session Laws of 1933 is hereby further amended to read as follows:

Section 2. REMOVAL OF PLANTS; PERMITS; CLEARING HIGHWAYS AND DITCHES. (a) Except as in this act provided, no person shall destroy, mutilate, or remove or employ any person to destroy, mutilate, or remove, any living plant, except seeds, of the protected group from any public, state, or private land without first obtaining a written permit from the owner except as to private lands, and the approval upon the said permit of the Arizona Commission of Agriculture and Horticulture, and filing a verified copy thereof with the county recorder of the county wherein said plants grow.

(b) The Arizona Commission of Agriculture and Horticulture may permit, in writing, a person to take a definite number of specified plants in the protected group, from areas specified by the commission, for scientific or educational purposes.

(c) No permit as provided by subsections (a) and (b) shall be issued for more than one shipment of plants nor good for more than thirty days.

(d) The Arizona Commission of Agriculture and Horticulture may permit, in writing, the removal by the permittee of leaves of the Yucca Bacatta or Yucca Elata, or both, for the obtaining of the fibre therefrom for commercial purposes. Such permits shall only be issued to persons maintaining within the State of Arizona plants for the manufacture of Yucca fibre. The commission shall

prescribe the compensation to be paid to the State for leaves taken from State lands, and no removal of leaves shall be permitted within 200 yards of any State Highway.

(e) Nothing herein shall be construed to prevent the clearing, cleaning, or removal of plants from any canal, lateral ditch, survey line or public road or highway, when necessary to the full and proper use thereof, or land being cleared from homes or for agricultural purposes by the owners of said land; nor to prohibit the use of dead cacti for business or other purposes.

Section 3. EMERGENCY CLAUSE. To preserve the public peace, health and safety it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved March 21, 1935.

CHAPTER 67

(Senate Bill No. 73)

AN ACT

RELATING TO EDUCATION; PROVIDING THAT TEACHERS AND ADMINISTRATIVE OFFICERS IN PUBLIC SCHOOLS SHALL TAKE AND SUBSCRIBE TO THE OATH OF ALLEGIANCE, AND AMENDING ARTICLE 6, CHAPTER 21, REVISED CODE OF 1928, BY ADDING

TWO SECTIONS, TO BE DESIGNATED SECTIONS 1041a AND 1041b.

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

Section 1. ADDING CLAUSE. Article 6, chapter 21, Revised Code of 1928, is hereby amended by adding a section to be designated section 1041a, and to read as follows:

Sec. 1041a. TEACHERS AND ADMINISTRATIVE OFFICERS IN PUBLIC SCHOOLS TO TAKE AND SUBSCRIBE TO OATH. Every teacher and administrative officer in public schools shall upon receiving a certificate to teach and before the delivery of the same, or at the time of signing a contract of employment as a teacher or administrative officer in public schools for a period of service at a particular school, take and subscribe to the oath prescribed for, and administered to public officers, pursuant to the provisions of section 63, Revised Code of 1928, before the state superintendent of public instruction, any county superintendent of schools, or any justice of the peace, and shall file a copy of the same in the office of the state superintendent of public instruction.

Sec. 2. ADDING CLAUSE. Article 6, chapter 21, Revised Code of 1928, is hereby amended by adding a section, to be designated section 1041b, and to read as follows:

Sec. 1041b. DUTY OF EMPLOYING OFFICERS. It shall be unlawful for any officer, board, or person having the employment, dismissal or suspension of teachers, instructors, professors or ad-

ministrative officers in any institution referred to herein to permit a person to serve as teacher, instructor, professor or administrative officer therein without having first complied with the provisions of this act.

Approved March 21, 1935.

CHAPTER 68

(House Bill No. 44)

AN ACT

RELATING TO THE CREW TO BE USED ON
LOCOMOTIVES PROPELLED BY MOTIVE
POWER OTHER THAN STEAM.

**Be It Enacted by the Legislature of the State of
Arizona:**

Section 1. The term "locomotive" means any self-propelled unit operated by any form of energy or power, whether produced thereon or furnished from any outside source, and adapted for use in moving cars upon rails, or for the transportation of passengers and/or freight or property upon rails.

Sec. 2. Any locomotive propelled by any motive power other than steam, when propelling or moving itself and not more than one car or coach, shall be equipped with, and shall carry, a crew consisting of not less than one engineer and one fireman as a second man on other than steam locomotives to assist the engineer in the performance of

his duties; provided, that the provisions of this act shall not apply to any such locomotive unless the same is being used for the purpose of transporting passengers and/or freight or property for hire, nor shall the provisions hereof apply to electric street railway cars if such electric street railway cars are operated at least partly within the limits of any incorporated city or town of the state.

Sec. 3. Any person violating the provisions of this act shall be guilty of a misdemeanor.

Sec. 4. This act shall at all times be construed to be in addition to and supplemental to the present existing statutes of the state of Arizona relating to the operation of common carriers by railroad and not in conflict therewith.

Approved March 21, 1935.

CHAPTER 69

(Senate Bill No. 37)

AN ACT

RELATING TO EXPENSES OF PUBLIC OFFICERS; PROVIDING FOR REIMBURSEMENT FOR MILEAGE AND TRAVELING EXPENSES, AND AMENDING SECTION 2803, REVISED CODE OF 1928, AS AMENDED BY CHAPTER 40, SESSION LAWS 1933, REGULAR SESSION.

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

Section 1. AMENDING CLAUSE. Sec. 2803, Revised Code of 1928, as amended by chapter 40, Session Laws 1933, regular session, is hereby further amended to read as follows:

Sec. 2803. MILEAGE AND TRAVELING EXPENSES. Whenever the official duties of a public officer make it necessary for him to travel from the point where he is required by law to maintain his office, he shall be allowed actual mileage and traveling expenses, to be computed as follows: If to a point without the state, a sum equal to the railway and pullman fare, or fare by air; if within the state, a sum equal to the fare by railway, stage, or air; in case a private conveyance is used, not to exceed seven cents per mile, measured by the most direct regularly traveled route, and if more than one officer, employee, or other public agent is transported in the same private conveyance, one mileage only shall be charged or allowed. Claims for lodging and meals shall not exceed five dollars per day per person. Members of boards of supervisors living without the limits of the county seat shall be allowed mileage from their homes to the corporate limits of the county seat when attending meetings of the board. No claim for traveling expenses shall be allowed unless accompanied by verified vouchers covering all items for transportation by common carrier, or for lodging.

Approved March 22, 1935.

CHAPTER 70

(Senate Bill No. 157)

AN ACT

RELATING TO MOTOR VEHICLE FUEL, AND AMENDING SECTIONS 1673c AND 1674c, CHAPTER 31, REVISED CODE OF 1928, AS ENACTED BY CHAPTER 16, SESSION LAWS OF 1931-32 (1st SPECIAL); AND AMENDING SECTION 1675, CHAPTER 31, REVISED CODE OF 1928, AS AMENDED BY SAID CHAPTER 16, SESSION LAWS OF 1931-32 (1st SPECIAL).

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

Section 1. AMENDING CLAUSE. Sec. 1673c, chapter 31, Revised Code of 1928, as enacted by chapter 16, Session Laws of 1931-32 (1st special), is hereby amended to read as follows:

Sec. 1673c. REPORTS OF DISTRIBUTORS. On or before the fifteenth day of each and every month, every distributor shall file with the vehicle superintendent, on forms prescribed and furnished by said superintendent, a true and verified statement showing the total number of gallons of motor vehicle fuel refined, manufactured, produced, blended, compounded, imported or acquired during the preceding calendar month, the number of gallons of motor vehicle fuel sold or otherwise disposed of by him for use in each of the several counties of this state, and such other and further data or information as said superintendent may require.

Every distributor shall, in addition to making

the foregoing report, forthwith, upon receipt of any interstate shipment of motor vehicle fuel, report to the vehicle superintendent, on forms prescribed and furnished by him, the quantity and particular description of such fuel received, the name of the consignor, the date shipped, the date received, how shipped, and such other information in respect thereto as the vehicle superintendent may require.

Sec. 2. AMENDING CLAUSE. Sec. 1674c, chapter 31, Revised Code of 1928, as enacted by chapter 16, Session Laws of 1931-32 (1st special), is hereby amended to read as follows:

Sec. 1674c. REPORT FROM PERSONS NOT DISTRIBUTORS; CONTENTS; PENALTY FOR FAILURE TO SUBMIT REPORT. Every person purchasing or otherwise acquiring motor vehicle fuel in tank car or cargo lots and selling, using or otherwise disposing of the same for delivery in this state not required by the provisions of this article to be licensed as a distributor in motor vehicle fuel, shall file a statement with the vehicle superintendent setting forth the name under which such person is transacting business within this state, the location with street number address of such person's principal office or place of business within this state, the name and address of the owner, or the names and addresses of the partners if such person is a partnership, or the names and addresses of the principal officers if such person is a corporation or association, and, on or before the fifteenth day of each calendar month, such person shall, on forms prescribed by the vehicle superintendent, report to said superintendent all purchases or other acquisition and sales or other disposition of motor vehicle fuel during the next preceding

calendar month, giving a record of each tank car or cargo lot delivered to a point within this state. Such report shall set forth from whom each tank car or cargo lot was purchased or otherwise acquired, point of shipment, to whom sold or shipped, point of delivery, date of shipment, the name of the carrier, the initials and number of the car, and the number of gallons contained in such tank car, if shipped by rail, and if shipped by truck, the motor number, serial number and license number of said truck, together with the number of gallons, and shall contain any other additional information the superintendent may require relative to such motor vehicle fuel.

Every person hereinabove referred to shall, in addition to making the foregoing monthly report, forthwith, upon receipt of any interstate shipment of motor vehicle fuel, report such shipment to the vehicle superintendent upon forms prescribed and furnished by him showing the quantity and particular description of such fuel received, the name of the consignor, the name and address of the consignee, how transported and the name of the carrier, the destination of such shipment, the date received and such other information as the vehicle superintendent may require.

When any person, not required by the provisions of this article to register as a distributor of motor vehicle fuel, purchasing or otherwise acquiring motor vehicle fuel in tank car or cargo lots and selling or otherwise disposing of the same for delivery in this state, shall fail to submit his monthly report to the vehicle superintendent on or before the fifteenth of the month following the month for which the report is made, or when such person shall

fail to submit in such monthly report the data required by this article, or forthwith report the receipt of each interstate shipment of motor vehicle fuel as required by this section, such person shall be guilty of a misdemeanor and shall be fined an amount not greater than one hundred dollars for the first offense nor more than one thousand dollars for each subsequent offense.

Sec. 3. AMENDING CLAUSE. Sec. 1675, chapter 31, Revised Code of 1928, as amended by chapter 16, Session Laws of 1931-32 (1st special), is hereby amended to read as follows:

Sec. 1675. REPORTS FROM CARRIERS TRANSPORTING MOTOR VEHICLE FUEL; PENALTY. Every railroad company, every street, suburban or interurban railroad company, every pipe line company, every common carrier and every person transporting motor vehicle fuel by whatever manner to points in this state from any point outside of this state, shall report to the vehicle superintendent on forms prescribed by said superintendent, all deliveries of motor vehicle fuel so made to points within this state.

Such report shall cover monthly periods, shall be submitted monthly within twenty-five days after the close of the month covered by the report, shall show the name and address of the person to whom the deliveries of motor vehicle fuel have actually and in fact been made, the name and address of the originally named consignee, if motor vehicle fuel has been delivered to any other than the originally named consignee, the point of origin, the point of delivery, the date of delivery, and the number and initials of each tank car and the number of gallons

contained therein, if shipped by rail; the license number of each tank truck and the number of gallons contained therein, if transported by motor truck; if delivered by other means, the manner in which such delivery is made; and such other and additional information relative to shipments of motor vehicle fuel as the vehicle superintendent may require.

Provided, that each person transporting motor vehicle fuel from a point without this state to a point with this state by means of any vehicle operated over any highway of this state, shall report to the vehicle superintendent on a form prescribed by him, the date of shipment of such fuel, the quantity and particular description thereof, the name of the consignor, the name of the consignee and the particular description of the vehicle in which transported including the number plate or plates assigned to such vehicle, and such other information as the vehicle superintendent may require. A copy of such report shall be left with the first highway checking station through which such vehicle passes upon entering this state or deposited in the United States post office located in the first city or town in this state through which such shipment passes, and two copies thereof shall at all times accompany such shipment while being transported over the highways of this state. Any such person transporting motor vehicle fuel from a point without this state to a point within this state by any such vehicle, failing to make such report at the time and in the manner herein required, shall pay to the state the sum of twenty-five dollars for each such shipment and ten cents for each gallon of motor vehicle fuel contained in the shipment which he fails to report.

Sec. 4. SAVING CLAUSE. If any part of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, the remainder thereof shall not thereby be invalidated, impaired, or affected.

Approved March 22, 1935.

CHAPTER 71

(Senate Bill No. 101)

AN ACT

FOR THE RELIEF OF WESTERN UNION TELE-
GRAPH COMPANY.

**Be It Enacted by the Legislature of the State of
Arizona:**

Section 1. The sum of fifty dollars and nine-one cents is hereby appropriated out of the general fund for the relief of Western Union Telegraph Company for telegraphic service rendered the state banking department during the period of the bank moratorium in the year 1933, not heretofore paid.

Sec. 2. The state auditor is authorized to draw her warrant in said sum in favor of Western Union Telegraph Company, and the state treasurer is authorized to pay the same.

Approved March 22, 1935.

CHAPTER 72

(Senate Bill No. 99)

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. The sum of two hundred and twenty-six dollars and sixty-five cents is hereby appropriated out of the general fund for the relief of the Mountain States Telephone and Telegraph Company for telephone service rendered the state banking department during the period of the bank moratorium in the year 1933, not heretofore paid.

Sec. 2. The state auditor is authorized to draw her warrant in said sum in favor of the Mountain States Telephone and Telegraph Company, and the state treasurer is authorized to pay the same.

Approved March 22, 1935.

CHAPTER 73

(Senate Bill No. 180)

AN ACT

RELATING TO THE STATE FAIR COMMISSION;
CREATING THE STATE FAIR FUND; AMEND-

ING SECTIONS 2943, 2944 AND 2945, REVISED CODE OF 1928, AND REPEALING CHAPTER 12, SESSION LAWS 1933.

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

Section 1. Chapter 17, Session Laws 1933, is hereby repealed.

Sec. 2. Sec. 2943, Revised Code of 1928, is hereby amended to read as follows:

Sec. 2943. STATE FAIR COMMISSION; MEMBERS; ANNUAL REPORT. The Arizona state fair commission shall consist of five members appointed by the governor. Within thirty days after this act becomes effective the governor shall appoint such members, one of whom shall be appointed to serve until the first Monday in January, 1936, one of whom shall be appointed to serve until the first Monday in January, 1937, one of whom shall be appointed to serve until the first Monday in January, 1938, one of whom shall be appointed to serve until the first Monday in January, 1939, and one of whom shall be appointed to serve until the first Monday in January, 1940. All subsequent appointments shall be for a term of five years except that commissioners appointed to fill vacancies created by death, resignation, or removal, shall serve only for the unexpired balance of the term. Any commissioner may be removed by the governor for malfeasance or misfeasance in office.

Each commissioner shall take an oath of office and shall give a bond executed by a surety company in the sum of twenty-five hundred dollars.

The commission shall hold an annual meeting on the second Tuesday in February at which it shall elect one of its number as chairman, and shall hold such other meetings as may be necessary, and, annually, on or before the first day of September, under oath of the chairman and two members, shall make a report to the governor for the preceding fiscal year showing all funds received and disbursed and all assets and liabilities, and containing all statistics and information which may be of value to the various industries of the state.

Sec. 3. Sec. 2944, Revised Code of 1928, is hereby amended to read as follows:

Sec. 2944. COMPENSATION OF MEMBERS; PERSONAL INTEREST IN CONTRACTS PROHIBITED; PENALTY. Each member shall receive actual and necessary expenses incurred while traveling in the interests of said commission and shall receive no other compensation as such member. No commissioner shall, either directly or indirectly, be interested in any contract made by the commission. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of one thousand dollars and imprisoned in the county jail for a period of nine months.

Sec. 4. Sec. 2945, Revised Code of 1928, is hereby amended to read as follows:

Sec. 2945. DUTIES AND AUTHORITY OF COMMISSION; REVENUE AND EXPENDITURES; STATE FAIR FUND CREATED. The commission shall have the custody and shall be entrusted with the entire direction of all state fair

property and shall have full authority to construct and maintain improvements in connection therewith and to direct and conduct state fairs, exhibits, contests and entertainments for the purposes of promoting and advancing the diverse pursuits and interests of the several counties and of the state, and for the purposes of producing revenue to assist in defraying the necessary expenses incurred in conducting such fairs, exhibits, contests and entertainments, and to assist in the raising of funds for the maintenance or construction of suitable improvements upon the state fair grounds. For such purposes, the commission may charge entrance fees and gate money and may lease temporarily stalls, stands, booths and sites, and may give prizes or premiums for exhibits or contests, and may employ such assistants and employees and may make such other expenditures as are necessary or convenient in carrying out the provisions of this act. In connection with any business of the state fair commission, the commission may appoint fair or ground marshals who shall be vested with the authority of peace officers.

All moneys coming into the hands of the commission shall be deposited promptly through the board of directors of state institutions with the state treasurer who shall credit such deposits to the state fair fund, which fund is created hereby and which shall be under the full control and jurisdiction of the commission. Vouchers for authorized expenditures shall be signed by the chairman of the commission and attested by the secretary of the board of directors of state institutions.

All expenditures shall be made upon claims approved by the commission and presented to the

state auditor who thereupon shall draw his warrant against the state treasurer to be by him paid out of the said state fair fund.

The commission shall have power and authority to make application to and contract with the government of the United States or any of its departments or agencies to obtain moneys appropriated by the United States government for public works, provided that such contract shall not obligate the state to advance any moneys for such public works other than moneys in the state fair fund, and provided further that all such moneys shall be expended only for improvements at the state fair grounds.

Approved March 22, 1935.

CHAPTER 74

(House Bill No. 224)

AN ACT

TO AUTHORIZE THE LOAN COMMISSIONERS OF THE STATE OF ARIZONA TO REFUND \$200,000.00 OF BONDS, DATE JULY 15, 1916, AND MATURING JULY 15, 1941, BUT OPTIONAL FOR PRIOR REDEMPTION AFTER JULY 15, 1931; TO PROVIDE FOR PAYMENT THEREOF, AND TO REPEAL ALL ACTS OR PARTS OF ACTS INCONSISTENT HEREWITH.

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

Section 1. The loan commissioners of the State of Arizona, the same being the governor, the state auditor and the state treasurer, in addition to the authority granted by section 2646, Article IV, Chapter 60 of the Revised Code of 1928, are hereby authorized to issue negotiable coupon bonds, to be designated refunding bonds, for the purpose of refunding two hundred thousand dollars, of four and one-half per cent refunding bonds dated July 15, 1916, due July 15, 1941, but optional for prior redemption since July 15, 1931, and for the payment or redemption of which there shall not be sufficient funds available in the state treasury.

Sec. 2. Whenever the loan commissioners shall deem it expedient and to the best interests of the state, or whenever it is found that a savings in interest charges can be effected by the issuance of refunding bonds under this act, the said loan commissioners shall adopt a resolution which shall be recorded in its permanent records, which resolution shall set out the facts making the issuance of such refunding bonds necessary or advisable, the determination of such necessity or advisability by said board, and the amount of such refunding bonds, not to exceed two hundred thousand dollars, which it is deemed necessary or advisable to issue. Such resolution shall fix the rate of interest on such refunding bonds, not to exceed four percent per annum, the date, denomination and maturity date or dates, which may be made in serial annual installments, but not to exceed twenty years from the date of said refunding bonds, and shall name the place of payment of both principal and interest within or without the State of Arizona, and shall further set out in full the form of said refunding bonds and interest coupons to be attached thereto.

Sec. 3. The refunding bonds issued under this act, shall recite the title of the act under which they are issued, shall be executed in the name of the State of Arizona, shall be signed by said loan commissioners, have the seal of the state affixed thereto, countersigned by the state treasurer and bear his official seal, and shall be registered by the state auditor, in a book kept for that purpose, which book shall state the date, numbers, amount and maturity of each bond. The interest accruing on such refunding bonds shall be payable semi-annually and shall be evidenced by semi-annual interest coupons thereto attached, bearing the engraved fac-simile signature of the state treasurer in office at the time said bonds and coupons are prepared and ordered to be engraved, or lithographed; and when so executed, such coupons shall be the binding obligations of the state, according to their import.

Sec. 4. Both principal and interest of said bonds shall be payable in lawful money of the United States, at the office of the state treasurer, or at such other place as may be designated in said bonds and coupons, at the option of the holder.

Sec. 5. The said bonds, signed, countersigned, endorsed and sealed as provided in this act, and coupons thereto attached, when sold, shall constitute a valid and binding obligation upon the State of Arizona, although the sale thereof be made at a date or dates after the persons so signing, countersigning and endorsing same shall have ceased to be the incumbents of their respective offices.

Sec. 6. All such refunding bonds may be exchanged dollar for dollar for the bonds to be refunded, or they may be sold by the loan commission-

ers in the manner provided in Section 2649, Revised Code of 1928, and the proceeds thereof shall be applied only to the purposes for which said refunding bonds were issued. When refunding bonds are sold the proceeds shall be deposited in the proper sinking fund, and the state treasurer shall immediately transfer the same to the bank in the city of New York, State of New York, designated as paying agent of the issue maturing or called for redemption prior to maturity, to be held by such bank and to be applied solely to the payment of the principal of an matured interest upon the bonds maturing or called for payment prior to maturity; provided, that any such funds, remaining in the bank in the city of New York, State of New York, named as paying agent, at the expiration of two years from the date fixed by the call as date of payment of said bonds shall be returned to the state treasurer and by him held in a special fund for such purposes.

Sec. 7. The provisions of this act shall constitute an irrevocable contract with the holders of any of the bonds and the coupons thereof issued pursuant to this act, for the faithful performance of which the full faith and credit of the state of Arizona is hereby pledged. The bonds issued under this act and the coupons thereto attached shall have all the qualities of negotiable paper under the law merchant, shall not be invalid for any irregularity or defect in the proceedings for the issue and sale thereof, and shall be incontestable in the hands of bona fide purchasers or holders thereof for value. All bonds issued under the provisions of this act shall be exempt from taxation.

Sec. 8. There shall be levied annually upon the

taxable property in the state, in addition to other levies, a sufficient sum to pay the interest and maturing principal on all bonds issued hereunder, to be placed in the state treasury in the bond and interest fund; provided that the provisions contained in any statute authorizing the issuance of the bonds to be refunded by the issuance of bonds under this act and which directs the levy of any tax or taxes for the payment of such bonds previously authorized and now outstanding, shall not be repealed by the provisions of this act, but such levies dedicated to the payment of bonds now outstanding shall remain in force and effect and applicable to any refunding bonds issued hereunder in addition to the tax levies herein authorized.

Sec. 9. In the event of the issuance of the refunding bonds authorized by this act, for the purpose of calling for redemption of outstanding bonds herein authorized to be refunded, the state treasurer shall call such bonds for payment on such dates, and under such conditions, and in the manner provided in said outstanding bonds.

Sec. 10. Upon the surrender of any bonds refunded under the provisions of this act, there shall be entered on the records of the state auditor the fact of such surrender and the number, amount, date and character of the bonds so surrendered; and such bonds shall be cancelled by the state treasurer and the fact of such cancellation shall be likewise entered on such record.

Sec. 11. All acts and parts of acts inconsistent herewith are hereby repealed.

Sec. 12. That it is necessary for the preserva-

tion of the public peace, health and safety of the inhabitants of the State of Arizona that this act become effective at the earliest possible time, and, therefore, an emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval.

Approved March 22, 1935.

CHAPTER 75

(House Bill No. 225)

AN ACT

TO ENABLE THE STATE TO REFUND ALL OR ANY PART OF ITS PRESENT OUTSTANDING BONDED INDEBTEDNESS ISSUED FOR AND ON BEHALF OF TERRITORIAL INDEBTEDNESS; TO PROVIDE FOR THE PAYMENT OF ANY REFUNDING BONDS ISSUED HEREUNDER, AND TO REPEAL ALL ACTS OR OR PARTS OF ACTS INCONSISTENT HEREWITH.

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

Section 1. The loan commissioners of the State of Arizona are hereby authorized to issue negotiable coupon bonds, to be designated territorial indebtedness refunding bonds, for the purpose of refunding all or any part of the present outstanding bonded indebtedness, issued in the name of the state but incurred on and in behalf of territorial indebt-

edness assumed by the state, which has or may hereafter become optional for redemption prior to maturity, when the issuance of such refunding bonds will effect a saving in interest charges, and when for the payment or redemption of which there shall not be funds available in the state treasury.

Sec. 2. Whenever the loan commission finds that a saving in interest charges can be effected by the issuance of refunding bonds under this act, the said loan commissioners shall take such steps and adopt such proceedings as may be pertinent and necessary to the issuance of such refunding bonds, all of which shall be recorded in the minutes and permanent records of the loan commission. The loan commissioners shall adopt a resolution which shall state the amount of refunding bonds to be issued, the purpose for which issued, naming and identifying by title the issue or issues or parts of issue or issues of bonds to be refunded, and fix the rate of interest, which shall be lower than the interest rate or rates on the bonds to be refunded. The resolution shall also fix the date of such refunding bonds, the denomination, and maturity date or dates, which may be made to mature not to exceed twenty-five years from date, with option of prior redemption to be fixed by the loan commissioners, or in serial annual installments, the last installment not to exceed twenty five years from date, without option of prior redemption, at the discretion of the loan commissioners; shall name the place of payment of both principal and interest within or without the State of Arizona, and shall further set out in full the form of said refunding bonds and interest coupons thereto attached.

Sec. 3. The refunding bonds issued under this

act shall recite the title of the act under which they are issued, shall be executed in the name of the State of Arizona, shall be signed by said loan commissioners, have the seal of the state affixed thereto, countersigned by the state treasurer and bear his official seal, and shall be registered by the state auditor, in a book kept for that purpose, which book shall state the date, numbers, amount and maturity of each bond. The interest accruing on such refunding bonds shall be payable semi-annually and shall be evidenced by semi-annual interest coupons thereto attached, bearing the engraved facsimile signature of the state treasurer in office at the time said bonds and coupons are prepared and ordered to be engraved, or lithographed; and when so executed, such coupons shall be the binding obligations of the state, according to their import.

Sec. 4. Both principal and interest of said bonds shall be payable in lawful money of the United States, at the office of the state treasurer, or at such other place as may be designated in said bonds and coupons, at the option of the holder.

Sec. 5. The said bonds, signed, countersigned, endorsed and sealed as provided in this act, and coupons thereto attached, when sold, shall constitute a valid and binding obligation upon the State of Arizona, although the sale thereof be made at a date or dates after the persons so signing, countersigning and endorsing same shall have ceased to be the incumbents of their respective offices.

Sec. 6. All such refunding bonds may be exchanged dollar for dollar for the bonds to be refunded, or they may be sold by the loan commissioners in the manner provided in Section 2649, Re-

vised Code of 1928, and the proceeds thereof shall be applied only to the purposes for which said refunding bonds were issued. When refunding bonds are sold the proceeds shall be deposited in the proper sinking fund, and the state treasurer shall immediately transfer the same to the bank in the City of New York, State of New York, designated as paying agent of the issue maturing or called for redemption prior to maturity, to be held by such bank and to be applied solely to the payment of the principal of and matured interest upon the bonds maturing or called for payment prior to maturity; provided, that any such funds remaining in the bank in the City of New York, State of New York, named as paying agent, at the expiration of two years from the date fixed by the call as date of payment of said bonds shall be returned to the state treasurer and by him held in a special fund for such purposes.

Sec. 7. The provisions of this act shall constitute an irrevocable contract with the holders of the bonds and the coupons thereof issued pursuant to this act, for the faithful performance of which the full faith and credit of the State of Arizona is hereby pledged. The bonds issued under this act and the coupons thereto attached shall have all the qualities of negotiable paper under the law merchant, shall not be invalid for any irregularity or defect in the proceedings for the issue and sale thereof, and shall be incontestable in the hands of bona fide purchasers or holders thereof for value. All bonds issued under the provisions of this act shall be exempt from taxation.

Sec. 8. There shall be levied annually upon the taxable property in the state, in addition to other levies, a sufficient sum to pay the interest and

maturing principal on all bonds issued hereunder, to be placed in the state treasury in the bond and interest fund; provided that the provisions contained in any statute authorizing the issuance of the bonds to be refunded by the issuance of bonds under this act and which directs the levy of any tax or taxes for the payment of such bonds previously authorized and now outstanding, shall not be repealed by the provisions of this act, but such levies dedicated to the payment of bonds now outstanding shall remain in force and effect and applicable to any refunding bonds issued hereunder in addition to the tax levies herein authorized.

Sec. 9. In the event of the issuance of the refunding bonds authorized by this act, for the purpose of calling for redemption of outstanding bonds herein authorized to be refunded, the state treasurer shall call such bonds for payment on such dates, and under such conditions, and in the manner provided in said outstanding bonds.

Sec. 10. Upon the surrender of any bonds refunded under the provisions of this act, there shall be entered on the records of the state auditor the fact of such surrender and the number, amount, date and character of the bonds so surrendered; and such bonds shall be cancelled by the state treasurer and the fact of such cancellation shall be likewise entered on such record.

Sec. 11. All acts and parts of acts inconsistent herewith are hereby repealed.

Sec. 12. That it is necessary for the preservation of the public peace, health and safety of the inhabitants of the state of Arizona that this act

become effective at the earliest possible time, and, therefore, an emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval.

Approved March 22, 1935.

CHAPTER 76

(Senate Bill No. 188)

AN ACT

RELATING TO THE CONTINGENT EXPENSE
OF THE TWELFTH LEGISLATURE, AND
MAKING AN APPROPRIATION.

**Be It Enacted by the Legislature of the State of
Arizona:**

Section 1. APPROPRIATION. The sum of twenty-eight hundred dollars, or so much thereof as may be necessary for the purpose set forth in section 2, is hereby appropriated for the use of the twelfth legislature, two thousand and forty dollars thereof to be placed to the credit of the contingent fund of the house of representatives, and seven hundred and sixty dollars to be placed to the credit of the contingent fund of the senate.

Sec. 2. PURPOSE. The purpose of said appropriation is a payment of legislative committee expenses of the members of the twelfth legislature.

Sec. 3. AUDITING. The legislative committee

expenses of the members of the house of representatives herein provided for shall be presented to the speaker of the house by the members thereof, to be by said speaker audited, and when so audited shall be by the speaker approved and submitted to the state auditor and state treasurer for payment.

The legislative committee expenses of the members of the senate herein provided for shall be presented to the president of the senate by the members thereof, to be by said president audited, and when so audited shall be by the president approved and submitted to the state auditor and state treasurer for payment.

Sec. 4. EMERGENCY CLAUSE. To preserve the public peace, health and safety it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved March 23, 1935.

CHAPTER 77

(House Bill No. 118)

AN ACT

RELATING TO EXCISE TAXATION, AND TO IMPOSE A LICENSE FEE AND A PRIVILEGE TAX UPON THE PRIVILEGE OF ENGAGING IN CERTAIN OCCUPATIONS AND BUSINESS; AND DECLARING AN EMERGENCY.

**Be It Enacted by the Legislature of the State of
Arizona:**

ARTICLE 1

Section 1. **SHORT TITLE.** This act may be cited as "The excise revenue act of 1935."

ARTICLE II.

PRIVILEGE TAX

Section 1. **DEFINITIONS.** (a) When used in this article, the term "person" or the term "company", herein used interchangeably includes any individual, firm, co-partnership, joint adventure, association, corporation, municipal corporation, estate, trust, 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.

(b) The terms "tax commission" and "the commission" mean the tax commission of the state of Arizona, and any board, commission, official, or officials upon whom the duties and powers exercised by said state tax commission under existing laws may hereafter devolve.

(c) The term "tax year" or "taxable year" means either the calendar year, or the taxpayer's fiscal year when permission is obtained from the tax commission to use same as the tax period in lieu of the calendar year.

(d) The term "sale" or "sales" includes the

exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale.

(e) The word "taxpayer" means any person liable for any tax hereunder.

(f) The term "gross income" means the gross receipts of a taxpayer derived from trades, business, commerce or sales and the value proceeding or accruing from the sale of tangible personal property, or service, or both, and without any deduction on account of losses.

(g) The term "business" when used in this article shall include all activities or acts engaged in (personal and corporate), or caused to be engaged in with the object of gain, benefit or advantage either direct or indirect, but shall not include casual activities or sales.

(h) The term "gross proceeds of sales" means the value proceeding or accruing from the sale of tangible personal property without any deduction on account of the cost of property sold, expenses of any kind, or losses; provided, however, that cash discounts allowed and taken on sales shall not be included as gross income. But the terms "gross income" and "gross proceeds of sales" shall not be construed to include goods, wares or merchandise or value thereof, returned by customers when the sale price is refunded either in cash or by credit; nor the sale of any article accepted as part payment on any new article sold, if and when the full sale price of the new article is included in the "gross income" or "gross proceeds of sales", as the case may be.

(i) The term "engaging" as used in this article with reference to engaging or continuing in business shall also include the exercise of corporate or franchise powers.

(j) The term "auditor" as used in this article means the auditor of the state of Arizona.

(k) The term "retail" when used in this article, shall mean the sale of tangible personal property for consumption and not for resale.

(l) The term "wholesaler" or "jobber" when used in this article shall mean any person who sells tangible personal property for resale and not for consumption by the purchaser.

Sec. 2. IMPOSITION OF THE TAX. From and after the effective 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 government and to aid in defraying the necessary and ordinary expenses of the same and to reduce or eliminate the annual tax levy on property for state 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 engaged or continuing within this state in the following businesses:

1. Manufacturing, baling, crating, boxing, barrelling, canning, bottling, sacking or preparing for sale, profit or commercial use, agriculture and horticultural products, including livestock prepared for sale, or commercial use, and any product or products, article or articles, substance or substances, commodity or commodities not included within paragraph 1, subdivision (c) of this section.

2. Any product, article, substance or commodity included in sub-section a-1 which shall be sold at retail, or to the ultimate consumer or user by any person classified in such sub-section shall be deemed to be a sale at retail of tangible property within the meaning of sub-section (d) and the gross proceeds from sale of such product, article, substance or commodity so sold at retail shall be exempt from the provisions of sub-section a-1 and shall be subject to the provisions of subdivision (d).

(b) At an amount equal to one per cent of the gross proceeds of sale 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.

(c) 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 messages by telegraph from one point to another point in this 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 this 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 3144, Revised Code of 1928, from one point to another point in this state.

7. Publication of newspapers, magazines or other periodicals and publications, when published within this state including the gross income derived from subscriptions.

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 by this section 2, by paragraph 1, of subsection (b) and by paragraphs 3, 4, 5 and 6 of subsection (c) upon the receipts from services rendered as mentioned in said paragraphs of said subsections, 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 engaging or continuing within this state in the business of transmitting long distance messages or conversation by telephone or telegraph, transporting for hire freight or passengers by motor vehicle and/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 and 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 this paragraph 9 of this subsection (c) 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 transtate business so passing through, into or out of this state.

In the case of persons engaged in the businesses classified in paragraph 1 of subdivision (c) and paragraph 1 of subdivision (a) of this section, the rate shall be applied to the value of the entire product manufactured, compounded, packed, preserved, baled, crated, boxed, barrelled, canned, bottled, sacked, processed, mined, quarried, produced, felled or prepared for sale, profit or commercial use in this state regardless of the place of sale or the fact that deliveries may be made to points outside this state; but the gross income or proceeds from sales of persons engaged in the business of baling, crating, boxing, sacking or preparing for sale of cultivated agricultural and horticultural products shall be defined as the field or orchard value of the matured crops of such products before harvesting, and shall be determined under such reasonable rules as may be formulated by the state tax commission.

In the case of persons engaged in the businesses classified in paragraph 1 of subdivision (c) and paragraph 1 of subdivision (a) 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.

(d) 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 of 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 businesses classified in subdivision (e) of this section.

(e) At an amount equal to one per cent of the gross proceeds of sales, or gross income from the business of, 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.

(f) 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. Operating or conducting theatres, 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, dance, dance halls and any business charging admission fees for exhibition, amusement or instruction, other than projects of bona fide religious or educational institutions. Provided, however, moving picture shows which exhibit pictures as a major attraction at any performance shall be taxed at a rate equal to one per cent of the gross income of such shows.

2. Hotels, guest houses, dude ranches and resorts, rooming houses, apartment houses, 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.

(g) At an amount equal to one-fourth of one per cent of the gross proceeds of sale or the gross income from the business upon every person engaging or continuing within this state in the following businesses:

Compounding, packing, preserving, processing and/or selling any tangible personal property whatsoever at wholesale.

(h) 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 1090 of the Revised Code of 1928, as amended.

Sec. 3. ADDITIONAL MANUFACTURING OUTSIDE THE STATE. If any person engaging in any business classified in paragraph 1, subdivision (a) and paragraph 1, subdivision (c) of section 2 of this article shall ship or transport products, or any part thereof, out of the state without making sale of such products, or shall ship his products outside of the state in an unfinished condition, the value of the products or articles in the condition or form in which they existed when transported out of the state and before they enter interstate commerce shall be the basis for assessment of the tax imposed by said section, and the commission shall prescribe equitable and uniform rules for ascertaining such value.

Sec. 4. SALES BETWEEN AFFILIATED CORPORATIONS AND PERSONS. In determining value as regards sales from one to another of affiliated companies or persons, or other circumstances where the relation between the buyer and seller is such that the gross proceeds from the sale are not indicative of the true value of subject matter of the sale, the commission shall prescribe uniform and equitable rules for determining the value upon which such privilege tax shall be levied, corresponding as nearly as possible to the gross proceeds from the sale of similar products of like quality or character by other taxpayers where no com-

mon interest exists between the buyer and seller, but otherwise under similar circumstances and conditions.

Sec. 5. PRODUCERS SELLING AT RETAIL.

Any person engaging in any business classified in subdivision (a), and paragraph 1 of subdivision (c) of section 2 of this article, who sells the products of such business at retail in this state shall be required to make return of the gross proceeds of such sales and to pay the tax at the rate imposed by subdivision (d) of section 2 of this article; but the rates imposed by subdivisions (a), (b) and (c) of section 2 shall be applied to the gross proceeds of sales of such products when such sales are made other than at retail within this state, in accordance with the classifications and at the rates provided in said subdivisions.

Sec. 6. REPORTING SALES MADE TO WHOLESALERS AND SALES MADE IN MORE THAN ONE CLASS. Any person engaging in any of the occupations classified in either subdivisions (a), (b), (c) or (d) of section 2 of this article who is at the same time engaged in some business or businesses classified in either or both of the other subdivisions, so that the rate to be applied would not be the same as to all classes of business in which such person engages, shall be required to make separate return of the gross proceeds of sales or the gross income from the business separately classified, and as to whether or not such sales are made to wholesalers or jobbers.

Sec. 7. CONSTITUTIONAL PROHIBITION.

The taxes herein levied shall not be construed to apply to transactions in interstate commerce which,

under the Constitution of the United States, the state of Arizona is prohibited from taxing or upon any sales made to the United States government, its departments or agencies, nor to businesses or transactions exempted from taxation under the Constitution of the United States or the Constitution of the state of Arizona.

Sec. 8. FREIGHT DEDUCTION. In computing the amount of tax levied by this article upon the business activities classified in subdivision (a) and paragraph 1 of subdivision (c) of section 2 of this article, such selling price shall be reduced by the amount of the actual freight paid by the taxpayer, from the place of production to the place of delivery, when such freight is included in the sale price of such products.

Sec. 9. PERSONS ENGAGED IN MORE THAN ONE BUSINESS. Any person engaging in two or more forms of business of like classification taxable under this article shall file a consolidated return covering all business activities of such like classification engaged in within this state.

Sec. 10. PARTNERSHIPS. All taxes assessed under the provisions of this article upon the business activities of a partnership shall be a liability and charge against each and all of the individual partners, but when paid by the partnership such liability against each and all of the individual partners shall cease. Licenses issued, as hereinafter provided, to persons engaged in business as partners shall be in the name of the partnership.

Sec. 11. LICENSES. No person, who shall have

a gross income or gross proceeds of sales upon which a privilege tax is imposed by this article, shall engage or continue in such business until he shall have applied to and obtained from the tax commission a privilege license. Said application shall be accompanied by a fee of \$1.00 payable to the tax commission and, provided the applicant shall not be in arrears as to the tax herein imposed, the tax commission shall issue a license authorizing the applicant to engage in or conduct such business upon condition that he shall pay the tax accruing to the state of Arizona under the provisions of this article. Such license shall be non-transferable by the licensee, shall be valid until revoked by the tax commission, and shall so state on its face, and shall be displayed in the applicant's place of business. Any person engaged in or conducting a business in two or more locations shall procure for each of such locations a license as required by this section and this requirement shall be construed as collateral to and not in conflict with section 9 of this article. Any person violating any provision of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars or by incarceration in the county jail of not less than ten days, or by both, for each individual offense.

Sec. 12. ASSESSORS TO REPORT TO TAX COMMISSION. It shall be the duty of the several county assessors to report to the tax commission the names and addresses of every person, company, firm or corporation in their respective counties engaged in a business subject to the payment of the license fee and privilege tax imposed by this article, and the first of such reports shall be made to the tax commission within thirty days after the effec-

tive date of this act, and annually thereafter on or before the fifteenth day of March of each year.

In addition to the reports hereinbefore required, it shall be the duty of the several county assessors upon the expiration of each three months period, to report to the tax commission the names and addresses of every person who has commenced to engage in any of the businesses taxed hereunder within the preceding three months period.

Sec. 13. TAX PAYABLE MONTHLY; RETURN REQUIRED. The taxes levied under this article shall be due and payable monthly on or before the fifteenth day of the month next succeeding the month in which the tax accrues, and shall be delinquent five days thereafter. The taxpayer shall on or before the fifteenth day of the month make out a return showing the amount of the tax for which he is liable, for the preceding month, and shall mail the same together with a remittance, in the form required by section 21 of this article, for the amount of the tax, to the office of the commission. Such return shall be verified by the oath of the taxpayer, or his or its authorized agent.

Any taxpayer who shall have failed to pay such tax within five days from the date upon which such payment shall have become due shall be subject to and shall pay a penalty of twenty per cent of the amount of such tax.

In addition to the monthly returns required by this article, it shall be the duty of every person who has made any of the monthly returns hereinbefore provided, to make an annual return on or before thirty days after the end of the tax year, which return shall be in the nature of a summary of the

monthly returns made by the taxpayer and which may be used by the commission in checking the accuracy of the monthly returns. Such returns shall be verified in the same manner as monthly returns. Provided, however, that any person taxable under this article having cash and credit sales, shall report such cash and credit sales separately, and upon making application therefor may obtain from the commission an extension of time for the payment of taxes due on such credit sales. Such extension shall be granted by the commission, under such rules and regulations as the commission may prescribe. When such extension is granted, the taxpayer shall thereafter include in each monthly report, all collections made on such credit sales during the month next preceding, and shall pay the taxes due thereon at the time of filing such report.

For the purpose of computing the tax levied by this article, "conditional sales" as that term is defined by section 2908, Revised Code of 1928, shall be treated as credit sales and the tax paid only upon the amounts received under such conditional sales contracts; provided, that in the event the seller transfers his interest in such contract to some third person, he shall pay upon the full sale price of the commodity unless a record is kept of payments thereafter made on such contract in such manner that the tax commission can at all times ascertain from the records of the seller, the amount paid thereon by the purchaser, and if at any time the tax commission cannot so ascertain the amount paid thereon, the tax shall become due and payable as to any sums not shown to be paid by the records of such seller or to the satisfaction of the commission.

The monthly and annual returns required under this article shall be made upon forms to be prescribed by the commission.

The commission, for good cause, may extend the time for making any return required under the provisions of this article, and may grant such reasonable additional time within which to make such return as it may deem proper, but the time for filing such return shall not be extended beyond the fifteenth day of the second month next succeeding the regular due date of such return.

Sec. 14. COMMISSION TO CORRECT ERROR.

If the taxpayer shall make any error in computing the tax assessable against him, the commission shall correct such error or re-assess the proper amount of taxes, and notify the taxpayer of this action by mailing to him promptly a copy of the corrected assessment, and any additional tax for which such taxpayer may be liable shall be paid within ten days after the receipt of such statement.

