ACTS
Resolutions and Memorials

of the

REGULAR SESSION
Thirteenth Legislature

of the

STATE OF ARIZONA
1937

Regular Session Convened January 11, 1937
Regular Session Adjourned Sine Die March 13th, 1937

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13th Legislature

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

AUTHENTICATION

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

THIS IS TO CERTIFY—That the Acts, Resolutions and Memorials published in this volume, are full, true and correct copies of the originals, passed at the Regular Session of the 13th 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 13th Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, January 11th, 1937, and adjourned sine die on the 13th day of March, 1937.

That the Acts, Resolutions and Memorials passed at said Session were officially published on the 12th day of June, 1937.

IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 12th day of June, 1937.

JAMES H. KERBY (Signature)
Secretary of State.

LIST OF ELECTIVE ARIZONA STATE OFFICIALS
1937 — 1938

OFFICE	NAME	ADDRESS
Supreme Court		
Chief Justice	A. G. McAlister	State House
Judge	Alfred C. Lockwood	State House
Judge	Henry D. Ross	State House
Governor	R. C. Stanford	State House
Secretary of State	James H. Kerby	State House
Attorney General	Joe Conway	State House
State Treasurer	Harry M. Moore	State House
State Auditor	Ana Frohmiller	State House
Supt. Public Instruction	H. E. Hendrix	State House
State Mine Inspector	Tom C. Foster	State House
Tax Commission		
Chairman	Frank Luke	State House
Member	D. C. O'Neil	State House
Member	Thad M. Moore	State House
Corporation Commission		
Chairman	Wilson T. Wright	State Office Building
Member	Amos A. Betts	State Office Building
Member	W. M. Cox	State Office Building

Message of the Governor

Mr. President, Mr. Speaker, Members of the Senate and House of Representatives of the 13th Legislature:

Seriously mindful of the great responsibility which has fallen my lot, along with the high honor conferred upon me by the office of Governor of this State, I appear before you to deliver my message recommending matters for your consideration.

With one exception, I believe, we have all been elected on the Democratic platform together with all the State officers of this State, the pledges of which we are in honor bound to fulfill to the best of our ability. Certain policies of Government together with certain positions on public questions have been determined as the basis of action for our party. It is the duty of the Governor to co-operate with the Legislature in the preparation and adoption of such legislation as will redeem the pledges made in that platform, and I trust that we shall be able to co-operate and so justify the confidence which the people of this State have placed in us. It shall be my purpose to scrupulously respect the functions of the legislative branch of our Government and to co-operate in bringing about so far as possible the best results of which our combined efforts may be capable. It is only by such co-operation and such cordial relations among all the branches of our Government that the people may be best served and their interests protected. We should seek the exchange of advice and counsel to the end that we may, all of us, justify the people in placing us in these responsible positions.

RESPONSIBILITY IN GOVERNMENT

The executive branch of the Government in this State is handed responsibility for the administration of the Government of the whole State and yet the functions of Government are so divided and responsibility is so placed among various boards and commissions and in various places over which the Governor has little or no control that he is in fact not legally responsible for the proper administration of the law. It is desirous from this viewpoint that so far as is reasonably possible the Governor should be given the authority for the appointment of the administrative offices of the State so that he may have the power to appoint those officials for whose acts the elector shall hold him accountable. The Democratic platform pledged itself so far as possible in keeping with good government to reduce the cost and overhead of government operation. In order to accomplish this we shall be compelled to consolidate many of the functions of government and to re-organize to some extent so that we may be able to operate with less expenditure of money than has been done in the past. To this end, I recommend that the Legislature give careful thought and consideration to a program for the elimination of any and all unnecessary boards and commissions, and wherever possible to consolidate the functions of such boards and commissions to enable the State to reduce its operating costs. There are many duplications existing in the present set-up of State Government. Among them may be found the provision for the Corporation Commission having jurisdiction over certain regulations of motor vehicles, and the highway department having jurisdiction over others, and yet the two overlap and both are attempting to perform the same functions. The result is a large expense and reduction in efficiency. This is

only one instance but all of such cases should be eliminated by proper legislation.

REDUCING GOVERNMENT COST

Through the methods of consolidation and elimination we shall find that much reduction may be brought about in government expense. I am reliably informed that much of our accounting system in various departments is antiquated and that our methods of collection and distribution of funds are exceedingly expensive. Therefore, I recommend that the State Examiner be provided with the necessary funds and help to make a thorough examination of the various departments of State and set-up. I recommend the passage of a bill requiring the State Examiner, in addition to his present duties, to make a thorough examination and survey of every state office or department, and report to the Governor of the State in all cases where there can be a saving of money expended, and the adoption of such methods of accounting and management of the office as shall result in reduced expenditure, and that such funds be provided as shall be necessary for such work and the installation of such a method of accounting and collection and distribution of funds as will reduce the cost in keeping with modern practices.

I also recommend to the Legislature that provision be made for the investment of permanent State funds in bonds wherever it has not been provided, to the end that a fair rate of interest may be obtained from all State funds.

And I further recommend that provision be made authorizing the counties and municipalities to provide for refunding their bonded indebtedness

so that they may obtain the benefit of reduced rates of interest.

TAXATION

While it is encumbent on us to make every provision for the reduction of the cost of government wherever possible, we must remember that it is also encumbent on us to provide the necessary revenue for the proper administration of State Government. In this connection I wish to call your attention to the fact that we are pledged as a party. All members of the Legislature elected on the Democratic ticket, as well as myself, are bound by the pledge that we shall revise the present sales tax so as to eliminate from its provisions the tax on all the necessities of life and to repeal the same in its entirety if found feasible. However, due to the fact that there are necessary additions to the budget required for the maintenance of our State Institutions on the high plane to which they are entitled it appears that it may be necessary to keep the present tax on some portion of sales. Therefore, I recommend to the Legislature at this time that they so amend the present sales tax law as to eliminate and except from its provisions:

All foodstuffs.

Wood, coal and fuel oil.

Men's suits and overcoats selling at retail up to $30.00.

Women's dresses or coats up to $30.00. All children's clothing.

Shoes that sell up to $5.00 retail.

Men's or women's hats that sell for $5.00 or less.

Men's shirts selling for $2.00 or less.

Men's or women's hose selling for 75c or less.

Men's or women's underwear selling for $2.00 or less per garment.

All purchases by the State or any of its subdivisions.

All purchases made by charitable institutions, such as convents, hospitals, or welfare organizations, where such articles purchased shall be for the relief of the poor.

I recommend to you that Sections 3065 and 3136 of the Revised Code of Arizona 1928, be amended so as to provide that any taxes that shall be found to have been paid under protest, as therein provided, shall be repaid in cash and that the same be further amended so as to provide that whenever any person, association or corporation, owning property in more than one county, shall pay any such tax under protest in more than one of such counties that one action may be maintained for such taxes so paid in any or all counties of the State and the County in which the first action is begun shall have jurisdiction to try and determine the questions arising in all other counties in which taxes may have been paid by such person under protest. I believe that such amendments will prevent any further suits enjoining the payment of taxes and that we shall not hereafter have actions pending holding up the payment of millions of dollars, and, therefore, we shall eliminate the necessity of the sales tax to a large extent.

The Federal Government adopted a method of taxation by which stamps were used for all transfers of real property and all evidences of indebtedness as security which proved successful, inexpensive and a fruitful source of revenue. This plan has been adopted by various states in various

forms and has proven successful. I am satisfied that the method will provide all the necessary revenue to take the place of any deficiency on account of eliminating part of the sales tax. In addition to the above, Ohio and some of the other states have provided a use tax which amounts to a sales tax on all articles sold by agents in the State and shipped in from the outside. This tax will serve two purposes; it will bring in considerable revenue, and at the same time will protect our local merchants and business men against unfair competition from without the State.

Full information on this subject will be made available by members of this Legislature who will provide a bill along these lines which it is believed will fulfill all the requirements and provide sufficient revenue to meet any depletion on account of the elimination of parts of the sales tax.

CRIME DETECTION AND PREVENTION

I recommend to the Legislature for their careful consideration uniform acts recommended by the Interstate commission on crime providing for the fresh pursuit of criminals, interstate extradition, out of state witnesses in criminal proceedings and use of state parole supervision. It is my belief that these acts, when placed in effect in the various states, will, to a great extent, eliminate the present practice of criminals escaping from one state to another and will to a like extent assist in the prosecution and conviction for the commission of a crime where witnesses have absented themselves beyond the jurisdiction of the state where such trials are conducted and also it will provide the necessary means of supervision of those persons on parole who are permitted to

go beyond the confines of the state in which they are convicted.

As a means of crime prevention I recommend to the Legislature that they make provision for the segregation of first offenders and offenders of immature age from association with any of the old and hardened criminals, and that provision be made that they be kept in a separate unit of the prison under separate supervision.

As a further safe-guard against the commission of crime I recommend that any person who has been convicted a third time for the commission of a felony, whether in Arizona or elsewhere, shall be committed to the State Prison for the rest of his natural life.

Again, a very fruitful field for promotion of crime is the traffic in firearms. Under present conditions anyone can deal in or dispose of firearms of any character and description and many of the supplies furnished to policemen, deputy sheriffs and highway patrol men are disposed of when changes are made and all sorts of weapons, including machine guns and sawed off shot guns easily fall into the hands of gangsters and others prepared for criminal activities. I recommend to you that a license be required of all persons who deal in firearms of any character and that a penalty be provided against anyone disposing of any firearms for any purpose or to any person without first having registered the same. That a description covering the name, character and number of every firearm disposed of shall be kept by every dealer so that authorities may know to whom it belongs and in whose possession it may be, and that the sale of firearms be restricted only to such persons as may be able to satisfy

the authorities of their particular character and that the same is not for any criminal purpose, and particularly should all weapons which may be concealed be restricted to such persons as are of a good reputation. That a tax be provided for such license and such sale or disposition as will take care of whatever expense there may be in the administration of such act.

For the purpose of increasing the high morale of the peace officers of this state I recommend to the Legislature that provision be made for a proper pension for all peace officers who have been in service for their proper period of time and whose record is of such a nature as to merit such recognition.

As a further provision for the prevention and detection of crime I recommend to the Legislautre that provision be made for equipping the highway patrol with radios, with a like eqnipment which shall be established by the various sheriff's offices in the various counties and also police departments of the various cities of the State, and that such provision be made as shall require the co-opertaion between these various branches of peace officers in the use of radio equipment belonging to the state, counties and cities, and further recommend that all the members of the Arizona Highway Patrol be given the same protection in the performance of their duties as is now given to the peace officers of the state.

LIQUOR CONTROL

No one can well deny the disastrous effects of an uncontrolled liquor traffic. At the present time there is very little, if any, control exercised by the state over the sale and handling of intoxi-

cating liquor. Our people do not desire to return to prohibition days, and yet we are confronted with the dilemma in which we must either prohibit or make effective a control policy. Therefore I recommend to you that you provide for an intoxicating liquor control commissioner to be appointed by the governor and that by appropriate legislation you require every one selling or disposing of intoxicating liquor and everyone purchasing intoxicating liquor shall be required to first procure a license from the intoxicating liquor control commissioner, and that you further provide that such commissioner shall have full authority to regulate the traffic in intoxicating liquor by any rules and regulations he may define to be necessary.

STATE LAND DEPARTMENT

The State lands, permanent school fund and State school fund have come in for a great amount of criticism in the method of administration. There has been considerable study of the State land code and the losses concerning the permanent school fund and various recommendations have been made. Suitable legislation should be enacted for the more efficient and proper selection of state lands and all such selection should be subject to the approval of the Governor and in making such selections care should be taken to the end that the expenses of such selection may be reduced, it having been called to my attention that in many instances the expenses were very excessive. I further recommend that all funds derived from school lands and all permanent funds should be audited annually by the State Examiner and the results of the audit published. I further recommend that provision be made that in the event that any loans become delinquent that they be liquidated

within a reasonable time. That all net losses to the permanent fund from whatever cause shall be established by proper report of the State Examiner and that the Legislature provide for recognition of this debt to the permanent fund of the State, and for payment of same.

MINING

One of the greatest assets of Arizona is the great and bountiful supply of rich ores found within its boundaries, and it is the duty of the State to encourage, in every reasonable and fair manner, the development of the resources and to protect insofar as possible the investments and property rights used in developing this great natural resource. I, therefore, recommend to the Legislature the continuance of the copper tariff commission and to use whatever means may be found at its command, for a furtherance of the good work which has so far been carried on by this commission. I further recommend that the duties of this commission be broadened to include efforts to stimulate the silver market.

AGRICULTURE

It is my firm belief that the people of the State of Arizona have at their command all the necessary land, water and climate to produce all agricultural products which its people need and use. The varied climate and resources of our state make it possible for the production of all these products in their respective seasons. In this connection I may say that we have, at this time, the University Extension Service which has rendered valuable service to the agricultural interests, and we have various boards and commissions which in one way or another are connected with the agri-

cultural and livestock problem. I recommend that you give consideration to the forming of one department of state which would have control of all agricultural and horticultural and livestock interests of the state, to the end that we may have properly centered responsibility and consideration for the development and protection of our own people in each and all of these diversified interests.

COLORADO RIVER

The State of Arizona is to be congratulated on its persistent refusal to ratify the Colorado River Compact. The State is also to be congratulated on the early foresight of citizens and officers of this State in the initiation of water appropriations and dam filings on the Colorado River for or in the name of the State. It is to be regretted that Arizona has never adopted and has never asserted a major project for the economic utilization of the water of the Colorado River to which the State is entitled. The problem which confronts us today in respect of this tremendous natural resource is to formulate a major project for the use of all of the Colorado River water to which this State is entitled with strict attention to the requirement, which at all times must be absolute, that the water shall be placed first upon the highest lands susceptible of irrigation so that the fullest and maximum advantage may be taken of return flow and re-use of water, and at the same time to take all steps and actions, legal or otherwise, as shall be adequate to prevent the present and intended encroachment of the State of California upon Arizona rights from becoming vested and an irreparable injury to this State.

This great problem, so vital to the future

prosperity of this State and the realization of its true destiny, not only merits but demands our closest study and co-operation. The mistakes of the past, unfortunate as they may be, are not irretrievable, and out of them and out of our own study we will find the too-long delayed solution. I invite your co-operation, particularly and most earnestly. I shall have a special communication to make to you upon the Colorado River early during this session which will place before you fully and frankly my views and my recommendations.

WATER SURVEY

I recommend to the Legislature that they make provision by proper appropriation, to allow the State Water Commissioner to make adequate survey and compile statistical data on the water rights of the State and their potential development, to determine the relative rights of claimants to the use of water from common sources of supply where they have not been adjudicated; and to grant him the authority, without delay for the granting of permits to appropriate unappropriated water to those in position to place it to beneficial use.

LABOR

It has been called to my attention that considerable difficulties have been experienced by small wage earners, and those employed in variable occupations, in securing their money when it became due, or whenever their occupation was changed. An attempt has heretofore been made to authorize the labor commissioners to care for such conditions, but so far we have not accomplished the full intent and purpose of such action. May I commend to your careful consideration the

legislation recommended by the association of government labor officials and conference on labor legislation, which provides for the means and method of enforcing payment of all wages as the same shall become due. In submitting this I wish to call your attention to the fact that it has been recommended by a great many of the labor commissioners who have had practical experience in attempting to carry out the duties of that office.

SOCIAL SECURITY

The special session of the Twelfth Legislature which convened in the month of November, 1936, passed the unemployment Insurance Law which is a part of the Social Security plan of our federal government. However, provision was not made for the compensation of the commission set-up. Primarily the commission for the Unemployment Insurance Act is so constituted that it could well be made the basis for the administrative agency of the State to administer all the various branches of the Social Security Act. You will find upon your consideration of the Social Security Program that many of the functions of the various departments are overlapping or being now partially administered by our present welfare board. It can be readily seen that all of the Social Security Program is interlocking, more or less, and that it would be very expensive to have separate administrative boards for these various branches. Furthermore, it is obvious to all of us that sooner or later, as prosperity returns, such other functions of the State Welfare Board as are not covered by this program of social security will be gradually taken away. Therefore, I recommend to you the passage of necessary acts concerning all those matters which are necessary to take full advantage of the social security program of the

federal government, and to make such provision as may be necessary for the obtaining of all federal aid and federal co-operation in carrying out this program. I recommend to you that you place the administration of these functions in the one commission, set-up by the Unemployment Compensation Act, Chapter No. 13—of the laws passed by the 12th Legislature in special session. I further recommend that such legislation as may be necessary shall be passed transferring the duties, obligations, all records and all things that are necessary and parts of the now existing state and county welfare boards to the new commission thus set up, and provide such local and county organizations as shall be necessary under that commission. This recommendation is made from the standpoint of securing better efficiency, less expense, and proper co-ordination of all these various functions.

In this connection, I wish to call your attention to the fact that further relief, both direct and work relief, will probably be necessary for sometime to come. Adequate provision has been made in the past two years for the care of our people, but now that the federal government is withdrawing its allotments to the State for direct relief it becomes necessary for the State to assume its share of that burden. I, therefore, recommend that you continue allotment of the Luxury Tax for the purpose of relief, and that such further provisions be made as may be deemed necessary to enact under recommendations which I have already made—to the end that we may efficiently and properly care for those who are unable to care for themselves.

EDUCATION

The free public schools are the very founda-

tion of a continued free government, and I recommend to you that such provision be made by appropriate legislation as shall adequately provide school facilities for all the children in our State; and, if you deem it necessary in order to maintain our schools at their present high standard, that the state per capita tax be increased, I recommend to you that such provision be made.

PUBLIC HEALTH

At the present time there is considerable agitation with reference to the public health conditions among our people. It is of the utmost importance that the young people in particular should be properly informed about and protected against all preventable diseases and death. There will be presented to you certain measures for the reconstruction of our Public Health Department; I recommend that you give the most careful consideration to these provisions that if you find necessary to change the present Public Health Organizations in the State that you first be informed fully as to the true facts and conditions, and that whatever legislation may be passed be given the most careful consideration with a view of giving our people the best kind of Public Health service of which the State is possible.

MORTGAGE MORATORIUM

We have not yet recovered sufficiently from the depression to enable our home owners and the farmers to completely meet their obligations; therefore, I recommend that the Mortgage Moratorium Act be extended for another period of two years.

ADVERTISEMENT OF ARIZONA

While our State has the greatest diversity of

climate, scenic beauty and natural advantages for a play-ground of the nation, little has been done by our State in the way of bringing these natural gifts to the attention of people outside. I recommend to you that provision be made for an advertising campaign to advertise the great resources and advantages of Arizona and its attractions to those who desire a vacation. A provision for an advertising bureau could well be made, properly financed and administered by an allocation of a small part of the gasoline tax and provided for under the Highway Department. I believe that through such a bureau the revenue derived from the tourist, the home seeker and health seeker, would more than offset the amount that we might spend for such a purpose.

In this connection, I direct your attention to the forthcoming Coronado Cuatro Centennial Celebration which is now being planned by various states and particularly New Mexico. This celebration will take place in 1940 and most elaborate plans are being formulated by various other jurisdictions. Co-operation between Arizona and the other states through which Coronado traveled is necessary to the success of the celebration. The attention attracted by this sort of a celebration and our participation would go a long way in the advertising of Arizona and would be money well spent. I urge you to pass favorably on such legislation as will make it possible for Arizona to do its proper share in commemorating this great event in the State's history.

STATE INSTITUTIONS

While still possible to secure Federal funds I recommend the construction of an addition to the State Capitol building through the acquisition of

Federal funds to be matched by the State, and the installation of a cooling system in the Capitol Building and the State Hospital for Insane. Also provision for the carrying out of the plans already inaugurated and approved by the P.W.A. for a new building at the State Hospital. I also recommend to you an enlargement of the State Prison to meet the recommendations heretofore set forth under crime prevention.

ELECTIONS

I recommend to the Legislature that they amend the primary law so as to provide for run-off primary election or such other method as will result in nomination of candidates by a majority vote.

I recommend that the term of all State offices be extended to four years and that all State employees be appointed for four-year terms.

I recommend that the Legislature provide by law that any person who shall place any figure, design or character on any ballot cast at any county or state election, or by any other means, attempt to identify the same, so that the ballot may be determined as to the person casting the same shall be guilty of a felony.

INHERITANCE TAX

It has been called to my attention that the expense of administration of the Inheritance Tax has been approximately 40% of the receipts derived from this source. I, therefore, recommend that the present inheritance tax law be so amended as to exempt all estates of less than $50,000.00 and to provide that in all estates having appraised value less than $25,000.00 the State shall accept

the appraisal of the Board appointed by the probate court and require no separate appraisement.

HUNT MONUMENT

I recommend to the Legislature that they make provision for the fencing, decorating and care of the Hunt Monument which has been erected to the memory of our esteemed and Honorable departed Governor, George W. P. Hunt, and that whatever appropriation may be necessary for the proper care and protection of the same shall be made.

LEGISLATIVE SALARIES

During the time when we were curtailing all expenditures of Government we were induced to go to an extreme in cutting the salaries of our senators and representatives at a time when the cost of living was much less than the present. It is obvious to any thinking man that our legislature cannot pay their necessary expenses out of the meager per diem now allowed by law. I, therefore, recommend that you make such provision as may be necessary to amend the Constitution so as to increase the per diem of the legislators to the sum of Twelve ($12.00) Dollars per day limited to $960.00 per annum.

CENTRALIZED STATE PURCHASES

The manner in which the purchases of the State have been conducted heretofore is expensive and without such co-ordination as would result in economical expenditure of State funds. I recommend to you that you add to the duties of the State purchasing agent the duty of making all State purchases for all the various departments

and State agencies, including the highway department, Industrial Commission and State schools. I believe by having one central authority for all such purchases that we can save the State many thousands of dollars.

TAX SUITS

There are now pending several actions involving taxes due to the State of Arizona from various corporations and it is necessary that the State protect its interests in such actions. I recommend to you that you make provision for the employment of counsel and the necessary expense of proper protection of the State in the actions now pending or that may be brought during the next biennial period.

HIGHWAY CODE

I recommend to the Legislature that amendments be made to the Highway Code in such a manner as to make possible the enforcement of the law against the improper use of trucks as to width and load. It has been called to my attention that many trucks have been used which are of improper width and that the same are extremely dangerous to the traveling public, and also that the weights have been improperly distributed causing danger to traffic and injury to the highways. It has also been called to my attention that many persons operating trucks have been evading the tax law and that the State is not receiving its proper revenue from transportation companies and lines using the highways. I call this to your attention and recommend that you make such provision as shall be necessary for the enforcement of this law.

IN CONCLUSION, let me say that it is a high

privilege and great honor to be able to co-operate with the members of the 13th State Legislature in performing the tasks before us and working for the best interests of this State, and I assure you that I will be constantly at your service and shall be only too glad to render whatever assistance I may be able to give in preparing and adopting such legislation as may be necessary to solve the problems confronting our people or to render a service to the State of Arizona.

Respectfully Submitted,

R. C. STANFORD,
Governor of Arizona.

Dated this 11th day
of January, 1937.

SPECIAL MESSAGE OF GOVERNOR R. C. STANFORD

to the

Thirteenth Legislature on the Colorado River.

Mr. President, Mr. Speaker, Members of the Senate and of the House of Representatives:

On the 11th day of January, 1937, upon the convening of the Legislature I delivered my general message upon various problems of the State which I considered necessary and which merited your consideration. Among other things I called your attention to the Colorado River problem and stated to you that the problem was so vital to the future of the State that it merited and demanded our close study and cooperation and I told you then that I would have a special com-

munication for you upon this subject during the session in which I hoped to place before you my views and recommendations and I do so at this time.

Surveys and data are needed to determine the feasibility of irrigating nearly 700,000 acres by diverting water from Parker Dam instead of a pump-lift of around five hundred (500) feet from the proposed Imperial Dam, taking advantage of any construction now existing or in progress on the river.

Our State has repudiated the Santa-Fe Compact and the courts have held that we are not bound by that Compact, or any contracts, growing out of the same. We are thoroughly convinced that by developing the Colorado River in its higher reaches that we will not only protect the interests of the people of our State in securing water for the irrigation of millions of acres, and the power to enable our people to carry on their enterprises, but that such development will not in any wise interfere with or deprive any of the other states of any rights which they may have in the Colorado River, nor will it in any manner decrease the advantages which they may have in the same, but that owing to the development being made in accordance with economic principles advised by irrigation engineers of prominence the conservation of the water and the power will be sufficient so that the additional amount secured by proper development and proper maintenance will be enough to supply these other states with all to which they are now entitled, and to obtain highest beneficial use of the Colorado River for all peoples.

It is necessary that we should at this time be

fully advised as to the position in which we are and to take immediate action to preserve and develope our rights throughout Arizona in the Colorado River and its tributaries. Practically all of this state lies within the watershed of the Colorado River. Plans have been initiated and water filings have been made on irrigation and power sites to the end that the people may be protected against the loss of this valuable heritage, said filings having been made on behalf of the State and water users under said projects, and maintained with due and reasonable diligence.

There comes a time, however, in all affairs, when in order to save the effected property rights, it is necessary that some action be taken. So far in the development of the Colorado River we have maintained our position and rights and they cannot be altered. You are familiar with the law of prior appropriation and beneficial use. So that you may at this time fully realize the reason for immediate action, I wish to call your attention to the construction of the Boulder Dam and Parker Dam and other projects that have been carried on subject to the Santa-Fe Compact and Boulder Canyon Project Act by which Arizona is not bound, and that in order to continue to protect these filings that have been made and to keep up our priority with due diligence as against adverse claimants, it will be necessary for you to take immediate action. With the filings already made all that we have to do is to secure additional engineering data to enable us to determine the most practical of several feasible routes to divert water above Boulder Dam into Central Arizona and to begin construction of such works as may be necessary to develope the water in the higher reaches of the Colorado River in Arizona. When the filings have been made and the notice given the State Water Commissioner, such filings

and notices segregate and protect for the use of such project the waters filed on so long as maintained with due diligence until it is completed. The filings are made and notices given, and it remains for us to continue this diligence by surveys and to initiate some developments as soon as possible to put into actual use enough of the water to show our good intention to complete the work in accordance with filings.

The law of prior appropriation and beneficial use requires that water should be used in such manner as to give the most benefit and this rule requires that diversion and development must begin in the upper reaches so as to permit a maximum return flow, increase and inflow of the river and will not deplete the flow. This principle of reflow has been studied and has definitely established that from projects built in the higher reaches in Arizona and resulting reflow there will be sufficient water to supply both Arizona and lower reaches of the river.

We need more data to permit us to determine which way would be the best to convey the water to the most of Arizona but we know such project is feasible and within the rights of the people of Arizona to construct. We should allot money in order to obtain the immediate data necessary to determine our most desirable route of construction.

The date to be gathered by the engineers and others which we propose the Colorado River Commission shall employ will serve many purposes, among which are the following.

1. To be used in cooperation with the National and State water resources and planning board,

Secretary of the Interior, Federal Power Commission and such Federal agencies as are investigating projects through the West, in order that we may place Arizona in the foreground of the list for Federal aid now and in the future.

2. To use for the basis for organizing irrigation-power districts or such other organizations or methods as may be used for financing the building of such projects.

3. For the purpose of conciliating the differences which now or may hereafter exist among the Colorado River Basin States.

4. We must appropriate money sufficient to bring such actions as may be necessary to quiet Arizona's water rights in the Colorado River. These and other necessary steps can be performed only if the necessary data has been secured. We are in a position to maintain suits to adjudicate our rights to water and power developments of the Colorado River and its tributaries.

To this end I recommend that you enact such legislation as will provide the Colorado River Commission with the necessary fund to secure such engineering and other data upon which to base developments and legal protection, and to carry on such actions in the United States Supreme Court or other courts to protect our rights.

R. C. STANFORD,
Governor.

Phoenix, Arizona,
February 19, 1937.

STATE OF ARIZONA
THIRTEENTH LEGISLATURE
1937

MEMBERS OF THE SENATE

COUNTY	NAME AND PARTY	ADDRESS
Apache	W. E. Wiltbank (D)	Eagar
Cochise	Dan Angius (D)	Bisbee
Cochise	Joe S. Hunt (D)	Douglas
Coconino	James E. Babbitt (D)	Flagstaff
Gila	Daniel E. Rienhardt (D)	Globe
Gila	E. H. McEachren (D)	Miami
Graham	W. B. Kelly (D)	Safford
Greenlee	A. C. Stanton (D)	Clifton
Maricopa	R. T. (Bob) Jones (D)	Phoenix
Maricopa	Frank T. Pomeroy (D)	Mesa
Mohave	J. Hubert Smith (D)	Kingman
Navajo	Robert L. Moore (D)	Winslow
Pima	Henry A. Dalton (D)	Tucson
Pima	August Wieden (D)	Tucson
Pinal	W. C. Truman (D)	Florence
Santa Cruz	J. A. Harrison (D)	Nogales
Yavapai	W. E. Patterson (D)	Prescott
Yavapai	Paul C. Keefe (President) (D)	Clarkdale
Yuma	H. H. Baker (D)	Yuma

MEMBERS OF THE HOUSE

DISTRICT	NAME AND PARTY	POST OFFICE
	APACHE COUNTY	
1	G. Oscar Hamblin (D)	Alpine
	COCHISE COUNTY	
1	David J. Marks (D)	Bisbee
2	Howard McKinney (D)	Lowell
3	M. A. Gray (D)	Douglas