Sec. 15. TAXPAYER MUST KEEP RECORDS; FAILURE TO MAKE RETURNS; DUTY AND POWER OF THE COMMISSION. It shall be the duty of every person engaging or continuing in this state in any business for which a privilege tax is imposed by this act to keep and preserve suitable records of the gross income, gross receipts and/or gross proceeds of sales of such business, and such other books or accounts as may be necessary to determine the amount of tax for which he is liable, under the provisions of this article; and it shall be the duty of every person to keep and preserve, for a period of two years, all invoices of goods and

merchandise purchased for resale, and all such books, invoices and other records shall be open for examination at any time by the commission or its duly authorized agent.

If any person required to file a return under the provisions of this article fails or refuses to make a return, the commission shall proceed in such manner as may seem best, to obtain facts and information on which to base the assessment of the tax herein prescribed; and to this end the commission or its duly appointed agent, may make examination of the books, records and papers of any such person, and may take the evidence, on oath, of any person who he or they may believe shall be in possession of facts or information pertinent to the subject of inquiry, which oath the commission or any agent appointed by it may administer. As soon as the commission has had time to procure such information they shall hold a public hearing for the purpose of ascertaining and assessing the amount of tax payable by such person. They shall give such person not less than ten days notice in writing of the time and place of holding such hearing, which notice shall be mailed to such person at his last known address, or shall be served upon him personally. The assessment of the tax against such person, after such hearing, shall be final as to any person who fails or refuses to file a return.

Sec. 16. TAX SHALL BE LIEN. The tax imposed by this article shall be a lien upon the property of any person subject to the provisions of this article who shall sell out his business or stock of goods, or shall quit business, and such person shall be required to make out the return provided for un-

der section 13 of this article within thirty days after the date he sold out his business or stock of goods, or quit business, and his successor in business shall be required to withhold sufficient of the purchase money to cover the amount of said taxes due and unpaid until such time as the former owner shall produce a receipt from the commission showing that the taxes have been paid, or a certificate that no taxes are due. If the purchaser of a business or stock of goods shall fail to withhold purchase money as above provided and the taxes shall be due and unpaid after the thirty day period allowed, he shall be personally liable for the payment of the taxes accrued and unpaid on account of the operation of the business by the former owner.

Sec. 17. AGGRIEVED PERSON MAY FILE PETITION; PROTEST FUND. If any person having made the return provided in this article feels aggrieved by the assessment made upon him for any month by the commission, he shall pay the amount of such assessment before the delinquent date and shall at that time give notice to the commission that all or part of such payment is made under protest. Such notice shall be in written form, addressed to the state tax commission, privilege tax division, setting forth grounds and reasons for such protest and that a certain part thereof, or that the total sum, is protested. Within ten days, thereafter he may petition the commission for a hearing setting forth the reasons why such petition should be granted and the amount in which such tax should be reduced. The tax commission shall grant such hearing and shall notify the petitioner of the time and place fixed for such hearing. After such hearing the tax commission shall make such order in the matter as may appear to it just and

lawful and shall furnish a copy of such order to the petitioner. Within twenty days after the entry of any such order, such person may bring an action or suit against the commission to recover any part of the tax claimed to be illegally collected together with interest thereon at the rate of six per cent per annum. The superior court of the county in which such person resides or is located shall have original jurisdiction of any action or proceeding to recover any such tax claimed to be unlawfully collected. It shall be necessary for the taxpayer to protest against the payment of the tax in the manner herein provided in order to maintain such suit. In any suit for recovery of taxes illegally collected, the court shall adjudge costs as in other civil actions. Either party to such suit shall have the right to appeal to the supreme court of Arizona as now provided by law, except that the time within which appeal may be taken shall be twenty days.

In the event a final judgment is rendered in favor of the taxpayer in a suit to recover illegal taxes, then it shall be the duty of the state auditor, upon receipt of a certified copy of such final judgment, accompanied by a claim for refund authenticated by the tax commission, to draw a warrant directed to the state treasurer in favor of such taxpayer in an amount equal to the amount of the tax found by said final judgment to have been collected illegally, which warrant shall be paid by the state treasurer from the tax protest fund; and to draw a separate warrant directed to the state treasurer in favor of such taxpayer in an amount equal to the amount of the interest or other costs that may have been recovered against the tax commission by the final judgment in such action

and which warrant shall be paid by the state treasurer from out of the special privilege tax account.

No injunction shall be awarded by any court or judge to restrain the collection of the taxes imposed by this article or to restrain the enforcement of this article.

It shall be the duty of the attorney general to represent the commission, or any agent or employee, and/or the state of Arizona in all legal matters relating to the enforcement, construction, application and administration of this article, and in any litigation which may be instituted by the commission and in which they may become involved, upon the order and under the direction of the commissioners.

In the event any taxpayer hereunder shall, at the time of paying any tax imposed by this article or by the commission under color hereof, make protest of the payment of all or any part thereof, then in that event the amount so protested shall be deposited by the state treasurer to the credit of a tax protest fund and shall remain in such fund until such time as a final judgment has been rendered and time for appeal expired, or until a dismissal of any such proceeding instituted by such taxpayer is entered, or upon failure of such taxpayer to institute a proceeding for the recovery of such amount within twenty days after the date of the said order of the tax commission as provided for in this section, or in the event the final judgment rendered holds that the whole or any part of said sum was due and lawfully payable upon the date when paid, in which cases the amount found

lawfully payable shall be disposed of in the manner herein provided for other collections made under the provisions of this article and shall be deemed a collection as of the date of such final determination. In the event a refund is granted in the proceedings so instituted, the amount of such refund shall be paid as hereinbefore provided and the remainder of the moneys so credited to the tax protest fund shall be treated as other collections under the provisions of this article as of the date of such refund.

Sec. 18. COLLECTION OF DELINQUENT TAXES. (a) If any tax imposed by this act or any portion thereof be not protested at the time of payment, or be not paid within thirty days after the same becomes delinquent, the commission shall issue a warrant under the hand of its chairman and its official seal, directed to the sheriff of any county, commanding him to levy upon and sell the real and personal property of the delinquent taxpayer found within his county, for the payment of the amount of such tax, with the added penalties, interest and the cost of executing the warrant, and to return such warrant to the commission and pay to it the money collected by virtue thereof by a time to be therein specified, not less than sixty days from the date of the warrant. The sheriff shall, within five days after the receipt of the warrant, file with the clerk of the superior court a copy thereof and the clerk shall thereupon enter in the judgment docket, in the column of judgment debtors, the name of the delinquent taxpayer mentioned in the warrant, and in appropriate columns the amount of the tax or portion thereof and penalties and interest for which the warrant is issued

and the date when such copy is filed, and thereupon the amount of such warrant so docketed shall become a lien upon the title to any interest in real or personal property of the delinquent taxpayer against whom it is issued, in the same manner as a judgment duly docketed in the office of the clerk. The said sheriff shall thereupon proceed upon the same in all respects, with like effect and in the same manner prescribed by law in respect to execution issued against property upon judgment of a court of record, and shall be entitled to the same fees for his services in executing the warrant, to be collected in the same manner. In its discretion, the commission may issue a warrant of like terms, force, and effect, directed to any agent authorized to collect mercantile license taxes, and in the execution thereof such agent shall have all the powers conferred by law upon sheriffs, but shall be entitled to no fee or compensation in excess of actual expenses paid in the performance of such duty. If a warrant be returned not satisfied in full, the commission shall have the same remedies to enforce the claim for taxes against the delinquent taxpayer as if the people of the state had recovered judgment against the delinquent taxpayer for the amount of the tax.

(b) Every tax imposed by this article, 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, but shall be payable to and recoverable by the commission.

(c) An action may be brought at any time by the attorney general at the instance of the commis-

sion, in the name of the state, to recover the amount of any taxes, penalties and interest due under this article.

Sec. 19. ANNUAL RETURN; WHEN MADE. The annual return required by this article shall be for the year ending on the thirty-first day of December; provided, however, that if the taxpayer in transacting his business keeps the books reflecting the same on a basis other than the calendar year, he may, with the assent of the commission, make his annual returns covering his accounting period, as shown by the method of keeping the books of his business.

Sec. 20. IS ADDITIONAL TAX. The tax imposed by this article shall be in addition to all other licenses and taxes levied by law, whether as a condition precedent to engaging in any business taxable hereunder or for any other purpose.

Sec. 21. REMITTANCE; HOW MADE. All remittances of taxes imposed by this article shall be made by bank draft, check, cashier's check, money order, or money, to the commission, which shall issue its receipts therefor to the taxpayers when requested and which shall deposit all moneys received, with the state treasurer, who shall credit said payment to a fund known as the special privilege tax account; provided, no remittance other than cash shall be final discharge of liability for the tax assessed and levied under the provisions of this article unless and until it has been paid in cash to the commission.

Records and accounts shall be kept by the com-

mission showing separately the taxes collected under each of the classifications prescribed in section 2 of this article, and on or before the fifth day of each month the commission shall deliver a statement to the state treasurer, and a duplicate thereof to the state auditor, showing all collections made during the preceding month under the provisions of this article, and under each of said classifications.

After deducting the expenses of the commission in administering this act and any warrants drawn against the special privilege tax account as provided for in sections 17 and 26 of this article, the state treasurer shall place fifteen per cent of the tax moneys collected under this article for every calendar month to the credit of the governor's relief fund. Such fund shall in every case be expended by or through such public welfare organizations as may be designated by the governor, or directly by the governor for the purpose of furnishing employment in connection with any state, county or municipal work or improvement, or for relief. The moneys in such fund shall be expended by warrants drawn upon the state treasury by the state auditor, in the amounts requested by the governor, in the manner provided by law, payable in such amounts and to such organizations or through agencies provided for hereunder, as shall be designated by the governor. In the event that any sum shall remain in such fund which the governor shall deem not necessary for the purpose specified hereunder, then such remainder shall be transferred to the general fund by warrants drawn in like manner upon the order of the governor. The state treasurer shall place the sum remaining after

the deduction of said fifteen per cent to the credit of the general fund of the state.

The tax commission shall keep full and accurate records of all moneys received by it, and how disbursed; and shall preserve all returns filed with it under the provisions of this article, for a period of three years.

Sec. 22. CONTENTS OF REPORT NOT TO BE DIVULGED. Unless in accordance with the judicial order or as herein provided, the members of the tax commission, its agents, clerks, or stenographers shall not divulge the gross income, gross proceeds of sales or the amount of tax paid by any person as shown by the reports filed under the provisions of this article, except to members and employees of the tax commission, for the purpose of checking, comparing and correcting returns, or to the governor, or to the attorney general, or any other legal representative of the state in any action with respect to the amount of tax due under the provisions of this article.

The corporation commission shall withhold the issuance of any certificate of dissolution or withdrawal in the case of any corporation organized under the laws of this state or organized under the laws of another state and admitted to do business in this state, until the receipt of a notice from the commission to the effect that the tax levied under this article against any such corporation has been paid, if any such corporation is a taxpayer under the law, or until it shall be notified by the commission that the applicant is not subject to pay a tax under the provisions of this article.

Sec. 23. UNLAWFUL TO REFUSE TO MAKE RETURNS; PENALTY. It shall be unlawful for any person to fail or refuse to make the returns provided to be made by the provisions of this article, or to make any false or fraudulent return or false statement in any return, with intent to defraud the state or to evade the payment of the tax, or any part thereof, imposed by this article; or for any reason to aid or abet another in any attempt to evade the payment of the tax, or any part thereof, imposed by this article; or for the president or other officer or agent of any company to make or permit to be made for any company or association any false return or any false statement in any return required by this article with the intent to evade the payment of any tax imposed by this article; or for any person to fail or refuse to permit the examination of any book, paper, account, record, or other data by the commission or its duly appointed agent, as required by this article, and any such person shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars for each individual offense. In addition to the foregoing penalties, any person who shall knowingly swear to or verify any false or fraudulent statement, with the intent aforesaid shall be guilty of the offense of perjury, and on conviction thereof shall be punished in the manner provided by law. Any company for which a false return shall be made, or a return containing a false statement as aforesaid, shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars for each offense.

Sec. 24. ADMINISTRATION OF ARTICLE VESTED IN TAX COMMISSION. The administra-

tion of this article is vested in and shall be exercised by the tax commission, except as herein otherwise provided, and all payments required hereunder shall be made to the tax commission. The enforcement of any of the provisions of this article in any of the courts of the state shall be under the exclusive jurisdiction of the tax commission and the attorney general. The tax commission shall appoint, as needed, such agents, clerks, and stenographers as authorized by law, who shall serve under it, shall perform such duties as may be required, not inconsistent with this article, and are hereby authorized to act for the commission, as it may prescribe and as provided herein. Each such agent shall execute a bond in the sum of five thousand dollars for the faithful discharge of his duties. All of such agents, clerks, and stenographers may be removed by the tax commission for cause, of which the commission shall be the final judge.

Sec. 25. COMMISSION OR AGENT MAY EXAMINE BOOKS, ETC. The commission or its authorized agents may examine any books, papers, records, or other data bearing upon the correctness of any return or for the purpose of making a return where none has been made, as required by the provisions of this article and may require the attendance of any person and take his testimony with respect to any such matter, with power to administer oaths to such person or persons. If any person summoned as a witness shall fail to obey any summons to appear before the commission, or its authorized agent, or shall refuse to testify or answer any material question or to produce any book, record, paper or other data when required to do so, such failure or refusal shall be reported to

the attorney general, who shall thereupon institute proceedings in the superior court of the county where such witness resides to compel obedience to any summons of the commission or its authorized agent. Officers who serve summons or subpoenas, and witnesses attending, shall receive like compensation as officers and witnesses in the justice of the peace courts, to be paid from the proper appropriations for the administration of this article.

Sec. 26. EXCESS PAYMENT; REFUND. If, upon examination of any monthly return made under this article, it appears that an amount of tax has been paid in excess of that properly due, then the amount in excess shall be credited against any tax then due from such taxpayer under any other monthly returns. The tax commission, at its discretion, may issue to such taxpayer a credit voucher for any balance of such excess or may, upon an audit of such taxpayer's accounts and records, refund to the taxpayer such sum as may be found due by issuing a certificate of overpayment and a claim for refund to the state auditor, which certificate and claim shall be investigated and approved by the attorney general, and upon such approval the auditor shall draw a warrant in favor of such taxpayer against the state treasurer which warrant shall by him be paid out of the special privilege tax account.

Sec. 27. TAXPAYER IN DEFAULT MAY BE ENJOINED FROM CONTINUING BUSINESS. Any person against whom a tax is assessed under the provisions of this article may be restrained and enjoined by proper proceedings instituted in the

name of the state of Arizona at the request of the commission, by the attorney general or any county attorney, from engaging and/or continuing in any business for which a privilege tax is required by the provisions of this article, until the taxes have been paid and until such person shall have complied with the provisions of this article.

Sec. 28. EXEMPTION. The provisions of this act shall not apply to sales of gasoline upon which a tax has been imposed under the provisions of article VI, Revised Code of 1928, or any amendment thereto; nor to common or contract motor carriers of passengers or property paying a tax under provisions of chapter 10, paragraph 2, Session Laws of 1933, first special session; this section is hereby declared separable from all other portions of this act, and shall not be deemed as the consideration or inducement for the enactment of the whole or any part thereof. Should this section for any reason be declared invalid, the remainder of the act shall remain in full force and effect as though this section had not been included in the act.

ARTICLE III.

ADMINISTRATION; APPROPRIATION; EXPIRATION DATE; DIVISIBILITY; DECLARATION OF EMERGENCY.

Section 1. The tax commission shall from time to time promulgate such rules and regulations not inconsistent with this act for making returns and for the ascertainment, assessment and collection of the tax imposed by the provisions of this act, as it may deem necessary to enforce the same, and

upon request shall furnish any taxpayer with a copy of such rules and regulations. All forms necessary and proper for the enforcement of this act shall be prescribed, printed, and furnished by the commission.

The tax commission shall have power and authority in the event that any ambiguity shall appear or arise in the application or construction of any of the provisions of this act, to interpret the same in accordance with the intent and purpose of this act as evidenced by its context, and such interpretation or interpretations by the tax commission, when reduced to writing and spread upon the records of the commission, shall obtain and remain in full force and effect until set aside by decisions of the courts.

Sec. 2. For the purpose of carrying out the provisions of this act, there is hereby appropriated to the tax commission out of the taxes collected hereunder an amount not to exceed four per cent of the taxes collected each month hereunder, which appropriation shall be credited by the state treasurer to a special fund to be known as the license fee and privilege tax administration fund. The necessary expenses of the administration of this act shall be paid out of the license fee and privilege tax administration fund upon claims duly itemized, verified and approved by the tax commission, which claims shall be presented and filed with the state auditor who shall draw his warrant therefor on the state treasurer, and the state treasurer shall pay the same out of the license fee and privilege tax administration fund. No expenditures shall be made by the tax commission in excess of the amount herein appropriated.

Sec. 3. Immediately upon this act becoming effective, the tax commission is hereby authorized and directed as a preliminary matter to the application and enforcement of this act, to formulate rules and regulations, and prescribe the forms and procedure necessary to the efficient enforcement thereof.

Sec. 4. If any article, section, subdivision, phrase or sentence of this act shall be declared unconstitutional, it shall not affect the constitutionality or validity of the remainder of the act.

Sec. 5. EFFECTIVE DATE. This act shall be effective on and after the first day of May, 1935.

Sec. 6. EMERGENCY CLAUSE. Whereas, an early and immediate operation of this act is required to preserve the public peace, health and safety, an emergency is hereby declared to exist and this act is, therefore, hereby exempted from the operation of the referendum provisions of the state constitution.

Approved March 23, 1935.

CHAPTER 78

(Senate Bill No. 88)

AN ACT

RELATING TO TAXATION, AND TO PROVIDE
FOR THE RAISING OF ADDITIONAL PUBLIC
REVENUE FOR UNEMPLOYMENT AND

WELFARE RELIEF BY IMPOSING A TAX ON THE SALE OF CERTAIN LUXURIES AND BY IMPOSING A PRIVILEGE TAX ON THE PRIVILEGE OF ENGAGING IN CERTAIN BUSINESSES, AND DECLARING AN EMERGENCY.

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

ARTICLE I.

Section 1. 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 of alcohol by volume which is produced by the 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 fer-

mentation 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 or beverages sold under the prescription of a physician.

(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 term "cosmetics and toilet preparations" shall include all cosmetics and perfumes, essences, extracts, toilet waters, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, toilet powders, and any similar substances, articles or preparations, by whatever name known or described, which are used or applied or intended to be used or applied externally for toilet purposes, but not including soaps, tooth and mouth washes, dentrifices, tooth pastes, shaving creams or shaving soaps.

(k) The term "playing cards" shall mean any cards or combination or assortment of cards composing a pack and used in playing various games.

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

(m) The term "person" shall mean any individual, firm, co-partnership, 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.

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

(o) 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.

ARTICLE II. MALT EXTRACTS, SPIRIT-

UOUS LIQUORS, VINOUS LIQUORS, MALT LIQUORS, CIGARETTES, TOBACCO, SNUFF, CIGARS, COSMETICS, PLAYING CARDS AND FILMS; IMPOSITION OF TAX; REVENUE STAMPS; RECORDS; PENALTIES.

Section 1. OBJECT, IMPOSITION AND RATE OF TAX ON CERTAIN LUXURIES; STAMPS REQUIRED. In addition to all other taxes there is hereby levied and imposed and shall be collected and paid to the state tax commission in the manner hereinafter provided, upon all malt extracts, derivatives or combinations thereof, upon all spirituous, vinous and malt liquors, upon all cigarettes, cigars, smoking tobacco, plug tobacco, snuff and other forms of tobacco, upon cosmetics and toilet preparations, upon playing cards; for the purpose of raising public money to provide unemployment and welfare relief, the following tax:

(a) On each pound of sixteen ounces or fraction thereof, of all such malt extracts, derivatives or combination thereof, except such malt that is used in the manufacture of bread, and except such dextrines of malt used for the feeding of infants and invalids, ten cents. The license tax hereby imposed upon malt extracts or derivatives or combinations thereof shall be refunded when the amount of said tax has been paid thereon, and when proof is made to the state tax commission that such malt extract, derivative or combination thereof has been used for other than the preparation of a beverage.

(b) On each sealed container of spirituous liquor containing eight ounces or less, five cents, and at the rate of five cents for each eight ounces for containers containing more than eight ounces.

(c) On each container of vinous liquor, of which the alcoholic content is not greater than twenty-four per cent by volume, containing sixteen ounces or less, three cents, and at the rate of three cents for each sixteen ounces for containers containing more than sixteen ounces.

(d) On each container of vinous liquor of which the alcoholic content is greater than twenty-four per cent by volume, containing eight ounces or less, five cents, and at the rate of five cents for each eight ounces for containers containing more than eight ounces.

(e) On each gallon of malt liquor, five cents.

(f) On each twenty cigarettes or fractional part thereof, two cents.

(g) On smoking tobacco, snuff, fine cut chewing tobacco, all cut and granulated tobacco, all shorts and refuse of fine cut chewing tobacco, and all refuse, scraps, clippings, cuttings and sweepings of tobacco excluding tobacco powder or tobacco products used exclusively for agricultural or horticultural purposes and unfit for human consumption at the rate of one cent per ounce, or fractional part thereof.

(h) All cavendish, plug or twist tobacco, one-fourth cent per ounce, or fractional part thereof.

(i) On each twenty small cigars or fractional part thereof weighing not more than three pounds per thousand, two cents.

(j) On cigars of all descriptions except those

included in paragraph (i) of this section, made of tobacco or any substitute therefor, if manufactured to retail at not more than five cents each, one cent on each three cigars. If manufactured to retail at more than five cents each, one cent on each cigar.

(k) On cosmetics and toilet preparations two cents for each twenty cents or major fraction thereof of the retail price.

(l) On playing cards and films other than for commercial use, two cents for each twenty cents or major fraction thereof of the retail price.

(m) On golf equipment, polo equipment, fishing tackle and fishing accessories and shot gun shells, two cents for each twenty cents or major fraction thereof of the retail price.

All malt extracts, derivatives or combinations thereof, all cigarettes, cigars, smoking tobacco, snuff, plug tobacco, fine cut chewing tobacco, and all other forms of tobacco, excluding tobacco powder or tobacco products used exclusively for agricultural and horticultural purposes and unfit for human consumption, all cosmetics and all playing cards and films other than for commercial use, shall be put up in packages or containers and on each of said packages or containers shall be affixed an official stamp denoting the classification of the luxury, as classified heretofore in this section, and the tax thereon.

All spirituous, vinous and malt liquors shall be sold in sealed containers and there shall be securely affixed thereto an official stamp denoting the classification of the luxury, as classified heretofore in

this section, and the tax thereon. Provided, however, that spirituous, vinous and malt liquors may be sold by the drink in unsealed containers when the sealed container from which each drink is removed bears a stamp showing the payment of the tax provided by this act, and which container shall be preserved or disposed of according to regulations prescribed by the tax commission.

Every stamp required under the provisions of this act shall be securely affixed to some visible part of the package or container to which it will firmly adhere during the possession of the consumer except as otherwise provided.

Sec. 2. REVENUE STAMPS. The state tax commission shall prepare and have on hand official adhesive stamps of various types according to the classifications, as contained in section 1, of luxuries upon which a tax is imposed by this article; said stamps shall be of a character that they cannot be removed when once attached to an article without destroying them. Such official stamps shall be printed on durable material, and shall set forth plainly on the face of each such stamp the denomination thereof, the facsimile signature of the chairman of the state tax commission at the time of the printing thereof, and the classification of the luxury upon which such stamp is to be affixed. Such official stamps shall be obtainable by wholesalers or retailers by purchase at the face price thereof from the state tax commission at Phoenix, Arizona.

Sec. 3. REDEMPTION OF STAMPS; EXPORTS; INTERSTATE SALES. The state tax commission shall redeem any unused stamps that

any retailer or wholesaler presents for redemption, and pay for the same out of funds collected under the provisions of this article. The tax hereby imposed by this article upon any articles or substances shall be refunded when the amount of said tax has been paid thereon and when proof is made to the state tax commission that such articles or substances were exported from this state and sold for consumption outside this state. The manner of making such proof shall be in accordance with the regulations which may be adopted by the state tax commission. The tax imposed by this article shall not be imposed upon any article or substance sold in interstate commerce which the state of Arizona is prohibited from taxing under the Constitution of the United States of America.

Sec. 4. BY WHOM STAMPS SHALL BE AFFIXED. (a) Unless they have been previously affixed, or the rules and regulations of the commission shall otherwise prescribe, the stamps required by this article shall be affixed by the wholesaler, and cancelled by writing across the face thereof the name of the wholesaler prior to the delivery to any other person of any luxury upon which a tax is imposed by this article.

(b) Immediately upon the receipt by a retailer, of any luxury upon which a tax is imposed by this article, said retailer shall affix the proper stamps to each package or container, unless they have been previously affixed thereto, or in case of an unopened box, carton, or other container of such luxuries, by writing the word "received" thereon and the hour, day, month, and year of such receipt and affixing his signature thereto. He shall in any event open such box, carton or other container and af-

fix the proper stamps to each package therein, prior to offering for sale any luxury upon which a tax is imposed by this act.

Sec. 5. RETENTION OF INVOICES; RECORDS; INVOICES, BOOKS, PAPERS AND STOCK OPEN TO COMMISSION. (a) Whenever a wholesaler in this state shall sell or deliver to any person any of the luxuries on which a tax is imposed by this article, he shall make a true duplicate invoice thereof, showing the date of delivery, the amount and value of each such sale, shipment or consignment, and the name and location of the purchaser or person to whom delivery is made, and shall file and retain the same for a period of two years, subject to the inspection and use of the commission.

(b) Every wholesaler or retailer shall procure and retain invoices showing the amount and value of each purchase or shipment of any of said luxuries received by him, which shall show the date thereof, the name and location of the shipper, and the value of such purchase or shipment, and shall retain the same for a period of two years subject to the use and inspection of the commission. All books, papers, invoices and records of any wholesaler or retailer whether or not required under provisions of this article to be kept, showing his sales, receipts and purchases of luxuries, shall at all times during the usual business hours be open for the inspection of the commission, and any stock of luxuries in and upon any premises where placed, stored or sold, may be examined by the commission for the purpose of determining whether or not the provisions of this act are being obeyed.

Sec. 6. LUXURIES TO WHICH STAMPS ARE

NOT AFFIXED AS REQUIRED; SEIZURE AND SALE THEREOF. Whenever the commission or any of its agents or representatives authorized by it for such purpose shall discover any luxury subject to tax under the provisions of this article, to which official stamps have not been affixed as required by this article, the commission, or any such agent or representative shall have power to forthwith seize and take possession of such luxury and the same shall be deemed to be forfeited to the state, and the commission shall within a reasonable time thereafter pursuant to a notice posted upon the premises or by publication in a newspaper having circulation in the county where such seizure is made, not less than five days before the date of sale, offer for sale and sell such forfeited luxuries, and from the proceeds of the sale shall collect the tax due thereon together with a penalty of fifty per cent thereof and the cost incurred in the proceedings and pay the balance, if any, to the person whose claim of ownership may be found by the commission to be valid. Such sale shall be made in the county where most convenient and economical. Such seizure and sale shall not be deemed to relieve any person from the penalties provided for the violation of any provisions of this act.

Sec. 7. PENALTIES. (a) Any retailer who has in his possession any package, bottle, or other container containing a luxury, not bearing the stamps by this article required to be affixed thereto, unless such packages shall be in unbroken containers, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars, nor more than two hundred dollars for each individual 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 years prior to such demand, unless upon satisfactory proof it is shown that he is unable to do so for reasons beyond his control, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than two hundred dollars for each individual offense.

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

(e) Any person who sells any luxury without the stamp or stamps required by this article being affixed thereto shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hun-

dred dollars, or shall be imprisoned in the county jail for not more than ninety days, or both, for each individual 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 stamps prepared or prescribed by the commission under the authority of this article, or who knowingly and wilfully utters, publishes, passes or tenders as true, any such false, altered, forged or counterfeited stamp, or uses any stamp provided for and required by this article which has already once been used, for the purpose of evading the tax hereby imposed, shall be guilty of a felony and upon conviction thereof, shall be imprisoned in the state prison not less than one nor more than ten years.

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

ARTICLE III. MECHANICAL GAMES; PRIVILEGE LICENSE TAX; PENALTIES.

Section 1. (a) IMPOSITION OF PRIVILEGE LICENSE TAX; OBJECT. In addition to all other taxes there is hereby levied and imposed, for the purpose of raising public money to provide unemployment and welfare relief, a privilege license tax upon each mechanical game or device, in the state of

Arizona, as classified in subdivision (b) of this section and maintained or placed where such devices or objects may be operated for purposes of compensation, gain or profit or may be available to members of clubs or societies, which such privilege license tax shall be paid by the owner or lessor of such devices or objects and shall be collected by the state tax commission in the manner hereinafter set forth.

(b) Upon each mechanical game or device, excluding pay telephones and pay toilets, permitting the operation thereof by insertion therein of coins, slugs or tokens, or which may be operated by means or with the assistance of springs, weights, levers, plungers, magnets, electricity, gravity, or the skill or the force of the player thereof, a privilege license tax of five dollars for each calendar month or fraction thereof for any machine, device, or game upon which a tax is imposed by this act when operated by or in connection with any circus, carnival, show or other traveling attraction, and not operating in a permanent or fixed location, shall be taxed the sum of \$10.00 per day for each such machine, device or game. Provided, however, that vending machines which are not games of chance and are used solely for the vending of postage stamps, chewing gums, candies, peanuts, matches, or other merchandise and weighing machines shall not be considered as mechanical games or devices within the meaning of this act.

Sec. 2. APPLICATION FOR LICENSES. Any person after the thirty-first day of March, 1935, who shall be the owner or lessor of any mechanical game or device, as classified in section 1 of this article, shall procure from the state tax commission

a privilege license and official stamps or official labels as provided in section 2 of this article. Such owner or lessor shall make application to the commission, upon a form by it prescribed and furnished, stating the name and business address of such owner or lessor, describing correctly and individually each such object or device upon which a privilege license tax is herein imposed and which such applicant desires to maintain or operate as part of the equipment of any club or society or for compensation, gain or profit, and stating the place or address at which each such object or device is to be located. Such application shall be accompanied by the payment of an amount equal to the amount of the privilege license taxes as are imposed by the provisions of this article for one calendar month on such taxable objects or devices described in such application.

Sec. 3. LICENSES, OFFICIAL LABELS OR OFFICIAL STAMPS. The state tax commission shall have on hand official labels or official stamps individually applicable to each classification of taxable objects or devices as classified in section 1 of this article. Said stamps shall be of a character that they cannot be removed when once attached to an article without destroying them. Such official labels or official stamps shall bear serial numbers to be kept upon record in the office of the tax commission, and to be charged as issued against the name of the licensee, and shall state the appropriate classification of the taxable object or device to which applicable, and the words "privilege license, state of Arizona".

Upon receipt of an application for a privilege license in the form and manner provided for in sec-

tion 2 of this article and the payment of such privilege license taxes as provided for in such section, the tax commission shall issue to the applicant a privilege license to maintain or operate such taxable objects or devices as shall have been described and at such locations as shall have been stated in such application, which license shall be conditioned upon the payment when due of all license taxes levied and imposed by the provisions of this article, and shall, at the same time furnish to said applicant an official stamp or an official label, whichever is the more appropriate in the discretion of the state tax commission for each such object or device which official label or official stamp shall be for the classification to which each such object or device is subject by the provisions of section 1 of this article. It shall be the duty of the licensee under such license to affix firmly to or attach securely upon the taxable object or device such official stamp or such official label as shall have been furnished by the tax commission on account of such object or device.

Sec. 4. PRIVILEGE LICENSE TAXES PAYABLE MONTHLY; DELINQUENT DATE; PENALTY. The privilege license taxes levied and imposed under this article shall be due and payable monthly on the first day of each calendar month during which such taxable objects are to be maintained or operated, and any taxpayer who shall have failed to pay such taxes within five days from the date upon which such payment shall have become due shall be subject to and shall pay a penalty of fifty per cent of the amount of such tax and the objects or devices upon which such privilege taxes are herein imposed shall be subject to seizure and confiscation in accordance with the provisions of

section 6 of this article. All taxes levied and imposed by this article shall be payable by the taxpayer at the office of the state tax commission, Phoenix, Arizona.

Sec. 5. UNLAWFUL POSSESSION OR OPERATION OF TAXABLE OBJECTS OR DEVICES; PENALTIES. It shall be unlawful for any person to own, lease, possess or maintain for compensation, gain or profit, or as part of the equipment of any club or society, any mechanical game or device, as classified in section 2 of this article, unless there shall be affixed firmly or attached securely thereto an official stamp or an official label, as the case may be as required by the provisions of section 3 of this article.

It shall be unlawful for any person to possess any mechanical game or device, as classified in section 2 of this article and maintained for gain or profit or as part of the equipment of any club or society, after the tax imposed by the provisions of this article shall have become delinquent and unpaid.

Whenever the commission or any of its agents or representatives authorized by it for such purpose shall discover any mechanical game or device, being possessed or maintained as part of the equipment of a club or society or for compensation, gain or profit and upon or to which there is not affixed firmly or attached securely an official stamp or an official label as required by the provisions of this article, or whenever the privilege license tax imposed by this article against such mechanical game or device, has become delinquent for a period of five days, the commission, or any such agent or repre-

representative shall have power to forthwith seize and take possession of such mechanical game or device, and the same shall be deemed to be forfeited to the state, and the commission shall seize and take possession thereof, and shall within a reasonable time thereafter and pursuant to a notice posted upon the premises or by publication in a newspaper having circulation in the county where such seizure is made, not less than five days before the date of sale, offer for sale and sell such forfeited mechanical game or device, and from the proceeds of the sale shall collect the tax and penalties due in connection therewith together with an additional penalty of five dollars and the costs incurred in the proceedings and pay the balance, if any, to the person whose claim of ownership may be found by the commission to be valid. Such sale shall be conducted in the county where most convenient and economical. Such seizure and sale shall not be deemed to relieve any person from the penalties provided for the violation of any provision of this article.

Any owner or lessor of any mechanical game or device, who shall permit the same to be maintained or operated as part of the equipment of a club or society or for compensation, gain or profit without having obtained a privilege license and unless there is affixed firmly upon or attached securely to the same an official stamp or an official label as required by the provisions of this article, or who shall permit the same to be maintained or operated as part of the equipment of a club or society or for compensation, gain or profit after any privilege license tax levied and imposed under this article upon such object or device shall have become delinquent, or upon violation of any condition of the privilege license issued to such owner or lessor shall

be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars for each individual offense.

Any person other than the owner or lessor thereof, who shall permit any mechanical game or device, to be maintained or operated as part of the equipment of a club or society or for compensation, gain or profit upon premises owned, rented, leased, or controlled in any manner, by such person, unless there shall be at all times affixed firmly upon or attached securely thereto such official stamps or official labels as provided for in this article, or who shall permit any mechanical game or device, to be maintained or operated as part of the equipment of a club or society or for compensation, gain or profit upon premises owned, rented, leased or controlled in any manner by such person after any privilege tax imposed by the provisions of this article upon such mechanical game or device, has become delinquent and unpaid, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than two hundred dollars for each individual offense.

Sec. 6. ILLEGAL ALTERATIONS OR USAGES OF LICENSES, LABELS OR STAMPS. 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 license, stamp or label, prepared or prescribed by the commission under the authority of this article, or who knowingly affixes or secures any stamp or label upon a taxable object or device of a classification other than the classification to which such stamp or label is applicable,

or who knowingly uses any false, altered, forged or counterfeited stamp or label, for the purpose of evading the privilege tax imposed by this article, shall be guilty of a felony, and upon conviction thereof, shall be imprisoned in the state prison not less than one nor more than ten years.

Article IV. ADMINISTRATION; DISPOSITION OF REVENUE; APPROPRIATION; SAVING CLAUSE; EMERGENCY CLAUSE.

Section 1. ADMINISTRATION. This act shall be administered by the state tax commission, and for such purpose, the commission shall have and possess, for its members, its agents, and representatives, all the powers, duties and authority of police officers and sheriffs within the state of Arizona, and all of the powers and authority of appraisement, valuation, assessment, correction, computation, estimation, supervision, direction, investigation, inspection, collection, and enforcement vested in it by any law of this state relating to public revenue and taxation applicable to the administration of this act. The commission shall have authority to make and prescribe rules and regulations, not in conflict with this act, necessary or desirable for the enforcement thereof, and may adopt different detailed regulations applicable to diverse methods and conditions of sale or use of the luxuries upon which a tax is imposed by this act, and may prescribe in each class of cases upon whom, as between the wholesaler and the retailer or, as the case may be, between the owner, lessor or other person in possession of any luxury, the primary duty of affixing official stamps or official labels shall rest and the manner in which such stamps or labels shall be affixed. All agents or representatives of the state

tax commission shall, for identification purposes, have credentials signed by the chairman of the commission and countersigned by the governor.

Sec. 2. DISPOSITION OF REVENUE; APPROPRIATIONS. The commission shall promptly remit all moneys received under the provisions of this act to the state treasurer, through the state auditor, and the treasurer shall place an amount equal to four per cent thereof to a special fund to be known as "the luxury tax administration fund" and shall place the remainder, or ninety-six per cent of all such moneys, in a fund to be known as the "state public welfare fund".

For the purpose of carrying out the provisions of this act, there is hereby appropriated to the state tax commission out of the taxes collected hereunder an amount equal to four per cent of the taxes collected each month hereunder. The necessary expenses of the administration of this act shall be paid upon claims duly itemized, verified, and approved by the state tax commission, which claims shall be presented to and filed with the state auditor who shall draw his warrant therefor on the state treasurer, and the state treasurer shall pay the same out of the luxury tax administration fund. No expenditures shall be made by the state tax commission in excess of the amount herein appropriated.

There is hereby appropriated to the state auditor for each fiscal year 1935-1936 and 1936-1937 out of the taxes collected hereunder the sum of three thousand dollars to be used to defray the expense of auditing the claims and accounts of the state board of public welfare. There is hereby ap-

propriated to the governor's "relief fund" out of the taxes collected hereunder the sum of five thousand dollars per month to be used by the governor of the state of Arizona for unemployment and relief purposes. The sum remaining after deducting the expenses of the commission in administering the act, the auditor's appropriation and the appropriation to the governor's relief fund are hereby appropriated to the state board of public welfare to be used for the purpose of relief, relieving unemployment in the state and carrying out the objects set forth in chapter 35, Laws of the Eleventh Legislature, 1933, in regular session.

The auditor shall issue his warrant in a sum not to exceed one hundred thousand dollars upon claims properly certified by the state board of public welfare for the purpose of creating an imprest fund to facilitate the payment of small expenditures in connection with the operation of the board and the treasurer shall pay the same out of the funds appropriated to the state board of public welfare. When the auditor has issued such warrant, he shall not issue a further like warrant until there is filed with him an itemized and verified statement by the state board of public welfare, showing in detail the expenditure and distribution of the sum previously advanced for said imprest fund. The receipts and vouchers supporting such statement shall be audited by the state auditor. All funds on hand at the end of the biennium or on the thirtieth day of June, 1937 shall revert to the general fund of the state.

Sec. 3. REPEALING CLAUSE. Senate Bill No. 86, Laws of the Twelfth Arizona Legislature, Regular Session, 1935, and chapter 18, Session

Laws of 1933, first special session, are hereby repealed.

Sec. 4. SAVING CLAUSE. If any part of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, the remainder thereof shall not thereby be invalidated, impaired or affected.

Sec 5. EMERGENCY CLAUSE. To preserve the public peace, health and safety, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved March 23, 1935.

CHAPTER 79

(House Bill No. 187)

AN ACT

RELATING TO HORSE-RACING AND DOG-RACING MEETS; PROVIDING FOR PERMITS THEREFOR; AUTHORIZING THE USE OF PARIMUTUEL MACHINES, AND PROVIDING FOR THE COLLECTION OF REVENUE THEREFROM.

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

Section 1. HORSE-RACING AND DOG-RAC-

ING MEETS; APPLICATION FOR PERMIT; FEE. Horse-racing and dog-racing meets may be held in this state only in the manner provided herein. Any person, co-partnership, association, or corporation desiring to hold a horse-racing or dog-racing meet shall make application for a permit therefor to the state tax commission. Said application shall state the names of all persons financially interested in the proposed meet, the name of the manager thereof, the dates when and place where it is desired to hold the same, the class of races to be held, the prizes or other stakes to be offered, and such information as the commission may require.

Sec. 2. GRANTING APPLICATION; LICENSE FEE. If the commission, after investigation, shall find that the reputation of the applicant for honesty, integrity, and fair dealing is good, and that the plan submitted for such meeting is not objectionable, it may grant the application. No such racing meet shall be held for a period longer than thirty days.

Sec. 3. PRIZES; HORSE OWNERS AND DOG OWNERS ONLY TO HAVE INTEREST. The person, co-partnership, association or corporation holding a racing meet as provided in section 1 may contribute purses, prizes, premiums or stakes to be contested for at such races, but only the owner of a contesting horse or dog shall have any pecuniary interest in such prize money or be entitled to receive any portion thereof. The whole of any such prize, premium, purse or stake shall be allotted in strict accordance with the announced terms and conditions of the race for which the same is offered.

Sec. 4. **FIXING OR INFLUENCING RACE A FELONY.** Any person who shall influence or have any understanding or connivance with any owner, jockey, groom, or other person associated with or interested in any stable, kennel, horse, dog, or race in which any horse or dog participates, to predetermine the result of any such race, shall be guilty of a felony and upon conviction thereof shall be imprisoned in the state prison for a period of not less than one nor more than ten years.

Sec. 5. **PARIMUTUEL MACHINES; REVENUE.** The use of parimutuel machines at racing meets held as herein provided is hereby authorized, under rules and regulations to be prescribed by the commission. The commission shall receive 4 percent, of all moneys received from parimutuel sales, for the privilege of conducting such machines and the owner and/or operator of such machines shall receive 9%. The collection of such fee to be paid the commission shall be made each day after the conclusion of the races and shall be in addition to any license or other charge that may be made by state or local authorities for conducting said racing meet. For the purpose of ascertaining the amount of the fee the commission or its agents shall have access to all such machines and to the books and records connected therewith or related to the operation thereof. All other forms of wagering or betting on the result of a horse race or dog race shall be illegal, when conducted on the premises of such racing track.

Sec. 6. **RECEIPTS TO BE PAID TO STATE TREASURER.** All moneys collected by the commission under the provisions of this act shall be transmitted to the state treasurer, by a bonded cer-

tified public accountant or a bonded public accountant certified by the state, who shall place the same in the general fund.

Sec. 7. VIOLATION. Any person violating a provision of this act for which no other penalty is prescribed shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment for a period of not less than thirty days nor more than six months, or by both such fine and imprisonment.

Sec. 8. EXCEPTIONS. The provisions of this act relating to permits for horse-racing and dog-racing meets shall not apply to such meets not exceeding one day in length, nor to a racing program conducted by any state, county, or district fair held for educational or publicity purposes only.

Approved March 25, 1935.

CHAPTER 80

(House Bill No. 231)

AN ACT

RELATING TO TAXATION, PROVIDING A GRADUATED TAX ON NET INCOMES, AMENDING CHAPTER 8, SESSION LAWS OF 1933, FIRST SPECIAL SESSION, BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 49 (d) MAKING AN APPROPRIA-

TION AND PROVIDING FOR AN EMERGENCY.

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

Section 1. AMENDING CLAUSE. Chapter 8, Session Laws of 1933, First Special Session, is hereby amended by adding a section to be designated Section 49 (d), and to read as follows:

Section 49 (d). APPROPRIATION. For the purpose of carrying out the provisions of the Income Tax Act of 1933, from and after the thirtieth day of June, 1935, there is hereby appropriated to the tax commission out of the general fund such amount as may be necessary for the effective administration of the act, but not to exceed four per cent (4%) of the total revenues collected hereunder during each calendar year or fraction thereof as determined by the receipts therefrom by the state treasurer. The appropriation herein made shall be exclusive of and in addition to the appropriation contained in the general appropriation act for the use and benefit of the state tax commission, and exclusive of and in addition to the appropriation contained in the general appropriation act for the use and benefit of the state tax commission in the administration of the Income Tax Act of 1933. Any other provisions of law notwithstanding any unexpended balance of the appropriation made hereunder shall not be subject to the provisions of the financial code and shall not revert to the general fund at the end of the fiscal year, provided that any unexpended balance remaining of the appropriation herein made shall revert to the general

fund on the thirty-first day of December of each year.

Section 2. AMENDING CLAUSE. Sec. 14, Chapter 8, Session Laws 1933, first special session, is hereby amended to read as follows:

Section 14. PERSONAL EXEMPTIONS. (a) There shall be deducted from the tax after the same shall have been computed, a personal exemption for natural persons as follows: (1) for an individual, ten dollars; (2) for husband and wife or head of a family, twenty dollars, and for each dependent child or other person dependent upon and entirely supported by such husband and wife or head of a family, an additional * * * four dollars; (3) to the head of a family who is a widow or widower, for each child actually dependent upon and supported by such taxpayer, an additional * * * four dollars; (4) for each person dependent upon and actually supported by a taxpayer not the head of a family, an additional * * * four dollars.

(b) The personal exemption provided by this section shall be determined by the personal status of a taxpayer on the last day of the last year included in the computation of income, except as otherwise provided in this act.

Section 3. EMERGENCY CLAUSE. To preserve the public peace, health and safety it is necessary that this act shall become immediately effective. It is, therefore, declared to be an emergency measure and shall take effect upon its passage in the manner provided by law.

Approved March 25, 1935.

CHAPTER 81

(House Bill No. 229)

AN ACT

RELATING TO THE NATIONAL GUARD, AND
PROVIDING FOR LIFE COMMISSIONS FOR
OFFICERS RETIRED ON ACCOUNT OF AGE.

**Be It Enacted by the Legislature of the State of
Arizona:**

Section 1. COMMISSION FOR LIFE. Any officer of the national guard of Arizona whose federal recognition as such shall terminate or be withdrawn on account of age, and for no other reason, shall retain his commission and rank as such officer for life, and shall be an honorary member of the general staff and serve in an advisory capacity, but shall receive no compensation for such services.

Approved March 25, 1935.

CHAPTER 82

(House Bill No. 220)

AN ACT

FOR THE RELIEF OF THE ARIZONA STATE
TEACHER'S COLLEGE AT FLAGSTAFF.

**Be It Enacted by the Legislature of the State of
Arizona:**

Section 1. The sum of Eight Thousand Four Hundred Twenty-Six and 60/100 (\$8,426.60) Dollars, is hereby appropriated out of the General Fund for the relief of the Arizona State Teacher's College at Flagstaff.

Sec. 2. Said sum shall be in full satisfaction of the claim of said Arizona State Teacher's College at Flagstaff for deficit due to increase in cost of supply of water for use at said institution from July 1st, 1934 to April 30th, 1935.

Sec. 3. The State Auditor is authorized to draw her warrant in the said sum in favor of the Arizona State Teacher's College at Flagstaff, and the State Treasurer is authorized to pay the same.

Approved March 25, 1935.

CHAPTER 83

(House Bill No. 214)

AN ACT

PROVIDING FOR THE PAYMENT TO THE CENTRAL ARIZONA LIGHT AND POWER COMPANY FOR LIGHT AND POWER FURNISHED THE STATE CAPITOL BUILDING AND GROUNDS DURING THE MONTHS OF JULY, 1929, AND MARCH AND JULY, 1930.

**Be It Enacted by the Legislature of the State of
Arizona:**

Section 1. For the purpose of paying the Central Arizona Light and Power Company for light and power furnished on the State Capitol Building and grounds for the period beginning July 10th and ending August 12, 1929, in the sum of Five Hundred Seventy and $40/100$ (\$570.40) Dollars, and for the period beginning March 11th and ending April 9th, 1930, in the sum of Four Hundred Thirty-eight and $45/100$ (\$438.45) Dollars, and the period beginning July 11th and ending August 9th, 1930, in the sum of Four Hundred Thirty-five and $15/100$ (\$435.15) Dollars, there is hereby appropriated out of the general fund of the State the sum of Fourteen Hundred Forty-four (\$1444.00) Dollars, to be paid to the said Central Arizona Light and Power Company as payment in full of the amounts due for light and power furnished during the periods above set forth.

Sec. 2. Upon the presentation of a duly authenticated claim of the Central Arizona Light and Power Company on the general fund for the amount of Fourteen Hundred Forty-four (\$1444.00) Dollars, as hereinabove set out, the State Auditor shall draw his warrant in satisfaction thereof, and the State Treasurer shall pay the same.

Sec. 3. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved March 24, 1935.

CHAPTER 84

(House Bill No. 193)

AN ACT

RELATING TO MISCELLANEOUS CRIMES;
PROVIDING FOR SEMI-MONTHLY PAYDAYS,
AND AMENDING SECTION 4876, REVISED
CODE OF 1928.

**Be It Enacted by the Legislature of the State of
Arizona:**

Section 1. AMENDING CLAUSE. Sec. 4876, Revised Code of 1928, as amended, is hereby further amended to read as follows:

Sec. 4876. SEMI-MONTHLY WAGE PAYMENT; NOTICE; PENALTY FOR VIOLATION. (a) The state, every county, municipality, school district or other political subdivision thereof, every department, institution, or agency of the state or of any political subdivision thereof, every person, firm, partnership, association, or corporation employed under contract by the state or any political subdivision thereof or by any such department, institution, or agency, and every company or corporation doing business and employing labor in the state, shall designate two days in each month, not less than sixteen days apart, as regular and fixed semi-monthly paydays for the payment of wages to the employees thereof, and shall post and maintain notices, printed or written in plain type or script, in at least two conspicuous places where they may be seen by said employees as they go to and from their work, setting forth the dates of said regular

semi-monthly paydays.

(b) The state, and each political subdivision, department, institution, agency, contractor, company, or corporation mentioned in subsection (a) shall, on each of said regular semi-monthly paydays, pay to its or his employees, in lawful money of the United States, or in negotiable bank checks payable on demand and bearing even date with said payday, all wages due said employees up to said date, except that in the case of employees remaining in the service of any such employer wages for not to exceed five days labor may be withheld.

(c) Any officer or other person charged with the payment of the wages of any employee of the state or of a political subdivision thereof, or of any department or institution of the state or a political subdivision thereof, or any other employer mentioned in subsection (a), who shall violate any provision of this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty nor more than three hundred dollars for each offense.

Approved March 25, 1935.

CHAPTER 85

(House Bill No. 180)

AN ACT

RELATING TO STATE INSTITUTIONS; PROVIDING FOR THE CARE OF GIRL JUVENILE OF-

FENDERS, AND REPEALING SECTIONS
2938 AND 2939, REVISED CODE OF 1928.

**Be It Enacted by the Legislature of the State of
Arizona:**

Section 1. BOARD OF DIRECTORS TO MAKE PROVISION FOR GIRL OFFENDERS. It shall be the duty of the board of directors of state institutions to enter into an arrangement and contract with an institution or institutions within the state, devoted to social welfare work and possessing adequate facilities, equipment and accommodations, for the detention, confinement, education, employment, reformation, treatment, and disciplining of the state's girl juvenile offenders.

Sec. 2. ORDER OF COURT; ASSIGNMENT BY BOARD OF DIRECTORS. When any such girl juvenile offender shall be sentenced by any court having jurisdiction of such offenses, to confinement in an institution, the clerk of the court shall file with the secretary of the board of directors of state institutions a certified copy of the sentence or order of the court, together with a sufficient transcript of the records to inform the said board of every material fact bearing upon the case. The board shall thereupon assign the said girl juvenile offender to an appropriate institution with which an arrangement has been entered into as herein provided, and said girl juvenile offender shall be committed to and confined in said institution, for the period and under the conditions imposed by the court, and shall be kept therein, subject to the rules and discipline thereof, and afforded all of the advantages and opportunities of education, employment, discipline, and reformation provided thereby.

Sec. 3. APPROPRIATION. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, twelve thousand five hundred dollars for the twenty-fourth fiscal year and twelve thousand five hundred dollars for the twenty-fifth fiscal year, is hereby appropriated for the use of the board of directors of state institutions, for the purpose of complying with the provisions of this act.

Sec. 4. REPEAL. Sections 2938 and 2939, Revised Code of 1928, are hereby repealed.

Approved March 25th, 1935.

CHAPTER 86

(House Bill No. 167)

AN ACT

RELATING TO LIENS; PROVIDING FOR THE PROTECTION OF HOTEL, INN, BOARDING HOUSE, LODGING HOUSE, APARTMENT HOUSE AND AUTO CAMP KEEPERS, AND AMENDING SECTIONS 2038, 2039, 2040, AND 4788, REVISED CODE OF 1928, AS AMENDED.

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

Section 1. AMENDING CLAUSE. Sec. 2038, Revised Code of 1928, as amended, is hereby further amended to read as follows:

Sec. 2038. LIEN ON BAGGAGE AND PROPERTY OF GUESTS. Hotel, inn, boarding house, lodging house, apartment house, and auto camp keepers shall have a lien upon the baggage and other property of their guests, boarders or lodgers, brought therein by such guests, boarders or lodgers, for the proper charges due for their accomodation, board, lodging, or room rent, and such things as are furnished at their request, with the rights to the possession of such baggage or other property until all such charges are paid.

Sec. 2. AMENDING CLAUSE. Sec. 2039, Revised Code of 1928, as amended, is hereby further amended to read as follows:

Sec. 2039. SALE OF BAGGAGE; NOTICE. Whenever any baggage or other property comes into the possession of such keeper as such and remains unclaimed or such charges remain unpaid for the period of four months, such keeper may proceed to sell the same at public auction, and out of the proceeds retain the charges, storage, and the expense of advertising the sale thereof. Such sale shall not be made until the expiration of four weeks from the first publication of notice of such sale, published once a week for four consecutive weeks in a newspaper, which shall contain a description of each piece of property, the name of the owner, if known, the name of such keeper and the time and place of such sale, unless such indebtedness does not exceed the sum of sixty dollars, in which event said notice may be given by posting in at least three public places in the place where said hotel, inn, boarding house, lodging house, apartment house, or auto camp is situated. Any balance from such sale, not claimed by the rightful owner within one month

from the day of said sale, shall be paid into the treasury of the county in which such sale took place, and if not claimed by the owner thereof within one year thereafter, the same shall be paid into the general fund of said county.

Sec. 3. AMENDING CLAUSE. Sec. 2040, Revised Code of 1928, as amended, is hereby further amended to read as follows:

Sec. 2040. COPY OF LAW AND RATES TO BE POSTED. Every keeper of a hotel, inn, boarding, lodging, or apartment house, or auto camp, shall post in a conspicuous place in the office or public room, and in every bedroom of said house or camp, a printed copy of the two preceding sections, with a printed statement of charges by the day, week or month for meals, lodging, or other items furnished.

Sec. 4. AMENDING CLAUSE. Sec. 4788, Revised Code of 1928, as amended, is hereby further amended to read as follows:

Sec. 4788. DEFRAUDING HOTEL, INN, BOARDING HOUSE, LODGING HOUSE, APARTMENT HOUSE, OR AUTO CAMP; PRIMA FACIE EVIDENCE. Any person who obtains any food, lodging or other service or accommodation at any hotel, inn, boarding house, lodging house, apartment house, or auto camp, without paying therefor, except when credit shall have been given by express agreement; or who obtains credit at any hotel, inn, boarding house, lodging house, apartment house, or auto camp, by the use of false show or pretenses of baggage or by other false and fraudulent means or misrepresentation; or who, after ob-

taining food, lodging, credit or other service or accommodation at any hotel, inn, restaurant, boarding house, lodging house, apartment house, or auto camp, absconds or surrepticiously removes his baggage or other effects therefrom without paying for such food, lodging or other service or accommodation; or who shall either while a guest at any hotel, inn, boarding house, lodging house, apartment house, or auto camp, or upon severing the relationship of guests, in any other manner defraud any such hotel, inn, boarding house, lodging house, apartment house, or auto camp, or the person in charge thereof, in any transaction arising out of such relationship as guest, shall be guilty of a misdemeanor. The refusal of payment upon presentation when due, and the return unpaid of any bank check, draft, money order, or other instrument for the payment of money given to any hotel, inn, boarding house, lodging house, apartment house, or auto camp, in payment of any obligation owing such hotel, inn, boarding house, lodging house, apartment house, or auto camp, shall be prima facie evidence of an intent to defraud on the part of the person who gave such instrument.

Approved March 25, 1935.

CHAPTER 87

(House Bill No. 138)

AN ACT

RELATING TO THE MUNICIPAL CHARTER OF
THE CITY OF TOMBSTONE, ARIZONA, AND

AMENDING ACT NUMBER 39, LAWS OF THE
TERRITORY OF ARIZONA, 1881.**Be It Enacted by the Legislature of the State of
Arizona:**

Section 1. Section 22, Article X of Act 39, Laws of the Territory of Arizona, 1881, entitled, "An Act to incorporate the city of Tombstone, to define its limits and rights, to specify its privileges and powers, and provide for an efficient government for the same", is hereby amended to read as follows:

"Section 22. In addition to what may be especially required by other provisions of this act to be published, the following proceedings and acts of said municipal authorities shall be published in English by at least three insertions in some newspaper printed and published in said city:

First: All ordinances adopted in accordance with the provisions of this act.

Second: All resolutions of the common council required by this act to be in writing."

Sec. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 25, 1935.

CHAPTER 88

(House Bill No. 137)

AN ACT

RELATING TO STATE INSTITUTIONS; AND

PROVIDING FOR CREDIT TRANSFERS FOR
INTRA-INSTITUTIONAL SALES OF PROD-
UCTS OR GOODS.

**Be It Enacted by the Legislature of the State of
Arizona:**

Section 1. CREDIT TRANSFERS FOR INTRA-INSTITUTIONAL SALES. Whenever an institution maintained wholly by the state shall sell agricultural products, goods, wares, or merchandise produced, manufactured, or prepared by its inmates or wards, to another such institution, for use therein or by the inmates or wards therein, the institution making such sale shall be reimbursed, through a credit transfer, for the cost, which shall not exceed the price in the open market of said products, goods, wares, or merchandise. The superintendent or managing head of the institution making any such sale shall prepare a claim against the purchasing institution, and such claim, when approved by the proper officer of the purchasing institution and by the secretary of the board of directors of state institutions, shall be presented to the auditor, to be audited as other claims. If the auditor shall find the claim to be a valid one, he shall charge the amount thereof to the appropriate fund of the institution against which it is drawn, and shall credit the appropriate fund of the institution presenting the claim, and shall notify the treasurer of such transfer.

Sec. 2. EMERGENCY CLAUSE. To preserve the public peace, health and safety, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure,

and shall take effect upon its passage in the manner provided by law.

Approved March 25, 1935.

CHAPTER 89

(House Bill No. 129)

AN ACT

RELATING TO SECONDARY STATE ROUTES AND HIGHWAYS, PROVIDING FOR THEIR DESIGNATION, IMPROVEMENT, MAINTENANCE AND REPAIR.

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

Section 1. 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 decide 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 inter-county 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, sub-

ject 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 prorata 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.

Approved March 25, 1935.

CHAPTER 90

(House Bill No. 102)

AN ACT

TO AMEND SECTION 3080, REVISED CODE OF ARIZONA, 1928, RELATING TO TRANSIENT LIVE STOCK; PROVIDING THE METHOD OF ASSESSMENT AND COLLECTION OF TAXES AND EXTENDING THE JURISDICTION OF THE COUNTY ASSESSOR.

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

Section 1. That Section 3080, Revised Code of Arizona, 1928, be and the same is hereby amended to read as follows:

Sec. 3080. TRANSIENT LIVESTOCK; AS-

ASSESSMENT. Transient herds of cattle, sheep or goats, wherever mentioned herein, shall be taken to mean cattle, sheep, or goats, that range, graze, or drift, in counties other than the county or counties in which the home ranch is located, for any part of the calendar year, and shall be assessed as personal property. Upon the assessment of such transient livestock in any county, the owner thereof may file with the assessor an affidavit, together with as many copies thereof as there are counties in which such owner's livestock shall range during the entire year, which affidavit shall set forth the fractional part of the year such livestock shall range in each county. Such owner may thereupon pay state and county taxes in such proportion as the fractional part of each year which said stock shall range in that county shall bear to the entire year. At the time the assessor collects the taxes due on such cattle, sheep or goats, he shall give the owner a receipt therefor, which receipt shall show the amount of taxes paid, the number of live stock assessed, and the number of months for which it was assessed. The county assessor shall transmit a copy of the affidavit herein provided to each county wherein such owner's transient livestock shall range during the year.

Sec. 2. For the purpose of enforcing this act, the jurisdiction of the County Assessor shall continue in full force and effect during the entire calendar year.

Approved March 25, 1935.

CHAPTER 91

(House Bill No. 55)

AN ACT

RELATING TO EDUCATION; AND PROVIDING AN APPROPRIATION FOR THE ARIZONA STATE SCHOOL FOR THE DEAF AND THE BLIND, FOR THE CONSTRUCTION AND RE-MODELING OF BUILDINGS.

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

Section 1. APPROPRIATION. The sum of nine thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the use of the board of directors of the Arizona state school for the deaf and the blind.

Sec. 2. PURPOSE. The purpose for which said appropriation is made is the construction of a cottage for the superintendent which is not to exceed the cost of Forty-five hundred (\$4500.00) Dollars and the remainder of said appropriation shall be used for the remodelling of the administration building of said institution in such manner as to provide additional dormitory and class room facilities.

Approved March 25, 1935.

CHAPTER 92

(House Bill No. 48)

AN ACT

RELATING TO THE STATE FINANCIAL CODE
LIMITING QUARTERLY EXPENDITURES;
WARRANTS FOR NEW CONSTRUCTION; RE-
PORT OF QUARTERLY EXPENDITURES FOR
TRAVEL.

**Be It Enacted by the Legislature of the State of
Arizona:**

Section 1. Section 2616 of the Revised Code of Arizona, 1928, is hereby amended to read as follows:

Section 2616. Limiting quarterly expenditures; warrants for new construction; report of quarterly expenditures for travel. No agency of the state shall, in one fiscal quarter, expend more than one-fourth of its total appropriation for salaries, operations, travel, capital investment and repairs and replacements, except upon the prior and written approval of the governor and auditor jointly; unexpended balances in any one quarter shall be available in succeeding quarters during that fiscal year. No warrants shall be drawn for new construction, the money for which is raised by tax levy and is appropriated by the legislature, until the first day of December next after adjournment of the legislature making the appropriation, unless specifically authorized.

Every agency of the state shall prepare an item-

ized statement at the end of each fiscal quarter, showing the amounts expended for travel by each officer and employee thereof, and furnish same to the governor and the state auditor.

Approved March 25, 1935.

CHAPTER 93

(Senate Bill No. 159)

AN ACT

RELATING TO BUILDING AND LOAN ASSOCIATIONS AND TO AMEND CHAPTER 14, REVISED CODE OF 1928, BY ADDING SEVEN SECTIONS TO BE DESIGNATED SECTIONS 628a, 628b, 628c, 628d, 628e, 628f and 628g, RESPECTIVELY; AND DECLARING AN EMERGENCY.

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

Section 1. Chapter 14, Revised Code of 1928, is hereby amended by adding a section to be designated Section 628a, and to read as follows:

Sec. 628a. REHABILITATION OF ASSOCIATIONS. Whenever the business, property and affairs of any association shall be in the possession of the superintendent of banks for liquidation, or whenever any association shall be in an unsafe or unsound condition, such association may be rehabilitated, readjusted or reorganized in accordance with

any plan proposed and approved as hereinafter provided. The term "plan" as used in this and the six next succeeding sections, is hereby defined to mean a plan for the rehabilitation, readjustment or reorganization of any association or for the readjustment, modification or reorganization of the rights or interest of any or all of the investors and creditors of, or other persons, if any, interested in such association. Without limiting the generality of the foregoing, a plan may provide in respect to all or any part of the business, property or affairs of such association for any one or more of the following:

(a) For the retention thereof by the superintendent of banks as a conservator, if the same be in his possession for liquidation;

(b) For the delivery thereof to the superintendent of banks as a conservator of the same, or for the liquidation thereof;

(c) The transfer thereof to any person or to a trustee.

Sec. 2. Chapter 14, Revised Code of 1928, is hereby amended by adding a section to be designated section 628b, and to read as follows:

Sec. 628b. PROCEDURE. A plan may be proposed by the superintendent of banks or by any association subject to the approval of said superintendent, but if proposed by any association, such proposal shall be through action of its board of directors or by certificate holders holding investment certificates having a value equal to not less than a majority in amount of the total investment certificate liability of such association, or to not less

than a majority of its total investment certificate liability. Every plan shall be presented by the proponent or proponents, to the superior court located in the county in which the principal place of business of the association is located, with a petition that the court determine the fairness of such plan and the conditions requisite to such plan becoming operative, and such petition shall set forth such plan and the fact that it has been proposed or approved by said superintendent and any other facts which may be deemed material to a consideration of the fairness of such plan. Upon the filing of such petition, the court shall fix the time and place for the hearing thereof, and shall direct such association to deliver to such proponent or proponents, or, in the discretion of the court, to said superintendent, a list of the names and addresses of the investors and creditors of such association, and of all other persons, if any, affected by such plan, and such association shall comply with such direction. Thereafter the proponent or proponents, of such plan, not less than twenty days before the date fixed for such hearing, shall mail or cause to be mailed to each of the investors and creditors of such association and to all other persons, if any, affected by such plan, a notice of the time and place fixed by the court for such hearing and either a copy of such plan or a summary thereof. Such summary shall be either prepared or approved by the superintendent of banks. Said notices shall be mailed, postage prepaid, to the respective addresses as shown on such list, or if no address be there shown, to the last known address. In addition, the proponent or proponents, of such plan shall cause notice of the time and place fixed for such hearing to be posted in three public places in said county not less

than twenty days before the day fixed for such hearing and to be published at least once and not less than twenty days nor more than thirty days before the day fixed for such hearing, in a newspaper of general circulation published in said county. A copy of said plan shall be kept by said superintendent available for public inspection, and he shall take such other steps as he shall deem necessary for making the plan and all notices and facts in connection therewith available to all interested parties.

Sec. 3. Chapter 14, Revised Code of 1928, is hereby amended by adding a section to be designated section 628c, and to read as follows:

Sec. 628c. HEARING. At the time and place fixed for such hearing, or at the time and place to which such hearing may be continued by the court, the court shall hear the parties interested therein and, if it deem it necessary, may take testimony relative thereto and may accept proof in affidavit form as to any fact or circumstance material thereto. Such hearing shall be, among other things, upon the fairness of the terms and conditions of the issuance of all securities to be issued pursuant to such plan and of the exchange thereof for outstanding securities, claims or property interests, or partly in such exchange and partly for cash, and all persons to whom it is proposed to issue securities in such exchange shall have the right to appear and be heard, at such hearing. No plan shall be approved by the superintendent of banks, or by the court, unless said superintendent or the court, as the case may be, is satisfied that the plan is fair and equitable and does not discriminate in favor of any class of investors, creditors or other persons

affected thereby, and is feasible. After the completion of such hearing the court shall approve, modify or disapprove such plan. No plan shall become operative unless and until it shall have been approved in its original or in a modified form, by such court, nor unless and until such plan shall have been consented to, either in person or by a duly appointed agent, attorney or committee by the following persons:

(a) If such association shall have stock outstanding, then by the holders of a majority in amount of the stock of such association;

(b) If such association shall have shares outstanding, then by the holders of a majority in value of the shares of such association;

(c) If such association shall have investment certificates outstanding, then by the holders of two-thirds in value of the investment certificates of such association;

(d) If such association shall have creditors, then by two-thirds of each class of creditors of such association;

(e) And by two-thirds in amount of each class of other persons, if any, affected by such plan.

Provided, that such consents shall not be required:

(a) In the case of any investor, creditor or other person affected, or of any class of investors, creditors or other persons affected, if the rights of such person or persons shall not be materially

affected by such plan, or if such plan shall provide for the payment in cash of the value of the right or interest of such person or persons;

(b) From stockholders of any association if the value of the assets of such association shall be less than the liabilities thereof, including the value of all outstanding shares and investment certificates, or if the business, property and affairs of such association be then in the possession of said superintendent;

(c) That the consent of the shareholders of any association shall not be required if the value of the assets of such association shall be less than the liabilities of such association, including the value of its investment certificates but not including the value of its shares, or if the business, property and affairs of such association be then in the possession of said superintendent.

The consents required by this section may be given before the plan is presented to the court, or after such presentation and before the court has approved it, or after such approval. If, at the time such plan is approved by the court, the consents above required have not been given, the order of court may provide that upon satisfactory proof of the fact that such consents have been given, a further order may be entered *ex parte* providing that such plan shall become operative, which further order shall be binding upon said superintendent, such association and all such investors and creditors, and all other persons, if any affected thereby. The superior court in which such petition is pending is hereby given jurisdiction to determine all questions required to be determined in respect to

any plan including, without limiting the generality of the foregoing, the following: Whether any plan, either in its original or modified form, is fair and equitable; whether it discriminates in favor of any class of investors, creditors or other persons affected thereby; whether it is feasible; whether the terms and conditions of the proposed issuance and exchange of securities thereunder are fair and to approve or disapprove such terms and conditions; the total liabilities of such association; the conditions requisite to such plan becoming operative, including jurisdiction to determine, for the purposes of the plan and such consents, the division of the creditors and other persons, if any affected by such plan, into classes according to the nature of their respective claims and interests.

Sec. 4. Chapter 14, Revised Code of 1928, is hereby amended by adding a section to be designated Section 628d, and to read as follows:

Sec. 628d. AFFECT OF APPROVAL AND CONSENTS. When any plan shall have been approved by the court and the required consents given, such plan shall be binding upon the superintendent of banks, the association, all the investors and creditors of such association, and all other persons, if any, affected thereby; and such association and all such persons shall be conclusively deemed to have consented to all of the terms and conditions of such plan, whether or not all of such persons shall actually have consented thereto and whether or not all of them shall have received notice of such plan or of such hearing. Such steps shall be taken by said superintendent, such association and all other persons affected by such plan, and all acts shall be done, all instruments executed and

all securities issued, as may be required by such plan so approved and as may be necessary or desirable for the consummation of such plan. Said superintendent shall supervise and direct, subject to the orders of the court, the consummation of such plan. He shall have and may exercise the same jurisdiction, authority and powers with respect to the business, property or affairs of any association retained by or delivered to him pursuant to any plan which he may have with respect to the business, property and affairs of any association of which he has taken possession, and he shall have and may exercise the same jurisdiction, authority and powers with respect to any association formed pursuant to any plan or to which the business, property or affairs may be returned or transferred pursuant to any plan as he would have of such association if it had been formed or had acquired its business, property and affairs by means other than a plan.

Sec. 5. Chapter 14, Revised Code of 1928, is hereby amended by adding a section to be designated Section 628e, and to read as follows:

Sec. 628e. APPEALS. No appeal from an order of the superior court approving a plan shall be effectual for any purpose, unless within thirty days after the entry of such order the appellant shall file with the clerk of such court a bond with a surety company authorized by law to transact business in this state, as a surety thereon, to the effect that the appellant, in the event such order is affirmed, on appeal will pay all costs and expenses, including attorneys fees, arising from such appeal, and also all losses and damages to the investors, creditors and other persons, if any, affected by such plan,

arising from any delay in consummating such plan caused by such appeal. The form and amount of such bond shall be approved by the superior court but in no case shall such bond be for an amount less than one per cent of the total liabilities of such association. Appeals from orders approving plans shall be given preference in hearing on appeal of all other appeals, except contested election cases and cases in which the people of the state are parties.

Sec. 6. Chapter 14, Revised Code of 1928, is hereby amended by adding a section to be designated section 628f, and to read as follows:

Sec. 628f. SECURITIES ISSUED UNDER PLAN. The term "securities" as used herein in respect to any plan, shall include not only shares, stock and investment certificates issuable by any association under the laws of this state, but also shares of stock of one or more classes issuable by corporations generally, and also bonds, notes, debentures, evidences of indebtedness, certificates of interest or participation and collateral trust certificates. Any association may issue, pursuant to a plan approved under this article, any one or more of the above mentioned kinds of securities, regardless of any provisions of law to the contrary.

Sec. 7. Chapter 14, Revised Code of 1928, is hereby amended by adding a section to be designated section 628g, and to read as follows:

Sec. 628g. AUTHORITY OF FIDUCIARIES. Any executor, administrator, guardian or receiver, and any trustee of any kind or nature, and any insurance company may consent to any plan or ex-

change any shares, stock, investment certificates or other rights or claims, for securities issued pursuant to any plan and may continue to hold as a legal investment any securities so received.

Sec. 8. To preserve the public peace, health and safety, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved March 25, 1935.

CHAPTER 94

(Senate Bill No. 142)

AN ACT

RELATING TO THE REGISTRATION OF ELECTORS, AND AMENDING SECTION 9, CHAPTER 62, SESSION LAWS 1933.

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

Section 1. AMENDING CLAUSE. Section 9, chapter 62, Session Laws 1933, is hereby amended to read as follows:

Sec. 9. APPLICATION FOR CANCELLATION; HOW DISPOSED OF. (a) Upon receipt of an application for cancellation the recorder shall remove the affidavit of registration to which it relates from the general county register, stamp the latter "can-

cancelled", and shall place both documents in a cancellation binder provided for such purpose. Applications for cancellation shall be arranged and bound in like manner as affidavits of registration.

(b) Applications for cancellation of registration shall be preserved for two years from the date of their execution, after which they, with all cancelled registrations to which they relate, and all registrations cancelled for failure to vote as hereinafter provided may be destroyed.

(c) When registrations are cancelled as herein provided, or as soon thereafter as is practicable, the county recorder shall transmit to the secretary of state a list of names of all electors whose registrations are so cancelled and the secretary of state shall readjust his records to conform.

Sec. 2. REPEALING CLAUSE. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 25, 1935.

CHAPTER 95

(Senate Bill No. 128)

AN ACT

RELATING TO BUILDING AND LOAN ASSOCIATIONS; AMENDING SECTION 618, CHAPTER 14, REVISED CODE OF 1928, AND ADDING TWO SECTIONS TO SAID CHAPTER 14,

REVISED CODE OF 1928, TO BE DESIGNATED SECTIONS 618a AND 618b, RESPECTIVELY; AND DECLARING AN EMERGENCY.

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

Section 1. AMENDING CLAUSE. Sec. 618, chapter 14, Revised Code of 1928, is hereby amended to read as follows:

Sec. 618. INVESTMENT OF FUNDS; LOANS; SECURITIES; BORROWING. Any association may make loans only upon notes secured by first mortgages on improved real property, or real property to be improved under contract with the association. Such loans shall not exceed sixty per centum of the conservative market value of the improved real property, except that the association may make loans in excess of sixty per centum of the conservative market value of the improved real property where the federal housing administrator acting pursuant to the provisions of title two of that certain act of Congress entitled "National Housing Act", approved June 27, 1934, insures or makes a commitment to insure such loans. No loan shall be made except upon the report in writing of two appraisers who shall report in writing the conservative market value of the property to be mortgaged.

An association may also:

(1) Loan upon the security of shares of the association to the amount of ninety per centum of their withdrawal value.

(2) Loan or invest an amount not greater than twenty per centum of its total assets in bonds of the United States, the Home Owners' Loan Corporation, the state of Arizona, counties, cities, towns, school or road districts, and other municipalities and improvement districts in this state, national mortgage associations or similar credit institutions now or hereafter organized under the provisions of title three of said act of Congress entitled "National Housing Act", and in bonds, debentures and notes issued by any federal home loan bank or consolidated federal home loan bank.

(3) Invest in the stock and become a member of any federal home loan bank of which it may be eligible to become a member under the terms and provisions of the "Federal Home Loan Bank Act", and nothing in the laws of this state shall prohibit any association from investing any part of its capital or surplus or funds in the stock or becoming a member of a federal home loan bank. Any association, which shall be or desires to become a member of a federal home loan bank, shall be subject to such examinations, inspections and regulations as may be required under the terms of the "Federal Home Loan Bank Act", or by the federal home loan bank board, or by the federal home loan bank of which said association is, or desires to become, a member; and the superintendent of banks, his agents and employees, are authorized to furnish to the federal home loan bank board, or to any federal home loan bank, or to examiners duly appointed by the federal home loan bank board or by any federal home loan bank, copies of any instruments concerning, and may disclose to such federal home loan bank board, federal home loan bank or examiner, any

information with reference to the condition or affairs of any such association.

Any association joining or associating itself with such federal home loan bank is authorized to borrow money, in any amount, from such bank, and to assign, pledge and hypothecate any of its assets, in such amount as may be required by said bank as security therefor, and shall have and exercise all powers which are conferred upon any member association in such federal home loan bank by the provisions of the "Federal Home Loan Bank Act" and the regulations of the federal home loan bank board.

Any building and loan association may subscribe to the shares of any federal savings and loan association domiciled in this state, and may pay for such shares in cash or by the transfer of such assets of the subscriber as may be approved by the federal home loan bank board in writing.

Sec. 2. ADDING CLAUSE. Chapter 14, Revised Code of 1928, is hereby amended by adding a section to be designated section 618a, and to read as follows:

Sec. 618a. ASSOCIATIONS BECOMING OR CONSOLIDATED WITH FEDERAL SAVINGS AND LOAN ASSOCIATIONS. Any association eligible to become a federal savings and loan association may convert itself into a federal savings and loan association, or become consolidated with a federal savings and loan association, in the following manner:

At any regular meeting of the shareholders of

any such association or at any special meeting thereof, in either case called to consider such action and held in accordance with the laws governing such association, such shareholders by an affirmative vote of the shareholders owning and voting two-thirds of the shares of such association, either in person or by proxy, may declare by resolution a determination to convert said association into a federal savings and loan association or become consolidated with a federal savings and loan association. A copy of the minutes of such meeting verified by the affidavit of the president or vice-president and the secretary of the meeting shall be filed within ten days after such meeting in the office of the superintendent of banks. Said verified copy of such minutes when so filed, shall be prima facie evidence of the holding and of the action of such meeting, but the superintendent of banks may verify the same.

Within a reasonable time, and without any unnecessary delay after the adjournment of such meeting of said shareholders, such association shall take such action as may be necessary to make it a federal savings and loan association, or effect such consolidation, as the case may be, and within ten days after receipt by it of the federal charter, or such consolidation, there shall be filed in the office of the superintendent of banks, a copy of the charter issued to such association by the federal home loan bank board, or a certificate showing the organization of such association as a federal savings and loan association, or the fact of such consolidation, certified by or on behalf of the federal home loan bank board. Upon the filing of such instrument such association shall cease to be a state association and shall thereafter be a federal savings

and loan association, and at the time such conversion becomes effective, such association shall cease to be subject to the supervision of the superintendent of banks and all of the property of such association including all of its right, title and interest in and to all property of every kind and character, whether real, personal or mixed, shall immediately by operation of law and without any conveyance or transfer whatsoever and without any further act or deed, continue to be vested in said association under its new name and style as a federal savings and loan association and under its new jurisdiction; and said federal savings and loan association shall have, hold and enjoy the same in its own right as fully and to the same extent as the same was possessed, held and enjoyed by it as a state association and said federal savings and loan association at the time of the taking effect of such conversion shall continue responsible for all of the obligations of said state association to the same extent as though said conversion or consolidation had not taken place; it being expressly declared that the said federal savings and loan association shall be merely a continuation of the said state association under a new name and new jurisdiction and such revision of its corporate structure as may be considered necessary for its proper operation under said new jurisdiction.

Sec. 3. ADDING CLAUSE. Chapter 14, Revised Code of 1928, is hereby amended by adding a section to be designated section 618b, and to read as follows:

Sec 618b. SHARES LEGAL INVESTMENTS.
All shares issued by any federal savings and loan association and all investment certificates of any

building and loan association issuing investment certificates, and all shares of any association not issuing investment certificates, whose accounts are insured by the federal savings and loan insurance corporation, as provided in title four of the "National Housing Act", shall be legal investments for the funds of executor, administrators, guardians, receivers and trustees of every kind and nature, and insurance companies.

Sec. 4. EMERGENCY CLAUSE. To preserve the public peace, health and safety, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved March 25, 1935.

CHAPTER 96

(Senate Bill No. 89)

AN ACT

RELATING TO WEIGHTS AND MEASURES AND PUBLIC WEIGHMASTERS AND TO AMEND SECTIONS 3631, 3632, 3633, 3634, AND 3635, CHAPTER 82, REVISED CODE OF 1928.

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

Section 1. AMENDING CLAUSE. Sec. 3631,

chapter 82, Revised Code of 1928, is hereby amended to read as follows:

Sec. 3631. PUBLIC WEIGHMASTERS AND SEALS THEREOF. Any person engaged in the business of weighing cotton or other products for hire, or who shall weigh cotton or other products and issue therefor a weight certificate intended to be accepted as an accurate weight upon which a purchase or sale is to be based or who shall engage in the business of weighing motor vehicles, trailers or semi-trailers and issuing weight certificates intended to be accepted as an accurate weight for the purpose of determining the amount of any tax, fee or other assessment on such vehicles, or who shall engage in the business of weighing any object or thing for the public generally for hire, shall be known as a public weighmaster, and shall file a bond with the state inspector of weights and measures in the sum of one thousand dollars for the faithful performance of his duties, and shall at his expense, obtain from such inspector a seal for the stamping of weight certificates in such form as the inspector may prescribe. Such seal shall be the property of the state to be returned to the inspector upon termination of the lawful use thereof and any certificate of weight bearing such seal, shall be recognized as accurate.

Sec. 2. AMENDING CLAUSE. Sec. 3632, chapter 82, Revised Code of 1928, is hereby amended to read as follows:

Sec. 3632. WEIGHTS CERTIFICATES; RECORD TO BE KEPT. The state inspector shall prescribe a form of weight certificates to be used by public weighmasters, to be known as the state cer-

tificate of weights and measures, and shall state therein the kind of product, its number of units, the date of receipt of the product, the owner, agent or consignee, the total weight of the product, the transportation by which received, and such other information as may be necessary to distinguish or identify the product from a like kind, and if a motor vehicle, trailer or semi-trailer, the engine, serial or other identifying number, the date of the weighing and the owner and the weight thereof. No other certificates shall be used by public weighmasters, but whenever there may be issued a warehouse receipt for the product weighed, the form of such warehouse receipt shall be such as is prescribed in the law relating to warehouse receipts, and the certificate of weight may be made a part of such warehouse receipt. Public weighmasters shall keep and preserve correct and accurate records of all public weighing for at least five years, at all times to be open for inspection by the inspector, or his deputy.

Sec. 3. AMENDING CLAUSE Sec. 3633, chapter 82, Revised Code of 1928, is hereby amended to read as follows:

Sec. 3633. GIVING OR REQUESTING FALSE WEIGHT; PENALTY. Any public weighmaster who issues any false or fraudulent certificate shall be guilty of a misdemeanor, and the inspector may compel the return to him of the state seal or declare his bond as public weighmaster forfeited. Any person who shall request the public weighmaster or any person employed by him to weigh any cotton or other product or any motor vehicle, trailer or semi-trailer or other object or thing falsely or incorrectly, or who shall request the issuance of a false or incorrect state certificate of weight, or any

person issuing a state certificate of weight who is not a public weighmaster, or any person who violates any other provision of this article, shall be guilty of a misdemeanor.

Sec. 4. AMENDING CLAUSE. Sec. 3634, chapter 82, Revised Code of 1928, is hereby amended to read as follows:

Sec. 3634. IDENTIFICATION OF LOTS. All amounts, lots, shipments or consignments of cotton or other products after being weighed shall be piled or stored separately as nearly as can be, or marked so that said amounts, lots, shipments or consignments may be distinguished from others of like kind.

Sec. 5. AMENDING CLAUSE. Sec. 3635, chapter 82, Revised Code of 1928, is hereby amended to read as follows:

Sec. 3635. REWEIGHING; DEPUTIES TO WEIGHMASTER. When any doubt or difference arises as to the correctness of the weight of any cotton or other product or of any motor vehicle, trailer or semi-trailer, or other object or thing for which a state certificate of weights has been issued by a public weighmaster, the owner, agent or purchaser may upon complaint to the state inspector, have said cotton or other product or said motor vehicle, trailer or semi-trailer or other object or thing reweighed by the inspector, or by a public weighmaster designated by him, upon depositing a sufficient sum of money to defray actual cost of the reweighing. If on reweighing a difference in the original weight is discovered as a result of fraud, carelessness or faulty apparatus, the cost of re-

weighing and the loss occasioned by such difference in weight shall be borne by the public weighmaster who issued such certificate. Public weighmasters employing or designating any person to act for them as deputy public weighmaster are responsible for all acts performed by such person, and the public weighmaster shall forward to the inspector the name and address of any person so appointed forthwith upon his appointment.

Approved March 25th, 1935.

CHAPTER 97

(Senate Bill No. 79)

AN ACT

RELATING TO INSPECTION OF LIVESTOCK
AND COLLECTION OF FEES THEREFOR,
AND AMENDING SECTION 2104, REVISED
CODE OF 1928, AS AMENDED BY SECTION 1,
CHAPTER 69, SESSION LAWS OF 1933.

**Be It Enacted by the Legislature of the State of
Arizona:**

Section 1. Sec 2104, Revised Code of 1928, as amended by section 1, chapter 69, Session Laws of 1933, is hereby amended to read as follows:

Sec. 2104. INSPECTION TO BE MADE IMMEDIATELY; FEE; CERTIFICATE. An inspector, upon being advised or informed that any livestock is subject to inspection, shall inspect such livestock

immediately. The person in charge of such livestock shall, when the same has been inspected, pay to the inspector therefor ten cents per head for neat animals, horses, mules or asses. The inspector shall thereupon certify in writing to the owner or person in charge, on a form furnished by the board, that such livestock has been inspected, according to law, for brands, earmarks and health.

Approved March 25, 1935.

CHAPTER 98

(Senate Bill No. 57)

AN ACT

RELATING TO FEES AND COSTS; PRESCRIBING FEES TO BE CHARGED BY COUNTY RECORDERS, AND AMENDING SECTION 1462, REVISED CODE OF 1928.

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

Section 1. AMENDING CLAUSE. Sec. 1462, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1462. FEES OF COUNTY RECORDERS.

(a) County recorders shall receive the following fees: For filing each paper, twenty cents; recording all papers required or permitted by law to be recorded, for each one hundred words, unless otherwise provided in this chapter, twenty cents; each certificate and seal to same, seventy-five cents; fil-

ing, recording and indexing each mining or mill site location notice, one dollar; filing, recording and indexing each notice of non-liability for labor or material furnished, relating to mines under lease, option or bond, one dollar; fixing, indexing and entering a minute of chattel mortgages, seventy-five cents; filing release of chattel mortgage, twenty cents; filing and indexing notice of lis pendens, one dollar; recording each plat, addition or subdivision of any town or city, the scale of which may be reduced if note of the same is made thereon, five dollars; noting such muniment of title in every abstract, fifty cents; filing, indexing and entering a minute of each conditional sale, seventy-five cents; filing release of conditional sale, twenty cents; for the recording of any contract, deed, or other recordable instrument to which the United States, the state, or any political subdivision thereof, including cities, irrigation districts, drainage districts and electrical districts, is a party, when recorded at the request of the United States, the state, or any such political subdivision or the authorized representative thereof, the county recorder shall receive a fee equal to the actual cost of recording such instruments, which shall in no event exceed twenty cents for each one hundred words; for preparing and certifying copies of any record in his office, for each one hundred words or fraction thereof, twenty cents, or in the event copies are furnished by the applicant for certification, five cents, and in addition for attaching the recorder's certificate and seal, seventy-five cents.

(b) The county recorder shall charge no fee for a marginal release of a mortgage or other instrument of record in his office, and in case of a

release filed in satisfaction of a chattel mortgage or a conditional sale, it shall not be necessary to index the same, but it shall be sufficient to make proper notation thereof on the margin of the abstract of the released instrument, together with the fee number and date of the release, and to file the release in its proper numerical order for preservation as other records are preserved, returning the instrument released to the mortgagor or buyer.

Approved March 25, 1935.

CHAPTER 99

(Senate Bill No. 167)

AN ACT

RELATING TO THE PRACTICE OF MEDICINE, SURGERY AND OSTEOPATHY; AMENDING SECTIONS 2554 AND 2560, REVISED CODE OF 1928; AND AMENDING CHAPTER 58, ARTICLE 9, REVISED CODE OF 1928, BY ADDING A SECTION TO BE DESIGNATED SECTION 2560a, PROVIDING FOR AN ANNUAL LICENSING FEE.