4 Frank W. Sharpe, Jr. (D) ..... Douglas
5 Vernon G. Davis (Speaker) (D) ..... Willcox

COCONINO COUNTY

1 Clyde M. Stauffer (D) ..... Flagstaff
2 L. S. Williams (D) ..... Williams

GILA COUNTY

1 James R. Heron (D) ..... Globe
2 Nelson D. Brayton (D) ..... Miami
3 W. G. Rosenbaum (D) ..... Hayden

GRAHAM COUNTY

1 Frank Skinner (D) ..... Safford
2 S. O. Williams (D) ..... Pima

GREENLEE COUNTY

1 Fred J. Fritz (D) ..... Clifton

MARICOPA COUNTY

1 William (Bill) Petersen (D) ..... Phoenix
2 Fritzi Struckmeyer (D) ..... Phoenix
3 Bridgie M. Porter (Mrs.) (D) ..... Phoenix
4 Lindsay Johnson (D) ..... Phoenix
5 J. Melvin Goodson (D) ..... Phoenix
6 J. Irvin Burk (D) ..... Phoenix
7 L. R. McDonald (D) ..... Phoenix
8 Jack Cummard (D) ..... Mesa
9 Philip A. Isley (D) ..... Mesa
10 M. E. Curry (D) ..... Tempe
11 W. W. Mitchell (D) ..... Phoenix
12 J. M. Combs (D) ..... Glendale
13 William F. Gillett (D) ..... Glendale
14 R. K. Wood (D) ..... Tolleson
15 Harry J. Sullivan (D) ..... Phoenix
16 C. T. Thompson (D) ..... Phoenix
17 G. A. Batchelder (D) ..... Phoenix
18 Charles M. Menderson (D) ..... Phoenix

MOHAVE COUNTY

1 Robt. E. Morrow (D) ..... Kingman

NAVAJO COUNTY

1 William Bourdon (R) ..... Taylor
2 O. L. Murray (D) ..... Winslow

PIMA COUNTY

1 Vern Priser (D) ..... Tucson
2 Harold D. Adamson (D) ..... Tucson
3 William Wisdom (D) ..... Tucson
4 L. B. (Larry) Wilson (D) ..... Tucson
5 F. K. (Kit) Carson (D) ..... Tucson
6 B. J. O'Neill (D) ..... Ajo
7 William Spaid (D) ..... Tucson

PINAL COUNTY

1 R. W. Kenworthy (D) ..... Coolidge
2 W. E. Mullen (D) ..... Ray

SANTA CRUZ COUNTY

1 Gordon Farley (D) ..... Nogales

YAVAPAI COUNTY

1 A. A. Johns (D) ..... Prescott
2 V. A. Reichard (D) ..... Prescott
3 Leonard Klein (D) ..... Clarkdale
4 Harry J. Mader (D) ..... Jerome

YUMA COUNTY

1 William Wisener (D) ..... Yuma
2 Eli C. Shelton (D) ..... Vicksburg

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6. H. B. 39. An Act relating to the improvement of the State Fair Grounds, and amending Section 2, Chapter 6, Session Laws of 1936, First Special Session. Approved February 6, 1937. Effective February 6, 1937. (Emergency Section) 8

7. H. B. 7. An Act relating to Fraternal and Veterans' Organizations; providing for the protection of the insignia thereof, and amending Section 4794, Revised Code of 1928. Approved February 8, 1937. Effective February 8, 1937. (Emergency Section) 8

8. H. B. 1. An Act relating to mortgages; amending Section 2, Chapter 29, Session Laws of 1933, Regular Session, as amended, and amending said Chapter 29 by adding Section

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9. H. B. 40. An Act making an appropriation for the continuation of work on the improvement of the State Fair Grounds. Approved February 18, 1937. Effective February 18, 1937. (Emergency Section) 12

10. S. B. 44. An Act relating to the extradition of persons charged with crime; making uniform the law with reference thereto, and repealing paragraphs 5295, 5296, 5297, 5298, 5299, 5300, 5301 and 5302, Revised Code of 1928. (Allowed to become law without Governor's signature). Effective June 12, 1937. 13

11 S. B. 28. An Act relating to moneys received from fees of grazing districts and leased public lands, and providing for the distribution thereof. Approvproved February 25, 1937. Effective June 12, 1937. 23

12 S. B. 53. An Act relating to bonds of municipalities, and amending Section 16, Chapter 11, Session Laws of 1934, Third Special Session. Approved February

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25, 1937. Effective February 25, 1937. (Emergency Section) 26

13. S. B. 9. An Act relating to elections, and amending Section 1220, Revised Code of 1928. Approved February 20, 1937. Effective June 12, 1937. 27

14. S. B. 55. An Act relating to municipalities, and amending Section 17, Chapter 8, Session Laws of 1934, Third Special Session. Approved February 25, 1937. Effective February 25, 1937. (Emergency Section) 29

15. S. B. 59. An Act relating to bonds of municipalities, and amending Section 10, Chapter 9, Session Laws of 1934, Third Special Session. Approved February 25, 1937. Effective February 25, 1937. (Emergency Section) 30

16. S. B. 47. An Act making an appropriation for the installation of an elevator in the Capitol Building. Approved February 19, 1937. Effective February 19, 1937. (Emergency Section) 31

17. S. B. 6. An Act relating to savings banks, and amending Section 231, Revised Code of 1928, as

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18. H. B. 75. An Act relating to public welfare, and prescribing a residence qualification for applicants for relief. Approved February 25, 1937. Effective June 12, 1937. 34

19. S. B. 52. An Act relating to educational institutions, extending the time limit for borrowing money, and amending Section 12, Chapter 7, Session Laws of 1934, Third Special Session. Approved February 27, 1937. Effective February 27, 1937. (Emergency Section) 35

20. S. B. 60. An Act validating obligations issued for public works projects. Approved February 27, 1937. Effective June 12, 1937. 36

21. H. B. 70. An Act relating to the abandoning of streets and alleys, and amending Article 11, Chapter 31, Revised Code of 1928, by adding Sections 1701a and 1701b. Approved February 27, 1937. Effective February 27, 1937. (Emergency Section) 39

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23. S. B. 5. An Act relating to building and loan associations, and amending Section 618, Revised Code of 1928, as amended. Approved February 27, 1937. Effective February 27, 1937. (Emergency Section) 41

24. H. B. 168. An Act authorizing the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and fish culture and all operations connected therewith. Approved March 3, 1937. Effective March 3, 1937. (Emergency Section) 44

25. H. B. 97. An Act to protect the right of newspaper reporters; to refuse to give information relative to source of knowledge concerning news items secured and published in newspapers. Approved March 4, 1937. Effective June 12, 1937. 45

26. H. B. 73. An Act relating to highways, and directing the state

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27. S. B. 149. An Act relating to estate taxes, prescribing a schedule thereof, and repealing Article 12, Chapter 75, Revised Code of 1928, as amended. Approved March 5, 1937. Effective July 1, 1937. 47

28. H. B. 18. An Act relating to the Board of Pardons and Paroles, and amending Section 5320, Revised Code of Arizona, 1928. Approved March 6, 1937. Effecfective June 12, 1937. 77

29. S. B. 19. An Act relating to deposit of securities for public or other purposes. Approved March 6, 1937. Effective March 6, 1937. (Emergency Section).... 78

30. S. B. 31. An Act relating to landlord and tenant; amending Chapter 41, Revised Code of 1928, by adding Section1954a, and amending Sections 1956 and 4325, Revised Code of 1928. Approved March 8, 1937. Effective June 12, 1937. 79

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31. S. B. 15. An Act relating to the State Auditor, and amending Section 27, Revised Code of 1928. Approved March 8, 1937. Effective June 12, 1937. 82

32. H. B. 90. An Act relating to the department of library and archives; designating its divisions, defining its functions, and prescribing its duties. Approved March 8, 1937. Effective June 12, 1937. 84

33. H. B. 49. An Act relating to private employment agents, and amending Sections 5, 6, 13, and 17, Article 6, Chapter 24, Revised Code of 1928 (Chapter 112, Session Laws of 1931, Regular Session). Approved March 8, 1937. Effective March 8, 1937. (Emergency Section) 92

34. H. B. 68. An Act relating to taxation, and amending Sections 16 and 36, Chapter 8, Session Laws of 1933, First Special Session and declaring an emergency. Approved March 10, 1937. Effective March 10, 1937. (Emergency Section) 95

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36. H. B. 64. An Act relating to benefit corporations, amending Sections 607, 608, 609, and 610, Revised Code of 1928, and amending Article 3, Chapter 14, Revised Code of 1928, by adding Sections 608a, 608b, 608c, 608d, 608e, 609a, 609b, 609c, 609d, 609e, 610a, 610b, 610c, 610d, 610e, and 610f. Approved March 13, 1937. Effective June 12, 1937. 107

37. H. B. 58. An Act relating to pardons and paroles, and creating the office of Supervisor of Parolees. Approved March 13, 1937. Effective June 12, 1937. 120

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40. S. B. 71. An Act relating to pensions for aged and physically disqualified members of police departments, and for the creation of police pension funds and police pension boards. Approved March 15, 1937. Effective June 12, 1937. 123

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42. H. B. 79. An Act relating to probation and parole, and providing for entering into compacts with other states of the United States in relation to out-of-state parolee supervision. Approved March 15, 1937. Effective March 15, 1937. (Emergency Section) 136

43. S. B. 69. An Act relating to counties, cities, and towns, and prescribing minimum wages to be paid to police, peace officers, and professional firefighters.

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44. S. B. 83. An Act relating to trade practices, and to prevent unfair sales and destructive merchandising practices. Approved March 15, 1937. Effective March 15, 1937. (Emergency Section) 142

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46. H. B. 11. An Act relating to delinquent taxes, the payment thereof and providing for exemption of penalties and interest thereon. Approved March 16, 1937. Effective June 12, 1937. 152

47. S. B. 34. An Act for the relief of Chiricahua Ranches Company, a corporation, Four Drag Cattle Company, a corporation, and Double Circle Cattle Company, a corporation. Approved March 16, 1937. Effective June 12, 1937. 153

48. S. B. 100. An Act relating to county classification for the fixing of salaries, and amending Section

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49. S. B. 115. An Act authorizing the State Auditor for purpose of writing off defunct bank accounts. Approved March 16, 1937. Effective June 12, 1937. 155

50. H. B. 3. An Act relating to banks and banking, and exempting banking institutions from furnishing security for insured deposits. Approved March 16, 1937. Effective June 12, 1937. 157

51. H. B. 99. An Act relating to commermercial fertilizers and providing for the regulation of the manufacture and sale thereof. Approved March 16, 1937. Effective July 1, 1937. 157

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53. H. B. 32. An Act relating to the real estate business, and providing for the regulation thereof. Approved March 15, 1937. Effective June 12, 1937. 177

54. H. B. 12. An Act relating to elections, and amending Sections 1243,

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55. H. B. 21. An Act relating to education, conferring power upon the boards of education, and amending Section 1106, Revised Code of 1928. Approved March 16, 1937. Effective June 12, 1937. 202

56. H. B. 92. An Act making an appropriation for the construction of an addition to the State Capitol. Approved March 16, 1937. Effective March 16, 1937. (Emergency Section) 203

57. S. B. 30. An Act for the relief of Thomas A. Flynn. Approved March 16, 1937. Effective June 12, 1937. 205

58. S. B. 33. An Act for the relief of Double Circle Cattle Company, Approved March 16, 1937. Effective June 12, 1937. 206

59. S. B. 35. An Act for the relief of W. L. Ellsworth. Approved March 16, 1937. Effective June 12, 1937. 207

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60. S. B. 36. An Act for the relief of Marion P. McEuen. Approved March 16, 1937. Effective June 12, 1937. 208

61. S. B. 37. An Act for the relief of Marion P., Clayton, and Arthur J. McEuen. Approved March 16, 1937. Effective June 12, 1937. 209

62. S. B. 38. An Act for the relief of Chiricahua Ranches Company, a corporation, Four Drag Cattle Company, a corporation, and Double Circle Cattle Company, a corporation. Approved March 16, 1937. Effective June 12, 1937. 210

63. S. B. 112. An Act repealing Section 2637, Revised Code of 1928, as amended, and declaring an emergency. Approved March 17, 1937. Effective March 17, 1937. (Emergency Section) 211

64. S. B. 139. An Act relating to the Arizona pecan industry, and establishing pecan standards. Approved March 17, 1937. Effective June 12, 1937. 212

65. H. B. 91. An Act relating to commercial feed stuffs, and providing for the regulation of the sale

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66. H. B. 23. An Act relating to the payment of taxes on motor vehicles, trailers, and semi-trailers; determining the cash value thereof; providing for the distribution of tax collected; granting certain exemptions; and amending Chapter 31, Article 5, Revised Code of 1928, by adding Sections 1635a, 1635b, 1635c, 1635d, 1635e, 1635f, and declaring an emergency. Approved March 18, 1937. Effective March 18, 1937. (Emergency Section)..... 229

67. S. B. 16. An Act relating to the Motor Vehicle Division of the State Highway Department; amending Sections 1629, 1632, 1634, 1636, 1637, 1638, 1639, 1641, 1642, 1644 and 1647, Revised Code of 1928; Section 1643a, Revised Code of 1928 (Chapter 78, Session Laws of 1933), as amended; Sections 1633, 1635, 1640, 1646, 1653 and 1672, Revised Code of 1928, as amended; and amending Chapter 31, Revised Code of 1928, by adding Sections 1640a, 1640b, 1642a, 1642b, 1643b, 1644a and 1648a. Approved March 18, 1937. Effective June 12, 1937... 234

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68. H. B. 200. An Act relating to unemployment compensation, and amending sections 3, 4, 5, 6, 7, 12, 18, 19, and 22, Chapter 13, Session Laws of 1936, First Special Session. Approved March 23, 1937. Effective March 23, 1937. (Emergency Section) 269

69. Sub. H. B. 84. An Act providing for the creation of the Arizona Board of Social Security and Public Welfare; fixing the powers and duties of the Board; providing for its administration of the Act for assistance to the needy blind of 1937, the Act for assistance to dependent children of 1937, the Act for old age assistance of 1937, and transferring to the State Board the powers and functions of the Arizona State Board of Public Welfare and repealing Chapter 35, Session Laws of 1933, and all Acts and parts of Acts in conflict therewith; and declaring an emergency. Approved March 22, 1937. Effective March 22, 1937. (Emergency Section) 298

70. Sub. H. B. 47. An Act relating to old age assistance, and declaring an emergency. Approved March

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22, 1937. Effective March 22, 1937. Effective March 22, 1937. (Emergency Section) 310

71. Sub. H. B. 45. An Act relating to assistance to needy blind; and declaring an emergency. Approved March 22, 1937. Effective March 22, 1937. (Emergency Section) 326

72. Sub. H. B. 46. An Act relating to assistance to dependent children. Approved March 22, 1937. Effective March 22, 1937. (Emergency Section) 342

73. H. B. 237. An Act making appropriations for the various departments of State, for the State institutions, for public schools, for the 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, 1937, and ending June 30, 1938, hereinafter designated as the 26th fiscal year, and beginning

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74. H. B. 78. An Act relating to criminal proceedings, and providing for securing the attendance of witnesses from without the State. (Allowed to become law without Governor's signature.) Effective June 12, 1937. 422

75. H. B. 101. An Act relating to the duties of County Treasurers, and amending Article 7, Chapter 16, Revised Code of 1928, by adding Section 864a. (Allowed to become law without Governor's signature.) Effective June 22, 1937. 427

76. H. B. 201. An Act relating to the sale of motor vehicles, trailers and semi-trailers previously registered in another State or Country, and to amend Chapter 31, Revised Code of 1928, by adding thereto a new section to be designated Section 1653a. (Allowed to become law without Governor's signature.) Effective March 25, 1937. (Emergency Section) 428

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Acts

ACTS

CHAPTER 1

(House Bill No. 14)

AN ACT

MAKING AN APPROPRIATION FOR THE THIRTEENTH LEGISLATURE OF THE STATE OF ARIZONA.

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

Section 1. APPROPRIATION. The sum of Ninety Thousand Ninety-nine Dollars and Forty Cents is appropriated to the Thirteenth Legislature.

Sec. 2. PURPOSE. The purpose of said appropriation is to provide for the payment of the current and contingent expense of carrying on the sessions of the Legislature, and shall be expended for the following objects and in not more than the following amounts:

1. For the payment of salaries: 1a. of members of the Senate, Nine Thousand One Hundred Twenty Dollars, 1b. of members of the House of Representatives, Twenty-four Thousand Four Hundred Eighty Dollars.

2. For the payment of mileage: 2a. of members of the Senate, Nine Thousand One Hundred Dollars and Twenty Cents, 2b,. of members of

the House of Representatives, One Thousand Three Hundred Sixty-five Dollars and Twenty Cents.

3. For the payment of salaries and wages: 3a. of officers and employees of the Senate, Five Thousand Two Hundred Fifty Dollars, 3b of officers and employees of the House of Representatives, Twelve Thousand Nine Hundred Thirty Dollars.

4. For the payment of the contingent expense: 4a of the Senate, Thirteen Thousand Dollars, 4b. of the House of Representatives, Twenty-three Thousand One Hundred Sixty Dollars.

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

Approved January 14, 1937.

CHAPTER 2

(House Bill No. 15)

AN ACT

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

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

Section 1. APPROPRIATION. The sum of Six Thousand Four Hundred Eighty Dollars is appropriated to the Legislative Reference Bureau of the State Library.

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

Approved January 14, 1937.

CHAPTER 3

(House Bill No. 19)

AN ACT

MAKING AN APPROPRIATION FOR THE PURCHASE OF REVISED CODES AND SUPPLEMENTS THERETO.

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

Section 1. APPROPRIATION. The sum of four thousand five hundred dollars is appropriated for the use of the secretary of state.

Sec. 2. PURPOSE. Said appropriation is for the purpose of purchasing one hundred fifty copies

of the Revised Code of 1928 and one hundred fifty copies of the Revised Code Supplement, 1936, by William H. Courtright.

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

Approved January 19, 1937.

CHAPTER 4

(House Bill No. 33)

AN ACT

MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE ARIZONA COPPER TARIFF BOARD.

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

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

Sec. 2. PURPOSE. The purpose of said appropriation is to defray the expenses of the said board incurred in the performance of its duties as prescribed by chapter 51, Session Laws of 1933.

Sec. 3. EMERGENCY. To preserve the pub-

lic 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 Jan. 29, 1937.

CHAPTER 5

(House Bill No. 38)

AN ACT

MAKING A DEFICIENCY APPROPRIATION FOR THE TRAVEL FUND OF THE STATE VETERANS' SERVICE OFFICER FOR USE IN THE LAST HALF OF THE TWENTY-FIFTH FISCAL YEAR, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. There is hereby appropriated the sum of Five Hundred Dollars for use as the travel expense fund by the State Veterans' Service officer during the last half of the twenty-fifth fiscal year.

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

Approved February 2, 1937

CHAPTER 6

(House Bill No. 39)

AN ACT

RELATING TO THE IMPROVEMENT OF THE STATE FAIR GROUNDS, AND AMENDING SECTION 2, CHAPTER 6, SESSION LAWS OF 1936, FIRST SPECIAL SESSION.

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

Section 1. That the money appropriated in the sum of ninety-nine thousand two-hundred thirty two dollars and twenty-five cents, ($99,-232.25) under section 2, chapter 6, session laws 1936, first special session, approved November 25, 1936, shall revert to the general fund of the State.

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 6, 1937

CHAPTER 7

(House Bill No. 7)

AN ACT

RELATING TO FRATERNAL AND VETERANS' ORGANIZATIONS; PROVIDING FOR THE

PROTECTION OF THE INSIGNIA THEREOF, AND AMENDING SECTION 4794, REVISED CODE OF 1928.

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

Section 1. Sec. 4794, revised code of 1928, is amended to read:

Sec. 4794. WEARING INSIGNIA OF FRATERNAL ORDER. Any person who shall wear the insignia, badge, emblem, distinctive ribbon, or membership rosette or button, of any benevolent, fraternal, patriotic, or veterans' organization or secret society or organization, or its auxiliary, in this state, a facsimile of which has been filed in the office of the secretary of state, or use such insignia, badge, emblem, distinctive ribbon, or membership rosette or button to obtain aid or assistance within this state, unless such person shall be entitled to use or wear the same, shall be guilty of a misdemeanor.

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 Feb, 8, 1937

CHAPTER 8

(House Bill No. 1)

AN ACT

RELATING TO MORTGAGES; AMENDING SECTION 2, CHAPTER 29, SESSION LAWS OF 1933, REGULAR SESSION, AS AMENDED, AND AMENDING SAID CHAPTER 29 BY ADDING SECTION 2a.

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

Section 1. Sec. 2, chapter 29, Session Laws of 1933, as amended, is amended to read:

2. ACTIONS FOR FORECLOSURE. In all actions now pending or hereafter commenced, for the foreclosure of real estate mortgages or on notes secured thereby executed prior to March 4, 1933, the 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, 1939.

Sec. 2. Chapter 29, Session Laws of 1933, is amended by adding section 2a:

2a. In all actions now pending in which default has been entered but no judgment signed, the plaintiff or defendant shall have ten days from the date upon which this act becomes effective in which to file an application for continu-

ance. Upon an order of continuance, as provided in section 1, the court shall make such order or orders with respect to the possession of the real estate involved in said action (giving preference to the owner or owners in possession, determining fair rental terms to be paid by the party or parties to be in possession, and application or distribution of the rents, income and proceeds from said real estate), and make such provision for the preservation of said property, as in the discretion of the court may seem just and equitable during the continuance of said cause. In determining the fair rental terms per month, the court shall fix an amount equivalent to at least the accruing monthly interest on all real estate mortgages, taxes, insurance and necessary repairs. Said order shall provide, 1. that such rent, income or proceeds shall be paid to and distributed by the clerk of the superior court of the county in which said suit is pending, and, 2. that in such distribution the taxes, insurance, cost of maintenance and upkeep of said real estate shall be paid in the priority named and the balance distributed as the court may direct. The court shall,upon any substantial violation of such order, or for other good and sufficient cause, set aside its order of continuance, and the cause shall proceed to trial.

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

Approved February 16, 1937.

CHAPTER 9

(House Bill No. 40)

AN ACT

MAKING AN APPROPRIATION FOR THE CONTINUATION OF WORK ON THE IMPROVEMENT OF THE STATE FAIR GROUNDS.

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

Section 1. APPROPRIATION. The sum of one hundred fifty-five thousand dollars is appropriated to the state fair commission.

Sec. 2. PURPOSE. The purpose of said appropriation is to enable the state fair commission to continue the program of improvement of the state fair grounds, and in pursuance thereof to construct or complete the construction of exhibit quarters for agricultural and livestock products, for game and forestry and conservation exhibits, and related structures, and to complete the roofing and seating of the grand stand and the construction of stables and paddocks for horses, the buildings to be erected in the following order:

Unit 1—Known as the sheep and swine bldg.	1st
Unit 2—Known as the beef stock pens	2nd
Unit 3 and 3a—Dairy Cattle and Veterinary	3rd
Unit 4—Poultry and pet stock bldg.	4th
Unit 6—Agriculture and Exhibit Bldg.	5th
Unit 5—Rest rooms and gate	6th
Unit 8—Seats for Grandstand	7th
Unit 9—Completion of stables and paddocks	8th
Unit 8a—The roof on the grandstand	9th

Sec. 3. CONDITIONS OF APPROPRIATION. This appropriation is conditioned upon the Works Progress Administration, or other Federal agency, furnishing all labor necessary for completing said improvements, except such skilled labor and supervision as the Works Progress Administration, or other Federal agency, will not furnish. It shall be the duty of the State Auditor to ascertain, before approving any claim hereunder, that the condition imposed by this section is being complied with.

Sec. 4. EMERGENCY. To preserve the pubilc 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 Feb. 18, 1937.

CHAPTER 10

(Senate Bill No. 44)

AN ACT

RELATING TO THE EXTRADITION OF PERSONS CHARGED WITH CRIME; MAKING UNIFORM THE LAW WITH REFERENCE THERETO, AND REPEALING PARAGRAPHS 5295, 5296, 5297, 5298, 5299, 5300, 5301 AND 5302, REVISED CODE OF 1928.

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

Section 1. SHORT TITLE. This act may be cited as the uniform criminal extradition act.

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

"governor" includes any person performing the functions of governor;

"executive authority" includes the governor, and any person performing the functions of governor in a state other than this state;

"state", when referring to a state other than this state, means any other state or territory organized or unorganized of the United States of America.

Sec. 3. CRIMINALS TO BE DELIVERED UPON REQUISITION. Subject to the qualifications of this act, the provisions of the constitution of the United States controlling, and acts of Congress in pursuance thereof, it is the duty of the governor to have arrested and delivered up to the executive authority of any other state of the United States any person charged in that state with treason, felony, or other crime, who has fled from justice and is found in this state.

Sec. 4. FORM OF DEMAND. No demand for the extradition of a person charged with crime in another state shall be recognized by the governor unless in writing and accompanied by a copy of an indictment found or by an information supported by affidavit in the state having jurisdiction of the crime, or by a copy of an affidavit made before a magistrate there, together with a copy of any warrant which was issued thereon. The indictment, information, or affidavit made before the magistrate must substantially charge the person demanded with having committed a

crime under the law of that state, and the copy must be authenticated by the executive authority making the demand, which shall be prima facie evidence of its truth.

Sec. 5. GOVERNOR MAY INVESTIGATE CASE. When a demand shall be made upon the governor by the executive authority of another state for the surrender of a person so charged with crime, the governor may call upon the attorney general or any prosecuting officer in this state to investigate or assist in investigating the demand, and to report to him the situation and circumstances of the person so demanded, and whether he ought to be surrendered.

Sec. 6. WHAT PAPERS MUST SHOW. A warrant of extradition shall not be issued unless the documents presented by the executive authority making the demand show that: 1. except in cases arising under section 7, the accused was present in the demanding state at the time of the commission of the alleged crime, and thereafter fled from the state; 2. the accused is now in this state, and 3. is lawfully charged by indictment found or by information filed by a prosecuting officer and supported by affidavit to the facts, or by affidavit made before a magistrate in that state, with having committed a crime under the laws of that state, or that he has been convicted of a crime in that state and has escaped from confinement or broken his parole.

Sec. 7. PERSONS CHARGED WITH CRIME IN DEMANDING STATE BY ACTS DONE IN ANOTHER STATE. The governor may surrender, on demand of the executive authority of another state, any person in this state charged in

such other state in the manner provided in section 6 with committing an act in this state, or in a third state, intentionally resulting in a crime in the state whose executive authority is making the demand, and the provisions of this act not otherwise inconsistent shall apply to such cases, notwithstanding that the accused was not in that state at the time of the commission of the crime, and has not fled therefrom.

Sec. 8. GOVERNOR'S WARRANT OF ARREST. If the governor shall decide that the demand should be complied with, he shall sign a warrant of arrest, which shall be sealed with the state seal, and be directed to a sheriff, constable, or other person whom he may think fit to entrust with the execution thereof, and the warrant shall substantially recite the facts necessary to the validity of its issue.

Sec. 9. MANNER AND PLACE OF EXECUTION. Such warrant shall authorize the officer or other person to whom directed to arrest the accused at any place where he may be found within the state and to command the aid of all sheriffs and other peace officers in the execution of the warrant, and to deliver the accused subject to the provisions of this act, to the duly authorized agent of the demanding state.

Sec. 10. AUTHORITY OF ARRESTING OFFICER. Every such officer or other person empowered to make the arrest shall have the same authority in arresting the accused to command assistance therein as sheriffs and other officers have by law in the execution of any criminal process directed to them, with the like penalties against those who refuse their assistance.

Sec. 11. ACCUSED MAY APPLY FOR WRIT OF HABEAS CORPUS. No person arrested upon such warrant shall be delivered over to the agent whom the executive authority demanding him shall have appointed to receive him unless he has been informed of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand legal counsel; and if the prisoner, his friends, or counsel shall state that he or they desire to test the legality of the arrest, the prisoner shall be taken forthwith before a judge of a court of record, who shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus. And when such writ is applied for, notice thereof, and of the time and place of hearing thereon, shall be given to the public prosecuting officer of the county in which the arrest is made and in which the accused is in custody, and to the said agent of the demanding state.

Sec. 12. PENALTY FOR NONCOMPLIANCE. Any officer who shall deliver to the agent for extradition of the demanding state a person in his custody under the governor's warrant in disobedience to the preceding section shall be guilty of a misdemeanor, and on conviction shall be fined not more than one thousand dollars, imprisoned not more than six months, or both.

Sec. 13. CONFINEMENT IN JAIL WHEN NECESSARY. The officer or person executing the governor's warrant of arrest, or the agent of the demanding state to whom the prisoner may have been delivered, may when necessary confine the prisoner in the jail of any county or city through which he may pass, and the keeper of

such jail must receive and safely keep the prisoner until the person having charge of him is ready to porceed on his route, such person being chargeable with the expense of keeping.

Sec. 14. ARREST PRIOR TO REQUISITION. Whenever any person within this state shall be charged on the oath of any credible person before any judge or other magistrate of this state with the commission of a crime in another state, and, except in cases arising under section 7, with having fled from justice, or whenever complaint shall have been made before any judge or other magistrate in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime, and, except in cases arising under section 7, has fled therefrom and is believed to have been found in this state, the judge or magistrate shall issue a warrant directed to the sheriff of the county in which the oath or complaint is filed directing him to apprehend the person charged, wherever he may be found in this state, and bring him before the same or any other judge, court, or magistrate who may be convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

Sec. 15. ARREST WITHOUT A WARRANT. The arrest of a person may be lawfully made also by an officer or a private citizen without a warrant upon reasonable information that the accused

stands charged in the courts of another state with a crime punishable by death or imprisonment for a term exceeding one year, but when so arrested the accused must be taken before a judge or magistrate with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in the last section, and thereafter his answer shall be heard as if he had been arrested on a warrant.

Sec. 16. COMMITMENT TO AWAIT REQUISITION. If from the examination before the judge or magistrate it appears that the person held is the person charged with having committed the crime alleged and that he probably committed the crime, and, except in cases arising under section 7, that he has fled from justice, the judge or magistrate must commit him to jail by a warrant reciting the accusation for such a time specified in the warrant, not exceeding fifteen days, as will enable the arrest of the accused to be made under a warrant of the governor on a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused give bail as provided in the next section, or until he shall be legally discharged.

Sec. 17. BAIL EXCEPT IN CAPITAL AND LIFE IMPRISONMENT CASES. Unless the offense with which the prisoner is charged is shown to be a capital offense, where the proof is evident or the presumption great, under the laws of the state in which it was committed, the judge or magistrate must admit the person arrested to bail or bond or undertaking, with sufficient sureties, and in such sum as he deems proper, for his appearance before him at a time specified in such

bond or undertaking, and for his surrender, to be arrested upon the warrant of the governor.