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

Section 1. AMENDING CLAUSE. Sec. 2554, Revised Code of 1928, is hereby amended to read as follows:

Sec. 2554. BOARD OF MEDICAL EXAMIN-

ERS; APPOINTMENT; TERM; MEETINGS; SALARY. The governor shall appoint a board of medical examiners consisting of five members, each of whom shall have resided in Arizona for a period of three years next before his appointment, and be a licensed graduate practitioner. Four members shall be graduates of schools recognized by the American association of medical colleges, and one shall be a graduate of a recognized school of osteopathy. Vacancies occurring in the representation of said professions respectively, shall be filled from said profession. The first appointee shall serve for two years, the second for three years, the third for four years, the fourth for five years, and the fifth for six years. Thereafter each member appointed shall be for a term of six years. No professor, instructor, or other person in any manner connected with, or financially interested in, any college or school of medicine, surgery or osteopathy shall be appointed. The board shall elect from among its members a president, vice-president, second vice-president, secretary and treasurer, who shall hold their respective positions during the pleasure of the board. Regular meetings shall be held at the office of the board at the state capitol on the first Tuesday of January, April, July and October of each year. The board may adopt rules and any member may administer oaths and take evidence in any matter cognizable by the board. The board shall fix the salary of the secretary, not to exceed twelve hundred dollars per year, and the compensation of the other members, not to exceed ten dollars for each day of actual service, and the members of the board shall receive their actual expenses when on the business of the board.

Sec. 2. AMENDING CLAUSE. Sec. 2560, Re-

vised Code of 1928, is hereby amended to read as follows:

Sec. 2560. PRACTICING WITHOUT LICENSE; EXCEPTIONS; FALSE IMPERSONATION; PENALTY. Any person who practices, or attempts to practice, without having a valid, recorded certificate, shall be guilty of a felony. Any person filing, or attempting to file for record, a certificate issued to another, claiming himself to be the person entitled to the same, shall be guilty of a felony, and punished as provided by law for the crime of forgery. Any person assuming to act as a member of the board of medical examiners, who is not a member thereof, who shall sign, issue or seal a certificate authorizing any person to practice medicine or surgery, osteopathy, or any other system or mode of treating the sick or afflicted, shall be guilty of a felony, and shall be punishable by imprisonment for not more than five years.

Sec. 3. ADDING CLAUSE. Article 9, chapter 58, Revised Code of 1928, is hereby amended by adding a section, to be numbered section 2560a, and to read as follows:

Sec. 2560a. BUREAU OF LICENSE. Every person practicing medicine, surgery or osteopathy shall pay to the board of medical examiners on or before the first day of January of each year after a license is issued a renewal license fee of three dollars. The secretary shall, thirty days or more prior to such date, mail to all practitioners of medicine, surgery or osteopathy in the state of Arizona a notice requiring the payment of the renewal fee. The receipt need not be recorded. Any person who shall be legally licensed to practice medicine, surgery or

osteopathy and who shall not renew his license on the first day of January shall be assessed a penalty of one dollar for each day that he shall practice without such renewal license; provided, however, that the total fine assessed by the board shall not exceed fifty dollars; and provided further, that any person who shall not renew a license for a period of three years shall have his original license revoked by the board of medical examiners.

Ninety per cent of all fees shall be deposited with the state treasurer to the credit of the board of medical examiners, and ten per cent thereof shall be credited to the general fund of the state.

Approved March 25, 1935.

CHAPTER 100

(Senate Bill No. 5)

AN ACT

RELATING TO POLL TAXES FOR SCHOOLS
AND ROADS, AND REPEALING ARTICLE 13,
CHAPTER 75, REVISED CODE OF 1928.

**Be It Enacted by the Legislature of the State of
Arizona:**

Section 1. Article 13, chapter 75, Revised Code of 1928, is hereby repealed.

Sec. 2. The provisions of this act shall become effective on and after January 1, 1936.

Approved March 25, 1935.

CHAPTER 101

(Senate Bill No. 179)

AN ACT

AMENDING SECTION 2108, REVISED CODE OF 1928, AND ACTS AMENDATORY THEREOF BY REGULATING HOLDING OF CATTLE IN SEIZURE CASES AND FIXING COSTS OF HOLDING IN SEIZURE CASES.

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

Section 1. AMENDING CLAUSE. Sec. 2108, Revised Code of 1928, as amended by chapter 43, Session Laws 1931, regular session, is hereby amended to read as follows:

Sec. 2108. INSPECTOR TO REPORT SEIZURE; SALE OF SEIZED CATTLE; COSTS. When an inspector has seized live stock, as herein provided, he shall safely keep and care for the same for a period of twenty-five days during which time any person shall have a right to inspect the cattle seized, and at any time prior to the expiration of twenty days after said seizure, the county attorney of the county in which the cattle are seized may take charge of the live stock so seized and keep said live stock at the expense of the state of Arizona when he deems said live stock of evidentiary value in any criminal prosecution arising from said seizure; but if said county attorney does not so take said live stock upon the expiration of the aforesaid twenty days the live stock shall be sold by the inspector at public auction to the highest bidder for

cash after five days notice to be given by a written notice posted in three public places in the precinct where the live stock is held. The proceeds from the sale of said live stock shall be delivered to the live-stock sanitary board and be by it deposited in the "seizure fund" and upon final determination of all actions arising from said seizure said livestock sanitary board shall pay said proceeds to those entitled thereto under the judgment of the court.

The expense of seizure, feeding and caring for said live stock for the aforesaid twenty-five day period shall be a charge against said livestock sanitary board and be paid out of any fund available for that purpose. The inspector shall forthwith report such seizure to the county attorney and to the clerk of the superior court of the county where the stock has been seized or to an available justice of the peace of such county having his office nearest the place of seizure, and such clerk or justice of the peace shall file such report and docket the same as an action by the state in its name and against the reputed owners of the live stock if any are known and if not known, against the unknown owners and such clerk or justice of the peace shall issue a citation against the reputed owners and any person claiming said live stock requiring said reputed owners and claimants to appear and furnish testimony of his claim to said live stock which said citation shall be returnable as in a civil action and heard as such. The report of the inspector herein provided for shall give a general description of the live stock seized and the brands if any, together with the place of and the reason for the seizure and the probable value of such live stock and ask that the owner and claimant be cited to appear and

prove ownership. In all such cases it shall be the duty of the county attorney of the county wherein the live stock is seized to represent the inspector and the interest of the state.

Approved March 25, 1935.

CHAPTER 102

(Senate Bill No. 183)

AN ACT

PROVIDING FOR THE EXERCISE OF THE RIGHT OF EMINENT DOMAIN BY FEDERAL AGENCIES, THE STATE, COUNTIES, CITIES, TOWNS, MUNICIPAL CORPORATIONS, OR OTHER AUTHORIZED CORPORATIONS; PROVIDING FOR THE PROCEDURE FOR TAKING PROPERTY FOR PUBLIC USE, FIXING THE METHOD OF DETERMINING THE AMOUNT OF COMPENSATION, AND PROVIDING FOR PAYMENT THEREFOR; AND DECLARING AN EMERGENCY.

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

Section 1. SHORT TITLE. This act may be referred to as the "Public works eminent domain law."

Sec. 2. FINDING AND DECLARATION OF NECESSITY. (a) It is hereby declared that widespread unemployment exists throughout the state,

making it impossible for many people in the state to support themselves and their families; that these conditions create a public emergency and constitute a menace to the health, safety, morals and welfare of the people of the state; that it is essential that public works projects, financed in whole or in part by the United States of America, or by the state, be commenced as soon as possible in order to reduce and relieve this unemployment and prevent irreparable injury to the people of the state; that to this end, it is necessary to provide a method for the expeditious acquisition of any lands necessary for such public works projects; that such public works projects are hereby declared to be in furtherance of the public welfare and to be public uses and purposes for which public money may be spent and private property acquired; and the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

(b) Without limitation upon the generality of the foregoing paragraph hereof, it is hereby declared that unsanitary or unsafe dwelling accommodations exist in various areas of the state and that consequently many persons of low income are forced to reside therein; that these conditions cause an increase in and spread of disease and crime, constitute a menace to the health, safety, morals and welfare of the citizens of the state, impair economic values, and are not being, and cannot within a reasonable time be, corrected by the investment of private capital available for profit-making enterprises; that the clearance, replanning and reconstruction of the areas in which unsanitary or unsafe housing conditions exist and the provision of safe and sanitary dwelling accommodations for per-

sons of low income are public uses and purposes for which private property may be acquired.

Sec. 3. DEFINITIONS. The following terms whenever used or referred to in this act shall have the following respective meanings unless a different meaning clearly appears from the context:

(a) "Public works project" shall mean any work or undertaking which is financed in whole or in part by a federal agency, as herein defined, or by a state public body, as herein defined.

(b) "Federal agency" shall mean the United States of America, the Federal Emergency Administration of Public Works, or any other agency or instrumentality, corporate or otherwise, of the United States of America.

(c) "State public body" shall mean this state or any county, city, town, municipal corporation, authority, or any other subdivision, agency or instrumentality, corporate or otherwise, thereof.

(d) "Authorized corporation" shall mean any corporation or association engaged or about to engage in any public works project, as herein defined, for a public use; provided that the construction of said public works project and its conduct thereafter by the corporation or association shall be subject to regulation or supervision by a federal agency, as herein defined, or a state public body, as herein defined, whether by virtue of an agreement, provision of law or otherwise.

(e) "Real property" or "property" or "land" shall include all lands, including improvements and

fixtures thereon, lands under water, all easements and hereditaments, corporeal or incorporeal, and every estate, interest and right, legal or equitable, in lands or water, and all rights, interests, privileges, easements, encumbrances, and franchises relating to the same, including terms for years and liens by way of judgment, mortgage or otherwise.

(f) "Court" shall mean the court in which jurisdiction over proceedings hereunder is vested by the provisions of section 4 hereof.

(g) "Petitioner" shall mean the one by whom proceedings for the acquisition of real property, as herein defined, are instituted hereunder pursuant to the provisions of section 4 hereof.

Sec. 4. FILING OF PETITION; JURISDICTION OF COURT; ENTRY UPON LAND BY PETITIONER. Any federal agency, state public body or authorized corporation may institute proceedings hereunder for the acquisition of any real property necessary for any public works project.

Such proceedings may be instituted in the superior court in any county in which any part of the real property or of the proposed public works project is situate. All condemnation proceedings shall be preferred cases, and shall be entitled to precedence over all other civil cases.

The petitioner may enter upon the land proposed to be acquired for the purpose of making a survey and of posting any notice thereon which is required by the act; provided that such survey and posting of notice shall be done in such manner as will cause

the least possible inconvenience to the owners of the real property.

Sec. 5. FORM OF PETITION. A proceeding may be instituted hereunder by the filing of a petition which shall be sufficient if it sets forth:

(a) The name of the petitioner.

(b) A description of the property, sufficient for the identification thereof, to which there may be attached a plat or map thereof.

(c) A statement that the acquisition of such property by the petitioner is necessary for a public works project and a brief general description of said public works project.

(d) A statement that the proceedings are being instituted under this act.

(e) A suitable prayer for relief.

Sec. 6. INCLUSION OF SEVERAL PARCELS. Any number of parcels of land, whether owned by the same or different persons and whether contiguous or not, may be included and condemned in one proceeding, provided such parcels are to be used for a single public works project.

Sec. 7. NOTICE OF PROCEEDINGS. Notice of such proceedings shall be given by one publication in a newspaper having a general circulation in each county in which any part of the property sought to be condemned is located. Such publication shall be at least twenty days and not more than thirty days

prior to the date set for the hearing on the validity of the proceedings. Such notice shall be in substantially the following form (the blanks being appropriately filled):

TO WHOM IT MAY CONCERN:

Notice is hereby given that
..... (here insert name of petitioner)
has filed a petition in the above court under the public works eminent domain law to acquire by condemnation for
(here give brief general description of the public works project for which the land is sought to be acquired the following described land:

(Here describe the land sufficiently for the identification thereof. Such description may be by use of a plat or map.)

Notice is further given that on
..... (here insert date of hearing, which must be at least twenty days and not more than thirty days after the date of publication) there will be a hearing in this court, at the opening thereof, for (1) determining the validity of said proceedings and the right of the petitioner, if it so elects, to take title to and possession of such property prior to final judgment, as authorized by section 16 of said public works eminent domain law, and any persons having any interest in or lien upon the above described property shall be deemed to have waived their rights thereafter to object to the court's decision with respect to such issue, unless prior to said date they shall have filed in writing with the clerk of

said court their objection thereto; (2) the appointment of a special master to determine the compensation to be awarded for such property and the persons entitled thereto, unless written demand for jury be filed, with the court before said date of hearing, in which event the compensation to be awarded to the person filing such demand shall be ascertained by jury trial and not by such special master; (3) the fixing of the date and place at which said special master shall hear and determine the compensation to be paid for such property and the person entitled thereto.

Notice is further given that all claims or demands for compensation because of the taking and condemnation of such property must be filed with

the above court before
(here insert a date fifteen days after the date above specified for the court hearing), or the same shall be deemed waived.

Dated, the day ofA.

D.

.....
Clerk of said court

Notice of such proceedings shall also be given (a) by posting a copy of the above notice in conspicuous places on the real property sought to be condemned, (b) by filing a copy thereof in the office of the clerk of the court in which such proceedings are pending, and (c) by filing a copy thereof in the proper office or offices for the filing

of lis pendens in each county in which any part of the real property is situated.

Such publication, posting and filing shall constitute a legal and sufficient notice to all persons having any interest in or lien upon the property described in said notice. The filing of such notice in the aforesaid county office shall also be a constructive notice of the proceedings to any person who subsequently acquired any interest in or lien upon said property, and the petitioner shall take all property condemned under this act free of the claims of any such person.

Sec. 8. DETERMINATION OF ISSUES RAISED BY THE OBJECTIONS FILED. All persons who have not filed written objections with the court prior to the time of the hearing specified in the notice prescribed by section 7 hereof, shall be deemed to have waived the right to file objections as to the sufficiency and validity of the petition, the proceedings and the relief sought thereby, and as to the right of the petitioner to take title and possession prior to final judgment, as authorized by section 16 hereof. All persons who have not filed with the court prior to the date of hearing specified in the notice prescribed in section 7 of this act, written demand for trial by jury as to the amount of compensation to be awarded shall be deemed to have waived such right.

The court, at the time specified in said notice, after hearing and determining all issues of fact and law raised by the objections which have been filed, if any there be, shall enter a final judgment with respect to such issues, and thereafter there shall remain for determination only the amount of the

compensation to be paid and the persons entitled thereto.

If any infant or other person under a legal disability shall not have appeared in the proceedings by his duly authorized legal representative, the court shall appoint a guardian ad litem to represent such person's interest in the proceedings before the special master.

Sec. 9. APPOINTMENT OF SPECIAL MASTER. The court, at the time of said hearing, shall appoint a special master to fix the amount of damages and compensation for the taking and condemnation of the property described in the petition and the persons entitled thereto, and to report thereon to the court. The special master shall be a disinterested person not related to anyone having an interest in or lien upon the property sought to be condemned. The compensation of said special master shall not exceed fifteen dollars per day plus travel and subsistence expenses .

The special master immediately after his appointment shall subscribe to an oath that to the best of his ability he will truly find and return the compensation for the taking and condemnation of the property and the persons entitled thereto.

This section and the succeeding sections pertaining to the appointment, duties and powers of and proceedings before a special master shall not apply to any person who has filed a written demand for trial by jury as to the amount of compensation. The rights of such persons as to the amount of compensation shall be determined by jury trial and not by such special master.

Sec. 10. NOTICE OF HEARING BY SPECIAL MASTER. Immediately after his appointment and taking of oath, the special master shall cause notice to be sent by registered mail to all persons who have appeared in the proceedings or to their attorneys of record and to all others having any interest in or lien upon the property sought to be condemned, as shown by the record of the proper county office or offices for the recording of documents pertaining to such real estate, and to all guardians ad litem appointed pursuant to the provisions of section 8 hereof, such notice to be addressed to such persons at their respective last known addresses. Such notice shall be substantially in the following form (with the blanks appropriately filled):

IN THE COURT FOR
 THE OF
 TO WHOM IT MAY CONCERN:

Notice is hereby given that
 (here insert name of petitioner) has filed a petition in the above court under the public works eminent domain law to acquire by condemnation for
 (here give a brief general description of the public works project for which the land is sought to be acquired), the following described land: (Here describe the land sufficiently for the identification thereof. Such description may be by use of a plat or map).

All persons having an interest in or lien upon the above described property, for which compensation will be demanded, are hereby notified that all claims

or demands for compensation by reason of the taking and condemnation of such property shall be filed in writing with said court before

..... (here insert date at least fifteen days after the date set for the court hearing in the notice specified in section 7 hereof), and shall be deemed waived unless so filed, and that on

a hearing will be held by the special master at ...

..... (insert time and place fixed by the court for such hearing in blanks) with respect to (1) the amount of compensation to be paid for the property sought to be condemned, and (2) the persons entitled to such compensation.

Dated day of

A. D.

.....
Special master appointed by said court.

The special master shall also cause a copy of said notice to be posted in conspicuous places on the property sought to be condemned.

After such notice by mailing and posting, the special master, on the date for hearing specified in the aforesaid notice, shall proceed immediately to hear and determine the question of just compensation for the taking and condemnation of the property and the persons entitled to such compensation. To this end, the special master may issue subpoenas, administer oaths to witnesses, and receive evidence and cause same to be recorded.

Sec. 11. EVIDENCE ADMISSIBLE BEFORE SPECIAL MASTER. For the purpose of determining the value of the land sought to be condemned and fixing just compensation therefor, the following evidence (in addition to other evidence which is relevant, material and competent) shall be relevant, material and competent and shall be admitted and considered by the special master:

(a) Evidence that a building or improvement is unsafe or unsanitary or a public nuisance, or is in a state of dis-repair, and of the cost to correct any such condition, notwithstanding that no action has been taken by local authorities to remedy any such condition .

(b) Evidence that any state public body, charged with the duty of abating or requiring the correction of nuisance or like conditions or demolishing unsafe or unsanitary structures, issued an order directing the abatement or correction of any conditions existing with respect to said building or improvement or the demolition of said building or improvement, and of the cost which compliance with any such order would entail.

(c) Evidence of the last assessed valuation of the property for purposes of taxation and of any affidavits or tax return made by the owner in connection with such assessment which state the value of such property and of any income tax returns of the owner showing sums deducted on account of obsolescence or depreciation of such property.

(d) Evidence that such buildings and improvements are being used for illegal purposes or are being so overcrowded as to be dangerous or injur-

ious to the health, safety, morals or welfare of the occupants thereof and the extent to which the rentals therefrom are enhanced by reason of such use.

(e) Evidence of the price and other terms upon any sale or the rent reserved and other terms of any lease or tenancy relating to such property or to any similar property in the vicinity when the sale or leasing occurred or the tenancy existed within a reasonable time of hearing.

The award of compensation shall not be increased by reason of any increase in the value of the property resulting from the public works project to be placed thereon.

No allowance shall be made for improvements begun on property after the publication of the notice specified in section 7 hereof, except upon good cause being shown.

Sec. 12. REPORT OF MASTER. The report of the special master must be filed with the clerk of the court in which said proceeding is pending within thirty days after the date of the taking of the oath, unless further time is granted by the court. The court shall grant additional time for the filing of the report only on a showing that the report cannot, with all due diligence, be prepared within the time fixed.

Sec. 13. NOTICE OF REPORT. Upon filing of such report by the special master, the court, without delay, shall fix a date for the hearing of any objections filed thereto. Notice that said re-

port has been filed, that all objections thereto must be filed with the court within ten days after the date of the mailing of such notice and that the court has fixed a certain date (which shall be stated therein) for the hearing of such objections, shall be given by sending a copy of such notice by registered mail to all persons who have appeared in the proceeding or their attorneys of record at their last known addresses. Upon the expiration of ten days after the mailing of such notice, all objections to the report shall be deemed waived by all persons who have not filed written objections with the court.

Sec. 14. HEARING OF OBJECTIONS BY THE COURT. If no objections are filed to the special master's report, the court (but only on motion of the petitioner unless title to the property has vested in the petitioner) shall enter a final judgment fixing the compensation to be paid for the property and the persons entitled to such compensation. If any objections are filed to the special master's report, the court on the date specified in the aforesaid order shall hear and determine such questions of law and fact as are raised by such exceptions and may approve, disapprove or modify the special master's findings or may reject the special master's report in toto. In the event the special master's report is rejected in toto, the court shall at once appoint another special master in the same manner that the first special master was appointed, and such special master shall have the same powers and duties as the special master first appointed except that notice of the time for filing claims and of the hearing of the special master may be given by registered mail to all persons who have appeared in the proceedings or their attorneys of

record at their last known addresses, and no other notice shall be necessary. If the court shall approve the special master's report with or without modifications, the court (but only on motion of the petitioner unless title to the property has previously vested in the petitioner) shall enter a final judgment fixing the compensation to be paid for such property and the persons entitled to such compensation.

If title to said property has not previously been vested in the petitioner the title and right to possession of said property shall vest in the petitioner immediately upon the entry of such final judgment and upon the deposit in court by the petitioner of the amount of the judgment fixed by the court as the compensation for such property. Upon the entry of such judgment and the vesting of title aforesaid, the court shall designate the day (not exceeding thirty days thereafter, except upon good cause shown) on which the parties in possession of said property shall be required to surrender possession to the petitioner.

Sec. 15. CERTIFIED COPY OF JUDGMENT.

Upon the rendition of the final judgment vesting title in the petitioner, the clerk of the court shall make and certify, under the seal of the court, a copy or copies of such judgment, which shall be filed or recorded in the proper county office or offices for the recording of documents pertaining to the real property described therein, and such filing or recording shall constitute notice to all persons of the contents thereof. A copy of the judgment certified by the clerk of the court as aforesaid shall be competent and admissible evidence in any proceedings at law or in equity.

Sec. 16. DECLARATION OF TAKING. The petitioner may at any time after the determination of the issues as provided for in section 8 of this act, providing that the court at such time found that the use for which the property is sought to be condemned is a necessary use, make application to the court for an order permitting the petitioner to take possession of, and use, the property sought to be condemned for the purposes as prayed for. Upon the filing of such application a time for the hearing thereof shall be fixed and notice thereof served upon the parties in interest by personal service within the state or by publication if without the state, in such manner as the court may direct. On the day of such hearing, the court shall receive evidence as to the probable damages to each owner, possessor, or person, having an interest in each parcel of land sought to be condemned; and may direct that upon a deposit of money equal to the amount of such probable damage so found to each person in interest, the petitioner shall be let into the possession and full use of the parcels of land as described in such order, for the purposes herein specified. Monies so paid shall be deposited with the clerk of the court, and be by him held to the use and benefit of each person having an interest in each parcel of land sought to be condemned, subject to final judgment upon the trial of the action, and also as a fund to pay any further damages and costs recovered in said proceedings as well as all damages sustained by the defendant if for any cause the property be not finally taken for public use. The clerk of the court shall be liable to the plaintiff for such deposit.

The parties may stipulate as to the amount of deposit, or for a bond from the petitioner in lieu

of the deposit. Such stipulation or evidence of such deposit shall not be introduced in evidence or used to the prejudice of any party in interest on the trial of said action.

The ultimate amount of compensation shall be fixed in the manner specified in this act. If the amount so fixed shall exceed the amount so deposited by the petitioner, the court shall enter judgment against the petitioner in the amount of such deficiency, together with interest at the rate of six per cent per annum on such deficiency, from the date of the order of the court permitting the petitioner to take possession as hereinabove provided (subject however to abatement for use, income, rents or profits derived from such property by the owner thereof subsequent to the date of such order); and the court shall order the petitioner to deposit the amount of such deficiency in court for the use and benefit of the person entitled thereto.

Sec. 17. RIGHT TO DISMISS. At any time prior to the vesting of title to the property in the petitioner, the petitioner may withdraw or dismiss its petition with respect to any or all of the property therein described.

Sec. 18. DIVESTING TITLE OF OWNER. Upon vesting of title to any property in the petitioner, all the right, title and interest of all persons having any interest therein or lien thereupon shall be divested immediately, and such persons thereafter shall be entitled only to receive compensation for such property.

Sec. 19. PAYMENT OF AWARD INTO COURT

AND DISBURSEMENT THEREOF. The payment into court by the petitioner of the amount of any award or judgment, or the deposit in court of the amount fixed and determined as provided in section 16 of this act, shall be deemed to be a payment or deposit of money for the use of the persons entitled thereto. Such payment or deposit shall constitute a payment to the persons entitled thereto to the extent of the moneys so paid or deposited in the court.

Any such payment shall be as valid and effectual in all respects as if it were made by the petitioner directly to the person entitled thereto; or in the case of a person under legal disability, to his guardian, whether or not (a) such person or his whereabouts is known or unknown, (b) such person is under a legal disability, or (c) there are adverse or conflicting claims to such awards. The money paid into the court shall be secured in such manner as may be directed by the court, and shall be paid out to the persons found to be entitled thereto by the final judgment of the court.

Sec. 20. RECOVERY OF AWARD. If an award shall be paid to a person not entitled thereto, the sole resource of the person to whom it should have been paid shall be against the person to whom it shall have been paid. In such event, the person entitled to the award may sue for and recover the same, with lawful interest and costs of suit, as such money had and received to his use by the person to whom the same shall have been paid.

Sec. 21. APPEAL. Any time within thirty days from the filing of any interlocutory or final

order or judgment by the court, any person or persons of record in the proceedings, who shall have filed exceptions at any stage of the proceedings within the time and in the manner specified, may appeal therefrom, but only with respect to those questions or issues which were raised by such exceptions.

The taking of an appeal shall not operate to stay the proceedings under this act except when the person or persons appealing shall have obtained a stay of the execution of the judgment or order appealed from, in which event the proceedings shall be stayed only with respect to the person or persons appealing and their respective interests in the proceedings. Upon the taking of an appeal the proceedings shall be deemed severed as to the person or persons appealing and their respective interests in the proceeding.

Any interlocutory or final order or judgment shall be final and conclusive upon all persons affected thereby who have not appealed within the time herein prescribed.

Any petitioner, other than an authorized corporation, may appeal without giving bond; but any other person or persons appealing shall give bond, with good and sufficient surety, to be approved by the court, conditioned to pay all costs taxed against appellant on such appeal.

Sec. 22. COSTS. If the petitioner, prior to the making of the award, shall have tendered to an interested person for his property or deposited in court for such property an amount which such in-

interested person refused to accept or agree to as just compensation, all costs shall be assessed against such person in the event that the aforesaid amount tendered or deposited is equal or in excess of the award fixed or confirmed by the court with respect to such parcel.

Sec. 23. POWERS SUPPLEMENTAL. The powers conferred by this act shall be in addition and supplemental to and not in substitution for the power conferred by any other law, and no other laws pertaining to the power of eminent domain will by this act repeal in whole or in part. The power of eminent domain may be exercised hereunder notwithstanding that any other law may provide for the exercise of said power for like purposes and without regard to the requirements, restrictions or procedural provisions contained in any other law.

Procedure hereunder, which is not prescribed herein, shall be that which is otherwise prescribed by the law of the state.

Sec. 24. SEPARATELY. If any provision of this act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of the act, and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Sec. 25. EMERGENCY CLAUSE. To preserve the public peace, health and safety, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure

and shall take effect upon its passage in the manner provided by law.

Approved March 25, 1935.

CHAPTER 103

(Senate Bill No. 175)

AN ACT

RELATING TO PUBLIC HEALTH; PROVIDING FOR THE APPOINTMENT OF A SUPERVISOR OF PUBLIC HEALTH NURSING, AND AMENDING ARTICLE 1, CHAPTER 61, REVISED CODE OF 1928, BY ADDING A SECTION, TO BE DESIGNATED SECTION 2679a.

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

Section 1. ADDING CLAUSE. Article 1, chapter 61, Revised Code of 1928, is hereby amended by adding a section, to be designated section 2679a, and to read as follows:

Sec. 2679a. APPOINTMENT OF SUPERVISOR OF PUBLIC HEALTH NURSING; DUTIES. The state board of health shall appoint a state supervisor of public health nursing and fix her salary. Said supervisor shall have had not less than nine months training in public health work and have been a member of the national organization for public health nurses for not less than five years. It shall

be the duty of the state supervisor of public health nursing to work with and under the jurisdiction of the state superintendent of public health; to supervise and advise all nurses, attendants and aids engaged in public health activities; to report to the state board of health on the first day of each month on all observations made and work performed by her, and to furnish such other information relating to public health nursing as may be desired by the state board of health.

Approved March 27, 1935.

CHAPTER 104

(Senate Bill No. 174)

AN ACT

RELATING TO PUBLIC HEALTH; PRESCRIBING THE QUALIFICATIONS OF SUPERVISING NURSES, AND AMENDING ARTICLE 6, CHAPTER 61, REVISED CODE OF 1928, BY ADDING A SECTION, TO BE DESIGNATED SECTION 2743a.

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

Section 1. ADDING CLAUSE. Article 6, chapter 61, Revised Code of 1928, is hereby amended by adding a section, to be designated section 2743a, and to read as follows:

Sec. 2743a. QUALIFICATIONS OF SUPERVISING NURSE. Any person that shall be in charge of nursing, nurses, attendants and aids in any institution of public health or welfare, or in any hospital supported in part or in whole by state, county, city, or federal aid or any other public funds, shall be a duly registered nurse, as defined by article 10, chapter 58, Revised Code of 1928, and shall be equipped by education, training and experience to direct the work under her jurisdiction. Any person violating this section shall be guilty of a misdemeanor.

Approved March 27, 1935.

CHAPTER 105

(House Bill No. 88)

AN ACT

TO CREATE A BOARD OF NATUROPATHIC EXAMINERS; TO PROVIDE FOR THE APPOINTMENT OF THE MEMBERS OF SAID BOARD; TO FIX THEIR TERM OF OFFICE AND THEIR COMPENSATION; DEFINE NATUROPATHY AND TO PROVIDE FOR THE ENFORCEMENT OF THIS ACT.

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

Section 1. NATUROPATHIC BOARD OF EXAMINERS. There is hereby created the naturopathic board of examiners, hereinafter termed the

board. The said board shall consist of three members to be appointed by the Governor within thirty days after this Act becomes a law. The terms of office of the members of the board first appointed shall be, respectively, one for one year, one for two years, and one for three years, from July 1st, 1935, to be designated by the Governor at the time of appointment. All subsequent appointments of members of the board shall be for terms of three years, and until their successors are appointed and qualified. The Governor shall fill all vacancies in the membership of the board. No person shall be appointed to membership on the board, who is not a citizen of the state of Arizona, or who has not been in continuous practice of naturopathy in the state of Arizona for five years immediately prior to the date of appointment, and no two members of the board shall be graduates of the same school of drugless therapy.

Section 2. ORGANIZATION; SPECIAL FUND.

It shall be the duty of the board to carry into effect the provisions of this Act and to pass rules and regulations for its administration. The board shall meet within thirty days after its appointment to organize and adopt by laws. At its first meeting, and annually thereafter, it shall elect a president, vice president, and secretary, who severally shall have the power during their term of office to summon witnesses, administer oaths, take testimony and affidavits, certifying thereto, under their hand and seal of the board. The board is hereby authorized to adopt a common seal. A majority of the members of the board shall constitute a quorum. The secretary of the board shall keep a record of all actions of the board, including a detailed register of applicants for license. The board shall make a

report of its work to the Governor on the first Monday in December of each year, which report shall contain a detailed statement of all monies received and disbursed by the board during the preceeding year. All monies from whatever source that shall come into possession of the board, shall be paid to the secretary thereof, who shall, at the end of each calendar month, deposit them with the State Treasurer, who shall transfer 10 per cent of such monies to the general fund of the State of Arizona, and the remaining 90 per cent to the special fund to be known as the Naturopathic Board Fund, to be held for the use of the board, and to be paid out on warrants drawn by the State Auditor after having been presented with a claim or voucher, signed by the president and secretary of the board and bearing the imprint of the seal of the board. The board shall have the power to spend such monies as may be necessary for the proper administration of this Act; provided, however, that all expenditures of the board shall be paid from monies remaining in the Naturopathic Board fund, and not otherwise. The secretary of the board shall be bonded for not less than \$1,000, such bond running to the State of Arizona for the performance of his duties, and the accounting for all the monies that may come into his possession, and the premium for said bond shall be paid out of the Naturopathic Board Fund.

Section 3. TIME AND PLACE OF EXAMINATION. The board is hereby authorized to issue, suspend or revoke licenses to practice Naturopathy in the State of Arizona. For the purpose of determining the qualifications of applicants for license under the provisions of this Act, the board shall hold meetings and conduct examinations of such applicants for such licenses, at such times and places,

and under such rules and regulations as a majority of the board may determine; provided, that the time and place of holding such an examination shall be published at least thirty days prior to the date of such examination.

Section 4. COMPENSATION. Each member of the board except the secretary, shall be entitled to receive \$10.00 per day for each day actually engaged in the performances of his duties as a member of the board, together with all expenses actually incurred in the performance of such duties. The board may fix the annual salary to be paid the secretary, and allow travelling expenses in addition thereto when actually incurred on business of the board.

Section 5. NATUROPATHY DEFINE. For the purpose of this Act, Naturopathy, which includes all forms of physiotherapy, is hereby defined to be: A system of treating the abnormalities of the human mind and body by the use of drugless and non-surgical methods, and includes the use of physical, electrical, hygienic, and sanitary measures incident thereto.

Section 6. CERTIFICATE TO PRACTICE, APPLICATION, FEES. Any person who wishes to practice naturopathy or any branch thereof in Arizona, shall make application to the board for an examination not less than fifteen days before the date of the next examination, and upon blanks furnished by the board, and, except as hereinafter provided in section 8, said application shall be accompanied by a certificate of registration in the Basic Sciences issued by the Arizona State Board of Examiners in the Basic Sciences. All persons licensed

under this Act shall pay to the board a license fee of \$50.00, except as hereinafter provided: \$25.00 of which must accompany the application for examination, and the balance shall be paid when license is granted, except that practitioners licensed under the provisions of section 8 herein, shall only be required to pay the application fee of \$25.00. Under no condition will the application fee of \$25.00 be returned to the applicant. Affidavits of two reputable citizens of the state, attesting the good moral character of the applicant, two photographs of the applicant taken within thirty days of the application, and such other data and information as the board may require, shall be filed with the application for the examination. At such time and place as the board shall have previously designated, the applicant shall appear before the board to be examined as to the fitness of such applicant to practice naturopathy. The examination shall be in writing and embrace the subjects provided for in section seven of this Act, and such others as may be required by the board. If the applicant shall answer correctly 75 per cent of the questions asked on each of the subjects of the examination, a license to practice naturopathy may be issued to such applicant by the board. If, however, an applicant fail to pass an examination, such applicant shall, without losing credit for subjects passed and without paying another fee, be permitted, within one year from date of failure to pass, take another examination at the convenience of the board; provided, that such applicant shall, not less than 15 days before the date of the examination, notify the board of the applicant's intention to take the examination.

Section 7. REQUIREMENTS. Except as here-

in provided, the minimum educational requirements for license under the provisions of this Act shall be a high school diploma, or the equivalent thereof, which shall be certified to by a superintendent of public instruction or a county school superintendent, and subsequent graduation from a school or schools of drugless therapeutics, approved by the board, embracing residential studies of not less than four years of eight months each, and which courses shall be devoted to a study of following subjects, the approximate number of hours assigned to each being as follows: Anatomy, including dissection, 650 hours; Histology and Embryology, 150 hours; Physiology, 250 hours; Chemistry 200 hours; Bacteriology 100 hours; Pathology, 350 hours; Diagnosis, including physical, clinical, x-ray, Symptomatology, Dermatology and Mental diseases, 500 hours; Orthopedics, 100 hours; Manipulative and Adjustive technic, 200 hours; Dietetics, 200 hours; drugless gynecology, 150 hours; Non-surgical obstetrics, 150 hours; Toxicology, 50 hours; First Aid, 50 hours; Ear, Nose, and Throat, 50 hours; Hygiene and sanitation, 100 hours; Jurisprudence, 45 hours; Drugless Therapeutics, including electrotherapy, physiotherapy, hydrotherapy, massage, and practice of naturopathy, 750 hours; clinical practice, 300 hours; and such other subjects as the board may require, excepting materia medica and major surgery, with a total not less than 4,500 hours.

Section 8. CERTIFICATE TO PRESENT PRACTITIONERS. Any person of good moral character, who has practiced naturopathy in this state continuously for at least five years immediately prior to the passage of this Act, and can prove by established records and affidavits his actual and

continuous practice for that period, shall be entitled to a license to practice naturopathy; providing, however, such person shall pass a regular examination given by the board covering the subjects it may assign for such examination. Applicants for a license under this section must apply within sixty days after the date this Act becomes a law, and accompany their application with the fee provided for in section 6 of this Act. Applicants for a license under this section shall furnish the board all necessary information and affidavits necessary to enable the board to determine the applicants right to a license under this section, but anyone who fails to apply for same within sixty days, forfeits all claims to such license. Licenses issued under the provisions of this section must be recorded within sixty days after issuance in the same manner as provided for the recording of licenses in section 11 of this Act. If not so recorded, such license shall be forfeited by the holder thereof.

Practitioners licensed under the provisions of this section, shall, within thirty days after said license has been properly recorded, present same together with a fee of \$3.00 to the Arizona State Board of Examiners in the Basic Sciences at the University of Arizona, at Tucson, and the said board shall issue a Certificate of Registration in the Basic Sciences without examination in the same manner as heretofore issued to other practitioners engaged in practice at the time of the enactment of Session Laws of Arizona, 1933, Section 8, of Chapter 84, commonly known as the Basic Science Law.

Section 9. REVOCATION OF LICENSE. The board may refuse to grant, suspend, or revoke a li-

cense to practice naturopathy in this state for any of the following reasons:

1. The use of fraud or deception in securing a license;
2. The impersonation of another physician;
3. Practicing Naturopathy under an assumed name;
4. Unprofessional conduct reflecting unfavorably upon the profession;
5. The conviction of a crime involving moral turpitude;
6. Or for any other reason that shall render the licentiate unfit to perform the duties of a naturopathic physician.

Within ten days after refusal, suspension, or revocation of a license, the board shall furnish the applicant or licentiate concerned with a detailed statement of the reasons for its action. Within ninety days of such notification, the applicant or licentiate may appeal to the Superior Court within the County where the suspended or revoked license is recorded, for a reversal of the action of the board. The decision of the Superior Court may be appealed to the State Supreme Court by either party to the action before such Superior Court, and it shall be the duty of the Attorney General to defend the actions of the board in any actions brought against it in the courts of this State.

Section 10. ANNUAL REGISTRATION, FEES.

On or before the first day of January of each year, every person holding a license under the provisions of this Act shall apply to the board for a certificate of renewal of his or her license, accompanying said application with a fee of \$10.00. Such application shall be made on a blank form to be furnished by the board, and shall contain such information as may be required by the board. Upon receipt of an application for annual renewal of a license to practice naturopathy, accompanied by the proper fee, the board shall issue a certificate of annual registration, which certificate shall, at all times, be displayed in the office of the person to whom it is issued. The failure, refusal, or neglect of any licentiate, holding a license under this Act, to pay the annual renewal fee of \$10.00 shall, after thirty days from January 1, of each year, automatically revoke the license of such licentiate, and such revoked license shall not be restored except on the written application therefor and the payment of a restoration fee of \$15.00 plus the annual renewal fee of \$10.00; provided, that an applicant for the restoration of a license so revoked shall not be required to submit to an examination as to the applicants qualifications to practice under the provisions of this Act. On or before the first day of December of each year, the secretary of the board shall notify each licentiate under this Act that the annual application and fee for renewal are due on or before the first day of January following.

Section 11. **CERTIFICATE OF LICENSE TO BE RECORDED.** Before engaging in the practice in any county in the state, the holder of a license under this Act shall present said license for recording to the county recorder in which the licentiate intends to practice. The recorder shall be entitled

to a fee of \$1.00 for recording same in a book kept for that purpose and shall stamp or write on the back of said license such facts as may be necessary to indicate that same has been duly recorded.

Section 12. **REQUIRED TO OBSERVE HEALTH LAWS.** Licentiates under this Act shall observe and be subject to all state, county and municipal laws and regulations relating to public health the same as physicians of all other schools of healing licensed to practice in this state; for it is not the intention of the Legislature to grant any special favors or privileges to any particular system or method of healing.

Section 13. **RECIPROCAL PRIVILEGES.** The board may, at its discretion, and upon payment of a fee of \$100.00 grant a license to practice naturopathy in this state without examination to any naturopathic physician licensed to practice in another state, provided that the requirements in said state are not less than those required of applicants for license in this state, and that said state grants similar reciprocal privileges to naturopathic physicians licensed in this state.

Section 14. **TITLE OF LICENTIATES.** Licentiates under this Act are hereby authorized to use any or all of the following terms: "Doctor of Naturopathy" or its abbreviation, "N. D."; or "Naturopath" or "Naturopathic Physician", or "Drugless Physician"; but none of these terms or any combination of them shall be so used as to convey the idea that the physician who uses it or them practices anything other than drugless therapy.

Section 15. **UNLAWFUL PRACTICE.** It shall be unlawful for any person in the state of Arizona

to practice, attempt to practice, or claim to practice naturopathy or any branch thereof without first complying with the provisions of this Act.

Section 16. PENALTY. Any person who shall violate any of the provisions of this Act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as provided by law, and 75 per cent of such fines as may be collected hereunder shall be remitted to the naturopathic board fund, 25 per cent to the County Treasurer of the County in which the prosecution is conducted. Justice of the Peace courts, municipal courts and superior courts shall have concurrent jurisdiction for the prosecution of offenses under this Act.

Section 17. ENFORCEMENT OF ACT. It shall be the duty of the several county attorneys of the state to prosecute all persons charged with violations of any of the provisions of this Act; provided, that the board shall have power to retain its own attorney, or call on the State's Attorney General, to furnish a prosecuting attorney to prosecute or assist in the prosecution of any person so charged, and to pay such sums as may be required for such services; provided that such sums shall be paid from the Naturopathic Board Fund and not otherwise.

Section 18. CONSTITUTIONALITY; PARTIAL INVALIDITY. If any clause, sentence, or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair nor invalidate the remainder of this Act, but shall be confined in its operation to that part adjudged invalid.

Approved March 28, 1935.

CHAPTER 106

(House Bill No. 100)

AN ACT

RELATING TO EDUCATION; FIXING THE STATE LEVY FOR COMMON AND HIGH SCHOOL EDUCATION; PROVIDING FOR A COUNTY LEVY, AND AMENDING SECTIONS 1088 AND 1090, REVISED CODE OF 1928, AS AMENDED.

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

Section 1. AMENDING CLAUSE. Sec. 1088, Revised Code of 1928, as amended, is hereby further amended to read as follows:

Sec. 1088. STATE LEVY FOR COMMON AND HIGH SCHOOL EDUCATION. There shall be appropriated in the general appropriation act, for common and high school education in the state, during each fiscal year, a sum of money not more than twenty-five dollars per capita per annum on all pupils in average daily attendance in the common and high schools of the state, as shown by the records of the state superintendent of public instruction for the preceding year. All income and money dedicated by the enabling act and the constitution of the state, to the purpose of common and high school education shall be placed to the credit of the state board of education, to be dealt with as provided by law.

Sec. 2. AMENDING CLAUSE. Sec. 1090, Re-

vised Code of 1928, as amended, is hereby further amended to read as follows:

Sec. 1090. COUNTY LEVY FOR COMMON AND HIGH SCHOOL EDUCATION. (a) On or before the first day of July of each year the trustees of common school districts and the boards of education of high schools shall file with the county school superintendents an itemized estimate of the amount of money needed for defraying the expenses of the schools within their respective districts for the ensuing year. The county school superintendent, when he files his estimate of the amount needed for the schools of the county, shall transmit to the board of supervisors the estimates of common school districts, high school districts and union high school districts, with such revision as he shall deem proper with reference to the general county school levy. The county school superintendent shall on or before the first day of August of each year, furnish the board of supervisors an estimate in writing of the amount of school funds needed for the ensuing year. In making up his estimate the superintendent shall consider all sums requested by the boards of trustees of common schools and the boards of education of high schools.

(b) The county superintendent shall multiply the sum representing the average daily attendance of the common and high schools of the county, other than one-room and two-room rural schools for the previous year, by such sum as will produce the amount of funds estimated by him to be needed for the ensuing year, less the amount to be received from the state school fund, the forest reserve and other sources; provided, that in no event shall such sum be less than twenty-five dollars nor more than

forty dollars. In figuring the average daily attendance as herein provided only the six months of school showing the highest average daily attendance shall be considered. He shall add to this sum a sufficient amount to enable him to apportion to each rural school district maintaining a one-room rural school for a minimum term of eight months, not more than twelve hundred and fifty dollars, and to each rural school district maintaining a two-room rural school for a minimum term of eight months, not more than twenty-five hundred dollars; provided, that the county superintendent may, with the approval of the board of supervisors, estimate the expenses of and make his apportionment to one and two-room school districts on the basis of average daily attendance; provided, that in districts having little or no assessed valuation the boards of trustees may petition the county school superintendent for an additional amount not to exceed two hundred and fifty dollars for a one-room school and five hundred dollars for a two-room school. The amount allowed shall be taken from the reserve fund. The amount received by any county from the apportionment of state per capita levy, together with the amounts to be raised by county levy, as finally determined by the county school superintendent, shall constitute the aggregate sum of money to be raised by state and county taxes for the support of the common and high school for that year, and shall constitute the county school funds; provided, that the revised estimate and school fund may contain the reserve fund as hereinafter provided.