Sec. 18. IF NO ARREST MADE BEFORE TIME SPECIFIED. If the accused is not arrested under warrant of the governor by the expiration of the time specified in the warrant, bond, or undertaking, the judge or magistrate may discharge him or may recommit him to a further day, or may again take bail for his appearance and surrender, as provided in section 7, and at the expiration of the second period of commitment, or if he has been bailed and appeared according to the terms of his bond or undertaking, the judge or magistrate may either discharge him, or may require him to enter into a new bond or undertaking, to appear and surrender himself at another day.

Sec. 19. FORFEITURE OF BAIL. If the prisoner is admitted to bail, and fails to appear and surrender himself according to the condition of his bond, the court, by proper order, shall declare the bond forfeited, and recovery may be had thereon in the name of the state as in the case of other bonds or undertaking given by the accused in criminal proceedings within this state.

Sec. 20. PROSECUTION ALREADY INSTITUTED IN THIS STATE. If a criminal prosecution has been instituted against such person under the laws of this state and is still pending, the governor at his discretion either may surrender him on the demand of the executive authority of another state, or may hold him until he has been tried and discharged, or convicted and punished in this state.

Sec. 21. INQUIRY INTO GUILT OR INNOC-

ENCE. The guilt or innocence of the accused as to the crime of which he is charged may not be inquired into by the governor or in any proceeding after the demand for extradition accompanied by a charge of crime in legal form as above provided shall have been presented to the governor, except as it may be involved in identifying the person held as the person charged with the crime.

Sec. 22. RECALL OF WARRANT. The governor may recall his warrant of arrest, or may issue another warrant whenever he deems proper.

Sec. 23. FUGITIVES FROM THIS STATE. Whenever the governor shall demand a person charged with crime in this state from the chief executive of any other state, or from the chief justice or an associate justice of the supreme court of the District of Columbia authorized to receive such demand under the laws of the United States, he shall issue a warrant under the seal of this state, to some agent, commanding him to receive the person so charged if delivered to him and convey him to the proper officer of the county in this state in which the offense was committed.

Sec. 24. MANNER OF APPLYING FOR REQUISITION. When the return to this state of a person charged with crime in this state is required, the county attorney of the county in which the offense is committed shall present to the governor his written application for a requisition for the return of the person charged, in which application shall be stated the name of the person so charged, the crime charged against him, and the state in which he is believed to be, including the location of the accused therein at the time the

application is made, and certifying that in the opinion of the said prosecuting attorney the ends of justice require the arrest and return of the accused to this state for trial, and that the proceeding is not instituted to enforce a private claim. The application shall be verified by affidavit, shall be executed in duplicate and shall be accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the magistrate, stating the offense with which the accused is charged. The county attorney may also attach such further affidavits and other documents in duplicate as he shall deem proper to be submitted with such application. One copy of the application with the action of the governor indicated by endorsement thereon, and one of the certified copies of the indictment or complaint or information and affidavit, shall be filed in the office of the secretary of state to remain of record in that office. The other copies of all papers shall be forwarded with the governor's requisition.

Sec. 25. EXEMPTION FROM CIVIL PROCESS. A person brought into this state on extradition based on a criminal charge, shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceedings to answer which he is returned, until he has been convicted in the criminal proceeding, or if acquitted, until he has had ample opportunity to return to the state from which he was extradited.

Sec. 26. NO RIGHT OF ASYLUM. After a person has been brought back to this state upon extradition proceedings, he may be tried in this

state for other crimes which he may be charged with having committed here, as well as that specified in the requisition for his extradition.

Sec. 27. INTERPRETATION. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Sec. 28. SEVERABILITY. If any provision of this act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the act are declared to be severable.

Sec. 29. REPEAL. Sections 5295, 5296, 5297, 5298, 5299, 5300, 5301 and 5302, Revised Code of 1928, are repealed. This section does not negative an implied repeal of any statute which conflicts with this act.

This bill having remained with the governor five days, Sunday excluded, and the Legislature being in session it has become a law this 24th day of February, 1937.

JAMES H. KERBY,
Secretary of State.

CHAPTER 11

(Senate Bill No. 28)

AN ACT

RELATING TO MONEYS RECEIVED FROM FEES OF GRAZING DISTRICTS AND LEAS-

ED PUBLIC LANDS, AND PROVIDING FOR THE DISTRIBUTION THEREOF.

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

Section 1. DISTRIBUTION OF MONEYS RECEIVED FROM UNITED STATES. (a) All moneys received by the state of Arizona, as its distributive shares of the amounts collected by the United States government under the provisions of the act of Congress of June 28, 1934 (48 Stat., 169), known as the Taylor grazing act, and any act amendatory thereof, shall be deposited with the state treasurer, through the state auditor. Upon warrants of the state auditor the treasurer shall distribute such moneys to the several counties of the state in which such public lands are located.

(b) The state auditor shall ascertain from the proper United States officers having the records of receipts from grazing permits and leased public lands the amount of receipts from sources in this state for each year for which money is received by the state. A separate account shall be kept of the sum received from each grazing district and lease of public lands and the auditor shall segregate such sum and draw his warrant on the treasurer therefor in favor of the county in which said grazing district or leased public land is located; if any such grazing district or leased land lies in more than one county, each county shall receive such proportional amount of said sum as the area of such grazing district or leased public land included within the boundary of such county shall bear to the total area of such grazing district or lease.

(c) For the purposes of this section the moneys deposited with the state treasurer as provided by subsection (a) are appropriated to the several counties of the state in the proportions in which such counties are entitled to the same, as shown by the records of the United States officers and transmitted to the state auditor.

Sec. 2. RECEIPTS FROM LEASE OF PUBLIC LANDS. All moneys received from the lease of public lands within any county shall be placed to the credit of the school district within said county in which the land lies. If the lands do not lie within a school district, it shall be placed to the credit of the general school fund of the county.

Sec. 3. RECEIPTS FROM GRAZING DISTRICT FEES. (a) All moneys received from grazing fees of a grazing district regularly established and including public lands within the county shall be placed to the credit of a special fund to be designated the range improvement fund of grazing district number.....

(b) The county treasurer of the county in which such public lands are located is constituted the ex-officio district treasurer of any federal grazing district located in whole or in part within such county, and shall be liable upon his official bond for the proper care and distribution of such moneys. He shall collect, receive, receipt, and account for all moneys from such source, and shall pay out the same upon the warrant of the grazing district signed by the chairman of the board of district advisors and countersigned by the vice-chairman thereof and the regional grazier in administrative charge of said district.

Sec. 4. AUTHORIZATION OF EXPENDITURE. Said moneys from grazing fees of grazing districts shall be expended as the board of district advisors may direct, within said county, for range improvements and the maintenance thereof, predatory animal control, rodent control, poisonous or obnoxious weed extermination, or for the purchase or rental of facilities of lands within such county which will benefit such grazing district or the part thereof within said county.

Approved Feb. 25, 1937.

CHAPTER 12

(Senate Bill No. 53)

AN ACT

RELATING TO BONDS OF MUNICIPALITIES, AND AMENDING SECTION 16, CHAPTER 11, SESSION LAWS OF 1934, THIRD SPECIAL SESSION.

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

Section 1. Sec. 16, chapter 11, Session Laws of 1934, third special session, is amended to read:

16. BONDS NOT DEBT OF MUNICIPALITY; TERMINATION. (a) Bonds issued under this act by a municipality shall not be a debt of the municipality nor shall payment thereof be enforceable out of any funds other than the revenue pledged to the payment thereof.

(b) Except in pursuance of a contract or agreement theretofore entered into by and between any municipality and any federal agency, no municipality shall borrow any money or issue any bonds pursuant to the provisions of this act after December 31, 1939.

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 25, 1937.

CHAPTER 13

(Senate Bill No. 9)

AN ACT

RELATING TO ELECTIONS, AND AMENDING SECTION 1220, REVISED CODE OF 1928.

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

Section 1. Sec. 1220, Revised Code of 1928, is amended to read:

1220. VIOLATIONS AND PENALTIES. (a) Every person who shall electioneer on election day within a polling place, or in a public manner within one hundred and fifty feet of a polling place; or shall hand out or offer to hand out any

candidates' cards or political literature of any kind on the day of any election; provided, however, that the term "political literature" as used herein shall not be deemed to include publicity pamphlets on initiated and referred measures, the distribution of which at the polls is required by chapter 62, Session Laws 1935; or shall remove an official ballot from a polling place before the closing of the polls; or shall show his ballot, after it is prepared for voting to any person in such way as to reveal the contents, or shall solicit the voter to show the same; or shall, unless the inspector of election, receive from a voter a ballot prepared for voting; or receive an official ballot from a person other than one of the judges having charge of the ballots; or shall. unless a judge of election, deliver an official ballot to such voter; or, being a voter, shall place a mark upon his ballot by which it can be identified as the one voted by him; or being a voter, and having received a ballot, shall fail before leaving the polling place or going outside the guard-rail to return such ballot to the inspector of election, or judge of election acting as such inspector, shall be guilty of a misdemeanor and punished by imprisonment in the county jail not less than one nor more than six months.

(b) Any voter who shall allow his ballot to be seen by another person with the intention of letting it be known how he is about to vote; or who shall make a false statement as to his inability to mark his ballot; or shall interfere with a voter within the fifty-foot limit of the polling place as posted by the marshal of election; or shall endeavor while within the fifty-foot limit, to induce a voter to vote for a particular candidate; or shall, prior to the close of an election,

wilfully deface or destroy a sample ballot posted by election officers, or prior to the close of an election shall deface, tear down, remove or destroy a card of instructions posted for the instruction of voters; or shall, during an election, remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare his ballot; or shall wilfully hinder the voting of others, shall be guilty of a misdemeanor and be punished by a fine not to exceed fifty dollars or not more than fifty days in the county jail.

(c) Every person who shall forge or falsely make the official endorsement of a ballot; or wilfully destroy or deface a ballot; or wilfully delay the delivery of a ballot, shall be guilty of a misdemeanor and be punished by a fine not to exceed one hundred dollars or not more than one hundred days in the county jail.

(d) Every public officer upon whom a duty is imposed by this chapter, who wilfully neglects to perform such duty, or who shall wilfully neglect to perform such duty in the manner required by the law, shall be guilty of a misdemeanor and be punished by a fine not to exceed two hundred dollars, or by imprisonment for not more than six months in the county jail.

Approved Feb. 20, 1937.

CHAPTER 14

(Senate Bill No. 55)

AN ACT

RELATING TO MUNICIPALITIES, AND AMENDING SECTION 17, CHAPTER 8, SESSION

LAWS OF 1934, THIRD SPECIAL SESSION.

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

Section 1. Section 17, chapter 8, Session Laws of 1934, third special session, is amended to read:

17. TERMINATION OF POWERS. Except in pursuance of a contract or agreement theretofore entered into between the municipality and a federal agency, no municipality shall borrow any money or issue any bonds pursuant to the provisions of this act after December 31, 1939.

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 Feb. 25, 1937.

CHAPTER 15

(Senate Bill No. 59)

AN ACT

RELATING TO BONDS OF MUNICIPALITIES, AND AMENDING SECTION 10, CHAPTER 9, SESSION LAWS OF 1934, THIRD SPECIAL SESSION.

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

Section 1. Section 10, chapter 9, Session Laws of 1934, third special session, is amended to read:

10. TERMINATION OF POWERS. Except in pursuance of a contract or agreement theretofore entered into by and between any municipality and any federal agency, no municipality shall borrow any money or issue any bonds pursuant to the provisions of this act after December 31, 1939.

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 Feb. 25, 1937.

CHAPTER 16

(Senate Bill No. 47)

AN ACT

MAKING AN APPROPRIATION FOR THE INSTALLATION OF AN ELEVATOR IN THE CAPITOL BUILDING.

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

Section 1. APPROPRIATION. The sum of fourteen thousand dollars, or as much thereof as is necessary, is appropriated to the board of directors of state institutions.

Sec. 2. OBJECT. The object of said appropriation is the purchase and installation of a modern passenger elevator in the state capitol building, said elevator to be complete with cab, hatchway doors, machine, motor, controller, and self-leveling equipment, including hoisting enclosure to correspond with the interior of the building and equip with automatic control.

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

Approved Feb. 19, 1937.

CHAPTER 17

(Senate Bill No. 6)

AN ACT

RELATING TO SAVINGS BANKS, AND AMENDING SECTION 231, REVISED CODE OF 1928, AS AMENDED.

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

Section 1. Sec. 231, Revised Code of 1928, as amended, is amended to read:

231. SAVINGS BANKS LOANS. A savings bank may invest its capital and deposits and the income derived therefrom:

1. In first lien mortgages upon real property. No such loan shall exceed sixty per cent of the market value, as of the time when the loan is made, of the property mortgaged, unless the federal housing administrator has insured or made a commitment to insure the loan. At least fifty per cent of such loans shall at all times be upon real property situated in the state. A lien of the federal government on account of any United States reclamation project or of the state on account of any project organized under the laws of Arizona shall not be considered a first lien. Any such mortgage or any assignment thereof shall be immediately recorded in the office of the county recorder.

2. In securities issued by the United States government and securities wholly guaranteed by the United States government. In other listed bonds, notes and debentures which have a standard rating above the first four grades, providing such investment is approved in writing by at least two-thirds of the directors of such bank, and the superintendent of banks of the state of Arizona. In interest bearing bonds or other securities of the state, or of any county, city, town, school district or road district thereof; local improvement bonds or securities lawfully issued under the authority of a law of this state; bonds, debentures, or notes issued by any federal home loan bank, national mortgage association or similar credit institution; debentures issued by the federal housing administrator, or capital stock issued by any federal home loan bank of which such savings bank may be eligible to become a member.

Sec. 2. EMERGENCY. To preserve the pub-

lic 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 Feb. 23, 1937.

CHAPTER 18

(House Bill No. 75)

AN ACT

RELATING TO PUBLIC WELFARE, AND PRESCRIBING A RESIDENCE QUALIFICATION FOR APPLICANTS FOR RELIEF.

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

Section 1. RESIDENCE OF THREE YEARS. (a) No person shall be entitled to direct relief or aid, or to receive employment relief from any agency supported in whole or in part by the state or any political subdivision thereof, who has not resided continuously in the state for a period of at least three years immediately preceding the date of application for such relief, and in the county in which such application is made for a period of at least six months, provided that nothing herein shall prevent the granting of relief or aid in emergency cases.

(b) Temporary absence or absences from the state for a total of not to exceed one year dur-

ing the said three-year period shall not affect the right of any applicant for relief.

(c) Any person applying to any county board of public welfare or to the board of supervisors for relief shall be required to furnish satisfactory proof of residence in accordance with the requirements of this section.

Sec. 2. NOT TO APPLY TO BENEFICIARIES OF THE SOCIAL SECURITY ACT. This act shall not apply to persons entitled, under any provision of the act of Congress approved August 14, 1935, as amended, known as the social security act, to the benefits or privileges of such act, nor to any law of this state adopted in conformity with the provisions of such act.

Approved Feb. 25, 1937.

CHAPTER 19

(Senate Bill No. 52)

AN ACT

RELATING TO EDUCATIONAL INSTITUTIONS, EXTENDING THE TIME LIMIT FOR BORROWING MONEY, AND AMENDING SECTION 12, CHAPTER 7, SESSION LAWS OF 1934, THIRD SPECIAL SESSION.

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

Section 1. Sec. 12, chapter 7, Session Laws

of 1934, third special session, is amended to read:

12. SUPPLEMENTAL NATURE OF ACT, CONSTRUCTION AND PURPOSE. The powers conferred by this act shall be in addition to and supplemental to the powers conferred by any other law, general or special, and bonds may be issued hereunder notwithstanding the provisions of any other such law and without regard to the procedure required by any other such law. In so far as the provisions of the act are inconsistent with the provisions of any other law, general or special, the provisions of this act shall be controlling. Except in pursuance of any contract or agreement entered into by and between any institution and any federal agency prior to February 26th 1937, no institution shall borrow any money or issue any bonds pursuant to the provisions of this act after May 1, 1937.

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, 1937.

CHAPTER 20

(Senate Bill No. 60)

AN ACT

VALIDATING OBLIGATIONS ISSUED FOR PUBLIC WORKS PROJECTS.

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

Section 1. SHORT TITLE. This act may be cited as the 1937 validating act.

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

"public body" means any county, city, town or school district of the state;

"bonds" means bonds, notes, warrants, debentures, certificates of indebtedness, temporary bonds, temporary notes, interim receipts, interim certificates and all instruments or obligations evidencing or representing indebtedness, or evidencing or representing the borrowing of money, or evidencing or representing a charge, lien or encumbrance on specific revenues, income or property of a public body, including all instruments or obligations payable from a special fund.

Sec. 3. VALIDATING BONDS. All bonds heretofore issued for the purpose of financing or aiding in the financing of any work, undertaking or project by any public body to which a loan or grant has heretofore been made by the United States of America through the federal emergency administrator of public works for the purpose of financing or aiding in the financing of such work, undertaking or project, including all proceedings for the authorization and issuance of such bonds, and the sale, execution and delivery thereof, are hereby validated, ratified, approved and confirmed, notwithstanding any lack of power (other than constitutional) of such public body,

or the governing board, commission or officers thereof, to authorize and issue such bonds, or to sell, execute or deliver the same, and notwithstanding any defects or irregularities (other than constitutional) in such proceedings, or in such sale, execution or delivery, and notwithstanding that such governing body, commission or officers may not have been elected, appointed or qualified for the offices they purported to hold; and such bonds are and shall be binding, legal, valid and enforceable obligations of such public body.

Sec. 4. VALIDATING PROCEEDINGS. All proceedings, which have been taken prior to the date this act takes effect, for the purpose of financing or aiding in the financing of any work, undertaking or project by any public body to which any loan or grant is under contract to be made by the United States of America through the federal emergency administrator of public works for the purpose of financing or aiding in the financing of such work, undertaking or project, including all proceedings for the authorization and issuance of bonds, and for the sale, execution and delivery thereof, are hereby validated, ratified, approved, and confirmed, notwithstanding any lack of power (other than constitutional) of such public body or the governing body or commission or officers thereof, to authorize and issue such bonds, or to sell, execute or deliver the same, and notwithstanding any defects or irregularities (other than constitutional) in such proceedings, and notwithstanding that such governing body may not have been elected, appointed or qualified for the offices they purported to hold.

Sec. 5. CONSTRUCTION. Nothing herein

contained shall be construed as pledging the faith or credit of the state of Arizona for the payment of said bonds, but said bonds shall be the obligations solely of the public body issuing them.

Approved February 27, 1937.

CHAPTER 21

(House Bill No. 70)

AN ACT

RELATING TO THE ABANDONING OF STREETS AND ALLEYS, AND AMENDING ARTICLE 11, CHAPTER 31, REVISED CODE OF 1928, BY ADDING SECTIONS 1701a AND 1701b.

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

Section 1. Article 11, chapter 31, Revised Code of 1928, is amended by adding section 1701a.

1701a. ABANDONING STREETS AND ALLEYS. The boards of supervisors may vacate and abandon streets, alleys and avenues without the boundaries of incorporated cities and towns, shown upon recorded plats as dedicated to the public, or to which the public or the county may have received title by deed, in like manner and upon like procedure as for abandonig county highways.

Sec. 2. Article 11, Chapter 31, Revised Code

of 1928, is amended by adding Section 1701b.

1701b. REVERSION TO OWNER OF ABUTTING PROPERTY. Whenever any street, avenue, alley, or county highway shall be vacated and abandoned, title to the land within the boundaries of the vacated street, avenue, alley, or county highway shall revert to the owner or owners of the tract or tracts of land out of which it was originally dedicated and shall vest severally in the owners of the bounding and abutting property.

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

Approved Feb. 27, 1937.

CHAPTER 22

(Senate Bill No. 20)

AN ACT

RELATING TO LOANS AND OBLIGATIONS INSURED BY THE FEDERAL HOUSING ADMINISTRATOR.

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

Section 1. OBLIGATIONS INSURED BY THE FEDERAL HOUSING ADMINISTRATOR. No

law requiring security upon which loans may be made, prescribing the nature, amount or form of such security, prescribing or limiting interest rates upon loans, or prescribing or limiting the period for which loans may be made, shall apply to loans, advances of credit, or purchases of obligations representing loans and advances of credit heretofore or hereafter insured by the federal housing administrator.

Sec. 2. CONSTRUCTION. This act shall be construed as power additional to and not in derogation of existing laws.

Approved Feb. 27, 1937.

CHAPTER 23

(Senate Bill No. 5)

AN ACT

RELATING TO BUILDING AND LOAN ASSOCIATIONS, AND AMENDING SECTION 618, REVISED CODE OF 1928, AS AMENDED.

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

Section 1. Sec. 618, Revised Code of 1928, as amended, is amended to read:

618. INVESTMENT OF FUNDS. (a) A building and loan association may make loans:

1. Upon notes secured by first mortgages on

improved real property, or on real property to be improved under contract with the association. No such loan shall exceed sixty per cent of the conservative market value of the improved real property mortgaged, unless the federal housing administrator has insured or made a commitment to insure the same. 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.

2. Upon the security of shares of the association, to the amount of ninety per cent of their withdrawal value.

b. An association may also:

1. Lend or invest an amount not greater than twenty per cent of its total assets in bonds of the United States, the Home Owners' Loan Corporation, the state of Arizona; the counties, cities, towns, school districts, road districts, and other municipalities and improvement districts of the state; national mortgage associations; debentures issued by the federal housing administrator, and in bonds, debentures and notes issued by any federal home loan bank or consolidated federal home loan bank.

2. 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, 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 the federal home loan bank of which said association is or desires to become a member. The superintendent of banks, his agents and employees, are authorized to furnish to the federal home loan bank board, to any federal home loan bank, or to the duly appointed examiners of either, such copies of instruments concerning any such association, or to disclose to them any information with reference to the condition or affairs thereof, as they may require. Any association joining or associating itself with a 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 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 assets of the subscriber association approved by the federal home loan bank board in writing.

Sec. 2. EMERGENY. 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 meas-

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

Approved Feb. 27, 1937.

CHAPTER 24

(House Bill No. 168)

AN ACT

AUTHORIZING THE UNITED STATES COMMISSIONER OF FISHERIES AND HIS DULY AUTHORIZED AGENTS THE RIGHT TO CONDUCT FISH HATCHING AND FISH CULTURE AND ALL OPERATIONS CONNECTED THEREWITH.

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

Section 1. FISH HATCHING AND CULTURE. That the United States commissioner of fisheries and his duly authorized agents be granted the right to conduct fish hatching and fish culture and all operations connected therewith in any manner and at any time, that may, by the commissioner, be considered necessary and proper, any laws of the state to the contrary notwithstanding.

Provided that nothing in this act shall be construed as permitting or granting to the commissioner of fisheries or his duly authorized agents any jurisdiction over or interference with the established activities or facilities of the state game and fish department.

Provided, further, that nothing in this act shall be construed as contravening any of the laws of this state relating to public health or water rights.

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 3, 1937.

CHAPTER 25

(House Bill No. 97)

AN ACT

TO PROTECT THE RIGHT OF NEWSPAPER REPORTERS; TO REFUSE TO GIVE INFORMATION RELATIVE TO SOURCES OF KNOWLEDGE CONCERNING NEWS ITEMS SECURED AND PUBLISHED IN NEWSPAPERS.

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

Section 1. Sec. 4412 revised code of 1928 is amended by adding new paragraph 7 to read:

7. No person engaged in newspaper or reportorial work, or connected with, or employed by any newspaper shall be compelled to testify or to disclose in any legal proceedings or trial, or

any proceedings whatsoever, or before any jury, inquisitorial body or commission, or before any committee of the Legislature, or elsewhere, the source of information procured or obtained by him and published in any newspaper on which he is engaged, connected with or employed.

Approved March 4, 1937.

CHAPTER 26

(House Bill No. 73)

AN ACT

RELATING TO HIGHWAYS, AND DIRECTING THE STATE HIGHWAY COMMISSION TO DESIGNATE AS A STATE ROUTE THE PIMA-HOT SPRINGS-FORT THOMAS AND PIMA-BRYCE-SAFFORD ROAD.

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

Section 1. DESIGNATION OF HIGHWAY. The Arizona highway commission is authorized and directed to designate as a state route, include in the state highway system, and assume supervision and maintenance of that certain highway in Graham county beginning at the northern boundary of the city of Pima and running in a northerly direction to and crossing the Gila river at Bryce, one fork thereof thence running in a southeasterly direction to the Gila river crossing and connecting with highway 70 at the city of Safford, the other fork running from Bryce in

a northwesterly and westerly direction to the towns of Eden and Indian Hot Springs and crossing the river and connecting with highway 70 at Fort Thomas.

Approved March 4, 1937.

CHAPTER 27

(Senate Bill No. 149)

AN ACT

RELATING TO ESTATE TAXES, PRESCRIBING A SCHEDULE THEREOF, AND REPEALING ARTICLE 12, CHAPTER 75, REVISED CODE OF 1928, AS AMENDED.

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

Section 1. SHORT TITLE. This act may be cited as the Arizona estate tax act of 1937.

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

"Estate" or "property" means the interest of the testator, intestate, grantor, bargainor, or vendor, passing or transferred to the individual or specific legatee, devisee, heir, next of kin, grantee, donee, or vendee, whether such property be situated within or without the state;

"Transfer" means the passing of property or any interest therein, in possession, or enjoyment,

present or future, by distribution, or by statute, descent, devise, bequest, grant, deed, bargain, sale or gifts;

"Commissioner" means the estate tax commissioner of Arizona;

"Executor" includes executor, administrator, trustee, beneficiary, transferee or custodian, and means the executor or administrator of the decedent, or, if there is no executor or administrator appointed, qualified, and acting within the state, then any person in actual or constructive possession of any property of the decedent;

"Such property or any part thereof or interest therein within the state" includes bonds and shares of stock in any company incorporated in the state, whether or not such company shall have any or all of its capital stock invested in property without the state and doing business without the state, and the tax on the transfer of bonds or shares of stock in any such company shall be paid before waivers are issued for the transfer of the same.

Sec. 3. IMPOSITION OF TAX. A tax, determined as hereinafter provided, is imposed upon the interest of the net estate of every decedent dying after the date of the taking effect of this act, whether a resident or non-resident of the state.

Sec. 4. RATES. The rates upon which said tax shall be computed shall be:

1. Two per cent of the amount of the net

estate not in excess of twenty-five thousand dollars;

2. Four per cent of the amount by which the net estate exceeds twenty-five thousand dollars and does not exceed fifty thousand dollars;

3. Six per cent of the amount by which the net estate exceeds fifty thousand dollars and does not exceed seventy-five thousand dollars;

4. Eight per cent of the amount by which the net estate exceeds seventy-five thousand dollars and does not execeed one hundred thousand dollars;

5. Nine per cent of the amount by which the net estate exceeds one hundred thousand dollars and does not exceed two hundred and fifty thousand dollars;

6. Ten per cent of the amount by which the net estate exceeds two hundred and fifty thousand dollars and does not exceed five hundred thousand dollars;

7. Eleven per cent of the amount by which the net estate exceeds five hundred thousand dollars and does not exceed seven hundred and fifty thousand dollars;

8. Twelve per cent of the amount by which the net estate exceeds seven hundred and fifty thousand dollars and does not exceed one million dollars;

9. Thirteen per cent of the amount by which

the net estate exceeds one million dollars and does not exceed one million five hundred thousand dollars;

10. Fourteen per cent of the amount by which the net estate exceeds one million five hundred thousand dollars and does not exceed two million dollars;

11. Fifteen per cent of the amount by which the net estate exceeds two million dollars and does not exceed two million five hundred thousand dollars;

12. Sixteen per cent of the amount by which the net estate exceeds two million five hundred thousand dollars and does not exceed three million dollars;

13. Seventeen per cent of the amount by which the net estate exceeds three million dollars and does not exceed four million dollars;

14. Eighteen per cent of the amount by which the net estate exceeds four million dollars and does not exceed four million five hundred thousand dollars;

15. Nineteen per cent of the amount by which the net estate exceeds four million five hundred thousand dollars and does not exceed five million dollars;

16. Twenty per cent of the amount by which the net estate exceeds five million dollars.

Sec. 5. VALUATION OF GROSS ESTATES.

The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated:

1. To the extent of the interest therein of the decedent at the time of his death.

2. To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, in contemplation of or intended to take effect in possession or enjoyment at or after his death, or of which he has at any time made a transfer, by trust or otherwise, under which he has retained for his life or for any period not ascertainable without reference to his death, or for any period which does not in fact end before his death, 2a. the possession or enjoyment of, or the right to the income from, the property, or, 2b. the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom, except in case of a bona fide sale for an adequate and full consideration in money or money's worth. Any transfer or a material part of his property in the nature of a final disposition or distribution thereof, made by the decedent within two years prior to his death without such consideration, shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this title.

3. To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, where the enjoyment thereof was subject at the date of his

death to any change through the exercise of a power, either by the decedent alone or in conjunction with any person, to alter, amend, or revoke, or where the decedent relinquished any such power in contemplation of his death, except in case of a bona fide sale for an adequate and full consideration in money or money's worth. For the purposes of this paragraph the power to alter, amend, or revoke shall be considered to exist on the date of decedent's death, even though the exercise of the power is subject to a precedent giving of notice, or even though the alteration, amendment, or revocation takes effect only on the expiration of a stated period after the exercise of the power, whether or not on or before the death of the decedent's death notice has been given or the power has been exercised. In such cases proper adjustment shall be made representing the interests which would have been excluded from the power if the decedent had lived, and for such purpose if the notice has not been given or the power has not been exercised on or before the date of his death, such notice shall be considered to have been given, or the power exercised, on the date of his death. The relinquishment of any such power, not admitted or shown to have been in contemplation of the decedent's death, made within two years prior to his death without such a consideration, such relinquishment or relinquishments shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this title.