(c) The amount received by any county from the apportionment of the state school fund, together with the amounts raised by the county as herein provided, shall constitute the aggregate sum of

money to be raised by state and county tax for the support of the common and high schools for that year. This aggregate sum, except the county school reserve fund, shall constitute the county school fund.

Approved March 28, 1935.

CHAPTER 107

(House Bill No. 217)

AN ACT

MAKING APPROPRIATIONS FOR THE VARIOUS DEPARTMENTS OF STATE, FOR THE STATE INSTITUTIONS, FOR PUBLIC SCHOOLS, FOR STATE DEPARTMENTS, ACTIVITIES, AGENCIES, AND PURPOSES APPURTENANT THERETO; AND FOR THE INTEREST ON AND REDEMPTION OF THE PUBLIC DEBT; PROVIDING FOR THE MANNER IN WHICH APPROPRIATIONS FOR LABOR SHALL BE EXPENDED AND THE MANNER IN WHICH AND CONDITIONS UNDER WHICH ALL APPROPRIATIONS HEREIN SHALL BE PAID, ALL FOR THE FISCAL YEAR BEGINNING JULY 1, 1935 AND ENDING JUNE 30, 1936, HERINAFTER DESIGNATED AS THE 24th FISCAL YEAR, AND BEGINNING JULY 1, 1936 AND ENDING JUNE 30, 1937, HEREINAFTER DESIGNATED AS THE 25th FISCAL YEAR, ALL OF WHICH CONSTITUTE A GENERAL APPROPRIATION BILL FOR SAID FISCAL YEARS.

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

Section 1. The following sums herein set forth are hereby appropriated for the fiscal years beginning July 1, 1935 and ending June 30, 1936, hereinafter designated as the 24th fiscal year, and beginning July 1, 1936 and ending June 30, 1937, hereinafter designated as the 25th fiscal year, for the several purposes and objects as hereinafter specified, and the state auditor is hereby authorized and directed to draw warrants on the state treasurer to and not to exceed the amounts herein set forth and for the purpose herein specified; and the state treasurer is hereby authorized and directed to pay said warrants out of the general fund of the state and the appropriation for the respective state agencies herein made.

Subdivision 1. UNIVERSITY OF ARIZONA.

	For the 24th Fiscal Year	For the 25th Fiscal Year
For salaries and wages; for operation; for travel; for capital investment; for repairs and replacements:		
Total Lump Sum Appropriation	\$700,000.00	\$700,000.00
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	\$ 1,400,000.00	
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In addition to the above appropriation, the amount of all federal aid funds, county extension

funds, farm sales funds, matriculation funds, student breakage funds, timber rental funds, and all other receipts received by and for the university is hereby appropriated for the improvement, support and maintenance of the university of Arizona; and the university of Arizona is authorized to designate the fund to which any of the above receipts shall be credited and the auditor and treasurer are directed to so credit receipts.

Subdivision 2. ARIZONA STATE TEACHERS COLLEGE AT FLAGSTAFF.

	For the 24th Fiscal Year	For the 25th Fiscal Year
For salaries and wages; for operation; for travel; for capital investment; for repairs and replacements:		
Total Lump Sum Appropriation	\$162,436.29	\$174,198.10
	\$ 336,634.39	

Subdivision 3. ARIZONA STATE TEACHERS COLLEGE AT TEMPE.

	For the 24th Fiscal Year	For the 25th Fiscal Year
For salaries and wages; for operation; for travel; for capital investment; for repairs and		

	For the 24th	For the 25th
	Fiscal Year	Fiscal Year
replacements; for main- tenance:		

Total Lump Sum Appro- priation	\$221,999.00	\$214,001.00
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	\$ 436,000.00	
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Subdivision 4. SUPERINTENDENT OF PUBLIC INSTRUCTION AND COMMON SCHOOLS.

For the board of education; for the support of the kindergarten, 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 twenty-five dollars per capita on all pupils in average attendance in the common and high schools of the state, as shown by the records of the state superintendent of public instruction for the preceding year. This amount shall include the following items:

	For the 24th	For the 25th
	Fiscal Year	Fiscal Year
Superintendent of Pub- lic Instruction—		

Lump Sum Appropria- tion:		
Sub-Total	\$139,200.00	\$138,700.00

For vocational education
and to match federal

	For the 24th	For the 25th
	Fiscal Year	Fiscal Year

funds: Provided, however, that no salaries in excess of \$2,800.00 per annum shall be allowed from the combined state and federal funds.

Reimbursement to Schools	\$ 7,700.00	\$ 7,700.00
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Vocational Agriculture—

For salaries and wages;
for reimbursement to
schools; for operation;
for travel; for capital
investment:

Lump Sum Appropriation	\$ 6,000.00	\$ 6,000.00
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Trade, Industrial and
Home Economics Edu-
cation—

For salaries and wages;
for reimbursement to
schools; for operation;
for travel; for capital
investment:

Lump Sum Appropriation	\$ 12,000.00	\$ 12,000.00
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Teacher Training—

For salaries and wages;
for operation; for travel;
for capital invest-
ment;

Lump Sum Appropriation	\$ 10,000.00	\$ 10,000.00
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	For the 24th Fiscal Year	For the 25th Fiscal Year
Civilian Rehabilitation—		
For salaries and wages; for operation; for travel; for capital investment;		
Lump Sum Appropriation	\$ 10,000.00	\$ 10,000.00
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Total Vocational Education	\$ 45,700.00	\$ 45,700.00

The above appropriations are made subject to the condition that, at least, like amounts shall be allotted to this state by the federal government and expended concurrently with these appropriations. The appropriation for reimbursement to schools is made subject to the condition that it be used only for reimbursing schools for salaries of such regularly approved, certified vocational teachers as are reimbursable from federal funds.

Grand Total Appropriation	\$184,900.00	\$184,400.00
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	\$ 369,300.00	
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The balance of the per capita tax, together with the amount of all moneys received from national forests, 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, the income

from toll roads, bridges, ferries, etc., and all moneys received by the superintendent of public instruction from whatever source, during each of the fiscal years, when paid into the state treasury, are hereby appropriated for apportionment to the various counties in accordance with law. No expenditure shall be made except as specifically authorized above.

Subdivision 5. ARIZONA STATE SCHOOL FOR THE DEAF AND BLIND.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salary—Superintendent ..	\$ 2,700.00	\$ 2,700.00
Other salaries and wages..	36,008.00	36,008.00
	<hr/>	<hr/>
Salaries and wages	\$ 38,708.00	\$ 38,708.00
Operation	27,983.80	27,983.80
Travel	650.00	650.00
Capital Investment	3,000.00	3,000.00
Repairs and replacements.	2,700.00	1,500.00
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Total Appropriation ...	\$ 73,041.80	\$ 71,841.80
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	\$ 144,883.60	
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Subdivision 6. INDUSTRIAL SCHOOL.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salary—Superintendent ..	\$ 3,000.00	\$ 3,000.00
Other salaries and wages..	22,500.00	22,500.00
	<hr/>	<hr/>
Salaries and wages	\$ 25,500.00	\$ 25,500.00
Operation	22,000.00	22,000.00

	For the 24th Fiscal Year	For the 25th Fiscal Year
Travel	400.00	400.00
Capital Investment	2,030.00	1,000.00
Repairs and replacements.	3,500.00	1,000.00
Total Appropriation ...	\$ 53,430.00	\$ 49,900.00
	<u>\$ 103,330.00</u>	

Subdivision 7. PIONEERS' HOME.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salary—Superintendent ..	\$ 3,000.00	\$ 3,000.00
Other salaries and wages..	17,970.00	17,970.00
Salaries and wages	\$ 20,970.00	\$ 20,970.00
Operation	55,720.00	55,720.00
Travel	200.00	200.00
Capital Investment	1,000.00	1,000.00
Capital Investment — Motor Vehicle	1,000.00	
Repairs and Replace- ments	5,000.00	2,000.00
Total Appropriation ...	\$ 83,890.00	\$ 79,890.00
	<u>\$ 163,780.00</u>	

Subdivision 8. PRISON.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salaries and wages:		
Salary—Superintendent	\$ 3,600.00	\$ 3,600.00
Assistant Superinten- dent	2,400.00	2,400.00
Secretary	2,000.00	2,000.00
Physician	2,000.00	2,000.00
Steward	1,800.00	1,800.00
Engineer	1,800.00	1,800.00
Farm Superintendent ..	1,600.00	1,600.00
Teacher	1,200.00	1,200.00
Matron	1,200.00	1,200.00
Chaplains (2 @ \$200.00 each)	400.00	400.00
Dentist (Periodic)	600.00	600.00
Yard Captain	1,800.00	1,800.00
Guards (40 @ \$1,440.- 00 each)	57,600.00	57,600.00
Temporary Guards (Periodic)	1,800.00	1,800.00
Parole Clerk	2,000.00	2,000.00
Assistant Physician and Nurse (Periodic) ...	400.00	400.00
Total Salaries and wages	82,200.00	82,200.00
Operation:		
Lump Sum Appropria- tion	96,500.00	96,500.00
Travel	1,500.00	1,500.00

Capital Investment:

1—Implement Shed	600.00
Spools Barbed Wire ...	600.00
Redwood Posts	600.00
1—12" Water Pump & Motor	1,500.00
2—Teams Horses	400.00
1—Tractor	1,500.00
4—Cultivators	300.00
Tailor Shop Machines ..	1,300.00

Total Capital Invest-
ment\$ 6,800.00

Capital Investment—Mo-
tor Vehicles:

1—Light Pickup Truck.	700.00
1—Four Door Sedan ...	650.00
1—Flat Body Stake Truck 1½ Ton	750.00
1—Dump Truck, 1½ Ton	750.00
1—2 Ton Truck	1,250.00

Total\$ 4,100.00

Repairs & Replacements

Water Mains & Plumb- ing	3,500.00
Miscellaneous	1,000.00
Total Repairs & Re- placements	4,500.00

Total Appropriation \$195,600.00 \$180,200.00

\$ 375,800.00

Subdivision 9. STATE HOSPITAL FOR THE
INSANE.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salaries & Wages		
Salary—Superintendent \$	3,600.00	\$ 3,600.00
Physicians (2)	4,800.00	4,800.00
Physician	1,800.00	1,800.00
Technician	1,200.00	1,200.00
Steward	1,800.00	1,800.00
Bookkeeper	1,200.00	1,200.00
Assistant Bookkeeper ..	960.00	960.00
Stenographers	1,080.00	1,080.00
Clinical Stenographers .	1,080.00	1,080.00
Storekeeper	1,200.00	1,200.00
Assistant Storekeeper .	1,080.00	1,080.00
Information Clerk	900.00	900.00
Telephone Operator	780.00	780.00
Carpenter	1,500.00	1,500.00
Assistant Carpenter ...	1,080.00	1,080.00
Plumber	1,440.00	1,440.00
Night Watch	900.00	900.00
Cook	1,200.00	1,200.00
Assistant Cook	960.00	960.00
Mechanic	1,200.00	1,200.00
Truck Driver	900.00	900.00
Farmer	1,500.00	1,500.00
Assistant Farmer	900.00	900.00
Farm Detail (2)	1,560.00	1,560.00
Gardener	1,080.00	1,080.00
Dairyman	1,080.00	1,080.00
Canner	300.00	300.00
Baker	1,200.00	1,200.00
Meat Cutter	720.00	720.00
Waiter	900.00	900.00
Waitress	900.00	900.00

	For the 24th Fiscal Year	For the 25th Fiscal Year
Supervisor	1,080.00	1,080.00
Social Worker	1,200.00	1,200.00
Matron—Registered		
Nurse	1,200.00	1,200.00
Night Matron	900.00	900.00
Registered Nurse	1,200.00	1,200.00
Seamstress	900.00	900.00
Laundryman	1,080.00	1,080.00
Laundress	840.00	840.00
Assistant Laundress ..	720.00	720.00
Engineer	1,800.00	1,800.00
Assistant Engineer	1,140.00	1,140.00
Assistant Engineers (2) .	1,800.00	1,800.00
Shoe Maker	720.00	720.00
Dentist (Periodic)	1,200.00	1,200.00
Misc. Day Labor (Per- iodic)	500.00	500.00
Attendants	58,400.00	58,400.00
	<hr/>	<hr/>
Total Salaries & wages	115,480.00	115,480.00
Operation	100,000.00	100,000.00
Travel	1,000.00	1,000.00
Capital Investment		
Motor Vehicles	1,291.00	1,000.00
One Typewriter	75.00	
Miscellaneous Equip- ment	50.00	50.00
Eighteen Dozen Chairs .	240.00	192.00
Misc. Furniture, Rugs & Drapes	100.00	100.00
Beds	150.00	250.00
Mattress Moss, Pillows & Bed Supplies	571.00	615.00

	For the 24th Fiscal Year	For the 25th Fiscal Year
Fans	200.00	200.00
Kitchen Utensils	467.00	575.00
Knives, Forks, Spoons, Plates & Cups	200.00	200.00
Laundry Irons	120.00	120.00
Dental Unit—Consisting of Chair & Cabinet ..	500.00	
Hand Lawn Mowers ...	75.00	
Horse Drawn Mowers..		75.00
Dairy Cows to Build up Herd		813.00
Two Bulls (each year)..	100.00	100.00
Four Mules to Replace Old Ones	400.00	
Three Boars	60.00	
Two International Mow- ers	110.00	110.00
Two Wagons		100.00
One Side Delivery Rake	160.00	
One Traveling Bailer ..	800.00	
One Milking Unit Pail..	31.00	
Power Plant	35.00	
Pipe Dies, Renewals to Lagonda Tube Clean- ers	15.00	
Fire Hose 300 Ft. with Couplings	250.00	
	<hr/>	<hr/>
Total Capital Invest- ment	\$ 6,000.00	\$ 4,500.00

Repairs & Replacements

This will include the cost

	For the 24th Fiscal Year	For the 25th Fiscal Year
and repair of all buildings and structures. Also the painting and varnishing of fixtures and filing cases which are immovable. The cost of all materials and repairs to railways, sidewalks, alleys, driveways, fences, walls and embankments; and applies in all other cases which are strictly repairs and replacements	\$ 6,000.00	\$ 6,000.00

Total Appropriation ..	\$228,480.00	\$226,980.00
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	\$ 455,460.00	
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Subdivision 10. CAPITOL BUILDING & GROUNDS.

For salaries & wages; for operation; for capital investment; for repairs and replacements:

Lump Sum Appropriation	\$ 37,150.00	\$ 37,500.00
Bronze Plaque — Former Governor Geo. W. P. Hunt	350.00	

Total Appropriation \$	\$37,500.00	\$ 37,500.00
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	\$ 75,000.00	
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Subdivision 11. BOARD OF DIRECTORS OF
STATE INSTITUTIONS.

	For the 24th Fiscal Year	For the 25th Fiscal Year
For salaries & wages; for operation; for travel; for capital investment:		
Lump Sum Appropria- tion	\$ 15,300.00	\$ 15,300.00
Arizona State Prison—Re- lief of the Prisoner's a/c	763.02	
Total Appropriation	\$ 16,063.02	\$ 15,300.00
		<u>\$ 31,363.02</u>

Subdivision 12. ANIMAL HUSBANDRY.

For the Live Stock Sanitary Commission for co-
operation with the United States Bureau of Animal
Industry for the eradication of tuberculosis in cat-
tle.

For salaries & wages; for
operation; for travel;

Lump Sum Appropria- tion	\$ 7,500.00	\$ 7,500.00
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\$ 15,000.00

The said appropriation is made subject to the
condition that, at least, a like amount shall be al-
lotted to this state by the federal government and ex-
pended concurrently with this appropriation.

Subdivision 13. ARIZONA GAME & FISH COMMISSION.

The amount of all fees and receipts from whatever source, received by the Arizona game and fish commission during each of said fiscal years, when paid into the state treasury, is hereby appropriated for the payment of salaries and wages, operation, travel, capital investment and repairs and replacements.

Subdivision 14. ATTORNEY GENERAL.

Salaries & Wages	For the 24th Fiscal Year	For the 25th Fiscal Year
Salary — Attorney Gen- eral	\$ 4,400.00	\$ 4,400.00
Special Attorney — Per- iodic	5,000.00	5,000.00
Other salaries & wages.	14,400.00	14,400.00
	<hr/>	<hr/>
Total Salaries & wages	\$ 23,800.00	\$23,800.00
Operation	2,500.00	2,500.00
Travel	900.00	900.00
Capital Investment	500.00	
	<hr/>	<hr/>
Total Appropriation..	\$ 27,700.00	\$ 27,200.00
	<hr/>	
	\$ 54,900.00	
	<hr/>	

Subdivision 15. AUDITOR.

Salary—Auditor	\$ 3,600.00	\$ 3,600.00
Other salaries & wages ..	20,400.00	20,400.00
	<hr/>	<hr/>
Salaries & wages	24,000.00	24,000.00

Special Fund	For the 24th Fiscal Year	For the 25th Fiscal Year
Salaries—Field Audi- tors (2)	\$ 4,800.00	\$ 4,800.00
Travel	200.00	200.00
	<hr/>	<hr/>
Total Special Fund ...	5,000.00	5,000.00
Operation	1,000.00	1,000.00
Travel	250.00	250.00
Capital Investment	1,000.00	
	<hr/>	<hr/>
Total Appropriation ..	\$ 31,250.00	\$ 30,250.00
	<hr/>	<hr/>
	\$ 61,500.00	

Subdivision 16. BANKING DEPARTMENT.

Salary—Superintendent ..	\$ 5,000.00	\$ 5,000.00
Other salaries & wages ..	8,600.00	8,600.00
	<hr/>	<hr/>
Salaries & wages	\$ 13,600.00	\$ 13,600.00
Operation	1,500.00	1,500.00
Travel	1,500.00	1,500.00
Capital Investment	500.00	500.00
	<hr/>	<hr/>
Total Appropriation ..	\$ 17,100.00	\$ 17,100.00
	<hr/>	<hr/>
	\$ 34,200.00	

Subdivision 17. BOARD OF BARBERS.

The amount of ninety per cent of all fees and receipts from whatever source by the Arizona State

Board of Barbers, during each of said fiscal years, when paid into the state treasury, is hereby appropriated for the payment of salaries and wages; operation; travel; capital investment; and repairs and replacements. The amount of ten per cent of all such fees and receipts shall be retained by the state treasurer and credited to the general fund.

Subdivision 17a. BOARD OF COSMETICIANS.

The amount of ninety per cent of all fees and receipts from whatever source by the Arizona State Board of Cosmeticians, during each of said fiscal years, when paid into the state treasury, is hereby appropriated for the payment of salaries and wages; operation; travel; capital investment; and repairs and replacements. The amount of ten per cent of all such fees and receipts shall be retained by the state treasurer and credited to the general fund.

Subdivision 18. BOARD OF CHIROPRACTIC EXAMINERS .

The amount of ninety per cent of all fees and receipts from whatever source received by the Board of Chiropractic Examiners, during each of said fiscal years, when paid into the state treasury, is hereby appropriated for the payment of salaries and wages; operation; travel; capital investment; and repairs and replacements. The amount of ten per cent of all such fees and receipts shall be retained by the state treasurer and credited to the general fund.

Subdivision 19. BOARD OF DENTAL EXAMINERS.

The amount of ninety per cent of all fees and receipts from whatever source received by the Board of Dental Examiners, during each of said fiscal years, when paid into the state treasury, is hereby appropriated for the payment of salaries and wages; operation; travel; capital investment; and repairs and replacements. The amount of ten per cent of all such fees and receipts shall be retained by the state treasurer and credited to the general fund.

Subdivision 20. BOARD OF EMBALMING EXAMINERS.

The amount of ninety per cent of all fees and receipts from whatever source received by the Board of Embalming Examiners, during each of said fiscal years, when paid into the state treasury, is hereby appropriated for the payment of salaries and wages; operation; travel; capital investment; and repairs and replacements. The amount of ten per cent of all such fees and receipts shall be retained by the state treasurer and credited to the general fund.

Subdivision 21. BOARD OF HEALTH AND CHILD HYGIENE.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Board of Health & Vital Statistics.		
Salary— Superintendent & Registrar	\$ 3,600.00	\$ 3,600.00

	For the 24th Fiscal Year	For the 25th Fiscal Year
Other salaries & wages	7,780.00	7,780.00
Salaries & wages	\$ 11,380.00	\$ 11,380.00
Operation	3,775.00	3,775.00
Travel	300.00	300.00
Capital Investment	250.00	250.00
Total Appropriation ..	\$ 15,705.00	15,705.00
Child Hygiene		
Salaries & wages	\$ 11,650.00	\$ 11,650.00
Operation	500.00	500.00
Travel	1,500.00	1,500.00
Capital Investment	50.00	50.00
Cooperating Health Units	6,000.00	6,000.00
Total Appropriation ..	\$ 19,700.00	\$ 19,700.00
Grand Total Appropriation	\$ 35,405.00	\$ 35,405.00
	<u>\$ 70,810.00</u>	

If the necessity arises, the amounts appropriated for operation and travel may be interchangeable between the Board of Health & Vital Statistics and Child Hygiene, for convenience.

Subdivision 22. BOARD OF MEDICAL EXAMINERS.

The amount of ninety per cent of all fees and receipts from whatever source received by the board of medical examiners, during each of said fiscal

years, when paid into the state treasury is hereby appropriated for the payment of salaries and wages; operation; travel, capital investment; and repairs and replacements. The amount of ten per cent of all such fees and receipts shall be retained by the state treasurer and credited to the general fund.

Subdivision 23. BOARD OF NURSE EXAMINERS.

The amount of ninety per cent of all fees and receipts from whatever source received by the Board of Nurse Examiners, during each of said fiscal years, when paid into the state treasury is hereby appropriated for the payment of salaries and wages; operation; travel; capital investment; and repairs and replacements. The amount of ten per cent of all such fees and receipts shall be retained by the state treasurer and credited to the general fund.

Subdivision 24. BOARD OF OPTOMETRY EXAMINERS.

The amount of ninety per cent of all fees and receipts from whatever source received by the Board of Optometry Examiners, during each of said fiscal years, when paid into the state treasury is hereby appropriated for the payment of salaries and wages; operation; capital investment; and repairs and replacements. All travel subject to Section 2803, Revised Code of 1928, or as amended. The remaining ten per cent is hereby made part of the general fund.

Subdivision 25. BOARD OF PARDONS AND PAROLES.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salary—Chairman	\$ 1,428.00	\$ 1,428.00
Stenographer	1,500.00	1,500.00
	<hr/>	<hr/>
Salaries and wages	\$ 2,928.00	\$ 2,928.00
Operation	322.00	322.00
Travel	400.00	400.00
Capital Investment	100.00	100.00
	<hr/>	<hr/>
Total Appropriation ..	\$ 3,750.00	\$ 3,750.00

Subdivision 26. BOARD OF PHARMACY.

The amount of ninety per cent of all fees and receipts from whatever source received by the Board of Pharmacy, during each of said fiscal years, when paid into the State Treasury is hereby appropriated for the payment of salaries and wages; operation; travel; capital investment; and repairs and replacements. The amount of ten per cent of all such fees and receipts shall be retained by the State Treasurer and credited to the general fund.

Subdivision 27. BOARD OF REGISTRATION.

The amount of ninety per cent of all fees and receipts from whatever source received by the Board of Registration, during each of said fiscal years, when paid into the State Treasury is hereby appropriated for the payment of salaries and wages; operation; capital investment; and repairs and replacements. All travel subject to section 2803, Revised Code of 1928, or as amended. The

remaining ten per cent is hereby made part of the general fund.

Subdivision 28. BUREAU OF CRIMINAL IDENTIFICATION.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salary—Superintendent ..\$	3,600.00	\$ 3,600.00
Salary—Ass't Superinten- dent	2,400.00	2,400.00
	<hr/>	<hr/>
Salaries	6,000.00	6,000.00
Operation	350.00	350.00
Travel	50.00	50.00
Capital Investment		200.00
	<hr/>	<hr/>
Total Appropriation ..\$	6,400.00	\$ 6,600.00
	<hr/>	<hr/>
	\$	13,000.00
	<hr/>	<hr/>

Subdivision 29. CORPORATION COMMISSION.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salaries—Commissioners		
(3)	\$ 10,800.00	\$ 10,800.00
Other Salaries and Wages	45,000.00	45,000.00
	<hr/>	<hr/>
Salaries and Wages	55,800.00	55,800.00
Operation	5,000.00	5,000.00
Travel	2,500.00	2,500.00
	<hr/>	<hr/>
Total Appropriation ..\$	63,300.00	\$ 63,300.00
	<hr/>	<hr/>
	\$	126,600.00

Subdivision 30. RODENT CONTROL.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salaries and Wages	\$ 10,500.00	\$ 10,500.00
	<u> </u>	<u> </u>
	\$ 21,000.00	
	<u> </u>	

This appropriation is made subject to the condition that, at least, a like amount be allotted to this state by the federal government and expended concurrently with this appropriation.

Subdivision 31. FAIR COMMISSION.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salary—Caretaker	\$ 1,200.00	\$ 1,200.00
Operation	750.00	750.00
Operation—Insurance only	2,124.26	1,455.02
	<u> </u>	<u> </u>
Total Appropriation ..\$	4,074.26	\$ 3,405.02
	<u> </u>	<u> </u>
	\$ 7,479.28	
	<u> </u>	

Subdivision 32. GOVERNOR.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salary—Governor	\$ 6,000.00	\$ 6,000.00
Other salaries and Wages	15,600.00	15,600.00
	<u> </u>	<u> </u>
Salaries and Wages	21,600.00	21,600.00

	For the 24th Fiscal Year	For the 25th Fiscal Year
Operation	5,000.00	5,000.00
Travel	1,800.00	1,800.00
Capital Investment	200.00	200.00
Contingent Fund	5,000.00	5,000.00
Rewards	1,000.00	1,000.00
	<hr/>	<hr/>
Total Appropriation .. \$	34,600.00	\$ 34,600.00
	<hr/>	<hr/>
	\$	69,200.00
	<hr/>	<hr/>

Subdivision 33. GOVERNOR'S TAX LITIGATION FUND.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Tax Suits	\$ 10,000.00	

There is hereby appropriated to the Governor's General Fund the sum of \$10,000.00, or so much thereof as may be necessary, for the prosecution, defense or settlement of pending tax litigations. Said sum to be used and expended in conjunction with the Attorney General's office. This appropriation shall be exempt from the provisions of the financial code and any balance remaining at the end of the fiscal year shall not revert to the general fund.

Subdivision 34. INDUSTRIAL COMMISSION.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Industrial Commission		

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salaries—Commissioners		
(3)	\$ 12,000.00	\$ 12,000.00
Enforcement of Labor		
Laws		
Salaries and Wages	9,240.00	9,240.00
Operation	700.00	700.00
Travel	2,500.00	2,500.00
	<u> </u>	<u> </u>
	\$ 12,440.00	\$ 12,440.00
Total Appropriation ..	\$ 24,440.00	\$ 24,440.00
	<u> </u>	<u> </u>
	\$ 48,880.00	

Subdivision 35. INSURANCE PREMIUMS.

	For the 24th Fiscal Year	For the 25th Fiscal Year
For premiums-exclusive of State Highway De- partment	\$ 20,000.00	\$ 20,000.00
	<u> </u>	<u> </u>
	\$ 40,000.00	

Subdivision 36. INTEREST ON PUBLIC DEBT.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Interest		
State and Territorial Bonds; Tax Anticipation		

	For the 24th Fiscal Year	For the 25th Fiscal Year
Bonds; Registered War- rants;		
Lump sum appropria- tions	\$205,000.00	\$150,000.00
		\$ 355,000.00

Subdivision 37. LABORATORY.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salary—Director	\$ 2,520.00	\$ 2,520.00
Other Salaries and Wages	4,920.00	4,920.00
Salaries and Wages	\$ 7,440.00	\$ 7,440.00
Operation	1,200.00	1,200.00
Travel	150.00	150.00
Capital Investment	350.00	350.00
Total Appropriation ..	\$ 9,140.00	\$ 9,140.00
		\$ 18,280.00

Subdivision 38. LAND COMMISSION.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salary—Commissioner ...	\$ 3,600.00	\$ 3,600.00
Other Salaries & Wages ..	34,250.00	34,250.00
Salary and Wages	37,850.00	37,850.00

	For the 24th Fiscal Year	For the 25th Fiscal Year
Operation	8,100.00	8,100.00
Travel	1,000.00	1,000.00
Capital Investment	1,000.00	750.00
Capital Investment; Motor Vehicle	850.00	
Repairs and Replacements	100.00	100.00
General Expense in Co- operating with the fed- eral government working out the provisions of the Taylor bill	5,000.00	5,000.00
Total Appropriation .. \$	53,900.00	\$ 52,800.00
		<u>\$ 106,700.00</u>

Subdivision 39. LAW AND LEGISLATIVE
REFERENCE LIBRARY.

	For the 24th Fiscal Year	For the 25th Fiscal Year
For Salaries and Wages; for Operation; for Trav- el; for Capital Invest- ment: Lump sum appropria- tion	\$ 13,800.00	\$ 14,450.00
American Legislative Ass'n	250.00	250.00
Total Appropriation ..	14,050.00	14,700.00
		<u>\$ 28,750.00</u>

Subdivision 40. LIVE STOCK SANITARY
COMMISSION.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Board Members (per diem) \$	1,200.00	\$ 1,200.00
Salaries and Wages	9,000.00	9,000.00
Operation	3,100.00	3,100.00
Travel	1,200.00	1,200.00
Salary, Inspectors	76,200.00	76,200.00
	<hr/>	<hr/>
Total Appropriation ..	90,700.00	90,700.00
	<hr/>	<hr/>
	\$ 181,400.00	
	<hr/>	<hr/>

Subdivision 41. LOAN COMMISSION.

For Operation; for Travel;

Lump sum appropria- tion	\$ 900.00	\$ 900.00
	<hr/>	<hr/>
	\$ 1,800.00	
	<hr/>	<hr/>

Subdivision 42. MINE INSPECTOR.

For Salaries and Wages;
for Operation; for trav-
el; for Capital Invest-
ment:

Lump sum appropria- tion	\$ 16,225.00	\$ 15,575.00
	<hr/>	<hr/>
	\$ 31,800.00	

Subdivision 43. NATIONAL GUARD.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salary—Adjutant General	\$ 3,600.00	\$ 3,600.00
Other Salaries and Wages	11,067.50	11,067.50
Salaries and Wages	14,667.50	14,667.50
Operation		
Office Supplies and Ex- pense	2,000.00	2,000.00
Motor Vehicle Expense	100.00	100.00
Light, Power, Fuel and Water	500.00	500.00
Construction of Target Range—Tucson	500.00	500.00
Expenses—Fort Tuthill (Water, Repairing Roads and Fences, etc.)	500.00	500.00
Professional Reference Books, Medals, Tro- phies	100.00	100.00
Rifle Matches, National Guard and State	250.00	250.00
Gasoline and Oil for training Battery E. 158th Field Artillery	200.00	200.00
Premium Bonds — Ad- jutant General:		
U. S. P. and D. O.; and 24 Unit Responsible Officers	450.00	450.00

	For the 24th Fiscal Year	For the 25th Fiscal Year
Premiums, Fire Insurance—		
State Owned Armories...	837.50	837.50
Expenses — Field Training Camp (Travel Insurance Premium; Rental Horses; Medical Supplies; etc.) ..	750.00	750.00
Total Operation	6,187.50	6,187.50
Travel	\$ 1,500.00	\$ 1,500.00
Capital Investment		
New Equipment	250.00	250.00
Radio Broadcasting Station—Installed in the Armory at Nogales, Arizona	2,000.00	
Total Capital Investment	\$ 2,250.00	250.00
Repairs and Replacements		
Building and Grounds .	4,000.00	2,000.00
Rental of Armories and Arsenal	4,000.00	4,000.00
Contingent Property Allowance	2,000.00	2,000.00
Officers Clothing Allowance	5,100.00	5,100.00
Company and Battery Allowance	13,680.00	13,680.00

	For the 24th Fiscal Year	For the 25th Fiscal Year
158th Infantry Allow- ance	2,700.00	2,700.00
Total Appropriation ..	56,085.00	52,085.00
	<u>\$ 108,170.00</u>	

For emergencies not provided for, viz; court martials investigations, funerals, etc., and to equalize errors in estimates, the auditor and treasurer are authorized upon request of the adjutant-general, approved by the governor, to transfer not to exceed five per cent of money appropriated under any heading, excepting salaries, to any other account, in order that no deficiency may be necessary at the close of the fiscal year, June 30, 1937.

Subdivision 44. STATE HISTORIAN.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salary—Historian	\$ 2,400.00	\$ 2,400.00
Operation	200.00	200.00
Travel	300.00	300.00
Total Appropriation ..\$	2,900.00	\$ 2,900.00
	<u>\$ 5,800.00</u>	

Subdivision 45. PIONEER'S HISTORICAL SOCIETY.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salary—Secretary	\$ 1,000.00	\$ 1,000.00
Operation	500.00	500.00
	<hr/>	<hr/>
Total Appropriation ..	\$ 1,500.00	\$ 1,500.00
	<hr/>	<hr/>
	\$ 3,000.00	
	<hr/>	<hr/>

Subdivision 46. PREDATORY ANIMALS.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salaries and Wages	\$ 10,000.00	\$ 10,000.00
	<hr/>	<hr/>
	\$ 20,000.00	
	<hr/>	<hr/>

This appropriation is made subject to the condition that, at least, a like amount be allotted to this state by the federal government and expended concurrently with this appropriation.

Subdivision 47. REDEMPTION OF PUBLIC DEBT.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Bond Redemption	\$ 20,000.00	\$ 20,000.00
	<hr/>	<hr/>
	\$ 40,000.00	
	<hr/>	<hr/>

Subdivision 48. SECRETARY OF STATE.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salary—Secretary	\$ 4,000.00	\$ 4,000.00
Other Salaries & Wages ..	13,080.00	13,080.00
	<hr/>	<hr/>
Salaries & Wages	17,080.00	17,080.00
Operation	1,500.00	1,500.00
Capital Investment	100.00	100.00
Printing Session Laws ..	3,500.00	
Initiative & Referendum Expense		12,000.00
	<hr/>	<hr/>
Total Appropriation ..	22,180.00	30,680.00
	<hr/>	<hr/>
	\$ 52,860.00	
	<hr/>	<hr/>

Subdivision 49. SHEEP SANITARY COMMISSION.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salaries & Wages	\$ 4,500.00	\$ 4,500.00
Operation	100.00	100.00
Travel	1,500.00	1,500.00
	<hr/>	<hr/>
Total Appropriation ..\$	6,100.00	\$ 6,100.00
	<hr/>	<hr/>
	\$ 12,200.00	
	<hr/>	<hr/>

Subdivision 50. STATE EXAMINER.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salary—Examiner	\$ 2,500.00	\$ 2,500.00
Other Salaries & Wages	6,600.00	6,600.00
	<hr/>	<hr/>
Salaries & Wages	9,100.00	9,100.00
Operation	750.00	750.00
Travel	4,500.00	4,500.00
Capital Investment	100.00	100.00
	<hr/>	<hr/>
Total Appropriation	\$ 14,450.00	\$ 14,450.00
	<hr/>	<hr/>
	\$ 28,900.00	
	<hr/>	<hr/>

Subdivision 51. STATE LOAN BOARD.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salaries & Wages	\$ 4,000.00	\$ 4,000.00
Operation	2,000.00	2,000.00
Travel	900.00	900.00
	<hr/>	<hr/>
Total Appropriation	\$ 6,900.00	\$ 6,900.00
	<hr/>	<hr/>
	\$ 13,800.00	
	<hr/>	<hr/>

Subdivision 52. SUPERIOR COURT.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salaries & Wages		
Salaries—Judges (17)	\$ 30,600.00	\$ 30,600.00

Court Commissioner (Periodic)	250.00	250.00
	<hr/>	<hr/>
Total Appropriation ..	\$ 30,850.00	\$ 30,850.00
	<hr/>	<hr/>
	\$ 61,700.00	
	<hr/>	

Subdivision 53. SUPREME COURT.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salaries—Judges (3) . . .	\$ 20,400.00	\$ 20,400.00
Other Salaries & Wages ..	\$ 10,140.00	\$ 10,140.00
	<hr/>	<hr/>
Salaries & Wages	30,540.00	30,540.00
Operation	1,200.00	1,200.00
Travel		
Superior Judges sitting in This Court	150.00	150.00
Printing Supreme Court Decisions	1,500.00	1,500.00
	<hr/>	<hr/>
Total Appropriation ..	\$ 33,390.00	\$ 33,390.00
	<hr/>	<hr/>
	\$ 66,780.00	
	<hr/>	

Subdivision 54. TAX COMMISSION. (Regular Appropriation)

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salaries—Commissioners (3)	\$ 10,800.00	\$ 10,800.00
Other Salaries & Wages ..	7,000.00	7,000.00
	<hr/>	<hr/>
Salaries & Wages	17,800.00	17,800.00

	For the 24th Fiscal Year	For the 25th Fiscal Year
Operation	2,500.00	2,500.00
Travel	900.00	900.00
Capital Investment	200.00	200.00
	<hr/>	<hr/>
Total Appropriation ..	\$ 21,400.00	\$ 21,400.00
	<hr/>	<hr/>
	\$ 42,800.00	
	<hr/>	

Subdivision 55. STATE TAX COMMISSION.
(Income Tax Division)

	For the 24th Fiscal Year	For the 25th Fiscal Year
For Salaries & Wages; for operation; for Travel; for Repair and Replace- ments.		
Lump Sum	\$ 10,000.00	\$ 10,000.00
	<hr/>	<hr/>
	\$ 20,000.00	
	<hr/>	

Subdivision 56. TREASURER.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salary—Treasurer	\$ 3,600.00	\$ 3,600.00
Other Salaries & Wages ..	14,850.00	14,850.00
	<hr/>	<hr/>
Salaries & Wages	18,450.00	18,450.00
Travel	100.00	100.00

	For the 24th Fiscal Year	For the 25th Fiscal Year
Operation	3,200.00	3,200.00
Capital Investment	100.00	100.00
Total Appropriation ..	\$ 21,850.00	\$ 21,850.00
	<u>\$ 43,700.00</u>	

Subdivision 57. VETERANS' RELIEF COMMISSION.

	For the 24th Fiscal Year	For the 25th Fiscal Year
For relief of Veterans Pursuant to Law	\$ 6,500.00	\$ 6,500.00
	<u>\$ 13,000.00</u>	

Subdivision 58. VETERANS' SERVICE OFFICER.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salary—Veterans Service Officer	\$ 3,000.00	\$ 3,000.00
Stenographer	1,440.00	1,440.00
Salaries & Wages	4,440.00	4,440.00
Operation	10.00	10.00
Travel	450.00	450.00
Total Appropriation ..	\$ 4,900.00	\$ 4,900.00
	<u>\$ 9,800.00</u>	

Subdivision 59. VETERINARIAN.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salary—Veterinarian	\$ 3,000.00	\$ 3,000.00
Operation	450.00	450.00
Travel	1,100.00	1,100.00
	<hr/>	<hr/>
Total Appropriation ..\$	4,550.00	\$ 4,550.00
	<hr/>	<hr/>
	\$ 9,100.00	

Subdivision 60. COMMISSION OF AGRICULTURE AND HORTICULTURE.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salaries & Wages		
Commission Members		
(3)	\$ 900.00	\$ 900.00
State Entomologist	3,000.00	3,000.00
District Entomologist ..	2,400.00	2,400.00
Secretary & Chief Clerk	2,100.00	2,100.00
Assistant Entomologist	2,000.00	2,000.00
District Inspector—Tucson	1,800.00	1,800.00
District Inspector—Safford	1,800.00	1,800.00
Stenographer	1,440.00	1,440.00
Bee Inspectors	2,000.00	2,000.00
District Inspector—		
Phoenix	1,800.00	1,800.00
Crop Pest Inspector—		
Phoenix	1,500.00	1,500.00

	For the 24th Fiscal Year	For the 25th Fiscal Year
Market Inspector	1,500.00	1,500.00
Nursery Inspector	1,500.00	1,500.00
Recording Clerk	1,440.00	1,440.00
Misc. Crop Pest Inspectors	1,600.00	1,600.00
Road Inspectors—In Charge	14,120.00	14,120.00
Road Inspectors	25,500.00	25,500.00
	<hr/>	<hr/>
Total Salaries & Wages	66,400.00	66,400.00
Operation		
Office Supplies & expense	1,250.00	1,250.00
Motor Vehicle Expense	2,000.00	2,000.00
Light, Power, Fuel & Water	1,500.00	1,500.00
Material & Supplies ...	1,200.00	1,200.00
	<hr/>	<hr/>
Total Operation	\$ 5,950.00	\$ 5,950.00
Travel		
Transportation	4,400.00	4,400.00
Subsistence & Miscellaneous	2,000.00	2,000.00
	<hr/>	<hr/>
Total Travel	6,400.00	6,400.00
Capital Investment		
New Equipment	250.00	150.00
Motor Vehicle	600.00	
	<hr/>	<hr/>
Total Capital Investment	\$ 850.00	150.00

For the 24th Fiscal Year For the 25th Fiscal Year

Repairs & Replacements

Buildings—Road Stations	500.00	250.00
Equipment (Light Plants, etc.)	500.00	250.00
	<hr/>	<hr/>
Total Repairs & Replacements	1,000.00	500.00
	<hr/>	<hr/>
Total Appropriation ..	\$ 80,600.00	\$ 79,400.00
	<hr/>	<hr/>
	\$ 160,000.00	
	<hr/>	

Subdivision 61. DAIRY COMMISSION.

For the 24th Fiscal Year For the 25th Fiscal Year

Salary—Commissioner ...	\$ 3,000.00	\$ 3,000.00
Other Salaries & Wages .	3,950.00	3,950.00
	<hr/>	<hr/>
Salaries & Wages	6,950.00	6,950.00
Operation	250.00	250.00
Travel	2,000.00	2,000.00
	<hr/>	<hr/>
Total Appropriation ..	\$ 9,200.00	\$ 9,200.00
	<hr/>	<hr/>
	\$ 18,400.00	
	<hr/>	

Subdivision 62. INSPECTOR OF WEIGHTS & MEASURES.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salary—Inspector	\$ 2,000.00	\$ 2,000.00
Operation	600.00	600.00
Travel	1,200.00	1,200.00
Capital Investment		
Motor Vehicle	700.00	
	<hr/>	<hr/>
Total Appropriation ..	\$ 4,500.00	\$ 3,800.00
	<hr/>	<hr/>
	\$ 8,300.00	
	<hr/>	<hr/>

Subdivision 63. WATER COMMISSION.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salaries & Wages		
Salary—Commissioner ..	\$ 4,000.00	\$ 4,000.00
Engineer	2,700.00	2,700.00
Secretary	2,000.00	2,000.00
	<hr/>	<hr/>
Total Salaries & Wages	8,700.00	8,700.00
Operation	275.00	275.00
Travel	500.00	500.00
Stream Gauging	15,000.00	15,000.00

To be expended in cooperation with the United States Geological Survey, and upon the condition that the United States will contribute an amount

equal to that expended
by the state for such pur-
pose.

	\$ 24,475.00	\$ 24,475.00
	\$	48,950.00

Subdivision 64. OLD AGE PENSIONS.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Pensions	\$275,000.00	\$275,000.00
	\$	550,000.00

Subdivision 65. LYMAN DAM SETTLEMENT.

	For the 24th Fiscal Year	For the 25th Fiscal Year
Total Appropriation ..	\$ 10,000.00	\$ 10,000.00
	\$	20,000.00

Subdivision 66. ARIZONA FRUIT & VEGETABLE STANDARDIZATION ACT,

	For the 24th Fiscal Year	For the 25th Fiscal Year
Salary—Supervisor	\$ 3,000.00	\$ 3,000.00
Other Salaries & Wages ..	1,320.00	1,320.00
Salaries & Wages	4,320.00	4,320.00

	For the 24th Fiscal Year	For the 25th Fiscal Year
Operation	680.00	680.00
Total Appropriation ..	5,000.00	5,000.00
	<u>\$ 10,000.00</u>	

Subdivision 67. ARIZONA COPPER TARIFF BOARD.

	For the 24th Fiscal Year	For the 25th Fiscal Year
For Salaries and Wages; for Operation; for travel; Lump Sum Appropriation	\$ 1,250.00	\$ 1,250.00
	<u>\$ 2,500.00</u>	

Subdivision 68. PRESCOTT HISTORICAL SOCIETY.

	For the 24th Fiscal Year	For the 25th Fiscal Year
For preservation and repairs of gubernatorial mansion at Prescott ...	\$ 510.00	\$ 510.00
	<u>\$ 1,020.00</u>	

Section 2. The appropriations herein made are subject to the provisions of the State Financial Code. All salaries and the monthly salary shall never exceed one-twelfth of the annual salary. Periodic salaries may be drawn as needed; no claim for sal-

ary, or travel shall be paid from any fund other than that appropriated under the provisions of this act for salary or travel, except the appropriation for the governor. Any person receiving salary or wages under the provisions of this act is thereby precluded from accepting any other salary or wage or office or employment for profit under the state. Provided, however, that physicians at state institutions, persons employed under cooperative agreements with the federal government, and employees of the University of Arizona may draw specified salaries from more than one source.

Section 3. In all cases where money appropriated under the provisions of this act, is or shall be expended for labor, only citizens of the United States or wards of the United States shall be employed and actual bona fide resident citizens of the state shall be given the preference whenever such labor as may be required can be found within this state, and before any labor can be sought outside of the state, either directly or indirectly, the person, contractor, firm, or corporation shall file with the state auditor a verified written statement setting out in detail the effort put forth, showing the inability to secure the labor as is required within this state, and if the auditor is satisfied of such inability, then the auditor may execute a release permitting the bringing into this state of such citizens only of the United States as may be needed for such work. Before any money herein appropriated shall be paid out for labor or construction a verified statement shall be filed with the auditor, showing strict compliance with the provisions of this section. If the provisions of this section are not complied with, it shall be unlawful to pay out any of the moneys appropriated herein; and any

contract entered into wherein the provisions of this section have not been complied with shall be void; provided, that nothing herein shall be construed to prevent the working of prisoners of the state.

Section 4. All claims for monies appropriated or the disposition of which is provided for by the provisions of this act shall be itemized and accompanied by proper vouchers and each claim shall be audited by the state auditor, who shall reject any voucher or claim or any part thereof, the money for which has not been previously appropriated by law. All said claims shall be verified and the forms of said claims and the verification thereof, shall be prescribed by the state auditor. The state auditor is hereby authorized and directed to draw his warrant upon the proper fund for the amount audited by him and the state treasurer is hereby authorized and directed to pay said warrant out of the fund upon which it is drawn, provided, that all claims for monies appropriated by this act, shall be fully itemized and that no item shall be grouped under the word "incidentals" or other general term covering more than one item; should any such items be grouped under the head of "incidentals" or other general term the state auditor is hereby authorized and directed to reject such claim until it is properly itemized.

Section 5. 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 March 29, 1935.

BENJAMIN B. MOEUR
Governor

H. H. HOTCHKISS
Secretary

EXECUTIVE OFFICE

State House
Phoenix, Arizona

March 30, 1935

Dear Mr. Kerby:

I am herewith handing you House Bill No. 194 bearing my veto.

This bill relates to workmen's compensation insurance. While the bill as passed contains many good provisions from both a liberalizing and administrative viewpoint, yet it contains other features very damaging to the interests of the injured workmen, and endangers the fund. We owe to the workmen of the state the conservation of this fund, and certain portions of this law, in my opinion, tend to jeopardize the same, hence the veto.

In view of the constructive portions of this bill I will favor the re-submission of the same to the next special or general session of the legislature, to the end that the beneficial features may be incorporated in the Workmen's Compensation Law.

Sincerely yours,

B. B. MOEUR,
Governor.

Hon. James H. Kerby
Secretary of State
State House
Phoenix, Arizona

(House Bill No. 194)

AN ACT

RELATING TO WORKMEN'S COMPENSATION INSURANCE, AND AMENDING SECTIONS 1412, 1413, 1415, 1417, 1418, 1422, 1423, 1425, 1427, 1428, 1430, 1432, 1434, 1438, 1444, 1449, 1452, 1454, 1455, 1457, OF ARTICLE 5, ENTITLED "WORKMEN'S COMPENSATION LAW," OF CHAPTER 24, ENTITLED "EMPLOYER AND EMPLOYEE", REVISED CODE OF 1928, AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT THEREWITH, AND PROVIDING FOR THE CONSTITUTIONALITY OF THE REMAINDER OF THE AMENDMENTS SHOULD ANY PART THEREOF BE HELD UNCONSTITUTIONAL, AND PROVIDING FOR THE SUBMISSION TO A VOTE OF THE PEOPLE OF SAID SECTION 1430 AS HEREIN AMENDED.

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

Section 1. Sec. 1412, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1412. POLICY OF INSURANCE; PAYMENT OF PREMIUMS; NOTICE OF WITHDRAWAL. Every employer insuring in the state compensation fund shall receive from the commission a contract or policy of insurance in a form approved by the commission. The premium thereon shall be paid by the employer to the commission at such times as may be prescribed by the commis-

sion, and paid over by the commission to the state treasurer to the credit of the compensation fund. Policies issued by the state fund may be cancelled or withdrawn upon ten days written notice of intention to cancel or withdraw from said fund. Failure of an employer to comply with one of the other methods of insurance, hereinafter prescribed, shall subject him to the penalties provided for the violation of the provisions of this article.

Sec. 2. Sec. 1413, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1413. CLASSIFICATION OF EMPLOYMENTS. Employments affected by the provisions hereof shall be divided by the commission for the purpose of said fund, into classes. Separate accounts shall be kept for the amounts collected and expended in each class for determining rates, but for paying compensation the fund shall be one and indivisible. The commission may rearrange the classes by withdrawing any employment embraced in one class and transferring it wholly or in part to another class. The commission shall determine the hazards of the different classes, and fix the rates of premium therefor, based upon the total payroll and number of employees in each class at the lowest rate consistent with the maintenance of a solvent state compensation fund and the creation of a surplus and reserve; and for such purpose may adopt a system of schedule rating taking account of the peculiar hazard of such individual risk. The state compensation fund shall be neither more nor less than self-supporting. Annually within six months after the close of each fiscal year, if there exists an excess of assets over liabilities, such liabilities to include the necessary reserves and the

sum of one hundred thousand dollars for the catastrophe hazard, then in the discretion of the commission, and in the method or manner it deems most equitable, a cash dividend shall be declared to, or a credit allowed to, the account of each employer who has been insured with the fund for a period of six months or more prior to the declaration of such dividend or credit, such cash dividend or credit to be such an amount to which, as in the discretion of the commission, such employer may be entitled as the employer's proportion of divisible surplus; provided, that before the commission allows such credit or dividend it shall set aside as a reserve such amounts to reimburse the general fund of the state for the appropriation of one hundred thousand dollars, hereinafter made, within the time prescribed.

Sec. 3. Sec. 1415, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1415. PREMIUM BASED ON WAGE EXPENDITURES; ADJUSTMENT. All employers insuring in the state fund shall pay into said fund an advance premium upon the estimated wage expenditure for six months. Such employers shall report to the commission quarterly the wages actually paid employees the preceding three months and upon the determination of the premium for said period for the classifications governing the particular employment or employments shall pay said premium, allowing the advance premium to remain on deposit; provided, however, that the advance premium shall be increased or decreased in accordance with anticipated wage expenditures, and that no policy shall be written for any period for less

than the minimum premium established for the classification insured by such policy.

Payrolls of all employers insured in the state fund shall be subject to audit by the commission, or by its authorized agents, at such times as the commission shall prescribe. Upon such payroll audit the actual amount of premium shall be determined in accordance with the amount of the actual expenditure of wages for the period included in said audit, and, where necessary, premium adjustments shall be made.

If, upon the cancellation or withdrawal of any policy and following audit and final determination of the accounts of an employer, there be an unused portion of the advance premium such unused portion shall be returned to him.

Sec. 4. Sec. 1417, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1417. SURPLUS TO BE INVESTED. The commission may invest the surplus or reserve of the fund in bonds of the United States or federal land banks, of the state, or of any county, city, town or school district of the state, at current market prices for such bonds, or in registered state warrants, such investment to be authorized by a resolution of the commission. All bonds purchased shall forthwith be deposited with the state treasurer as custodian thereof, who shall collect the interest and principal thereof, and pay the same when collected, into the state compensation fund. The state treasurer shall pay all vouchers drawn on the fund for the purchase of such bonds when signed

by any two members of the commission upon delivery of said bonds to him. The commission may sell any of said bonds upon like resolution, and the proceeds thereof shall be paid by the purchaser to the state treasurer upon delivery to him of said bonds by the treasurer.

The commission may invest the funds of the vocational rehabilitation fund provided in section 1438 (a) of this article, in the same manner and in the securities set forth in this section, the principal and interest thereof, when collected, to be paid into the vocational rehabilitation fund by the state treasurer, who shall be custodian of said securities and who shall act as this section provides.

Sec. 5. Sec. 1418, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1418. EMPLOYERS INCLUDED; INDEPENDENT CONTRACTOR. The following employers shall be subject to the provisions of this article: The state, and each county, city, town, municipal corporation and school district therein; and every person who has in his service three or more workmen or operatives regularly employed in the same business, or establishment, under a contract of hire, except agricultural workers not employed in the use of machinery, and domestic servants; employers of such agricultural workers, domestic servants, and of less than three employees, may, however, at their election, come under the terms hereof by complying with its provisions and the rules and regulations of the commission.

The term "regularly employed," as herein used, includes all employments, whether continuous throughout the year or for only a portion of the year, in the usual trade, business, profession or occupation of an employer. Where an employer procures work to be done for him by a contractor over whose work he retains supervision or control, and such work is a part or process in the trade or business of the employer, then such contractor and the persons employed by him, and his sub-contractor, and the persons employed by the sub-contractor, are, within the meaning of this section, employees of the original employer. A person engaged in work for another, and who while so engaged, is independent of the employer in the execution of the work, not subject to the rule or control of the person for whom the work is done, but engaged only in the performance of a definite job or piece of work, and subordinate to the employer only in effecting a result in accordance with the employer's design, is an independent contractor and an employer within the meaning hereof.

Sec. 6. Sec. 1422, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1422. SECURING COMPENSATION; ALTERNATIVE METHODS; REGULATIONS. Employers, but not including the state or its legal subdivisions, shall secure compensation to their employees in one of the following ways: 1. By insuring and keeping insured the payment of such compensation with the state compensation fund; 2. By insuring and keeping insured the payment of such compensation, with a corporation or association authorized to transact the business of workmen's compensation insurance in the state, and fil-

ing with the commission, in form prescribed by it, notice of his insurance, together with a copy of the contract or policy of insurance. Such corporation or association shall write and carry all risks or insurance for which application may be made to it which are not prohibited by law, and shall carry a risk to the conclusion of the policy period unless cancellation is agreed to by the commission and the employer; any policy shall, however, be subject to cancellation at any time by the commission; 3. By furnishing to the commission satisfactory proof of financial ability to pay direct the compensation in the amount and manner and when due as herein provided. The commission may, from such employer require a deposit or other security for the payment of compensation liabilities, in an amount to be fixed by the commission, but not less than one hundred thousand dollars. Such employer shall pay a tax of two per cent of the premiums which would be paid by such employer if insured in the state fund; provided, that such tax shall not be less than two hundred and fifty dollars per annum; said tax to be computed and collected by the commission and paid into the expense reserve of the compensation fund. If such employer shall not fully comply with the provisions hereof relating to the payment of compensation, then the claims for compensation shall be deemed assigned to the commission for the benefit of the state compensation fund, and the commission shall pay such compensation, benefits or amounts as may be due under the provisions of this article, and the commission shall then have a cause of action against said employer and upon his bond, if any, for the amount so paid, to be recovered by said commission, together with necessary expenses and a reasonable attorney's fee

to be fixed by the court and the commission may revoke the authority of said employer to pay compensation direct. Corporations or associations transacting the business of workmen's compensation insurance in the state shall be subject to the rules and regulations of the commission, including rates to be charged, policy forms to be used, and the method of paying compensation. Only corporations having a paid-up capital stock of five hundred thousand dollars and surplus of one hundred thousand dollars, or an aggregate capital and surplus of six hundred thousand dollars or mutual associations having net assets over and above all liability of six hundred thousand dollars, shall be permitted to transact such business, and their liability shall include a reinsurance reserve which shall equal sixty-five per cent of the gross annual premiums or deposits received by such corporation or association on account of workmen's compensation insurance, and fifty per cent of the gross annual premiums on all other lines of insurance and a pro-rata amount of gross premiums collected for more than one year. Before transacting such business, such corporation or association shall deposit, annually, with the industrial commission of Arizona, a corporate surety bond, or cash, or securities, in the sum of two hundred thousand dollars, and, annually, cash or securities in an amount equal to seventy-six per cent of the sixty-five per cent of the gross annual premiums or deposits received by such corporation or association on account of workmen's compensation collected by it in the state, such securities to be at all times subject to the approval of the commission, or in lieu of cash or securities, may, with the approval of the commission, furnish bond of a corporate surety company authorized to transact

business in the state. Said bond or securities shall be held by the commission as security for the fulfillment of its obligations under this article. Such insurance carrier authorized to do business in the state must make and file with the industrial commission annually, on or before the first day of March each year, a statement under oath, giving a true exhibit of the company making such statement during the year ending December thirty-first next preceding. The form shall be prescribed by the industrial commission in such manner as seems to the commission best adapted to elicit from such corporation, a true exhibit of its condition. It shall contain the total amount of all premiums under workmen's compensation insurance policies collected or contracted for by the insurance carrier making such statement during such year, the total amount actually paid for losses, the total reserves for losses incurred, and the total amount paid policy holders on return premiums for the same period, the amount of workmen's compensation insurance written in this state and reinsured in other companies not admitted, and similarly the amount reinsured in admitted companies; and the amount of such reinsurance accepted from admitted companies and the premiums received for such reinsurance and the names of the companies so reinsured.

Such insurance carrier shall pay to the state treasurer, for the credit of the expense reserve of the state compensation fund in lieu of all other taxes on workmen's compensation insurance, two per cent on all premiums collected or contracted for during the year ending December thirty-first next preceding, less deductions from said premiums, also amounts paid to policy holders as return premiums, and the amount paid as premiums to admitted com-

panies for reinsurance on workmen's compensation insurance in this state.

Sec. 7. Sec. 1423, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1423. POLICY TO COVER ENTIRE LIABILITY; TERMS IN POLICY. Every policy of insurance for compensation, issued by the commission or by another, shall cover the entire liability of the employer to his employees covered by the policy or contract, except as hereinafter provided for medical benefits. Each policy shall contain a provision setting forth the right of the industrial commission, or the state, for the benefit of the state compensation fund, to enforce in their own names, either by filing a separate claim or by making the insurance carrier a party to the original claim, the liability of the insurance carrier in whole or in part for the payment of such compensation. Such policy and contract shall also contain a provision that as between the employee and the insurance carrier the notice to, or knowledge of the occurrence of the injury on the part of the employer shall be deemed notice or knowledge of the insurance carrier; that jurisdiction of the employer shall be jurisdiction of the insurance carrier; that the insurance carrier shall be bound by and subject to the orders, findings, decisions and awards rendered against the employer for the payment of compensation, and that the insolvency or bankruptcy of the employer and his discharge therein shall not relieve the insurance carrier from the payment of compensation for injuries or death sustained by an employee during the life of such policy or contract.

Sec. 8. Sec. 1425, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1425. INSURANCE BY PUBLIC INSTITUTION. The state and each county, city, town, municipal corporation or school district which is liable to its employees for compensation must insure in the state compensation fund. The state auditor, the clerk of the board of supervisors of each county, the clerk of each such political subdivision and the school superintendent of each county shall furnish quarterly to the commission a true payroll showing the total amount paid to employees subject to this article during each month of said quarter, segregated in accordance with the requirements of the commission. Each such clerk, or officer, shall thereupon prepare and submit to his respective governing body for approval, a claim for the amount of premiums due the commission, and as determined by the commission, for the benefit of the state compensation fund, and such premiums shall be at once paid to the commission by the proper officer. Each and every county school superintendent before apportioning school money to each district in his county shall set aside such sums as are necessary to pay the premiums due the state compensation fund. The school superintendent of each and every county shall furnish the commission with his true payroll, and upon being apprised of the amount of premium due, as determined by the commission, shall, at once and directly, pay the sums due the state compensation fund out of the monies set aside for such purposes by drawing his warrant therefor on the county treasurer without first obtaining an order from the board of school trustees, or board of education, of any district. For the purposes of

this article section 992, article 3, chapter 21, Revised Code of Arizona, 1928, shall not apply.

The state auditor shall draw his warrant for such premiums as may be due from the state in favor of the treasurer for the benefit of the state compensation fund and the treasurer shall at once pay said warrant out of the general fund and the appropriation made therefor in the general appropriation bill for the state compensation fund.

Sec. 9. Sec. 1427, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1427. PAYMENTS INTO STATE FUND. Except as hereinafter provided, every employer (except the state) who shall have insured in the state compensation fund, shall pay into the state compensation fund the amount of premium determined and fixed by the commission for the employment or occupation of such employer, at such times as shall be prescribed by the commission. A receipt or certificate, under the seal of the commission, certifying that such payment has been made shall immediately be mailed to such employer by the commission. If any employer fails to pay to the state compensation fund or to any insurance company, authorized to do business in this state, the premium, when the same becomes due, and action be instituted to recover such premium, the prevailing party shall be entitled to a reasonable attorney's fee to be fixed by the court.

Sec. 10. Sec. 1428, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1428. ACCIDENT BENEFITS. Every in-

jured employee within the provisions of this article shall receive promptly such medical, surgical and hospital or other treatment, nursing, medicines, surgical supplies, crutches and apparatus, including artificial members, as may be reasonably required at the time of the injury and within ninety days thereafter, which time may be extended by order of the commission; such benefits to be termed "Medical benefits". To take care of said medical benefits the commission shall collect a premium upon the total payroll of every employer, including the state and its legal subdivisions, except as hereinafter provided, in such a percentage as the commission shall by order fix. An employer paying such premium shall be relieved from furnishing medical benefits, and the same shall be provided by the commission, and he may collect one-half thereof, not to exceed one dollar per month, from each employee, and deduct the same from the wages of such employee. All fees and charges for such medical benefits shall be subject to regulation by the commission, and shall be limited to such charges as prevail in the same community for similar treatment of injured persons of like standard of living.

An employer operating under the provisions hereof, shall, immediately upon the occurrence of an injury to an employee, render to such employee all necessary first aid, including cost of transportation of the injured employee from the place of injury to the nearest place of proper treatment where the injury is such as to make it reasonably necessary for such transportation, and forthwith notify the commission of such accident, giving the name of the injured employee, the nature of the accident, and where and by whom the injured employee is being

treated, and the date of the accident. Every employer paying medical benefit premiums to the industrial commission furnishing first aid shall receive from the commission the amount of such expenditure reasonably made.

Every employer, except the state and its legal subdivisions, alone or together with other employers may, in lieu of making premium payments for medical benefits, provide the medical benefits, as herein defined to injured employees, and such other employer may collect one-half of the cost of such medical benefits from their collective employees, not to exceed one dollar per month from any one employee, and may deduct the same from the wages of each employee. Employers electing to provide medical benefits shall notify the commission of such election and render a detailed statement of the arrangements made therefor. Every employer who maintains a hospital for his employee, or who contracts with a physician for the hospital care of injured employees, shall, on or before the thirtieth day of January of each year, make a verified written report to the commission for the preceding year, showing the total amount of hospital fees collected, showing separately the amount contributed by the employees and the amount contributed by the employers; an itemized account of the expenditures, investments, or other disposition of such fees, and a statement showing what balance, if any, remains. Every employer who fails to so notify the commission of such election, or who fails to render the financial report required herein, shall be liable for the medical benefits as herein provided.

If an employer furnish medical, surgical, or hospital aid or treatment in such a manner that there

is reasonable ground to believe that the health, life or recovery of the employee is being endangered or impaired thereby, the commission may, upon application of the employee or upon its own motion, order a change in the physician or other requirements, and if the employer fails to promptly comply with such order, the injured employee may elect to have such medical, surgical or hospital aid or treatment provided by or through the commission, in which event the cause of action of said injured employee against the employer shall be assigned to the commission for the benefit of the compensation fund, and the commission shall furnish to said injured employee the medical, surgical, or hospital aid or treatment herein provided.

The state of Arizona, counties, cities, towns, municipal corporations and school districts, shall pay to the commission the premiums necessary for medical benefits, and the officers charged with the duty of paying premiums or rates for the benefit of the state compensation fund, shall pay the premiums or rates for medical benefits.

Sec. 11. Sec. 1430, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1430. **OPTION OF EMPLOYEES; NOTICE BY EMPLOYER AND EMPLOYEE; EFFECT OF FAILURE TO GIVE.** Employers who comply with the provisions of section 1422 shall not be liable to respond in damages at common law or by statute, except as hereinafter provided, for injury or death of an employee wherever occurring, provided however, that it shall be optional with employees to accept compensation as provided here-

in or to reject the provisions hereof and retain the right to sue said employer as provided by law. Such election to reject the terms of this article shall be made by a notice in writing, signed and dated, given by an employee to his employer in triplicate in the following form:

“EMPLOYEE’S NOTICE TO REJECT TERMS OF WORKMEN’S COMPENSATION LAW”

Date

TO BUSINESS.....
(Full Name of Employer)

BUSINESS ADDRESS CITY
(Street and Number and City of Employer in Full)

YOU ARE HEREBY NOTIFIED THAT THE UNDERSIGNED ELECTS TO REJECT THE TERMS, CONDITIONS AND PROVISIONS OF LAW FOR THE PAYMENT OF COMPENSATION, AS PROVIDED BY THE COMPULSORY COMPENSATION LAW OF THE STATE OF ARIZONA, AND ACTS AMENDATORY THERETO.

Signed
(Full Name of Employee)

..... CITY
(Full Address of Employee)

ACCEPTED
(Employer’s Signature)

ARE YOU CARRYING A COMPENSATION INSURANCE? WITH WHAT COMPANY?

UNINSURED

INSURED COMPANY
(Employer Indicate Which)

FAILURE TO ANSWER ALL QUESTIONS NUL-
IFIES THIS REJECTION"

Such notice must be filed with the employer prior to injuries sustained by such employee, and thereafter, and within five days, the employer must file with the commission a duplicate of such notice so served by such employee, the third copy to be retained by said employee.

A rejection of the terms of this article shall not be valid in respect to a subsequent employment, nor to a re-employment by the same employer.

An employee may revoke his election to reject the terms of this article in substantially the same manner as provided for an election to reject.

All employees shall be conclusively presumed to have elected to take compensation in accordance with the terms, conditions and provisions hereof, unless said notice in writing has been served by the said employee upon his employer prior to injury.

Every employer of employees shall post and keep posted in a conspicuous place upon his premises, in all languages spoken by his employees and avail-

able for inspection by all workmen, a notice in substantially the following form: "All employees are hereby notified that in the event they do not specifically reject the provisions of the compulsory compensation law they are deemed by the laws of Arizona to have accepted the provisions of such law, and to have elected to accept compensation under the terms of said law, and that under the terms thereof employees have the right to reject the same by written notice thereof prior to any injury sustained, and that blanks and forms for such notice are available to all employees at the office of this company."

Employers who comply with the provisions of section 1422 either by insuring and keeping insured with the state fund or by insuring and keeping insured with a corporation or association authorized to transact the business of workmen's compensation insurance in the state shall be solely liable for and shall pay the premium charged for such insurance except as herein provided for medical benefits and except for premium for that portion of any employee's wage or salary which may be in excess of two hundred dollars a month, provided, however, that for wages or salary in excess of two hundred dollars a month, premium shall be paid by the employer to said insurance carrier on account of all employees who shall instruct said employer to deduct from their wages or salary for the payment of such additional premium. It shall be optional with employees to secure the payment of compensation, in the event of additional injury or death within the provisions of the workmen's compensation law of the state of Arizona, on the basis of a wage or salary in excess of said two hundred

dollars a month by having theretofore in writing notified their employer of such intention on their part and having authorized said employer to deduct from their said wages or salary such proportion of said wages or salary as may be necessary to make payment to said employer's insurance carrier of the premium charged for the insurance coverage secured in excess of said two hundred dollars a month. Such notice shall be made out in triplicate and acknowledged by the employer. The original of said notice shall be immediately delivered by the employer to the insurance carrier of said employer, one copy shall be retained by the employer and one copy shall be returned to said employee. The failure of an employee to notify and instruct his employer as herein provided shall be deemed an election and a waiver, on the part of such employee, to secure compensation on the basis of any wage in excess of two hundred dollars a month.

Every employer insured as herein provided shall post and keep posted in conspicuous places upon his premises, in languages spoken by his employees and available for inspection by his employees, a notice in substantially the following form:

"All employees are hereby notified that this employer has complied with the provisions of the workmen's compensation law of the state of Arizona and with all rules and regulations of the industrial commission of Arizona and has secured the payment of compensation under said act by obtaining a policy of insurance as provided by said act. All employees are hereby further notified that all premium for such insurance will be paid and is payable by their employer except premium for that portion

of the wage or salary of any employee in excess of two hundred dollars a month; and all employees are hereby and further notified that unless they specifically instruct and advise their employer that in the event of accident under said law they wish to make secure the payment of compensation on the basis of wage or salary which may be in excess of two hundred dollars a month and further instruct and advise their employer to make a deduction from their wage or salary for the amount of the insurance premium on such part of their wage or salary as is in excess of said two hundred dollars a month, then such employee, in the event of such accident, shall be deemed to have waived, as a basis for the payment of compensation, any part of his wage or salary which may be in excess of two hundred dollars a month."

Sec. 12. Sec. 1432, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1432. COMPENSATION EXCLUSIVE REMEDY; EXCEPTIONS. The right to recover compensation pursuant to the provisions of this article for injuries sustained by an employee shall be the exclusive remedy against the employer, except as provided in the two preceding sections, and except where the injury is caused by the employer's wilful misconduct and such act causing such injury is the personal act of the employer himself, or if the employer be a partnership, on the part of one of the partners, or if a corporation, on the part of an elective officer thereof, and such act indicates a wilful disregard of the life, limb, or bodily safety of employees, such injured employee may, at his option, either claim compensation or maintain an

action at law for damages. The term, "wilful misconduct," as employed in this section, shall be construed to mean an act done knowingly and purposefully with the direct object of injuring another.

The death of an employer subsequent to the sustaining of an injury by an employee shall not impair the right of such employee to proceed before the commission against the estate of such employer.

Sec. 13. Sec. 1434, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1434. LIEN FOR PAYMENTS CREATED; PRIORITY AND FORECLOSURE THEREOF; ACTION FOR PAYMENTS DUE COMMISSION. If an employer default in any payment required to be made by him to the state compensation fund, the amount due, with interest thereon at twelve per cent per annum, shall be collected by civil action against him in the name of the commission as plaintiff and the same when so collected shall be paid into the state compensation fund. Separate and apart from and in addition to the other provisions of this article, the claims of the state compensation fund for payments and penalties due under this act shall be a lien prior to all other liens except taxes, prior recorded realty mortgages and unpaid wage claims, not only against the interests of any employer, but against the interests of all others, in the real estate, plant, works, equipment and buildings improved, operated or constructed by any employer, and also upon any products or articles manufactured by such employer.

The lien created by this section shall attach from the date of the commencement of the labor for which such premiums are due. In order to avail itself of the lien hereby created, the commission shall, within three months after such employer shall have reported his payroll and shall have defaulted in the payment of his premiums thereupon, file with the county recorder of the county within which such property then be situate, a statement in writing describing in general terms the property upon which a lien is claimed and stating the amount of the lien claimed by the commission. If any employer shall fail, delay or refuse to report his payroll, the lien hereby created shall continue in full force and effect although the amount thereof be undetermined and the three month's time within which the commission shall file its claim of lien shall not begin to run until the actual receipt by the commission of such payroll report. From and after the filing of such claim of lien, the commission shall be entitled to commence suit to foreclose such lien in the manner provided by law for the foreclosure of other liens on personal or real property.

In all cases of probate, insolvency, assignment for the benefit of creditors, or bankruptcy, where the employer is subject to the provisions of this article, the claim of the state for payments due herein shall be a lien prior to all other liens, except taxes, and the mere existence of such cases or conditions shall be sufficient to create such lien without any prior or subsequent action by the state, and it shall be the duty of all administrators, receivers or assignees for the benefit of creditors to notify the industrial commission of such admin-

istration receivership or assignment within thirty (30) days from date of their appointment and qualification.

Sec. 14. Sec. 1438, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1438. MEASURE OF COMPENSATION; TOTAL AND PARTIAL DISABILITIES. Every employee of an employer within the provisions of this article, who shall be injured by accident arising out of and in the course of employment, or his dependents, as hereinafter defined, in case of his death, shall receive the compensation herein fixed, on the basis of average monthly wage at time of injury except as otherwise provided and except that no wage of less than fifty dollars per month shall be used as the basis for computing such compensation. The term "monthly wage" shall mean the average wage paid during and over the month in which such employee was killed or injured. In all instances in which the injured or killed employee had not been continuously employed for the period of thirty days immediately preceding the injury or death, the average monthly wage shall be such sum as, having regard to the previous wage of the injured employee, or of other employees of the same or most similar class working in the same or most similar employment in the same or neighboring locality, reasonably represents the monthly earning capacity of the injured employee in the employment in which he was working at the time of the accident. If the employee was working under a contract with his employer under the terms of which the employee was guaranteed an amount per diem or per month, notwithstanding the contract price for

such labor, then said employee or his subordinates or employees working under the terms of said contract, or his or their dependents in case of death, shall be entitled to receive the compensation on the basis only of the guaranteed wage as set out in said contract of employment, whether such amount was paid on a per diem basis or on a monthly basis, provided that in no event shall such basis be less than the wages paid to employees for similar work not under contract.

(a) DEATH BENEFITS.

If the injury causes death, the compensation shall be known as a death benefit, and shall be payable in the amount and to and for the benefit of the persons following: 1. Burial expenses, not to exceed one hundred and fifty dollars, in addition to the compensation; 2. to the widow, if there is no child, thirty-five per cent of the average wage of the deceased, to be paid until her death or remarriage, with two years' compensation in one sum upon remarriage; 3. to the widower, if there is no child, thirty-five per cent of the average wage of the deceased, if wholly dependent for support upon the deceased employee at the time of her death, to be paid until his death or remarriage; 4. to the widow or widower, if there is a child or children, the additional amount of fifteen per cent of such wage for each child until the age of eighteen years, the total not to exceed sixty-six and two-third per cent of the average wage; in case of the subsequent death of such surviving wife, or dependent husband, or if there be no surviving wife or dependent husband, a single surviving child shall be paid twenty-five per cent of such wages; or if there is more than

one surviving child, twenty-five per cent shall be paid for one child, and fifteen per cent for each additional child, to be divided among such children share and share alike, but not exceeding a total of sixty-six and two-thirds per cent of the average wage; provided, that compensation to any such child ceases when it dies, marries or reaches the age of eighteen years, or if over eighteen years and incapable of self-support becomes capable of self-support; 5. if there be no surviving wife, or dependent husband, or child under the age of eighteen years, there shall be paid to a parent, if wholly dependent for support upon the deceased employee at the time of his death, twenty-five per cent of the average monthly wage of the deceased during dependency, with an added allowance of fifteen per cent if two dependent parents survive; to the brothers or sisters, under the age of eighteen years, if one is wholly dependent upon the deceased employee for support at the time of injury causing death, twenty-five per cent of the average monthly wage until of the age of eighteen years. If more than one brother or sister is wholly dependent, thirty-five per cent of the average monthly wage at the time of injury causing death, divided among such dependents share and share alike. If there is no one of them wholly dependent, but one or more partly dependent, fifteen per cent divided among such dependents share and share alike.

Questions of dependency shall be determined according to the facts as of the time of the injury. If the deceased employee leaves dependents only partially dependent upon his earnings for support at the time of the injury, the monthly compensation shall be equal to the same proportion of the

monthly payments for the benefit of persons totally dependent as the amount contributed by the employee to such partial dependents bears to the average wage of deceased at the time of the injury resulting in his death. The duration of such compensation to partial dependents shall be fixed by the commission in accordance with the facts shown, but in no case to exceed compensation for one hundred months.

Compensation to the widow or widower shall be for the use and benefit of such widow or widower and of the dependent children, and the commission may, from time to time, apportion such compensation between them in such way as it deems best for the interest of all beneficiaries. If a dependent to whom a death benefit is to be paid is an alien not residing in the United States, the compensation shall be only sixty per cent of the amount or amounts above specified.

If there be no dependents, the employer or insurance carrier, or the state compensation fund, shall pay the burial expenses of the deceased, as provided herein, and shall pay into the state treasury the sum of eight hundred and fifty dollars. Such payments shall be held in a special fund for the purpose of enabling the commission to provide such additional awards as may be necessary to enable injured employees to accept the benefits of any law of the state, or of the United States, or both jointly, for the promotion of vocational rehabilitation of persons disabled in industry or otherwise.

In case of the death of a dependent specified in the foregoing enumeration before the expiration of

the time named in the award, his funeral expenses not to exceed one hundred and fifty dollars shall be paid.

(b) TOTAL DISABILITY.

For temporary total disability, if there be no one residing in the United States totally dependent upon the workman at the time of the injury, compensation of sixty-five per cent of the average monthly wage, but not exceeding one hundred months, during the period of such disability; if there be persons residing in the United States totally dependent for support upon the workman, compensation as provided herein with an additional allowance of ten dollars per month for such dependents during the period of such disability. In cases of total disability adjudged to be permanent, compensation of sixty-five per cent of the average monthly wage, during the life of the injured person.

Disability caused by the following specified injuries, in the absence of proof to the contrary, shall be deemed total and permanent: 1. The total and permanent loss of sight of both eyes; 2. the loss by separation of both feet; 3. the loss by separation of both hands; 4. an injury to the spine resulting in permanent and complete paralysis of both legs or both arms, or one leg and one arm; 5. an injury to the skull resulting in incurable imbecility or insanity; 6. the loss by separation of one hand and one foot.

This enumeration is not exclusive, and in all other cases permanent total disability shall be determined in accordance with the facts.

(c) PARTIAL DISABILITY.

For temporary partial disability, sixty-five per cent of the difference between the wages earned before the injury and the wages which the injured person is able to earn thereafter, for a period not to exceed sixty months during the period of said disability.

Disability caused by the following specified injuries, shall be deemed a permanent partial disability, and compensation of fifty-five per cent of the average monthly wage shall be paid in addition to the compensation paid for temporary total disability for the period named in the following schedule: (a) For the loss of a thumb, fifteen months; (b) for the loss of a first finger, commonly called the index finger, nine months; (c) for the loss of a second finger, seven months; (d) for the loss of a third finger, five months; (e) for the loss of a fourth finger, commonly called the little finger, four months; (f) the loss of a distal or second phalange of the thumb, or the distal or third phalange of the first, second, third or fourth finger, shall be considered a permanent partial disability, and equal to the loss of one-half of such thumb or finger, and compensation shall be one-half of the amount specified for the loss of the entire thumb or finger; (g) the loss of more than one phalange of the thumb or finger, shall be considered as the loss of the entire finger or thumb; provided, however, that in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand; (h) for the loss of a great toe, seven months; (i) for the loss of one of the other toes other than the great toe,

two and one-half months; (j) the loss of the first phalange of any toe to be considered equal to the loss of one-half of such toe and compensation shall be one-half of the amount above specified; (k) the loss of more than one phalange shall be considered as the loss of the entire toe; (l) for the loss of a major hand, fifty months, of a minor hand, forty months; (m) for the loss of a major arm, sixty months, of a minor arm, fifty months; (n) for the loss of a foot, forty months; (o) for the loss of a leg, fifty months; (p) for the loss of an eye by enucleation, thirty months; (q) the permanent and complete loss of sight in one eye without enucleation, twenty-five months; (r) for permanent and complete loss of hearing in one ear, twenty months; (s) for permanent and complete loss of hearing in both ears, sixty months; (t) the permanent and complete loss of the use of a finger, toe, arm, hand, foot or leg may be deemed the same as the loss of any such member by separation; (u) for the partial loss of use of a finger, toe, arm, hand, foot, leg, or partial sight or hearing, fifty per cent of the average monthly wage, during that proportion of the number of months in the foregoing schedule provided for the complete loss of use of such member, or complete loss of sight or hearing, which the partial loss of use thereof bears to the total loss of use of such member or total loss of sight or hearing; (v) for permanent disfigurement about the head or face, which shall include injury to or loss of teeth, the commission may allow such sum for compensation thereof as it may deem just, in accordance with the proof submitted, for a period not to exceed eighteen months; (w) where the injury causes partial disability for work, the employee shall receive, during such disability, compensation equal to fifty-five

per cent of the difference between his average monthly wages before the accident and the monthly wage he is able to earn thereafter, but the payments shall not continue after the disability ends, or death of the injured person, and in case the partial disability begins after a period of total disability the period of total disability shall be deducted from such total period of compensation.

In determining the percentage of disability, consideration shall be given, among other things, to any previous disability, the occupation of the injured employee, the nature of the physical injury, and the age of the employee at the time of the injury. Where there is a previous disability, as the loss of one eye, one hand, one foot, or any other previous disability, the percentage of disability for a subsequent injury shall be determined by computing the percentage of the entire disability and deducting therefrom the percentage of the previous disability as it existed at the time of the subsequent injury.

The commission may adopt a schedule for rating permanent disability and reasonable and proper rules to carry out the provisions of this section.

No compensation shall be payable for the death or disability of an employee, if his death be caused by, or insofar as his disability may be aggravated, caused or continued by an unreasonable refusal or neglect to submit to or follow any competent and reasonable surgical treatment or medical aid.

Sec. 15. Sec. 1444, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1444. MEDICAL EXAMINATIONS; REFUSAL TO SUBMIT TO TREATMENT; FALSE REPRESENTATIONS; PENALTY. A workman entitled to compensation shall submit himself for medical examination from time to time at a place reasonably convenient for the workman, if, and when requested by the employer, the insurance carrier, or the commission. The request shall fix a time and place, having regard to the convenience of the employee, his physical condition and ability to attend, provided such employee shall, in advance, be paid sufficient money to defray the necessary expense of travel by the most convenient means to and from the place of examination, and the cost of meals necessary during the trip, and if the examination and travel to and from the place of examination causes any loss of working time on the part of the employee, such employee shall be reimbursed for loss of wages upon the basis of his average daily wage. Provided, however, that such examination shall be made in the presence of a duly qualified medical practitioner or surgeon or other representative provided and paid for by the employee, if such employee so desires.

In all cases it shall be the duty of the surgeon making the examination to deliver to the injured employee, or his representatives, a statement in writing of the condition and extent of the injury to the same extent that said surgeon reports to the employer, the insurance carrier, or the commission, and the same shall be an exact copy of that furnished to the employer, the insurance carrier, or the commission, said copy to be furnished the employee, or his representatives, as soon as practicable and before the time the case is set for hear-

ing. If such surgeon refuses to furnish the employee with such statement to the same extent as that furnished the employer, the insurance carrier, or the commission, said physician shall not be permitted to testify at the hearing next following said examination.

If the employee refuses to submit to any such examination, or obstructs the same, his right to compensation shall be suspended until such examination has taken place, and no compensation shall be payable during or for such period. A physician who makes or is present at such examination may be required to testify as to the result thereof. The commission may reduce or suspend the compensation of an employee who persists in unsanitary or injurious practices tending to imperil or retard his recovery, or who refuses to submit to such medical or surgical treatment as is reasonably essential to promote his recovery.

Sec. 16. Sec. 1449, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1449. DUTY OF ATTORNEY GENERAL AND COUNTY ATTORNEYS. Upon the request of the commission the attorney general, or, under his direction, any county attorney of any county, shall institute and prosecute the necessary actions or proceedings for the enforcement of any of the provisions hereof or for the recovery of any money due the state compensation fund, or any penalty provided for, arising within the county in which he was elected, and shall prosecute or defend in like manner all actions or proceedings brought by or against the commission, or the members thereof in their offi-

cial capacity. The commission may compromise any action brought under this article.

Sec. 17. Sec. 1452, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1452. HEARING; REHEARING; APPEAL TO SUPREME COURT. Upon the filing with the commission by any party in interest, his attorney, or other authorized representative, of an application in writing stating the general nature of any dispute or controversy concerning compensation, or concerning any right or liability arising out of, or incidental thereto, jurisdiction over which is vested by this act in the commission, a time and place shall be fixed for the hearing thereof, which hearing, unless otherwise agreed to by all the parties thereto, must be held not less than ten days nor more than thirty days after the filing of such application. Either party may, in like manner, make application for rehearing of the matter which application shall be handled in the manner above provided, except that if all issues in the case have theretofore been fully heard and considered, such application for rehearing may be denied. Within thirty days after the application for a hearing is denied, or if the application is granted within thirty days after the rendition of the decision on the rehearing, any party affected thereby may apply to the supreme court of the state for a writ of certiorari to review the lawfulness of the award. Such writ shall be made returnable within thirty days, and shall direct the commission to certify its record, proceedings and the evidence to the court. On the return day the cause shall be heard in the court unless for good cause continued, and shall be heard

on the record of the commission as certified by it. The court may review the evidence and may affirm, reverse, or modify any award appealed from, and may render such award as the commission should have rendered, or may remand the cause to the commission with directions to render such award as may direct that a new hearing or other proceedings be had, as justice may require, accompanying the mandate with a copy of its opinion.

Sec. 18. Sec. 1454, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1454. MINOR DEEMED SUI JURIS. A minor working at an age and at an occupation legally permitted shall be deemed of the age of majority for the purpose of this article, and no other person shall have any cause of action or right to compensation for an injury to such minor workman, but in the event of the award of a lump sum of compensation to such minor employee, such sum shall be paid only to the legally appointed guardian of such minor. The commission shall have the power to appoint such guardian, who shall furnish a sufficient corporate surety bond, payable to the commission as trustee for such minor.

Sec. 19. Sec. 1455, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1455. REPEAL OF LAW; RIGHTS OF PARTIES. If the provisions of this article relative to compensation for injuries to or death of workmen be repealed, and the injury or death has not previously been compensated by lump payment or completed monthly payments, the period interven-

ing between the injury or death and such repeal shall not be computed as a part of the time limited by law for the commencement of any action relating to such injury or death; provided, such action be commenced within one year after such repeal, but in such action any sum paid as compensation shall be deducted from the right of recovery. In such event all money which is in the compensation fund at the time of the repeal shall be subject to disposition by the legislature.

Sec. 20. Sec. 1457, Revised Code of 1928, is hereby amended to read as follows:

Sec. 1457. VIOLATIONS; PENALTIES, WAIVER OF COMPENSATION VOID. Any person violating any provisions of this article, or doing any act therein prohibited, or failing or refusing to perform any duty thereby imposed within the time prescribed by law or by the commission, for which no penalty is specifically provided, or failing, neglecting, or refusing to obey any order of the commission, or any judgment of a court under the provision hereof, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as for a misdemeanor.

Any employer who misrepresents to the commission the amount of payroll upon which the premium to be paid to the compensation fund is based, shall be liable to the state in ten times the amount of the difference in premium paid and the amount the employer should have paid, to be recovered in a civil action in the name of the state, and paid into the compensation fund.

If to obtain any compensation, benefit or pay-

ment under the provisions hereof, either for himself or for another, any person wilfully makes a false statement or representation, he shall be guilty of a misdemeanor, and, if a claimant, shall forfeit all right to such compensation, benefit or payment, after the conviction for such offense.

An agreement by an employee to waive his rights to compensation, except as herein provided, or an agreement by an employee to pay any portion of the premium paid by his employer, except as herein provided, shall be void, and an employer who deducts any portion of such premium, except as herein provided, from the wage or salary of an employee shall be guilty of a misdemeanor, and punished by a fine of not more than one hundred dollars, for each offense.

Every employer who fails to secure the payment of compensation as provided in section 1422 of this article shall be guilty of a misdemeanor, punishable by a fine of not more than three hundred dollars or by imprisonment for not more than six months, or both; each day's failure to secure the payment of compensation shall constitute a separate offense. In the case of the wilful failure by an employer to secure the payment of compensation as herein provided, the amount of compensation otherwise recoverable for injury or death as provided in this act shall be increased ten per cent, any of the provisions of this act as to benefit payments or otherwise to the contrary notwithstanding; provided, however, that said increase of award shall in no event exceed one thousand dollars. Failure of the employer to secure the payment of compen-

sation as herein provided shall be prima facie evidence of wilfulness on his part.