4. To the extent of the interest therein held as joint tenants by the decedent and any other person, or deposited with any person carrying on

a banking business in their joint names and payable to either or the survivor, except such part thereof as may be shown to have originally belonged to such other person and never to have been received or acquired by the latter from the decedent for less than an adequate and full consideration in money or money's worth. Where such property or any part thereof, or part of the consideration with which such property was acquired, is shown to have been at any time acquired by such other person from the decedent for less than an adequate and full consideration in money or money's worth, there shall be excepted only such part of the value of such property as is proportionate to the consideration furnished by such other person. Where any property has been acquired by gift, bequest, devise, or inheritance by the decedent and any other person as joint tenants and their interests are not otherwise specified or fixed by law, then to the extent of the value of a fractional part to be determined by dividing the value of the property by the number of joint tenants.

5. To the extent of any property passing under a general power of appointment exercised by the decedent, 5a. by will, 5b. by deed executed in contemplation of or intended to take effect in possession or enjoyment at or after his death, or 5c. by deed under which he has retained for his life or any period not ascertainable without reference to his death or for any period which does not in fact end before his death, 5aa. the possession or enjoyment of, or the right to the income from, the property, or 5bb. the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy

the property or the income therefrom, except in case of a bona fide sale for an adequate and full consideration in money or money's worth.

6. To the extent of the amount receivable by the executor as insurance under policies taken out by the decedent upon his own life, and to the extent of the excess of fifty thousand dollars of the amount receivable by all other beneficiaries on insurance under policies taken out by the decedent upon his own life.

7. Except as otherwise specifically provided therein, paragraphs 2, 3, 4, 5, and 6 of this section shall apply to the transfers, trusts, estates, interests, rights, powers, and relinquishments of powers, as severally enumerated and described therein, whether made, created, arising, existing, exercised, or relinquished before or after this act.

8. If any one of the transfers, trusts, interests, rights, or powers enumerated and described in paragraphs 2, 3, and 5 of this section is made, created, exercised, or relinquished for a consideration in money or money's worth, but is not a bona fide sale for an adequate and full consideration in money or money's worth, there shall be included in the gross estate only the excess of the fair market value at the time of death, of the property otherwise to be included on account of such transaction, over the value of the consideration received therefor by the decedent.

Sec. 6. VALUATION OF NET ESTATES. (a) Resident. For the purpose of the tax provided for by this act in the case of a resident, the value

of the net estate shall be determined by deducting from the value of the gross estate:

1. Such amounts for funeral expenses, administration expenses, claims against the estate, unpaid mortgages upon, or any indebtedness in respect thereto (except in the case of a resident decedent, where such property is not situated in the state), property to the extent that such claims, mortgages, or indebtedness were incurred or contracted bona fide and for an adequate and full consideration in money or money's worth;

2. Losses incurred during the settlement of the estate arising from fires, storms, shipwreck, or other casualty, or from theft, when such losses are not compensated for by insurance or otherwise;

3. Such amounts reasonably required and actually expended for the support during the settlement of the estate of those dependent upon the decedent, as are allowed by the laws of the jurisdiction, whether within or without the state, under which the estate is being administered, but not including any income taxes upon income received after the death of the decedent or any estate, succession, legacy, or estate taxes;

4. From the value of the net estate as thus determined the proceeds, to the extent included in the gross estate, of life insurance policies payable to and received by the estate tax commissioner in trust for the payment of estate, inheritance, succession, legacy, or other death duties levied by the state against or with respect to the estate of the decedent, exclusive of any excess

over the amount of such taxes, which excess shall be accounted for, without interest, to the executor or administrator of the decedent for the benefit of the persons entitled thereto.

5. In the case of a resident, there shall be exempt from the tax: A. property transferred to municipal corporations within the state for county, town or municipal purposes, or to corporations of this state organized under its laws solely for religious, charitable or educational purposes, which shall use the property so transferred exclusively for the purposes of their organization within the state; B. property of the value of not more than twenty-five thousand dollars.

(b) Non-resident. In the case of a non-resident, the value of the net estate shall be determined by deducting from the value of that part of his gross estate which at the time of his death is situated in the State of Arizona, that proportion of the deduction specified in subsection (a) of this section, which the value of such part bears to the value of his entire gross estate, wherever situated.

In the case of a non-resident there shall be exempt from the tax: 1. property transferred to municipal corporations within the state for county, town or municipal purposes, or to corporations of this state organized under its laws solely for religious, charitable or educational purposes, which shall use the property so transferred exclusively for the purposes of their organization within the state, which exemption is limited to the value of the property required to be included in the gross estate in Arizona. 2. property within the state

value of not more than twenty-five thousand dollars.

No deduction shall be allowed in the case of a non-resident unless the executor or other representative includes in the return required to be filed, the value at the time of his death of that part of the gross estate of a non-resident not situated in the state.

Sec. 7. PROPERTY WITHIN THE STATE. (a) For the purposes of this act, stock in a domestic corporation owned and held by a non-resident decedent shall be deemed property within the state, and any property of which the decedent has made a transfer, by trust or otherwise, within the meaning of the preceding portions of this act, shall be deemed to be situated in the state, if so situated either at the time of the transfer or at the time of the decedent's death.

(b) The amount receivable as insurance upon the life of a non-resident decedent, and any moneys deposited with any person carrying on the banking business, by or for a non-resident, who was not engaged in business in the state at the time of his death, shall not, for the purpose of this act, be deemed property within the state.

Sec. 8. PROCEDURE WHERE ESTATE IS NOT PROBATED OR ADMINISTERED. Whenever an estate subject to the tax imposed by this act shall be settled or divided among the heirs at law, legatees, or devisees, without the qualification and appointment of a personal representative, the judge of the superior court having jurisdiction of the estate, or of the county wherein the estate

is situated, shall certify the same to the estate tax commissioner, whereupon the commissioner shall proceed to appraise said estate and collect the estate tax thereon.

Sec. 9. LIABILITY OF CERTAIN CORPORATIONS. (a) Any incorporated company not incorporated in this state, and any association doing business under a declaration of trust and owning property in this state, which shall transfer on its books the bonds and shares of stock of any decedent holder of shares of stock in such company exceeding in par value two hundred dollars before the estate tax, if any, has been paid, shall become liable for the payment of the said tax, and any property held by such company in this state shall be subject to execution to satisfy same. A receipt or waiver signed by the commissioner shall be full protection for any such company in the transfer of any such stock or bonds.

(b) The commissioner shall require any incorporated company owning or controlling property in this state to make any reports necessary for the proper enforcement of this act.

Sec. 10. LIABILITY OF BENEFICIARIES AND PERSONAL REPRESENTATIVES. Heirs, legatees, devisees, administrators, executors, and trustees shall be discharged from liability for the amount of taxes collectible under this act, the settlement of which they may be charged with, only upon payment of the same.

Sec. 11. WHEN TAX DUE; DISCOUNT; INTEREST. All taxes imposed by this act shall be

due and payable at the death of the testator, intestate, grantor, donor, or vendor. If paid within six months from the date of death, a discount of five per cent shall be allowed and deducted. If not paid within one year from date of death the tax shall bear interest at the rate of eight per cent per annum, to be computed from the expiration of one year from the date of death, and if not paid within two years, ten per cent per annum until paid. For good showing, and upon an order of the superior court having jurisdiction of the probate of the estate, the commissioner may extend the time for payment of the tax.

Sec. 12. FAILURE TO PAY TAX AFTER FIVE YEARS. If any tax under this act be not paid within five years after the death of the decedent, it shall be the duty of the commissioner to certify to the sheriff of the county in which the estate is located the amount of tax due upon such estate, and the sheriff shall collect the same by levy and sale in like manner as execution sales are conducted, together with an additional amount of two per cent as sheriff's fees for collection, which shall be the only compensation the sheriff shall be allowed to charge or receive for services required to be rendered in connection with any such sale. The sheriff shall have the same right of levy and sale upon any property out of which the said tax is collectible. It shall be the duty of the sheriff to make prompt return to the commissioner within thirty days after collection.

Sec. 13. TRANSFER BY FOREIGN FIDUCIARY. (a) Whenever any foreign executor, administrator or trustee shall assign or transfer any

stock or bonds in this state standing in the name of the decedent or in trust for a decedent, which shall be liable for the said tax, such tax shall be paid on the transfer thereof; otherwise the corporation permitting the transfer shall become liable therefor.

(b) The commissioner shall have authority to make appraisal of any such stocks or bonds, and to determine the taxes due. The tax shall be computed as provided herein, and receipt or waiver issued by the commissioner shall be complete protection to any such corporation for the transfer of such stocks or bonds.

Sec. 14. MONTHLY REPORT BY CLERK OF THE SUPERIOR COURT. It shall be the duty of the clerk of the superior court of each of the several counties to transmit to the commissioner, on or before the tenth day of each month after the inventory and appraisement has been filed in an estate being probated, a list of persons who died (except resident decedents leaving estates of less than twenty-five thousand dollars), leaving property in his county, and any who died whose death had not been reported to the commissioner, together with the name and post office address of the trustee, executor, administrator or other person representing the estate of such deceased person, and in case there is no personal representative, the names and post office addresses of the heirs at law, legatees, distributees and devisees insofar as such clerk may have such information.

Sec. 15. RETURN BY EXECUTOR OR ADMINISTRATOR. (a) Every executor or adminis-

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

(b) Return shall be made in all cases where the gross estate at the death of the decedent exceeds twenty-five thousand dollars, and in the case of the estate of every non-resident any part of whose gross estate is situated in the state.

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

Sec. 15. FILING OF RETURN. (a) If any person required to file a return under the provisions of this act, fails or refuses so to do, he shall be liable to a penalty to be imposed by the commissioner of not less than one hundred and not more than one thousand dollars, to be recovered in an action in the name of the estate tax commissioner. Any person from whom such tax

is or may be due, may make an estimate of and pay the same to the commissioner at any time before the same is determined and shall thereupon be entitled to the discount and be relieved from any interest or penalty upon the amount so paid as if the tax were then determined.

(b) If any person, corporation, company or association fails to make and file a return or list at the time prescribed by law or by regulation made under authority of law, or makes, wilfully or otherwise, a false or fraudulent return or list, the commissioner shall make the return or list from his own knowledge and from such information as he can obtain through testimony or otherwise. Any return or list so made by the commissioner shall be prima facie good and sufficient for all legal purposes.

Sec. 17. DETERMINATION OF TAX. (a) As soon as practicable after the return is filed the commissioner shall examine it; if it then appears that the correct amount of tax is greater or less than that shown in the return, the tax shall be recomputed. If the amount paid exceeds that which should have been paid on the basis of the return so computed, the excess so paid shall be credited or refunded to the tax-payer. If the amount paid is less than the amount which should have been paid, the difference, together with interest or interest and penalties, shall become due and payable upon notice and demand by the commissioner, and the executor shall be liable to the state personally and on his official bond, for any loss to the state accruing by reason of his negligence or willful neglect.

(b) If upon examination of a return made a tax or a deficiency in the tax is disclosed, the executor shall be notified thereof by the commissioner and given a period of not less than thirty nor more than sixty days after such notice is sent by registered mail, in which to show cause why the tax or deficiency should not be paid.

(c) After not less than ten days notice to the executor, the commissioner shall hear and determine all questions involving such tax or deficiency, and a final decision thereon shall be made as quickly as practicable. Any tax or deficiency in tax found due after such hearing, shall be assessed and paid together with any penalties or interest, within sixty days after notice and demand by the commissioner. In all hearings before the estate tax commissioner, oral, documentary or other evidence may be introduced.

(d) The commissioner shall have power to compromise or remit any penalties imposed pursuant to this section.

Sec. 18. COMMISSIONER'S DETERMINATION FINAL UNLESS APPEALED. The findings and determination of any tax or deficiency made pursuant to hearing as provided herein shall be in writing and a copy thereof together with demand for payment of such tax or deficiency, sent by registered mail to the executor. The findings of the commissioner and the determination by the commissioner of all questions involving any tax or deficiency shall be final unless the executor, or other parties interested, shall within fifty days from the date of the receipt of a copy of such findings and determination, bring

a suit in the superior court of proper jurisdiction against the commissioner and such other parties as are interested. It shall not be necessary to join as parties to such suit any heirs at law, next of kin, distributees, legatees or devisees of said decedent. The bill of complaint shall contain a concise statement of the facts and shall have annexed thereto a copy of the return and all the findings and determinations of the commissioner and shall pray for an abatement of the tax, in such amount and to such extent, in part or in whole, and for such other relief as the executor shall desire. Either the estate tax commissioner, the executor or any other interested party may appeal to the supreme court as in other cases.

Sec. 19. SAFE DEPOSIT BOXES. (a) No safe deposit company, trust company, corporation, bank, or other institution, person or persons engaged in the business of renting safe deposit boxes or other receptacles of similar character shall rent any such box or receptacle without first requiring all persons given access thereto to agree in writing to notify such safe depositary, bailee, or lessor, from whom such box or receptacle is rented, of the death of any person having the right of access thereto, before seeking access to such box or receptacle after the death of such person; and all persons having the right of access to any such safe, deposit box or receptable upon the death of any other person having access thereto, before seeking access to such box or receptacle, must notify such safe depositary, bailee, or lessor, from whom such box or receptacle is rented, of the death of such person. It shall be unlawful for any safe deposit company, trust com-

pany, corporation, bank or other institution, person or persons having in possession or under control, custody or partial custody any safe deposit box or similar receptacle, to permit access thereto by any one after the death of any person who at the time of his death had the right or privilege of access thereto, either as principal, deputy, agent or cotenant, without the consent of the estate tax commissioner or such person by him in writing authorized to issue such consent.

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

(c) No safe deposit company, trust company, corporation, bank or other institution, person or persons having in possession or under control or custody or under partial control or partial custody securities, deposits, assets or property belonging to or standing in the name of a decedent who was a resident or non-resident, or belonging to, or standing in the joint names of such decedent and one or more persons, including the shares of the capital stock of, or other interest in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer herein provided, shall deliver or transfer the same to the executors, administrators or legal representatives, agents, deputies, attorneys, trustees, legatees, heirs, successors in interest of said decedent or to any other person or persons, or to

the survivor or survivors when held in the joint names of a decedent and one or more persons, or upon their order or request, without retaining a sufficient portion or amount thereof to pay any tax and interest which may thereafter be assessed thereon under this act, and unless notice of the time and place of such delivery or transfer be served upon the commissioner at least ten days prior to said delivery or transfer. The commissioner, or person by him in writing authorized so to do, may consent in writing to said delivery or transfer, and such consent shall relieve said safe deposit company, trust company, corporation, bank or other institution, person or persons from the obligation hereunder to give such notice or to retain any portion of said securities, deposits or other assets in their possession or control. It shall be lawful for the commissioner, personally or by representative, to examine said securities, deposits or assets at the time of said delivery or otherwise.

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

Sec. 20. ACTION IN DELINQUENT ESTATES. If the commissioner shall discover that reports and accounts have not been filed, and the tax, if any, has not been paid as provided in this

act, he shall issue a citation to the executor, administrator or trustee of the decedent whose estate is subject to tax, to appear at a time and place therein mentioned, not to exceed twenty days from the date thereof, and show cause why said report and account should not be filed and said tax paid, and when personal service cannot be had, notice shall be given as provided for service of summons by publication in the county in which said estate is located; and if said tax shall be found to be due, the said delinquent shall be adjudged to pay said tax, interest and cost. If said tax shall remain due and unpaid for a period of thirty days after notice thereof, the commissioner shall certify the same to the sheriff, who shall make collection of said tax, cost and commissions for collection.