Any insurance company, or agent thereof not authorized to write workmen's compensation insurance as prescribed by section 1422 of this article, selling insurance and falsely representing to any employer or employee that such insurance is equivalent to, or a substitute for the methods of securing the payment of compensation provided by this article, and such company, agent or employer thereby induces an employee to elect to reject the terms of the workmen's compensation law, or procures such employee's election by false representations, threats or coercion shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than three hundred dollars, or by imprisonment for not more than ninety days, or both.

Sec. 21. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 22. 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. 23. This act in its entirety and each and every one of the provisions thereof shall become effective as provided by law; but, inasmuch as a controversy may arise as to whether or not the provisions of section numbered 1430, as amended in section 11 of this act may be construed as in derogation of the provisions of House Bill No. 227 enacted by the seventh legislature of the state of Arizona,

when this act shall have been approved by a majority of each house of the twelfth legislature of the state of Arizona, 1935, and a copy thereof entered upon the respective journals of each house, together with the ayes and nays thereof, without affecting the full force and effect of said section, the secretary of state shall submit said section numbered 1430, as amended in section 12 of this act, to a vote of the people of the state at the next regular or general election.

Note—Section 1430 of this Bill referred to the vote of the people by the Legislature.



Resolutions and Memorials



SENATE CONCURRENT RESOLUTION NO. 3

(ON THE CONSTRUCTION OF A FENCE FROM PICACHO OVERPASS TO THE PINAL-PIMA COUNTY LINE, ALONG STATE HIGHWAY 84.)

Whereas, from Picacho overpass in Pinal county to a junction with the existing fence along the south side of the right-of-way of state highway 84 at a point near the Pinal-Pima county boundary, said right-of-way and the improved highway thereupon is unfenced along its south side and exposed to incursions of wandering stock; and

Whereas, the existing fence from a point near the Pinal-Pima county boundary, on the south side of said right-of-way, to the city of Tucson, is in a poor state of repair, and unequipped with cattle guards, thus rendering it unfitted for its purpose of protecting the said highway from cattle ranging in the vicinity thereof; and

Whereas, north of the said highway and parallel therewith the main line of the Southern Pacific railroad is also exposed to the hazards of stock crossing the said highway and entering upon the railroad track; and

Whereas, this condition has contributed to the loss of a number of lives and the destruction of a great deal of property; and therefore

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

1. The state highway commission is requested

to provide for the erection of a fence, according to standard specifications, and construct necessary cattle guards in connection therewith, along the south side of the right-of-way of state highway 84, from Picacho overpass to a connection with the existing fence along the said right-of-way at a point near the Pinal-Pima county boundary, and to repair said existing fence and erect necessary cattle guards along the south side of said right-of-way from the said point near the Pinal-Pima county border to the city of Tucson.

Adopted by the House March 18, 1935.

Adopted by the Senate Feb. 6, 1935.

HOUSE JOINT RESOLUTION NO. 6

(TRANSFERRING MONEYS APPROPRIATED
FOR ELEVENTH LEGISLATURE TO CONTIN-
GENT FUNDS OF TWELFTH LEGISLATURE.)

**Be it Resolved by the Legislature of the State of
Arizona:**

1. The sum of one thousand four hundred eleven dollars and sixty-six cents, being the unexpended balance of the contingent fund of the House of Representatives, Eleventh Legislature, authorized by Chapter 1, Session Laws 1934, third Special Session, approved November 30, 1934, is hereby appropriated for the use of the Twelfth Legislature, and shall be credited to and placed in the contingent fund of the House of Representatives.

2. The sum of six hundred eighty dollars and forty cents, six hundred sixty-four dollars thereof being the unexpended balance of the salaries of members fund, and sixteen dollars and forty cents thereof being the unexpended balance of the mileage of members fund, Eleventh Legislature, authorized by said Chapter 1, Session Laws 1934, third Special Session, is hereby appropriated for the use of the Twelfth Legislature, and shall be credited to and placed in the contingent fund of the House of Representatives.

3. The sum of two thousand ninety-two dollars and twenty-seven cents, being the unexpended balance of the contingent fund of the Senate, Eleventh Legislature, authorized by said Chapter 1, Session Laws 1934, third Special Session, is hereby appropriated for the use of the Twelfth Legislature, and shall be credited to and placed in the contingent fund of the Senate.

4. Whereas, to preserve the public peace, health and safety it is necessary that this measure shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Passed the Senate Mar. 16, 1935.

Passed the House March 16, 1935.

SENATE RESOLUTION NO. 4

(EXPRESSING CONFIDENCE IN THE PRESIDENT OF THE UNITED STATES AND URG-

ING THE FURTHER USE OF GOLD AND SILVER IN THE MONETARY SYSTEM.)

To the President Franklin D. Roosevelt.

Sir:

The Senate of the Twelfth Legislature of the State of Arizona takes pleasure in expressing its confidence in your efforts to lead this nation out of the shadows and into a brighter light of broader freedom and opportunity for its citizens. We especially censure those deceptions of special privilege calculated to obstruct and dissipate your endeavors. Believing you should have words of encouragement, especially at this hour, this Senate takes time at the closing hours of the session to send these greetings to you.

May we not again offer the suggestion that you increase the gold and silver base of the national monetary system. This subject, it is believed, needs no further argument, but is not this an opportune time to urge this move to its fullest benefits to the whole nation.

Believe us, Mr. President, you have our faith that the country is behind you.

Adopted by the Senate March 15, 1935.

HOUSE CONCURRENT MEMORIAL 3

(ON THE LETTING OF CONTRACTS BY THE PUBLIC WORKS ADMINISTRATION FOR THE

EDUCATIONAL INSTITUTIONS.)

To the Federal Emergency Administration of Public Works:

Your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, respectfully represents:

The improvement programs of the higher educational institutions of Arizona, i.e., the university of Arizona, the state teachers college at Tempe, and the state teachers college at Flagstaff, which have the tentative approval of the federal emergency administration of public works, include some twelve distinct items of construction or remodeling for the first named institution, six for the second, and three for the third, together with two additional items of heating plants for the state teachers college at Flagstaff.

The estimated total cost of these programs is \$1,630,000.00 divided as follows: University of Arizona, \$815,000; state teachers college at Tempe, \$455,000; state teachers college at Flagstaff, \$360,000.

According to certain reports, it is the wish of powerful contracting interests that the several items of these large programs be embraced in a single invitation for bids, and let at one time and as a whole.

Such a course would work to the great disadvantage of Arizona contractors, who although well equipped to undertake any one or perhaps more

than one of the individual items of these programs, are unable to handle them as a whole.

Inasmuch as the situs of these buildings projects is in Arizona, and they are designed for the benefit of and must ultimately be paid for by citizens and taxpayers of Arizona it is but just and equitable that Arizona contractors should at least be not discriminated against in the competition for the privilege of constructing them.

Wherefore your memorialist prays:

1. That the federal emergency administration of public works adopt the policy of inviting separate bids on each item of construction embraced within the building programs of the several educational institutions, and of opening bids in the different items at intervals of at least one hour.

2. That the governing boards of the university of Arizona, the state teachers college at Tempe, and the state teachers college at Flagstaff, the engineer of the public works administration in Arizona, and all other persons and agents having duties with respect to the invitation for bids, opening bids, and awarding of contracts for the said public works programs be instructed to conform to said policy.

And your memorialist will ever pray.

Passed the Senate March 21, 1935.

Passed the House March 21, 1935.

HOUSE JOINT MEMORIAL NO. 3

TO THE PRESIDENT AND THE CONGRESS OF
THE UNITED STATES OF AMERICA:

Your memorialist, the Legislature of the State of Arizona, respectfully represents:

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

The watershed of these rivers extends over a large scope of mountainous country, on both sides of the international boundary between the United States and Mexico, and at irregular intervals produces floods of great intensity and destructiveness, which cause much loss of property, serious inconvenience to industry and travel, and suffering to families living within the affected area.

The valleys of the Santa Cruz and Sonoita river comprise extensive and fertile agricultural districts, which are highly productive when underground waters are available at reasonable depths and torrential floods do not destroy the crops.

During the past thirty years the damage done by the flood waters of these streams over that portion of southern Arizona from the town of Calabasas, on the Santa Cruz, to where the Santa Cruz, in southern Maricopa county, loses its defined channel and its waters, spreading over the country, en-

ter the Gila river, has been tremendous. This damage has included washed out bridges, highways, railroads, telegraph, telephone and power lines, interruption of traffic, loss of crops both by inundation and deposit of silt, and the erosion of thousands of acres of land.

Control of these rivers would be of benefit so great to southern Arizona that it can hardly be estimated, not only by preventing a repetition of costly floods, and checking erosion of the rich valley lands, but also by raising and stabilizing the underground waters upon which farmers must depend for irrigation.

Comprehensive data, prepared and checked by competent engineers, covering a project for the construction of a dam in the Santa Cruz river at Eagan intake, and another on Sonoita river five miles above its confluence with the Santa Cruz, for the purpose of flood control, soil conservation, and improvements of the water table in the Santa Cruz valley, was prepared in 1933, and in July of that year submitted to the federal public works administration, through the public works advisory board of Arizona.

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

In addition thereto it should be pointed out that construction of this project would provide employ-

ment over a period of a year and a half for approximately six hundred men, while causing a similar number to be employed by private industry in a section where the unemployment situation is particularly acute. Furthermore, the lakes which would be created by the storage of the flood waters of the Santa Cruz and Sonoita rivers would form a central feature for the establishment of attractive recreational areas.

Wherefore your memorialist prays:

1. That the public works administration be requested to give its most earnest consideration to this constructive project, as a worthwhile improvement of general benefit deserving a one hundred per cent allocation of public works funds.

2. That any legislation which may hereafter be enacted looking to the continuation of the present public works policy or the broadening of its scope, shall be so framed as to include, either specifically or in terms which will render eligible for the allocation of one hundred per cent federal funds, the Santa Cruz-Sonoita project for flood control, soil conservation, and water-table improvement.

And your memorialist will ever pray.

Passed the Senate March 12, 1935.

Passed the House February 13, 1935.

Approved March 19, 1935.

HOUSE JOINT RESOLUTION NO. 4

(DIRECTING THE GOVERNOR AND/OR SUCH COMMISSION AS HE MAY APPOINT TO SPONSOR AND PROSECUTE AN APPLICATION FOR FEDERAL FUNDS FOR THE CONSTRUCTION OF A MAIN ELECTRIC ENERGY TRANSMISSION LINE AS A PUBLIC WORKS PROJECT, FROM PARKER, ARIZONA THROUGH THE CENTRAL PORTION OF THE STATE INCLUDING YUMA, MARICOPA, PINAL, GILA, PIMA, COCHISE, SANTA CRUZ AND YAVAPAI COUNTIES, TO BISBEE, ARIZONA AND/OR SUCH OTHER SOUTH CENTRAL TERMINUS AS MAY BE DESIRABLE.)

Whereas, motive power is an essential requirement of this industrial age; and

Whereas, Arizona has no developed coal, gas or oil deposits, and

Whereas, for the development of the industrial life of the state and for the development of its agricultural resources, it is essential that electric energy be supplied to the public at a reasonable economic price, and

Whereas, abundant electrical energy will be developed at Boulder Dam on the Colorado River and there will be available to the State of Arizona at a point adjacent to Parker, Arizona at a reasonable and economic price a proportional quantity of such electrical energy, and

Whereas, the construction of necessary transmission lines and the transmission of electrical

energy thereby are feasible and economic under modern operating conditions, and

Whereas, the President of the United States has recommended to the Federal Congress an appropriation of \$4,800,000,000 for the construction of necessary Public Works, and

Whereas, the construction of a main transmission line for the transmission of electrical energy through the industrial and agricultural portions of the state will enable all other portions of our commonwealth to avail themselves of the benefits flowing therefrom by the construction of lateral transmission lines, and

Whereas, there is a large and pressing demand for electrical energy at a reasonable and economic price within the State of Arizona and such electrical energy is essential to promote the interests of the state and its citizens,

NOW, THEREFORE BE IT RESOLVED:

1. That the Governor and/or such commission of citizens as he may appoint without cost or expense to the State of Arizona be authorized and directed to file forthwith with the President of the United States and/or such other designated agencies of the Federal Government as may be involved, an application in behalf of the State of Arizona, for the construction, as a Public Work, of a main transmission line for the transmission of electrical energy developed by the Boulder Dam through the central portion of Arizona including Yuma, Maricopa, Pinal, Pima, Cochise, Santa Cruz and Yavapai, and/or such other counties as may be economically

and advantageously reached, to some suitable terminus adjacent to the southern boundary of the state.

2. That our Senators and Representatives in Congress be respectfully requested to cooperate in securing use of available Federal funds, the necessary monies for the carrying out of the purposes and objects of this Resolution.

3. That a copy of this Resolution be furnished to each and all of the persons and officials concerned.

Passed by the Senate March 16, 1935.

Passed by the House March 6, 1935.

Approved March 19, 1935.

HOUSE CONCURRENT MEMORIAL NO. 2

TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA:

Your memorialist, the Legislature of the State of Arizona, respectfully represents:

Whereas serious anti-religious outbreaks have occurred in México under the regime of the National Revolutionary party, and

Whereas the persecutions of Christians of all faiths now being practiced in Mexico have aroused

indignation and protest throughout the civilized world, and,

Whereas American citizens of the Christian faiths have been outraged and reviled, their homes invaded, their civil rights abridged, and their lives placed in jeopardy; and

Whereas the vindictive anti-religious policy of the present Mexican Government has arbitrarily and unwarrantably restricted the number of ministers, priests and rabbis permitted to officiate in some States within the boundaries of Mexico and has in other States entirely forbidden and prohibited the ordinary spiritual administration of clergymen of all creeds, thus resulting in the complete denial of the right of the people to practice the religion of their own choosing; and,

Whereas it has been the national policy of the government and the dominate Revolutionary party of Mexico to discourage religious profession and obliterate religious worship; and

Whereas the present Mexican Government prohibits the time-honored practice of private religious instruction and education of children and compels parents as an only alternative to ignorance to educate their children in schools teaching hostility to orthodox religion; and,

Whereas such anti-religious activity in Mexico is contrary to the tradition of freedom of conscience and liberty of religious worship which are the cherished attributes of all civilized governments; and

Whereas many distinguished leaders of the Protestant, Jewish and Catholic faiths as well as outstanding religious and interdenominational organizations and societies have emphatically denounced and registered protest against such policies of the present government of Mexico; and,

Whereas the government of Mexico has even encouraged an economic boycott against those sincerely professing and practicing the Christian religion; and,

Whereas Christians are expelled from public office and driven from professions; and,

Whereas Christian residents of Mexico who complain of such intolerance are flagrantly mistreated and abused;

Wherefore your memorialist prays:

That the resolution introduced into the United States Senate by Senator Borah, condemning the cruelties and brutalities accompanying the present policy and authorizing the committee on Foreign Relations of the United States Senate or a subcommittee thereof to conduct hearings and receive such evidence as may be presented relating to religious persecution, be adopted by the United States Senate.

And your memorialist will ever pray.

Passed the Senate March 6, 1935.

Passed the House February 16, 1935.

Approved by the Governor March 12, 1935.

SENATE CONCURRENT MEMORIAL NO. 1

(ON THE IMMEDIATE PAYMENT OF WORLD
WAR VETERAN'S ADJUSTED SERVICE CER-
TIFICATES)

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

Your memorialist, the Legislature of the State
of Arizona, respectfully represents:

The Congress of the United States, through en-
actment of the so-called "soldiers' bonus" bill,
acknowledged the financial debt owed by this na-
tion to the men who sacrificed themselves, their
material interest and their health, to win the "war
to abolish wars."

This debt was not discharged at once, but by
means of adjusted service certificates, falling due
in 1945, on which interest-bearing loans were made
to needy veterans.

Now there are more needy veterans — many
thousands of them—and a growing consciousness
throughout the nation that morally at least the
debt which is owing these men is due today—was
due in fact when the debt was acknowledged —
and not at some time in the future, and that in
simple justice the interest which has been charged
against the loans heretofore made on the security
of service certificates should be cancelled.

Also, in the minds of capable economists, there
is a conviction that instead of the immediate pay-
ment of the "bonus" working a hardship upon the

taxpayers and preventing the balancing of the national budget, the addition to circulation of this amount of currency will so add to the purchasing power of the consuming public that economic recovery will be accelerated and the return of prosperity hastened.

Wherefore your memorialist prays:

1. That legislation be enacted providing for the immediate payment of all service certificates.
2. That interest charges against veterans' loans be cancelled.

And your memorialist will ever pray.

Adopted by the House, January 24, 1935.

Adopted by the Senate, January 22, 1935.

Filed in the Office of Secretary of State, January 25, 1935.

SENATE RESOLUTION NO. 2

(REQUESTING REPORTS ON THE STATUS OF COLORADO RIVER MATTERS FROM THE COLORADO RIVER COMMISSION AND THE ATTORNEY-GENERAL.)

Whereas, the question of the preservation of this state's rights in the waters and resources of the Colorado river is of vital importance; and

Whereas, the legislature has been frequently

called upon to appropriate large sums of money to be expended by the Colorado river commission and the attorney-general in the negotiation of an agreement with the other states of the Colorado river basin and in the legal defense of the state's interests; and

Whereas, there is now pending in the senate action upon the governor's nominees for membership upon the Colorado river commission; and

Whereas, the legislature has received no report of the labors of the Colorado river commission nor of the legal department of the state with respect to Colorado river matters for several years, its only information concerning the subject having been secured from newspapers reports; now, therefore, Be it resolved by the Senate of the state of Arizona:

1. The Colorado river commission and the attorney-general respectively are requested to submit to the legislature at an early date, a comprehensive report covering the activities of the said departments in all matters pertaining to the Colorado river.

2. Said reports shall be both narrative and statistical, and shall show the several steps taken to negotiate agreements, treaties, or contracts with the states of the Colorado basin and with the government of the United States, the results of such efforts, and the status of such negotiations; the claims, contentions, and demands which are being made and proposed on behalf of the state of Arizona, and the attitude with respect thereto of the several states of the Colorado river basin and the

United States government; the material facts with respect to any legal actions in which the state is either the plaintiff or the defendant, the results thereof to date, and the status of such actions; and the expenditures of state moneys which have been involved in each of the activities mentioned above or otherwise engaged in by either of the agencies charged with the administration of Colorado river appropriations.

Adopted by the Senate March 1, 1935.

SENATE MEMORIAL NO. 1

Introduced by

COMMITTEE ON MINES AND MINING

(A MEMORIAL TO THE CONGRESS OF THE UNITED STATES PRAYING FOR AN ADEQUATE APPROPRIATION FOR THE UNITED STATES BUREAU OF MINES.)

WHEREAS, the mining industry in the United States is the nation's second largest industry, providing a large proportion of the nation's wealth, and giving employment to a large proportion of our population; and

WHEREAS, the United States Bureau of Mines is the only governmental agency devoting entire effort to the development of the mining industry, the safety of those employed by the industry, and the compilation of authoritative information for guidance of the industry; and

WHEREAS, the appropriation for the maintenance and operation of The United States Bureau of Mines by the 73rd Congress was severely curtailed, necessitating economies which seriously interfere with the efficient operation of the Bureau, greatly limiting research work, and seriously interfering with the work of the Bureau in Safety and Mine Rescue operations, thus endangering the lives and health of our citizenship engaged in the business of mining; and

Whereas, the mining industry is entitled to and should receive a portion of the benefits accruing from governmental functions; now therefore be it

RESOLVED, that the Congress of the United States be and is hereby petitioned to provide sufficient funds for the efficient operation of the United States Bureau of Mines and particularly that portion of the work assigned to the Bureau covering research, statistical and safety work. And be it further

RESOLVED, that suitably engrossed copies of this Memorial, signed by the President of the Senate, be transmitted to the presiding officer of the United States Senate, the Speaker of the National House of Representatives, the Director of the Budget, the President of the United States, and to each of the Arizona members of the Congress of the United States at Washington.

And your memorialist will ever pray.

Adopted by the Senate February 8, 1935.

SENATE CONCURRENT MEMORIAL NO. 2

(PRAYING FOR THE RELIEF OF CERTAIN
PROPERTY OWNERS OF SANTA CRUZ COUN-
TY.)

To the President and the Congress of the United
States:

Your memorialist, the Legislature of the State
of Arizona, respectfully represents:

Through the establishment by the United States
in 1898 of a sixty-foot neutral strip of territory
along the boundary between the United States and
Mexico, the rights of persons owning property with-
in said area were involved. Particularly were the
rights of property owners within that portion of
said neutral strip where the same passed through
the territory now known as Santa Cruz county, Ari-
zona, affected, inasmuch as the said strip at such
location constituted a part of the city of Nogales,
and later became what is now known as Interna-
tional street in the said city of Nogales.

In the course of a determination of the rights
of parties owning property within the said area, the
court of claims of the United States on April 15,
1912, found that the following named persons were
entitled to compensation in the amounts set forth
respectively, for the taking of their property with-
in said neutral strip as it passed through Santa
Cruz county: John T. Brickwood, \$3,750.00; Ed-
ward Gaynor, \$4,250.00; Theodore Gebler, \$1,200.-
00; Lee W. Mix, \$1,450.00; Arthur S. Peck, \$2,350.-

00; Thomas S. Casanega, \$500.00; Joseph D. Lusignan, \$3,250.00; Joseph P. Berger, \$1,800.00.

Despite the fact that said court found said persons entitled to compensation in the amounts above set forth, they have never been compensated for the loss of their property in accordance with the findings of the court, or at all, a failure which appears to constitute a clear violation of the provision of the constitution of the United States that private property may not be taken for public use without compensating the owner therefor. Wherefore your memorialist prays:

That the Congress of the United States enact the necessary legislation to pay the persons above named the amounts awarded to them by the United States court of claims as compensation for the land taken by the United States in the establishment of said neutral strip along the boundary between the United States and Mexico.

And your memorialist will ever pray.

Adopted by the House February 21, 1935.

Adopted by the Senate February 13, 1935.

SENATE JOINT MEMORIAL NO. 2

(ON THE CONSTRUCTION OF A HIGHWAY TO LINK RECLAMATION PROJECTS ON THE COLORADO RIVER AND CONNECT WITH THE PROPOSED DEEP-SEA CHANNEL TO THE GULF OF CALIFORNIA.)

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

Your memorialist, the Legislature of the State of Arizona, respectfully represents:

Development of the vast resources of the Colorado river represents one of the outstanding opportunities for the conservation of the nation's wealth, for providing employment, for creating farm homes, and for developing recreational facilities for the nationals of this and other countries.

Along the lower Colorado river are a number of established or potential reclamation projects of large importance, and several dams have been constructed or are under course of construction which impound waters where refuges for wild fowl may be established, and where national park projects, which will afford magnificent recreational facilities, are contemplated.

The dredging of a deep-sea channel from the head of the gulf of California, through cooperation with the republic of Mexico, a project which has long been considered, and which would immeasurably increase the commerce of the southwest and add to the wealth of the nation, would be a fitting climax to the comprehensive development of the Colorado river's resources.

Adjacent to the Colorado river, within the confines of Arizona, lies an area rich in both agricultural and mineral resources, including the manganese fields of southern Mohave county, the agricultural area of the lower Bill Williams, the Colo-

rado river Indian reservation, the Parker-Gila valley reclamation project, the gold, silver, and lead districts of western Yuma county, and the agricultural empire embracing the Yuma project and the incomparable Yuma mesa citrus district.

The joining of these various sites and districts, with their inestimable advantages to pleasure-seekers and sight-seers, prospectors, and home-seekers, would complement the development of the river's resources, stimulate industry, and make accessible to travel one of the nation's most interesting areas.

Wherefore your memorialist prays:

1. That the United States government, through any of its agencies possessing authority for the construction of highways, or through the cooperation of two or more of such agencies, the bureau of public roads, the national park service, the civilian conservation corps, the Indian bureau, or other agencies, construct a highway from Boulder dam, adjacent to the Colorado river and on the Arizona side thereof through the districts above mentioned, to a junction with the republic of Mexico at San Luis and with the site of the proposed deep-sea channel to the gulf of California.

1. That if additional legislation be required or desirable for the consummation of this constructive improvement, the Congress enact the same.

And your memorialist will ever pray.

Adopted by the House February 19, 1935.

Adopted by the Senate January 30, 1935.

SENATE CONCURRENT RESOLUTION NO. 5

(ON THE DEATH OF HON. CHARLES RICHARD WATERS.)

Whereas, Hon. Charles Richard Waters, of Mohave county, succumbed to a lingering illness, at the city of Los Angeles, California, on October 26, 1933; and

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

Whereas, the deceased served as a member of the house of representatives of the fourth legislature and a member of the senate of the eighth legislature, in both of which bodies he served with credit to his constituency and fidelity to the interests of the state; now, therefore

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

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

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

Adopted by the House February 19, 1935.

Adopted by the Senate February 16, 1935.

SENATE CONCURRENT MEMORIAL NO. 3

(PRAYING FOR TARIFF ON RAW ASBESTOS)

To the President and the Congress of the United States:

Your memorialist, the Legislature of the state of Arizona, respectfully represents:

That through the united action of those people, corporations and monopolists directly interested in manufacturing asbestos products, the asbestos mining industry in Arizona and the United States of America has been forced to discontinue operations and discharge thousands of people employed by said mining industry.

That the asbestos manufacturing industry of the United States and those directly and indirectly interested therein have succeeded in securing a high import duty on all foreign manufactured products and have persistently and continuously opposed the protection of the asbestos mining industry in this county by their insistence upon retaining the raw asbestos product upon the free list of tariffs upon imports.

It, therefore, appears that the reason for this activity on the part of the asbestos manufacturing industry and those persons interested therein is to secure for such industry a low cost of raw product advantageous only to the manufacturing industry, even at the sacrifice of the asbestos mining industry of the United States.

One of the principal purposes in having an import duty upon products imported into the United States is to promote, conserve and protect the United States' industry producing such product based upon this reason: The practice of protecting the asbestos manufacturing industry by levying a duty on the imports of the foreign product of this industry and not on the raw products of the foreign asbestos mining industry is manifestly unfair and destructive.

Raw asbestos can be mined and imported into this country much cheaper than it can be produced and mined here, principally because of the difference in the cost of labor in the United States and foreign countries.

If the asbestos mining industry could be given the same protection that the asbestos manufacturing industry is given, the mining industry would be in a position to resume operations and thereby reemploy thousands of people and assist in enlightening the taxpayer's burden of supporting and caring for many people who are now on relief rolls.

Wherefore, your memorialist prays:

That Congress, in order to correct the condition now existing in the United States in the asbestos mining industry, enact the necessary legislation to place an import duty on foreign raw asbestos in accordance with the following schedule, which shows the type of raw product and the amount of import duty thereon deemed necessary to protect the United States asbestos mining industry:

1. All crudes at20c per pound
2. Spinning asbestos at15c per pound
3. Magnesia and compressed
fibers10c per pound
4. Various grades shingle stock 5c per pound
5. Various grades paper stock... 4c per pound
6. Cement stocks and floats 3c per pound

And your memorialist will ever pray.

Adopted by the House February 19, 1935.

Adopted by the Senate February 18, 1935.

SENATE CONCURRENT MEMORIAL NO. 4

(PRAYING THAT PART OF THE APPROPRIATION OF FOUR BILLION EIGHT HUNDRED MILLION DOLLARS REQUESTED BY THE PRESIDENT FOR PUBLIC WORKS IMPROVEMENT BE SET ASIDE EXCLUSIVELY FOR HIGHWAY PURPOSES.)

To the Honorable Representatives of the State of Arizona and the Congress of the United States:

Your memorialist, the Legislature of the State of Arizona, respectfully represents:

Whereas, the President in his wisdom has seen fit to request the Congress of the United States to forthwith make available four billion eight hundred million dollars for the relief of the unemployed through public works improvements, and

Whereas, the expenditure of a part of such sum for the construction and maintenance of highways will result directly in the relief of the unemployed, and at the same time add to the capital wealth of this country, and

Whereas, the United States bureau of public roads and the highway departments of the several states are adequately equipped and experienced to conveniently and economically expend or supervise the expenditure of any available moneys for highway construction and improvement purposes,

Wherefore, your memorialist prays:

That the Representatives of this state in the Congress of the United States use their best efforts to secure the President and the Congress to set aside a definite portion of such sum of four billion eight hundred million dollars for expenditure under like terms and conditions as set up in sections 204 and 205 of the National Industrial Recovery Act of 1933, and amendments thereto for highway construction and improvement purposes.

And your memorialist will ever pray.

Adopted by the House February 18, 1935.

Adopted by the Senate February 13, 1935.

HOUSE JOINT RESOLUTION NO. 2

Whereas, Alexander Mackenzie Tuthill was, on the 15th day of September, 1933, appointed by the

President of the United States of America a Major-General in the National Guard of the United States, upon the joint recommendation of the Governors of the respective states of Oklahoma, Colorado, New Mexico and Arizona, and thereafter assigned to the command of the Forty-fifth Division of the National Guard of the United States, which said Division is composed of National Guard units stationed in the states above named, and

Whereas, upon the 22nd day of September, 1935, Major-General Alexander Mackenzie Tuthill will have reached the age of retirement fixed by Congress for officers of the Army of the United States, and

Whereas, Major-General Alexander Tuthill has been a citizen of the State of Arizona since the year 1898, and will, upon the date of his retirement, have been a member of the National Guard of Arizona for a period of twenty-two years, three months and fifteen days, and

Whereas, he has respectively held the rank of Captain of Troup "B", Arizona National Guard Cavalry, and thereafter Colonel of the 158th Infantry of the Arizona National Guard, being stationed on the Border during the period of unrest on the Border in 1915 and 1916, and upon the outbreak of the World War was appointed Brigadier-General of the 79th Brigade, consisting of the Arizona and Colorado National Guard regiments, and served during the entire World War as Brigadier-General in command of said brigade, the only citizen of Arizona to be so honored and retired to private life at the end of the World War, and resumed command

of the same troops as Brigadier-General in command of the 89th Brigade in the year 1928, remaining in that rank until September 15, 1933, when he was elevated to the rank of Major-General, as set forth above, and

Whereas, he is the first and the only Arizona National Guardsman to obtain the highest peacetime rank in the National Guard of the United States, to-wit, that of Major-General in command of a Division, and

Whereas, he has performed duties beneficial to this State in his civilian capacity also, viz., as a member of the Constitutional Convention which resulted in the statehood of Arizona, and later as Superintendent of Public Health during the years 1921 to 1923, now, therefore

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

1. That the long years of service in the military department of the State of Arizona, the high rank attained, and the self-sacrificing zeal for the public welfare, of Major-General Alexander Mackenzie Tuthill have won the heartfelt appreciation and gratitude of the people of the State of Arizona.

2. That the Legislature, in regular session assembled, as the representative of the people of the State of Arizona, does hereby express to Major-General Alexander Mackenzie Tuthill the heartfelt appreciation and gratitude of the people of this State for his many years of untiring service to the state, both in his military and civilian capacities.

3. That the Adjutant General of the State of Arizona be, and he is hereby authorized to have struck a suitable medal and service bar, designed and approved by the General Staff of the Arizona National Guard, to be known as "State of Arizona Medal of Honor", and to present said medal to Major-General Alexander Mackenzie Tuthill with appropriate ceremonies during the 1935 training period of the Arizona National Guard as a testimonial of the appreciation of the people of the State of Arizona, as set forth herein.

Passed the Senate February 15, 1935.

Passed the House February 5, 1935.

Approved February 15, 1935.

HOUSE JOINT MEMORIAL NO. 2

To the President of the United States of America:

Your memorialist, the Legislature of the State of Arizona, respectfully represents:

There is a shortage of hay and livestock feeds in certain Eastern and Middle Western States of the United States; and

By Presidential proclamation the tariff on hay and live stock feeds from Canada has been lifted; and

The Secretary of Agriculture has signed an agreement authorizing an "agency for deficiency

distribution" which has been organized for the purpose of bringing Canadian feed stuffs into the United States; and

A reduction in freight rates on railroads in Canada and from Canada and likewise in the United States for the purpose of transporting these Canadian feed stuffs has been secured; and

There is in existence in Arizona and Pacific Coast States a surplus of alfalfa hay; and

Alfalfa hay can be equitably and economically moved into the drought areas to the benefit of American citizens; now, therefore
Your memorialist prays:

1. That the President of the United States and the Secretary of the United States Department of Agriculture postpone any action looking toward the importation of feed stuffs from Canada until the surplus feed stuffs produced by citizens of the United States have been equitably and efficiently distributed into the drought areas, after which distribution of domestic grown surpluses there will be sufficient time to give serious consideration to the importation of feed stuffs from foreign countries.

And your memorialist will ever pray.

Passed by the House February 5, 1935.

Passed by the Senate February 6, 1935.

SENATE CONCURRENT RESOLUTION NO. 1

(ON THE DEATH OF EX-GOVERNOR GEORGE W. P. HUNT)

Whereas, the summons that one day reaches all, on December 24, 1934, called ex-Governor George Wylie Paul Hunt of Arizona to "that unknown and silent shore"; and

Whereas, the passing of this outstanding citizen, this heroic figure, came as a painful shock to every community in the state and plunged the people into mourning; and

Whereas, ex-Governor Hunt—pioneer, laborer, successful merchant, legislator, constitution-maker, representative of his country in foreign lands, and seven times chief executive of this state—gave to Arizona a fame the lustre of which will never dim; now, therefore Be it Resolved by the Senate of the State of Arizona,

the House concurring:

1. That in the death of her most distinguished citizen, Hon. George Wylie Paul Hunt, Arizona has suffered an irreparable loss.

2. That the examples he set for present and future generations, of sterling integrity, perseverance, simplicity, love of humanity, courage, and devotion to principle will ever be a shining mark.

3. That the deep sympathy of the people of Arizona, as represented by the Legislature, before

which he so often stood as the state's chief executive, is hereby extended to his surviving daughter, Mrs. Virginia Brannen, and to her family.

“He gave his honors to the world again,
His blessed part to heaven, and slept in peace.”

Adopted by the House, January 15, 1935.

Adopted by the Senate, January 15, 1935.

Filed in the Office of the Secretary of State, January 15, 1935.

Initiative Measures



INITIATIVE AND REFERENDUM MEASURES

Which received a majority of the votes cast at the
General Election, held October 3rd, 1933, and
became laws on the Governor's Proclamation.

Issued October 28th, 1933

STATE OF ARIZONA
EXECUTIVE DEPARTMENT
PROCLAMATION

TO ALL TO WHOM THESE PRESENTS SHALL
COME, GREETINGS:

WHEREAS, Articles IV and XXI of the Constitution of the State of Arizona, and Article I, Chapter 34, Revised Code of Arizona, 1928, provide that proposed amendments to the Constitution of the State of Arizona shall be submitted to the electors of the State of Arizona at a special or general election, either by initiative petitions or by the Legislature of the State of Arizona, and said Article IV of the Constitution of the State of Arizona, and said Article I, Chapter 34, Revised Code of Arizona further provides that Initiative measures and legislative measures against which the referendum is applied shall be submitted to the electors of the State of Arizona; and

WHEREAS, at the general election held upon the third day of October, 1933, there was, in accordance with the provisions of said Articles IV and XXI of the Constitution of the State of Arizona, and said Article I, Chapter 34, Revised Code of Arizona,

1928, submitted to the electors of the State of Arizona six proposed amendments to the Constitution of the State of Arizona, all of which said proposed amendments were proposed by the Legislature at its Regular and First Special Sessions in 1933, and, at said general election in accordance with the provisions of said Article IV, Constitution of the State of Arizona and Article I, Chapter 34, Revised Code of Arizona, 1928, there was also submitted to the electors of the State of Arizona, two measures proposed by the Legislature at its Regular Session in 1933, against which the Referendum had been applied; and

WHEREAS, Sub-section 13, Section I, Article IV, Constitution of Arizona and Section 1270, Chapter 22, and Section 1748, Chapter 34, Revised Code of Arizona, 1928 provide that when the Canvassing Board of the State of Arizona, shall have counted the votes cast at a general or special election, and shall have verified the returns thereof, it shall be the duty of the Governor of the State of Arizona to issue his proclamation giving the whole number of votes cast for and against each measure or proposed amendment, and declaring such measures or amendments as are approved by a majority of those electors voting thereon to be in full force and effect as the law of the State of Arizona, from the date of said proclamation; and

WHEREAS, it appears from the returns of said general election held on the third day of October, 1933, as canvassed and certified by said Canvassing Board, in accordance with said Article IV of the Constitution of the State of Arizona, and Section 1268, Chapter 22, and Section 1748, Chapter 34,

Revised Code of Arizona, 1928, that a proposed amendment to the Constitution of the State of Arizona entitled

“AN ACT

PROPOSING TO AMEND SECTION 3, ARTICLE XII, CONSTITUTION OF ARIZONA, RELATING TO TERMS OF OFFICE OF COUNTY OFFICERS.”

was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 10,549 votes cast in favor of said amendment, and 18,076 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said election were opposed thereto; and

WHEREAS, it appears from the returns of said general election held upon the third day of October, 1933, as canvassed and certified by said Canvassing Board, in accordance with said Article IV of the Constitution of the State of Arizona, and Section 1268, Chapter 22, and Section 1748, Chapter 34, Revised Code of Arizona, 1928, that a proposed amendment to the Constitution of the State of Arizona entitled

“HOUSE JOINT RESOLUTION 4

(PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA PROVIDING FOR THE INFLECTION OF THE JUDGMENT OF DEATH BY ADMINISTERING LETHAL GAS.)”

was submitted to the electors of the State of Ari-

zona at said election and that there were of legal votes cast at said election 14,999 votes cast in favor of said amendment, and 11,585 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said general election upon said amendment were in favor thereof; and

WHEREAS, it appears from the returns of said general election held upon the third day of October, 1933, as canvassed and certified by said Canvassing Board, in accordance with said Article IV of the Constitution of the State of Arizona, and Section 1268, Chapter 22, and Section 1748, Chapter 34, Revised Code of Arizona, 1928, that a proposed amendment to the Constitution of the State of Arizona, entitled

“AN ACT

PROPOSING TO AMEND SECTION 1, OF ARTICLE 5, OF THE CONSTITUTION OF THE STATE OF ARIZONA, RELATIVE TO THE EXECUTIVE DEPARTMENT.”

was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 10,751 votes cast in favor of said amendment, and 17,537 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said general election were opposed thereto; and

WHEREAS, it appears from the returns of said general election held upon the third day of October, 1933, as canvassed and certified by said Canvassing Board, in accordance with said Article IV of the Constitution of the State of Arizona, and Section 1268, Chapter 22, and Section 1748, Chapter 34, Re-

vised Code of Arizona, 1928, that a proposed amendment to the Constitution of the State of Arizona entitled

“PROPOSING TO AMEND SECTION 11 OF ARTICLE VII OF THE CONSTITUTION OF THE STATE OF ARIZONA, RELATIVE TO GENERAL ELECTIONS.”

was submitted to the electors of the State of Arizona at said election and there were of legal votes cast at said election 8,587 votes cast in favor of said amendment, and 13,966 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said election were opposed thereto; and

WHEREAS, it appears from the returns of said general election held upon the third day of October, 1933, as canvassed and certified by said Canvassing Board, in accordance with said Article IV of the Constitution of the State of Arizona, and Section 1268, Chapter 22, and Section 1748, Chapter 34, Revised Code of Arizona, 1928, a proposed amendment to the Constitution of the State of Arizona entitled

“AN ACT

PROPOSING TO AMEND ARTICLE XIX, CONSTITUTION OF ARIZONA, RELATING TO THE OFFICE OF MINE INSPECTOR, AND PROVIDING FOR A SPECIAL ELECTION THEREON.”

was submitted to the electors of the State of Arizona at said election and there were of legal votes cast at said election 9,771 votes cast in favor of

said amendment, and 16,764 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said general election were opposed thereto; and

WHEREAS, it appears from the returns of said general election held upon the third day of October, 1933, as canvassed and certified by said Canvassing Board, in accordance with said Article IV of the Constitution of the State of Arizona, and Section 1268, Chapter 22, and Section 1748, Chapter 34, Revised Code of Arizona, 1928, a proposed amendment to the Constitution of the State of Arizona entitled

HOUSE CONCURRENT RESOLUTION 4

(PROPOSING AN AMENDMENT TO SECTION 21, PART 2, ARTICLE IV, CONSTITUTION OF ARIZONA, RELATING TO TERMS OF OFFICE OF MEMBERS OF THE LEGISLATURE.)”

was submitted to the electors of the State of Arizona at said election and there were of legal votes cast at said election 8,158 votes cast in favor of said amendment, and 18,746 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said general election were opposed thereto; and

WHEREAS, it appears from the returns of said general election held upon the third day of October, 1933, as canvassed and certified by said Canvassing Board, in accordance with said Article IV of the Constitution of the State of Arizona, and Section 1268, Chapter 22, and Section 1748, Chapter 34, Re-

vised Code of Arizona, 1928, a measure proposed by the Legislature of the State of Arizona at the Regular Session 1933, entitled

“AN ACT

RELATING TO THE BASIC SCIENCES; DEFINING THE SAME AND CREATING A BOARD OF EXAMINERS THEREIN; PROVIDING FOR THE EXAMINATION AND REGISTRATION OF PRACTITIONERS OF THE HEALING ARTS; AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF.”

and against which the Referendum was applied, was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 13,988 votes cast in favor of said measure, and 13,104 votes cast against said measure, and that, therefore, a majority of the legal votes cast at said general election upon said measure were in favor thereof; and

WHEREAS, it appears from the returns of said general election held upon the third day of October, 1933, as canvassed and certified by said Canvassing Board, in accordance with said Article IV of the Constitution of the State of Arizona, and Section 1268, Chapter 22, and Section 1748, Chapter 34, Revised Code of Arizona, 1928, a measure proposed by the Legislature of the State of Arizona at the Regular Session 1933, entitled

“AN ACT

RELATING TO JUDGMENT OF FORECLOSURE,

AND AMENDING SEC. 2324, REVISED CODE OF 1928.”

and against which the Referendum was applied, was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 14,131 votes cast in favor of said measure and 10,362 votes cast against said measure, and that, therefore, a majority of the legal votes cast at said general election upon said measure were in favor thereof; and

NOW, THEREFORE, I, B. B. Moeur, Governor of the State of Arizona, under and by virtue of the authority in me vested by sub-section 13 of Section 1, of Article IV of the Constitution of the State of Arizona, and Section 1270, Chapter 22, and Section 1748, Chapter 34, Revised Code of Arizona, 1928, do hereby declare that the said proposed amendment to the Constitution of the State of Arizona and the two referred measures hereinabove referred to and entitled respectively as follows:

“HOUSE JOINT RESOLUTION 4

(PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA PROVIDING FOR THE INFLICTION OF THE JUDGMENT OF DEATH BY ADMINISTERING LETHAL GAS.)

“AN ACT

RELATING TO THE BASIC SCIENCES; DEFINING THE SAME AND CREATING A BOARD OF EXAMINERS THEREIN; PROVIDING FOR THE EXAMINATION AND REGISTRATION

OF PRACTITIONERS OF THE HEALING
ARTS; AND PROVIDING PENALTIES FOR
THE VIOLATION HEREOF."

"AN ACT

RELATING TO JUDGMENT OF FORECLOSURE
AND AMENDING SEC. 2324, REVISED CODE
OF 1928."

to have been duly and regularly approved and adopted by the electors of the State of Arizona at said general election so held upon the third day of October, 1933, and I do, therefore, hereby proclaim and declare that the said amendment to the Constitution of the State of Arizona, proposing to add a new section to the Constitution to be known as Section 22 of Article XXII of the State of Arizona, which said act is known as House Joint Resolution Number 4 of the Laws of the Regular Session of the Eleventh Legislature 1933, and Chapter 84 of the Session Laws of the Regular Session of the Eleventh Legislature 1933, concerning an act relating to the basic sciences; defining the same and creating a board of examiners therein; providing for the examination and registration of practitioners of the healing arts; and providing penalties for the violation thereof, and Chapter 88 of the Session Laws of the Regular Session of the Eleventh Legislature 1933, concerning an act relating to the judgment of foreclosure, and amending Section 2324 of the Revised Code of 1928, to be in full force and effect from the date of this proclamation, and I do further proclaim and declare the said Constitutional amendment, known as House Joint Resolution Number 4, of the Laws of the Regular Session of the Eleventh Legislature 1933, to

have become and be a part of the Constitution of the State of Arizona, and the said Chapter 84 and the said Chapter 88 of the Laws of the Regular Session of the Eleventh Legislature 1933, to have become and be a part of the Statutory Law 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 to be affixed.

Done at the City of Phoenix, the Capitol, this 28 day of October, A, D. 1933 at 10:26 A. M.

Signed

B. B. MOEUR,
Governor

SEAL

ATTEST: (Signed)

JAMES H. KERBY
Secretary of State.

Filed in the Office of the Secretary of the State of Arizona this 28 day of October A. D. 1933 at 10:30 A. M.

(Signed)

JAMES H. KERBY,
Secretary of State.

By (Signed)

AUSTIN S. GRIMES.
Assistant Secretary.

INITIATIVE AND REFERENDUM MEASURES
VOTED ON AT THE GENERAL ELECTION
HELD
NOVEMBER 6th,
1934

HOUSE JOINT RESOLUTION 4

ELEVENTH LEGISLATURE, Regular Session.

(Amended under provisions of Chapter 5, House Bill No. 8, First Special Session, Eleventh Legislature)

HOUSE JOINT RESOLUTION 4

(Proposing an amendment to the Constitution of Arizona providing for the infliction of the judgment of death by administering lethal gas.)

Resolved, by the legislature of the state of Arizona, in regular session assembled, that the following amendment to the constitution of Arizona, to be designated Sec. 22, Art. XXII thereof, be, and hereby is proposed, to become valid as a part of said constitution when approved and ratified by a majority of the qualified electors voting thereon:

Sec. 22. The judgment of death shall be inflicted by administering lethal gas. The execution shall take place within the limits of the state prison.

Resolved, further, that when the proposed amendment, as embodied herein, shall be approved by a majority of the members elected to each house of the legislature, and shall be entered on the journal of each house, together with the ayes and nays

thereon, the secretary of state shall submit the proposed amendment to the qualified electors at the next regular general election, as provided by Art. XXI, constitution of Arizona.

Passed the House, February 18th, 1933.

Passed the Senate, March 13th, 1933.

Filed March 15th, 1933.

102	YES	14999
103	NO	11585

Note:-

The foregoing amendment was referred to the people by the Legislature, filed in the office of the Secretary of State, March 15th, 1933 and approved by a majority of votes cast thereon at the General Election held on October 3rd, 1933. There were 14999 votes cast for said amendment and 11585 votes cast against it and under the provisions of law by a proclamation of the Governor dated October 28th, 1933, took effect on that date.

JAMES H. KERBY,
Secretary of State.

REFERENDUM ORDERED BY PETITION OF
THE PEOPLE

(On Official Ballot Nos. 304-305)

CHAPTER 84

(HOUSE BILL NO. 46)

ELEVENTH LEGISLATURE, Regular Session

AN ACT

RELATING TO THE BASIC SCIENCES; DEFINING THE SAME AND CREATING A BOARD OF EXAMINERS THEREIN; PROVIDING FOR THE EXAMINATION AND REGISTRATION OF PRACTITIONERS OF THE HEALING ARTS; AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. BASIC SCIENCES DEFINED; PRACTICING HEALING AND PRACTICE OF HEALING DEFINED. Wherever the term "Basic Sciences" is used in this act and not otherwise specifically defined, the same shall be understood and construed to mean and include all matter pertaining to gross anatomy, physiology, pathology, chemistry, bacteriology and hygiene. Wherever the term "Practicing Healing" or "Practice of Healing" is used in this act, unless otherwise specifically defined, the same shall be understood and construed to mean and include any person not hereinafter ex-

cepted from the provisions of this act who shall in any manner, for any fee, gift, compensation or reward, or in expectation thereof, engage in, or hold himself out to the public as being engaged in the practice of medicine or surgery, the practice of osteopathy, the practice of chiropractic, analysis, treatment, correction or cure of any disease, injury, defect, deformity, infirmity, ailment or affliction of human health or disease, or who shall for any fee, gift, compensation or reward, or in anticipation thereof, suggest, recommend, or prescribe any medicine, diet or any form of treatment, correction or cure therefor; also any person or persons not hereinafter excepted from the provisions of this act who, individually or collectively, maintain an office for the reception, examination, diagnosis or treatment of any person for any disease, injury, defect, deformity or infirmity of body or mind, or who attaches the title of doctor, physician, surgeon, specialist, M. D., M. B., D. C., D. O., N. D., or any other word, abbreviation or title to his name, indicating or designed to indicate that he is in the practice of healing.

Sec. 2. BOARD OF EXAMINERS IN BASIC SCIENCES. There is hereby created and established a board to consist of five members, citizens of the state of Arizona, to be known and designated as the state board of examiners in the basic sciences.

Sec. 3. SAME; MEMBERS, APPOINTMENT, TERMS OF OFFICE; VACANCIES; OATH OF OFFICE. The board of regents of the university of Arizona shall appoint from the professors, associate professors or assistant professors of the faculty of the university, five persons to serve as mem-

bers of the board of examiners in the basic sciences. The first appointments shall be made as soon as may be practicable after this act shall take effect. The terms of office of the members first appointed shall begin when they are appointed and qualify and shall continue thereafter for the following periods: Two members until January 1st, 1934; two members until January 1st, 1936, and one member until January 1st, 1938. Upon the expiration of such terms and of all terms thereafter, the board of regents shall appoint, for a term of six years, a successor to the member whose term expires. Vacancies in said board shall be filled, for the balance of the unexpired term, by appointment by the board of regents within sixty days after such vacancies occur, and each member shall serve until his successor qualifies; each member of the board before entering upon the discharge of his duties shall take, subscribe and file with the secretary of state the oath of office prescribed by the constitution.

Sec. 4. ORGANIZATION OF BOARD; DUTIES.

Within thirty days after the appointment of the members of the state board of examiners in the basic sciences, as provided in Section 3 of this article, they shall assemble and organize by the election from their members of a president, a vice-president, and a secretary-treasurer, each of whom shall serve for one year, or until their successors are elected and qualify. Said board shall have authority to prescribe such reasonable rules and regulations relative to the examination of applicants in the basic sciences as may be found necessary for the performance of its duties. As to any matter coming within its jurisdiction, the board in session may take such testimony as it may deem necessary

in the exercise of its powers and the performance of its duties under the provisions of this act, and any member of said board shall have the power to administer oaths in the taking of such testimony. Three members of the board shall constitute a quorum for the transaction of business. Said board shall have a common seal which shall be kept by the secretary, whose duty it shall be to keep a record of all proceedings of the board, including the register of all applicants for examination therein, preserving the names, ages, addresses, educational qualifications, and the result of their examinations, which shall at all times be available for inspection by any parties in interest. Said board shall meet at the university of Arizona and there conduct examinations in the basic sciences four times each year, respectively on the third Tuesday in December, March, June and September, and may hold such other meetings at such times and places as the board may determine. Notice of such meetings shall be sent by registered mail to members of the board. Said board may appoint and fix the salaries of an assistant secretary and other necessary employees. Such employees shall hold their positions at the pleasure of the board. The compensation of each member of the board shall be ten dollars for each day actually spent in the performance of his duties, together with actual necessary expenses, payable out of the general fund of the University. Examinations shall be in the basic sciences.

Sec. 5. EXAMINATIONS. Examinations will be written and consist of ten questions on each subject and be of such a nature as to constitute an adequate test as to whether the person so examined has such knowledge of the elementary principles of

such basic science as is taught at the university of Arizona in one year's instruction of thirty-six weeks, or as is taught in one year's instruction of thirty-six weeks at any college or university accredited by the university of Arizona, or the equivalent thereof.

Sec. 6. Any person not hereinafter excepted from the provisions of this act desiring to practice healing in this state shall apply to the secretary of the state board of examiners in the basic sciences, on blank forms prepared and furnished by said board, to be examined in the basic sciences at the next examination therein following the making of such application and for a certificate of registration in the basic sciences, accompanying such application with a fee of twenty dollars and sufficient and satisfactory proof that the applicant is twenty-one years of age or over, is of good moral character and possesses an education equivalent to graduation from an accredited high school of this state; provided, that no applicant shall be required nor requested to disclose in such application the professional college or university he may have attended nor the branch or system of healing which he intends to pursue.

Sec. 7. CERTIFICATE OF REGISTRATION. If in such examination the applicant attains a grade of seventy-five per cent in each subject he shall receive a certificate of registration in the basic sciences, signed by the president and secretary and sealed with the seal of said board. If he fails in one or two subjects only, he may be reexamined in the subject or subjects in which he failed at any examination within one year without further application or examination fee, and upon attaining a

grade of seventy-five per cent therein, he shall receive his certificate of registration in the basic sciences. If he fails in three or more of the subjects, he may make a new application for examination in all subjects and again pay the secretary-treasurer of said board the examination fee of twenty dollars.

Sec. 8. CERTIFICATE WITHOUT EXAMINATION. Any person, not hereinafter excepted from the provisions of this act, who was lawfully authorized to practice healing, as by this act defined, in this state on the date this act takes effect, and who was on that date regularly licensed or registered in the manner then by law provided, shall upon application as herein provided, receive from the state board of examiners in the basic sciences a certificate of registration in the basic sciences without examination therein; provided, however, that on or before January 1st, 1934, every such person shall apply to the secretary of said board for such certificate of registration, accompanying such application with sufficient and satisfactory evidence that he was, on the effective date of this act, lawfully authorized to practice healing or regularly licensed or registered according to law in the particular branch or system of healing by him pursued and specifying in said application the branch or system of healing pursued by the applicant, the school from which he graduated, if any, and the date of graduation from said school, together with a fee of three dollars. Such certificate of registration shall recite that registration is made solely as a person lawfully authorized to practice healing or licensed or registered according to law on the date this act takes effect, and that same was issued without examination in the basic sciences.

Any person entitled to a certificate of registration in the basic sciences without examination therein pursuant to the provisions of this section, who fails to apply for same in the manner herein provided shall not receive such certificate of registration except upon application for examination and actual examination in the basic sciences as hereinbefore provided; provided, however, said State Board of Examiners in the basic sciences shall after the first day of January, 1934, upon payment to it of a fee of twenty-five dollars issue a certificate of registration in the basic sciences without examination to any person who would have been entitled thereto pursuant to the provisions of this section upon applying therefor on or before the first day of January, 1934, and who makes application therefor in the manner herein provided and shows good cause why said application was not made on or before the first day of January, 1934.

Sec. 9. DISPOSAL OF FEES. The secretary-treasurer of the board of examiners in the basic sciences shall on or before the third Tuesday in December, March, June and September, transmit to the bursar of the university of Arizona a record of all expenditures of the board for the previous quarter, with all fees collected during such previous quarter, the same to be credited to the general fund of the University.

Sec. 10. APPEAL FROM BOARD'S DECISION. Any applicant who has been denied examination by the board or feels aggrieved by the board's decision may within thirty days after such denial or notice of his failure to pass the examination appeal to the superior court of any county and such court shall

on such appeal inquire into the cause of such denial or failure. If in the opinion of the court admission to the examination was refused or certificate withheld without just cause, the court may order the board to examine the applicant or to issue a certificate. Notice of an appeal from the denial by the board of the right to examination or of the failure to issue a certificate shall be served by leaving with the secretary of the board an attested copy thereof within thirty days after said board has notified the applicant of its refusal to examine him or his failure in the examination as the case may be. Hearings of such appeals shall proceed in accordance with such rules as the court may determine.

Sec. 11. VOID CERTIFICATES; CANCELLATION. Any basic science certificate which is issued contrary to the provisions of this act shall be void. The certificate issued by the state board of examiners in the basic sciences shall be automatically revoked by the revocation of any license issued to such person to practice the healing art or any branch thereof.

Sec. 12. RECORDING OF CERTIFICATES. Each certificate issued by the board of examiners in the basic sciences shall be recorded by the secretary of such board with the secretary of the state board of health.

Sec. 13. PRACTICING WITHOUT CERTIFICATE; PENALTY. Any person who shall practice the healing art or any branch thereof without having obtained a valid certificate from the state board of examiners in the basic sciences, except as otherwise authorized by section 19 of this act, shall be

guilty of a misdemeanor, and shall be punished therefor by a fine not exceeding one hundred dollars or imprisonment in the county jail not more than three months, or by both such fine and imprisonment.

Sec. 14. FRAUDULENT CERTIFICATE; PENALTY. Any person who shall obtain or attempt to obtain a basic science certificate by any dishonest or fraudulent means, or who shall forge, counterfeit or fraudulently alter any such certificate, shall be guilty of a misdemeanor and shall be punished therefor by a fine not exceeding one hundred dollars or imprisonment in the county jail not more than three months, or by both such fine and imprisonment.

Sec. 15. OBTAINING LICENSE WITHOUT CERTIFICATE; PENALTY. Any person who shall obtain or attempt to obtain a license to practice the healing art or any branch thereof from any board authorized to issue any such license, without presenting to said licensing board a valid certificate issued by the state board of examiners in the basic sciences, as by this act required, shall be guilty of a misdemeanor and shall be punished therefor by a fine not exceeding one hundred dollars or imprisonment in the county jail not more than three months, or by both such fine and imprisonment.

Sec. 16. ISSUING INVALID CERTIFICATE; PENALTY. Any person who knowingly issues or participates in the issuance of a license to practice the healing art or any branch thereof to any person who has not presented to the licensing board a valid certificate from the state board of examiners in the

basic sciences, or to any person who has presented to such licensing board any such certificate obtained by dishonesty or fraud, or any forged or counterfeit certificate, shall be guilty of a misdemeanor and shall be punished therefor by a fine not exceeding one hundred dollars or by imprisonment in the county jail not more than three months, or by both such fine and imprisonment.

Sec. 17. INVESTIGATION: DUTIES OF OFFICERS. The secretary of the state board of health shall investigate any supposed violation of this act and report to the proper county attorney of the causes that in his judgment warrant prosecution. Every police officer, sheriff and peace officer shall investigate supposed violations of this act and apprehend and arrest all violators thereof. It shall be the duty of the attorney-general and of the several county attorneys to prosecute violations of this act, provided that this power shall not authorize any discrimination or preference to be made between nor among medical doctors, osteopaths, chiropractors, naturopaths, christian scientists or other persons regularly licensed to practice the healing arts in the state of Arizona.

Sec. 18. 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 regular tenents 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 ren-

dering 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 is 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.

Sec. 19. LIMITATION OF PROVISIONS. No provision of this act shall be construed as repealing any statutory provisions in force at the time of its passage with reference to the requirements governing the issuance of licenses to practice the healing art or any branch thereof, except as herein provided.

Sec. 20. UNCONSTITUTIONALITY. 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.

304	YES	.....	13988
305	NO	.....	13104

The foregoing Referendum ordered by petition of the people, was filed in the office of the Secretary of State, June 12th, 1933 and approved by a majority of votes cast thereon at the General Election held on October 3rd, 1933. There were 13988 votes cast for said measure and 13104 votes cast against it and under the provisions of law by

a proclamation of the Governor dated October 28th, 1933, took effect on that date.

JAMES H. KERBY,
Secretary of State.

REFERENDUM ORDERED BY PETITION OF
THE PEOPLE

(On Official Ballot Nos. 306-307)

CHAPTER 88

(HOUSE BILL NO. 115)

ELEVENTH LEGISLATURE, Regular Session

AN ACT

RELATING TO JUDGMENT OF FORECLOSURE,
AND AMENDING SEC. 2324, REVISED CODE
OF 1928.

BE IT ENACTED BY THE LEGISLATURE OF
THE STATE OF ARIZONA:

Section 1. Sec. 2324, Revised Code of 1928, is hereby amended to read as follows:

Sec. 2324. JUDGMENT OF FORECLOSURE.
When a mortgage or deed of trust is foreclosed, the court shall render judgment for the entire amount found to be due, and must direct the mortgaged property, or so much thereof as is necessary, to be sold to satisfy the same; provided, that when a note,

secured by a first mortgage or deed of trust on real property, is foreclosed and the property sold to satisfy such judgment, no deficiency judgment can be had against the defendant unless the complaint specifically asks for a deficiency judgment. If such deficiency judgment is contested by the defendant, the plaintiff must prove on the trial that at the time the note and mortgage, or deed of trust, were executed the real property was not of a value in excess of the amount remaining due on the note or that the depreciation in value was caused by some act of the defendant or the original mortgagor, and the question of such value shall be a question of fact. If the court or a jury selected to try the action finds that the plaintiff has failed to establish such fact, then the judgment shall state that no deficiency can be had against the defendant should the sale of the real property not be sufficient to satisfy the amount of the note and mortgage, or deed of trust, or other sums mentioned in said mortgage or deed of trust. When such value is contested and judgment is in favor of the plaintiff, then the court or the jury shall find the value of the real property at the time the mortgage or deed of trust was given, and the plaintiff shall not be entitled to a deficiency judgment for an amount greater than the difference between the value so found and the amount due on the note and mortgage, or deed of trust.

306	YES	14131
307	NO	10362

The foregoing Referendum ordered by petition of the people, was filed in the office of the Secretary of State, June 12th, 1933 and approved by a

majority of votes cast thereon at the General Election held on October 3rd, 1933. There were 14131 votes cast for said measure and 10362 votes cast against it and under the provisions of law by a proclamation of the Governor dated October 28th, 1933, took effect on that date.

JAMES H. KERBY,
Secretary of State.

INITIATIVE AND REFERENDUM MEASURES
WHICH FAILED TO PASS AT GENERAL
ELECTION HELD OCTOBER 3rd, 1933.

(On Official Ballot Nos. 100-101)

CHAPTER 23

(HOUSE BILL NO. 36)

ELEVENTH LEGISLATURE, Regular Session.

(Amended under provisions of Chapter 5, House Bill No. 8, First Special Session, Eleventh Legislature.)

CHAPTER 23

(H. B. No. 36)

AN ACT

PROPOSING TO AMEND SECTION 3, ARTICLE
XII, CONSTITUTION OF ARIZONA, RELAT-

ING TO TERMS OF OFFICE OF COUNTY OFFICERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. It is hereby proposed to amend section 3, article XII, constitution of Arizona, to read as follows:

Sec. 3. Subject to change by law, there are hereby created in and for each organized county of the state, the following officers, who shall be elected by the qualified electors thereof: Sheriff, recorder, treasurer, county attorney, assessor, three supervisors, and a school superintendent, each of whom shall be elected for a term of four years, and such officers elected at the general election in 1934 shall serve until the first Monday in January, 1939.

Sec. 2. When said proposed amendment shall be approved by a majority of the members elected to each house of the legislature, and shall be entered on the journal of each house, together with the ayes and nays thereon, the secretary of state shall submit such proposed amendment to a vote of the people at the next general election, or at a special election, if the legislature shall call a special election for the purpose of having proposed amendment voted upon.

Passed the Senate February 25th, 1933.

Passed the House January 24th, 1933.

100	YES	.....	10549
101	NO	.....	18076

(On Official Ballot Nos. 104-105)

CHAPTER 43

(HOUSE BILL NO. 32)

ELEVENTH LEGISLATURE, Regular Session.

(Amended under provisions of Chapter 5, House Bill No. 8, First Special Session, Eleventh Legislature.)

CHAPTER 43

(HOUSE BILL NO. 32)

AN ACT

PROPOSING TO AMEND SECTION 1, OF ARTICLE 5, OF THE CONSTITUTION OF THE STATE OF ARIZONA, RELATIVE TO THE EXECUTIVE DEPARTMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. That it is hereby proposed to amend Sec. 1, of Art. 5, of the Constitution of the State of Arizona, to read as follows:

Sec. 1. The executive department of the state shall consist of governor, secretary of state, state auditor, state treasurer, attorney general and state superintendent of public instruction, each of whom shall hold office for four years, beginning on the first Monday in January next after his election. The terms of office of those elected at the general election in 1934 shall begin on the first Monday in Jan-

uary, 1935, and shall end on the first Monday in January, 1939, or when their successors are elected and qualified.

The persons, respectively, having the highest number of votes cast for the office voted upon 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, by joint ballot, one of such persons for said office.

The officers of the executive department, during their terms of office, shall reside at the seat of government, where they shall keep their offices and the public records, books and papers. They shall perform such duties as are prescribed by this constitution, and as may be provided by law.

Sec. 2. When said proposed amendment shall be approved by a majority of the members elected to each of the two houses, it shall be entered on the journal of each house, together with the ayes and nays thereon. The secretary of state shall submit such proposed amendment to a vote of the people at the next general election, or at a special election, if the legislature shall call a special election, for the purpose of having proposed amendments voted upon.

Passed the House January 24th, 1933.

Passed the Senate March 8th, 1933.

104	YES	10751
105	NO	17537

(On Official Ballot Nos. 106-107)

CHAPTER 59

(HOUSE BILL NO. 33)

ELEVENTH LEGISLATURE, Regular Session.

(Amended under provisions of Chapter 5, House Bill No. 8, First Special Session, Eleventh Legislature.)

CHAPTER 59

(HOUSE BILL NO. 33)

AN ACT

PROPOSING TO AMEND SECTION 11 OF ARTICLE VII OF THE CONSTITUTION OF THE STATE OF ARIZONA, RELATIVE TO GENERAL ELECTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. That it is hereby proposed to amend Sec. 11 of Art. VII of the Constitution of the State of Arizona to read as follows:

Sec. 11. There shall be a general election on the first Tuesday after the first Monday in November, 1934, and biennially thereafter. At each general election there shall be elected a representative, or representatives, in Congress, and such other officers as by this Constitution, or by law, are required to be elected at such time.

Sec. 2. When said proposed amendment shall be approved by a majority of the members elected to each of the two houses, it shall be entered on the journal of each house, together with the ayes and nays thereon. The secretary of state shall submit such proposed amendment to a vote of the people at the next general election, or at a special election, if the legislature shall call a special election, for the purpose of having proposed amendments voted upon.

Passed the House, January 24th, 1933.

Passed the Senate, March 8th, 1933.

Filed March 16th, 1933.

106	YES	.....	8587
107	NO	.....	13966

(On Official Ballot Nos. 108-109)

CHAPTER 6

(HOUSE BILL NO. 31)

ELEVENTH LEGISLATURE, First Special Session.

AN ACT

PROPOSING TO AMEND ARTICLE XIX, CONSTITUTION OF ARIZONA, RELATING TO THE OFFICE OF MINE INSPECTOR, AND PROVIDING FOR A SPECIAL ELECTION THEREON.

BE IT ENACTED BY THE LEGISLATURE OF
THE STATE OF ARIZONA:

Section 1. It is hereby proposed to amend Art. XIX, of the Constitution of the State of Arizona to read as follows:

ARTICLE XIX.

“The office of mine inspector is hereby established. The legislature shall enact laws so regulating the operation and equipment of all mines in the state as to provide for the health and safety of workers therein and in connection therewith, and fixing the duties of said office. The mine inspector shall be elected at the general election at which executive officers of the state are elected and who shall serve for four years and until his successor shall be elected and shall qualify.”

Sec. 2. When said proposed amendment shall be approved by a majority of the members elected to each house of the legislature and shall be entered on the journal of each house, together with the ayes and nays thereof, the secretary of state shall submit such proposed amendment to a vote of the people at a special election, which is hereby called for the third day of October, 1933, for the purpose of having such proposed amendment voted upon.

Passed the House June 23, 1933.

Passed the Senate June 23, 1933.

Filed June 23, 1933.

108 YES 9771

109 NO 16764

(On Official Ballot Nos. 110-111)

HOUSE CONCURRENT RESOLUTION 6

ELEVENTH LEGISLATURE, First Special Session.

HOUSE CONCURRENT RESOLUTION 6

(Proposing an amendment to section 21, part 2, article IV, constitution of Arizona, relating to terms of office of members of the legislature.)

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

It is hereby proposed that section 21, part 2, article IV, constitution of Arizona, relating to the terms of office of members of the legislature, be amended to read as follows:

Section 21. The members of the Legislature shall be elected at the general election, at which executive officers of the State are elected and shall serve for four years, beginning on the first Monday in January next after such election.

Be it further resolved, that when the proposed amendment shall be approved by a majority of the members elected to each house of the legislature, and shall be entered on the journal of each house, together with the ayes and nays thereon, the secretary of state shall submit the proposed amendment to the qualified electors at the next regular general election, or at an election, if one be called for the purpose of having proposed amendments to the constitution voted upon, and said proposed

amendment shall become valid as a part of said constitution when approved and ratified by a majority of the qualified electors voting thereon, as provided by article XXI, constitution of Arizona.

Passed the Senate June 26, 1933.

Passed the House June 24, 1933.

Filed June 26, 1933.

110	YES	8158
111	NO	18746

INITIATIVE
and
REFERENDUM
MEASURES

VOTED ON AT THE GENERAL ELECTION
HELD
NOVEMBER 6th
1934

PROCLAMATION

BY THE GOVERNOR OF ARIZONA

TO ALL TO WHOM THESE PRESENTS SHALL
COME, GREETINGS:

Whereas, Section 11, Article VII Constitution of the State of Arizona provides that there shall be a general election of Representatives in Congress and of state, county and precinct officers on the first Tuesday after the first Monday in November of the first even numbered year in which Arizona is admitted to Statehood and biennially thereafter; and

Whereas, Articles IV and XXI of the Constitution of the State of Arizona, and Article I, Chapter 34, Revised Code of Arizona, 1928, provide that proposed amendments to the Constitution of the State of Arizona shall be submitted to the electors of the State of Arizona at a special or general election, either by initiative petitions or by the Legislature of the State of Arizona, and said Article IV of the Constitution of the State of Arizona and said Article I, Chapter 34, Revised Code of Arizona further provides that initiative measures and legislative measures against which the referendum is applied shall be submitted to the electors of the State of Arizona; and,

Whereas, at the general election held on the first Tuesday after the first Monday in November, 1934, there were, in accordance with the provisions of said Articles IV and XXI of the Constitution of the State of Arizona, and said Article I, Chapter 34, Revised Code of Arizona, 1928, submitted to

the electors of the State of Arizona two proposed amendments to the Constitution of the State of Arizona, all of which said proposed amendments were proposed by Initiative Petitions of the people of the State of Arizona; and,

Whereas, Sub-sections 13, Section I, Article IV, Constitution of Arizona and Section 1270, Chapter 22, and Section 1748, Chapter 34, Revised Code of Arizona, 1928, provide that when the Canvassing Board of the State of Arizona, shall have counted the votes cast at a general or special election, and shall have verified the returns thereof, it shall be the duty of the Governor of the State of Arizona to issue his proclamation giving the whole number of votes cast for and against each measure or proposed amendment, and declaring such measures or amendments as are approved by a majority of those electors voting thereon to be in full force and effect as the law of the State of Arizona, from the date of said proclamation; and,

Whereas, it appears from the returns of said general election held on the said first Tuesday after the first Monday in November, 1934, as canvassed and certified by said Canvassing Board, in accordance with said Article IV of the Constitution of the State of Arizona, and Section 1268, Chapter 22, and Section 1748, Chapter 34, Revised Code of Arizona, 1928, that a proposed amendment to the Constitution of the State of Arizona entitled:

“AN ACT

TO PROVIDE THAT NO MEMBER OF THE LEGISLATURE OR THEIR RELATIVES SHALL BE APPOINTED, EMPLOYED OR BE PAID

ANY COMPENSATION BY ANY STATE OFFICE, BOARD, COMMISSION, DEPARTMENT OR STATE AGENCY DURING THE FULL TERM FOR WHICH SAID MEMBER OF THE LEGISLATURE SHALL HAVE BEEN ELECTED; TO PROVIDE A TRUE AND CORRECT COPY OF THE LEGISLATIVE JOURNALS BE MADE AND FILED DAILY; TO PROVIDE THAT AN AYE AND NAY ROLL CALL VOTE BE ATTACHED TO THE FINAL PASSAGE OF ALL MEASURES; TO PROVIDE THAT EXPENSES INCURRED INCIDENT TO PRINTING SESSION LAWS, JOURNALS, ELECTIVE LAWS, INITIATIVE AND REFERENDUM PUBLICITY PAMPHELTS AND FOR THE PAYMENT OF ANY INDEBTEDNESS AGAINST THE STATE AS EVIDENCED BY A CERTIFICATE OF INDEBTEDNESS SHALL BE PAID OUT OF THE GENERAL FUND OF THE STATE."

was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 22,295 votes cast in favor of said amendment, and 26,960 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said election were opposed thereto; and,

Whereas, it appears from the returns of said general election held on the said first Tuesday after the first Monday in November, 1934, as canvassed and certified by said Canvassing Board, in accordance with said Article IV of the Constitution of the State of Arizona, and section 1268, Chapter 22, and Section 1748, Chapter 34, Revised Code of

Arizona, 1928, that a proposed amendment to the Constitution of the State of Arizona entitled:

“AN ACT

TO CREATE A BOARD OF NATUROPATHIC EXAMINERS; TO PROVIDE FOR THE APPOINTMENT OF THE MEMBERS OF SAID BOARD; TO FIX THEIR TERM OF OFFICE AND THEIR COMPENSATION; DEFINING NATUROPATHY; TO REGULATE THE PRACTICE AND LICENSING OF NATUROPATHIC PHYSICIANS; AND TO PROVIDE FOR THE ENFORCEMENT OF THIS ACT.”

was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 18,829 votes cast in favor of said amendment, and 31,936 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said election were opposed thereto; and,

Now, Therefore, I, B. B. Moeur, Governor of the State of Arizona, under and by virtue of the authority in me vested by subsection 13 of Section 1, of Article IV of the Constitution of the State of Arizona, and section 1270, chapter 22, and Section 1748, Chapter 34, Revised Code of Arizona, 1928, do hereby declare that said proposed amendments to the Constitution of the State of Arizona hereinbefore referred to have been duly and regularly rejected and disapproved by the electors of the State of Arizona at said general election so held on said

first Tuesday after the first Monday in November 1934.

(Seal)

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State to be affixed hereto.

Done at the Capitol Building, in Phoenix, this 30th day of November, 1934.

(Signed) B. B. MOEUR,
Governor

ATTEST: Signed

JAMES H. KERBY
Secretary of State.

(On Official Ballot Nos. 300-301)

INITIATIVE MEASURE

PROPOSED BY INITIATIVE PETITION OF THE
PEOPLE

AN ACT

TO PROVIDE THAT NO MEMBER OF THE LEGISLATURE OR THEIR RELATIVES SHALL BE APPOINTED, EMPLOYED OR BE PAID ANY COMPENSATION BY ANY STATE OFFICE, BOARD, COMMISSION, DEPARTMENT OR STATE AGENCY DURING THE FULL TERM FOR WHICH SAID MEMBER OF

THE LEGISLATURE SHALL HAVE BEEN ELECTED; TO PROVIDE A TRUE AND CORRECT COPY OF THE LEGISLATIVE JOURNALS BE MADE AND FILED DAILY; TO PROVIDE THAT AN AYE AND NAY ROLL CALL VOTE BE ATTACHED TO THE FINAL PASSAGE OF ALL MEASURES; TO PROVIDE THAT EXPENSES INCURRED INCIDENT TO PRINTING SESSION LAWS, JOURNALS, ELECTION LAWS, INITIATIVE AND REFERENDUM PUBLICITY PAMPHLETS AND FOR THE PAYMENT OF ANY INDEBTEDNESS AGAINST THE STATE AS EVIDENCED BY A CERTIFICATE OF INDEBTEDNESS SHALL BE PAID OUT OF THE GENERAL FUND OF THE STATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. It shall be unlawful for any member of the Legislature or any person related to any member of the Legislature by affinity or consanguinity within the third degree to be appointed, employed or to be paid any compensation by any state office, board, commission, department or state agency during the full term for which said member of the Legislature shall have been elected.

Section 2. A true and correct copy of the minutes of all proceedings of the House of Representatives and Senate shall be made daily, signed by the Speaker of the House and President of the Senate, a copy of which shall be delivered daily to each member of the Legislature and two copies filed with the Secretary of State.

Section 3. Any member of the Legislature may demand a roll call vote on any measure being considered by the Committee of the Whole. The final passage of all measures by the Legislature shall have attached thereto a roll call aye and nay vote of each member present.

Section 4. The necessary expenses incident to the printing of the Session Laws, Journals, Election Laws, Initiative and Referendum Publicity Pamphlets, and for the payment of any indebtedness against the State, as evidenced by any Certificate of Indebtedness, shall be paid out of the General Fund of the State. The State Auditor is hereby directed to draw warrants for claims against said General Fund and the State Treasurer is hereby directed to pay the same. This section shall be self-executing.

300	YES	.....	22295
301	NO	.....	26960

(On Official Ballot Nos. 302-303)

INITIATIVE MEASURE

PROPOSED BY INITIATIVE PETITION OF THE
PEOPLE

AN ACT

TO CREATE A BOARD OF NATUROPATHIC EXAMINERS; TO PROVIDE FOR THE APPOINTMENT OF THE MEMBERS OF SAID BOARD; TO FIX THEIR TERM OF OFFICE AND THEIR

COMPENSATION; DEFINING NATUROPATHY; TO REGULATE THE PRACTICE AND LICENSING OF NATUROPATHIC PHYSICIANS; AND TO PROVIDE FOR THE ENFORCEMENT OF THIS ACT.

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

SECTION 1. BOARD OF NATUROPATHIC EXAMINERS; ORGANIZATION; COMPENSATION; POWERS.

There is hereby created a Board of Examiners of Naturopathic Physicians. Said Board shall consist of five (5) members to be appointed by the Governor within thirty (30) days after the passage of this Act. The term of office of the members of the Board first appointed by the Governor shall be two (2) members for a term of one (1) year from the date of appointment, two (2) members for the terms of two (2) years from the date of appointment, and one (1) member for the term of three (3) years from the date of appointment, and all subsequent appointments shall be for a term of three (3) years from the date of appointment except that members appointed to fill vacancies by death, resignation or removal shall serve during the unexpired term of their predecessors. Each member of the Board shall be a citizen of the State of Arizona and a graduate of a regularly chartered school or college of Naturopathy, and have practiced Naturopathy in the State of Arizona for at least three (3) years immediately preceding the date of appointment.

Within thirty (30) days after appointment, the

Board shall organize and elect from its membership a president, a vice-president and a secretary, and annually thereafter elect from its membership a president, a vice-president and secretary. The Board shall fix the salary of the Secretary in the sum not to exceed One Thousand (1,000.00) dollars per annum, and before entering upon the duties of his office the secretary shall give bond to the State of Arizona in the sum of Two Thousand (\$2,000.00) dollars.

The Board may adopt rules and regulations as are necessary for the administration of this Act, and may prescribe the duties of the Secretary. The Board may adopt a common seal and the adoption of said common seal is hereby authorized.

The compensation of the members of the Board, other than the Secretary, shall not exceed Five (\$5.00) dollars per day for each day necessarily engaged in conducting examinations, or necessarily engaged in meetings, together with their traveling expenses incident thereto. Claims against the State presented hereunder, shall be paid as other claims against the State out of the fund hereinafter authorized. In no event shall the expenditures of the Board exceed their receipts.

SECTION 2. SPECIAL FUND; REVERSION OF EXCESS:

All monies received by the Board from any source whatever shall be deposited with the State treasurer within thirty (30) days after the receipt thereof, and the State Treasurer shall transfer ten per cent (10%) of all such monies to the credit of the General Fund of the State of Arizona, and the

remaining ninety (90%) per cent shall be credited by the State Treasurer to a fund to be known as the Naturopathic Board Fund, upon which the State Auditor shall draw his or her warrant in due legal form, after having been presented with a claim or voucher, properly signed and approved by the President and Secretary of the Board and bearing the imprint of the Seal of the Board.

The Board shall have the power to expend such monies as may be necessary to meet the actual necessary expenses of the Board, their compensation, salary of the Secretary, office expenses, cost of the premium on the bond of the Secretary, clerk and stenographic hire, and all expenses incidental thereto; provided, however, that all such expenditures of the Board shall not exceed at any time the amount to the credit of the Naturopathic Board Fund with the Treasurer of the State of Arizona.

SECTION 3. REQUIREMENTS FOR CERTIFICATE:

To procure a certificate to practice Naturopathy in the State of Arizona, the applicant shall file with said Board at least fifteen (15) days prior to the date of examination, satisfactory testimonials of good moral character, a photostatic copy of a diploma issued him or her by an approved and regularly chartered school or college of Naturopathy, a three (3) by five (5) photograph of the applicant, and satisfactory evidence that he or she has completed a course of Naturopathy and has received adequate and proper training and instructions in an approved school or college of Naturopathy in the following subjects:

ANATOMY, HISTOLOGY, ELEMENTARY CHEMISTRY AND TOXICOLOGY, PHYSIOLOGY, BACTERIOLOGY including EUGENICS, HYGIENE and SANITATION, PATHOLOGY, PHYSIOTHERAPY, ELECTROTHERAPY and HELIOTHERAPY MECHANOTHERAPY AND MASSAGE THEORY, PHILOSOPHY and PRACTICE OF NATUROPATHY, HYDROTHERAPY, DIETETICS and FOOD CHEMISTRY, BIOCHEMISTRY, LABORATORY and URINALYSIS DIAGNOSIS.

In the course of study herein outlined the hours required shall be four thousand (4,000) sixty (60) minute hours by actual work in the classroom, laboratory, clinic or hospital.

Said application shall be verified by oath of the applicant. The Board may make or cause to be made an investigation of the truth of the matter contained in said application and of the genuineness of the diploma so presented and may require additional proof. Said application shall be accompanied by a fee in the sum of twenty-five (\$25.00) dollars.

SECTION 4. TIME AND PLACE FOR EXAMINATION; GRADE REQUIRED:

The Board of Examiners shall hold an examination twice annually, on the first Tuesday following the first Monday of April and October and such other times and places as may be found necessary for the performance of their duties. The examination shall be practical in character and designed to test the fitness of the applicant to practice Naturopathy and shall be in writing and shall cover all

subjects. Each applicant upon entering the examination shall be assigned a number and the identity of such person shall not be disclosed to the examiners or other person grading the examination papers. Each applicant shall be notified within thirty (30) days after taking such examination by the Secretary of the State Board of Naturopathic Examiners and the grades he has made in each subject of said examination.

All examination papers and records shall be kept on file for a period of three (3) years from the date of such examination.

Where an applicant has taken the examination and has; either (a) failed to obtain an average grade of seventy-five (75%) per cent in all said subjects, or (b) received a grade of less than sixty (60%) per cent in not more than two subjects, which, if he passed with said grade of sixty (60%) per cent would give him an average grade of seventy-five (75%) per cent he may by giving fifteen (15) days written Notice, take one (1) re-examination, without charge or fee, which re-examination shall be in all subjects if he applies therefor under provision (a) hereof or in those subjects in which he failed if he applies under provision (b) hereof, and upon taking such re-examination under provision (b) hereof and upon such re-examination failed to pass the subjects so taken and so required to be taken, he may, upon reasonable notice to the Board of Examiners accompanied by a fee of twenty-five (25.00) dollars take a second re-examination in those subjects in which he failed. In no case where an applicant who takes a re-examination be entitled to a refund of any money.

SECTION 5. NATUROPATHY DEFINED:

For the purpose of this act, Naturopathy is hereby declared to include physiotherapy, physical therapy, phytotherapy, biochemistry, instrumentation, and the use of antiseptics, and the science and art of applied therapeutics, and prophylactic hygiene and sanitation which enables the Naturopathic Physician to direct, advise, prescribe, dispense, or apply food, water, roots, herbs, plants, oils, light, heat, color, exercises, active and passive manipulation correcting vital tissue, organs or anatomical structure by manual, mechanical, electrical instruments, or appliances, or any and all natural agencies, that have been in use in the past, that are now in use, or that may be used in the future to assist nature to restore a physiological and psychological inerfunction for the purpose of restoring and maintaining a normal state of health, mentally and physically.

SECTION 6. CERTIFICATE OF LICENSE TO PRESENT PRACTITIONERS:

All Naturopathic Physicians previously examined and holding certificates of qualification issued by the Examining Board of the American Naturopathic Association, Arizona District, Incorporated, and in good standing at the passage of this act shall be entitled to and shall receive a certificate designated as a Naturopathic Physicians License without further examination, providing he or she make application to the Board of Examiners within ninety (90) days after the effective date of this Act, such application shall be accompanied by a fee in the sum of twenty-five (\$25.00) dollars.

Any and all other Naturopathic Physicians who hold diplomas from regularly chartered schools or colleges of Naturopathy, and having practiced in the State of Arizona for a period of three (3) years immediately prior to the effective date of this Act shall be entitled to a Naturopathic Physicians License, without further examination, provided application be made within ninety-(90) days after the effective date of this Act, such application shall be accompanied by a fee in the sum of twenty-five (\$25.00) dollars.

SECTION 7. CERTIFICATE OF LICENSE TO BE REGISTERED.

No license issued hereunder grants to the holder thereof the right to practice thereunder until the same is recorded in the office of the County Recorder of the County or Counties of this State wherein such person desires to practice.

The County Recorder shall record all licenses presented to him for recordation in a book to be kept by him for that purpose and endorse upon the back thereof the fact and date of recordation.

Upon receipt from the Board of Examiners of any order affecting any license issued hereunder, said County Recorder shall record said order in such book and endorse in the margin of the page of said book where such license was recorded, the following:

“This license was (Revoked) by order of the
(Suspended)

Board of Examiners of Naturopathic Physicians on

this day of
.....”

Court decrees changing same must be recorded.

**SECTION 8. ANNUAL REGISTRATION;
FEES:**

On or before the first day of January of each year, every person holding a Naturopathic Physicians License issued hereunder, shall apply to the Board of Examiners for a certificate of Annual Registration, and shall pay the Board an Annual Registration fee in the sum of Ten (\$10.00) dollars. Such application shall be made on a blank furnished by the Board of Examiners.

Any expired license may be reinstated upon the application made to the Board of Examiners containing such matters as the Board may require upon the payment of the following fees:

(1) If made one month after the date upon which such license so expires, a fee in the sum of Twenty (\$20.00) dollars.

(2) If made within two months after the date upon which such license so expired a fee in the sum of fifty (\$50.00) dollars.

(3) If made at any time after two months after the date upon which such license so expires a fee in the sum of One Hundred (\$100.00) dollars.

**SECTION 9. NATUROPATHIC PHYSICIANS
RIGHTS:**

Naturopathic Physicians licensed under this Act shall have in the practice and conduct of their profession, all rights, powers and privileges of any and all other practicing physicians of any school or class or division in the treatment of any and all diseases, injuries, deformities, or other ailment, or other mental or physical conditions, and shall have all the rights and privileges to sign any and all certificates or papers and such reports shall be accepted by the proper officers or departments and shall have equal rights with other physicians in any and all institutions supported wholly or in part by public funds, and to disability compensation and shall have the right to report and certify births and deaths.

SECTION 10. EXCLUSIVE BOARD.

On and after the passage of this act, neither the Board of medical Examiners of this State, nor any other Board of authority, except the Board created by this Act shall grant any Naturopathic License or do any act relating to the practice or system or mode of Naturopathic treatment of the sick or afflicted, all power and authority over the practice of Naturopathy shall be vested exclusively in and be exercised by the State Board of Naturopathic Examiners hereby established pursuant to the provisions of this Act.

SECTION 11. TITLE OF LICENTIATES:

Naturopathic Licentiates under this Act, are hereby authorized to use any and all of the following terms: "Doctor of Naturopathy" or its abbreviation "N. D." or "Naturopath" or "Naturopathic Physician" or any other term or terms or abbrevia-

tions relative to any special branch or branches of Naturopathy, but none of these terms or any combination of them, shall be so used as to convey the idea that the physician who uses it or them practice anything other than Naturopathy.

SECTION 12. NOT TO BE CONSTRUED TO OTHER PROFESSIONS:

Nothing in this act shall be construed to apply to any Medical Physician or Surgeon, to any Osteopath, to any Chiropractor, to any Christian Scientists, or any other person or persons who by religious or siphiritual means, endeavors to prevent or cure disease or suffering in accordance to the tenets of any church; neither shall any thing in this act be construed to authorize licentiates under its provisions to practice Optometry, or any other system or method of treatment not herein authorized.

SECTION 13. ENFORCEMENT OF ACT. PROSECUTION:

Anyone practicing, attempting to practice or who claims to practice Naturopathy as herein defined without first procuring a certificate of license to do so from the State Board of Naturopathic Examiners shall be guilty of a misdemeanor, and punishable thereof.

It shall be the duty of the several County Attorneys in this State to prosecute all persons charged with the violation of any of the provisions of this Act.

SECTION 14. CONSTITUTIONALITY; PARTIAL INVALIDITY:

If any section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional such decision shall not effect the validity of the remaining portion of this Act. The People hereby declare that they would have passed this Act, and such section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 15. REPEAL OF ACTS IN CONFLICT:

All Acts or parts of Acts in conflict herewith are hereby repealed.

302	YES	18829
303	NO	31936

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