Sec. 21. PERSONAL REPRESENTATIVE LIABLE. (a) Any administrator, executor, or trustee who shall fail to pay the lawful estate taxes due upon any estate in his hands or under his control shall be liable for the amount of said taxes, and the same may be recovered in an action against such administrator, executor, or trustee, and the sureties on his official bond.

(b) Any clerk of the court who shall allow any administrator, executor, or trustee to make a final settlement of his estate without having paid the estate tax due by law, and exhibiting his receipt from the estate tax commissioner therefor shall be liable upon his official bond for the amount of such taxes.

Sec. 22. REFUNDS. Whenever taxes of any kind are or have been, through clerical error or misinterpretation of the law, collected and paid

into the state treasury in excess of the amount legally due the state, the estate tax commissioner shall refund such excess illegally paid to the taxpayer out of any estate tax moneys he may have on hand.

Sec. 23. APPLICATION OF TAXES. All taxes levied and collected under this act, less any expense of collection and the deductions authorized herein shall, on the first day of each month, be deposited by the commissioner into the state treasury for the use of the state general fund.

Sec. 24. RECEIPT FOR PAYMENT OF TAXES. The commissioner shall issue or cause to be issued in his name, a receipt for the payment of any and all taxes under this act. Such receipt, when signed and issued by the commissioner, shall be entitled to record in the public records of the state in like manner as deeds, and shall be recorded in the deed book of each county wherein any real property of the estate may be situated. The record of such receipt of payment in full of any and all taxes due and owing by any estate shall be taken and held as a final acquittance and discharge of all liabilities of property of said estate for the amount of taxes which may be due the state under this act. The county recorder is authorized to make a charge of one dollar for the recording of such receipt.

Sec. 25. FINAL ACCOUNTING. No executor, administrator, trustee, custodian, personal representative or other person shall be entitled to a final accounting of any estate or settelment of any estate on which a tax is due under the provisions of this act unless he shall produce a final

receipt signed and sealed by the commissioner as hereinbefore provided, or a duly certified copy thereof. Upon the payment of one dollar to the officer issuing such receipt, to be credited to the state general fund, any person shall be entitled to a duplicate thereof duly certified under the hand of the commissioner.

Sec. 26. LIEN OF TAX. (a) Every tax imposed under this act shall remain a lien upon the property, real, personal and mixed, of a decedent until paid, and any person to whom any property is transferred before payment is made, as well as every executor, administrator or trustee of any estate or part thereof transferred before payment is made, shall be liable for such tax until the payment thereof; but the commissioner shall have power to issue partial payment receipts for the release of particular pieces of property upon the payment of such proportionate part of any tax due as may in the judgment of the estate tax commissioner be fair to the state for such release.

(b) If, 1. (except in the case of a bona fide sale for an adequate and full consideration in money or money's worth), the decedent makes a transfer, by trust or otherwise, of any property in contemplation of or intended to take effect in possession or enjoyment at or after his death, or makes a transfer, by trust or otherwise, under which he has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact and before his death, 1a. the possession or enjoyment of, or the right to the income from, the proper, or, 1b. the right, either alone or in conjunction

with any person, to designate the persons who shall possess or enjoy the property or the income therefrom, or if, 2. insurance passes under a contract executed by the decedent in favor of a specific beneficiary, and if in either case the tax in respect thereto is not paid when due, then the transferee, trustee, or beneficiary shall be personally liable for such tax, and such property, to the extent of the decedent's interest therein at the time of such transfer, or to the extent of such beneficiary's interest under such contract of insurance, shall be subject to a like lien equal to the amount of such tax. Any part of such property sold by such transferee or trustee to a bona fide purchaser for an adequate and full consideration in money or money's worth shall be divested of the lien and a like lien shall then attach to all the property of such transferee or trustee, except any part sold to a bona fide purchaser for an adequate and full consideration in money or money's worth.

Sec. 27. LEGAL ASSISTANTS. The attorney general shall carry out and enforce the recommendations and directions of the estate tax commissioner in all estate tax matters. The estate tax commissioner by and with the approval of the governor and attorney general may employ necessary legal assistants in the collection of estate taxes. Such legal assistants shall be paid out of the money collected from the estate in controversy, said compensation to be fixed by the estate tax commissioner and with the approval of the governor and attorney general.

Sec. 28. SCOPE OF STATUTE. The provisions of this act shall apply to all property of

an estate, real, personal and mixed, and to both tangible and intangible assets of the estate, which shall be subject to the jurisdiction of the state for estate tax purposes.

Sec. 29. PENALTY; WILLFUL FAILURE TO FILE NOTICE OR MAKE RETURN. Any person required to file any notice or make any return who willfully fails to do so at the time required shall be guilty of a misdemeanor and upon conviction fined not more than one thousand dollars, imprisoned not more than six months, or both.

Sec. 30. PENALTY; FRAUDULENT STATEMENT OR RETURN. Any person who shall make any statement in any notice or return, which statement is knowingly false, shall be subject to a penalty not exceeding six months' imprisonment, a fine not exceeding one thousand dollars, or both, and for a false or fraudulent return fifty per cent penalty shall be added to the amount of tax.

Sec. 31. PENALTY; AIDING IN FRAUDULENT STATEMENT OR RETURN. Any person who willfully aids or assists in the preparing or presentation of a false or fraudulent notice or return, or who procures, counsels, aids or advises in the preparation or presentation of such notice or return, whether such falsity or fraud is without the knowledge or consent of the person required to make the notice or return, shall be guilty of a felony and upon conviction shall be fined not more than one thousand dollars or imprisoned for not more than six months.

Sec. 32. COMPROMISE. The estate tax commissioner, with the advice and consent of the governor and attorney general, may compromise any civil or criminal case arising under this act instead of commencing suit or bringing prosecution thereon, provided payment is made of all taxes which may be lawfully collectible under this act, together with such penalties incident thereto as may be insisted upon.

Sec. 33. INTERPRETATION AND CONSTRUCTION. All questions involving the interpretation and construction of this act shall be passed upon by the attorney general, whose opinion and decision shall be conclusive and binding upon all officers of the state, and shall furnish full protection to such officers for complying with or following the same, whether the same be sustained or reversed in judicial proceedings thereafter.

Sec. 34. ADMINISTRATION. The state treasurer shall be the state estate tax commissioner, and as such shall administer and enforce the provisions of this act. He shall have power:

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

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

by appropriate process compel such attendance, testimony or production of books, papers, records or other data.

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

4. To inspect the records of the income tax department of the state. Information acquired from the records of such department shall be held to be confidential, and shall not be divulged, dis-

closed or made known except in so far as may be necessary for the enforcement of the provisions of this act. Any person who shall divulge any information acquired by such inspection and examination of the income tax records, except in so far as may be necessary for the enforcement of the provisions of this act, shall be guilty of a misdemeanor and upon conviction imprisoned not more than six months.

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

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

Sec. 35. ESTATE TAX COMMISSIONER SHALL APPOINT ESTATE TAX COLLECTOR, DEPUTY ESTATE TAX COLLECTOR AND OTHER NECESSARY ASSISTANTS. (a) The state treasurer, as estate tax commissioner, shall appoint an estate tax collector, who shall serve for a term of six years, shall be subject to removal by the state treasurer for cause, and shall have the right of appeal to the superior court of Maricopa county from such order. This estate tax collector shall file with the secretary of state a bond in the sum of fifty thousand dollars conditioned upon the faithful performance of his duty and a proper accounting of any funds or property that may come into his hands as such estate tax collector. He shall be paid a salary of four thou-

sand dollars per annum, out of estate taxes collected.

(b) The state treasurer, as estate tax commissioner, shall also appoint an assistant estate tax collector and appraiser for a term of six years, who shall likewise be subject to removal for cause and shall have the right of appeal to the superior court of Maricopa county from the order of removal. The assistant estate tax collector shall file with the secretary of state a bond in the sum of twenty-five thousand dollars conditioned upon the faithful performance of his duty and a proper accounting of any funds or property that may come into his hands as such assistant estate tax collector. The assistant estate tax collector shall be paid a salary of two thousand seven hundred dollars per annum, out of estate taxes collected.

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

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

Sec. 36. EXPENDITURES LIMITED. The state treasurer, as estate tax commissioner, shall be limited, except with the written approval of the governor and of the attorney general, to an expenditure not to exceed twelve thousand dollars during any fiscal year, for carrying out the provisions of this act. All taxes levied and col-

lected under this act, less any expense of collection and deduction authorized herein, shall be deposited by the estate tax commissioner in the general fund. All expenditures under this act shall be by warrants drawn upon the state auditor, and upon approval of such expenditures by the state treasurer, as estate tax commissioner.

Sec. 37. SEVERABILITY. If any provision of this act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the act are declared to be severable.

Sec. 38. SAVING CLAUSE. The taking effect of this act shall in no wise affect any suit, prosecution or proceeding pending at the time, or any right which the state may have to claim a tax upon any property under the provisions of any existing law, for which no proceeding has been commenced. Where no proceeding has been commenced, the procedure of collecting any tax arising out of the provisions of any existing act impliedly repealed hereby, shall conform to the provisions hereof, nor shall the passage of this act affect any appeal, right of appeal in any suit pending or orders fixing tax, existing at the time this act takes effect.

Sec. 39. REPEAL. Article 12, Chapter 75, Revised Code of 1928, is repealed. This section does not negative an implied repeal of any statute which conflicts with this act.

Sec. 40. EFFECTIVE DATE. This act shall

be in full force and effect on and after the first day of July, 1937.

Approved March 5, 1937.

CHAPTER 28

(House Bill No. 18)

AN ACT

RELATING TO THE BOARD OF PARDONS AND PAROLES, AND AMENDING SECTION 5320, REVISED CODE OF ARIZONA, 1928.

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

Section 1. That Sec. 5320 of the Revised Code of Arizona, 1928, be and it is hereby amended to read:

5320. BOARD OF PARDONS AND PAROLES; MEETINGS; HEARINGS. The board of pardons and paroles shall meet at the prison, whenever they deem it necessary, and at such meetings every prisoner confined upon an indeterminate sentence, whose minimum term of sentence has expired, or any prisoner serving a definite sentence at the time the Penal Code, 1913, became effective, shall be given an opportunity to appear and apply for his release upon parole, or for an absolute discharge, and said board shall not entertain any other form of application or petition for the release upon parole or absolute discharge of any

prisoner; provided, that whenever a prisoner shall have appeared before the board, and his case shall have been adversely decided, the case shall not again be considered for a period of six months. The board of pardons and paroles, in all cases where a commutation or parole is to be considered, shall, before taking action on said commutation, or parole, notify the judge of the superior court and the county attorney of the county in which the prisoner asking a commutation or parole was sentenced. Said notice to the judge and the county attorney shall state the name of the prisoner asking a commutation or parole and shall fix the date of the hearing on said application for commutation or parole; said notice shall be sent to the aforesaid officials by registered mail. No commutation or parole shall be granted until thirty days after the date of the giving of said notice. The provisions of this section requiring notice to the aforesaid officials shall not be applicable:

(a) When there is imminent danger of the death of the person convicted or imprisoned;

(b) When the term of the imprisonment of the applicant is within ten days of its expiration.

Approved March 6th, 1937.

CHAPTER 29

(Senate Bill No. 19)

AN ACT

RELATING TO DEPOSIT OF SECURITIES FOR PUBLIC OR OTHER PURPOSES.

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

Section 1. SECURITIES ELIGIBLE FOR DEPOSIT PURPOSES. Wherever collateral is required as security for the deposit of public or other funds, deposits required to be made with any public official or department, or an investment of capital, surplus, reserve or other fund required to be maintained consisting of designated securities, notes and bonds insured or debentures issued by the federal housing administrator shall be eligible for such purposes.

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 6, 1937.

CHAPTER 30

(Senate Bill No. 31)

AN ACT

RELATING TO LANDLORD AND TENANT; AMENDING CHAPTER 41, REVISED CODE OF 1928, BY ADDING SECTION 1954a, AND

AMENDING SECTIONS 1956 AND 4325, REVISED CODE OF 1928.

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

Section 1. Chapter 41, Revised Code of 1928, is amended by adding section 1954a.

1954a. DUTY OF TENANT. (a) It is the duty of the tenant of a house or apartment, whether the same be furnished or unfurnished, to exercise diligence to maintain the premises in as good condition as when he took possession, ordinary wear and tear excepted.

(b) The removal or the willful and material alteration or damage of any part of a building, or any furnishings thereof, or of any permanent fixture, by or at the instance of the tenant, without the written permission of the landlord or his agent, shall be a misdeameanor.

Sec. 2. Section 1956, Revised Code of 1928, is amended to read:

1956. TERMINATION OF TENANCY. (a) A tenancy from year to year terminates at the end of each year, unless written permission be given to remain for a longer period; such permission shall specify the time the tenant may remain, and upon the termination thereof the tenancy expires.

(b) A lease from month to month may be terminated by the landlord giving at least ten

days' previous notice thereof. In case of non-payment of rent no notice shall be required.

(c) A tenant on a month to month basis shall give ten days' previous notice, and a tenant on a semi-monthly basis five days' previous notice, of his intention to terminate possession of the premises. Failure to give such notice shall render the tenant liable for the rent for the ensuing ten days.

(d) A tenant who holds possession of property against the will of the landlord, except as herein provided, shall not be considered a tenant at sufferance or at will. When the tenancy is for a certain period, under verbal or written agreement, and the time expires the tenant shall surrender possession, and notice to quit or demand of possession is not then necessary.

Sec. 3. Sec. 4325, Revised Code of 1928, is amended to read:

4325. SUMMARY PROCEEDINGS BY LANDLORD. (a) Whenever a tenant shall neglect or refuse to pay his rent when due and in arrears for five days, or whenever any tenant shall violate any of the provisions of his lease, the landlord or person to whom said rent is due, or his agent, may re-enter and take possession, or, without any formal demand or re-entry, commence an action for the recovery of the possession of said premises.

(b) Such action shall be commenced in the same manner and be governed by the provisions relating to actions for forcible entry or detainer, and shall be tried not less than five days nor

more than thirty days after its commencement. If judgment is rendered for the plaintiff, the defendant, to protect his appeal, shall execute a bond to the opposite party to pay twice the value of the rent during the pendency of said appeal in case the judgment shall be against him, and that he will prosecute his appeal to effect and abide the decision of the court therein.

(c) If the tenant refuses or fails to pay the rent owing and due, the landlord shall have a lien on and may seize such of the personal property of the tenant found on the premises as is not exempted by law and hold the same as security for the payment of such rent. If the rent is not paid and satisfied within sixty days after such seizure, the landlord may sell said personal property in the manner provided by section 2044, Revised Code of 1928.

(d) Where the premises are sublet or the lease assigned, the landlord shall have a like lien against the sublessee or assignee as he has against the tenant and may enforce the same in like manner.

Approved March 8th, 1937.

CHAPTER 31

(Senate Bill No. 15)

AN ACT

RELATING TO THE STATE AUDITOR, AND

AMENDING SECTION 27, REVISED CODE OF 1928.

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

Section 1. Sec. 27, Revised Code of 1928, is amended to read:

27. STATE AUDITOR'S POWERS AND DUTIES. (a) The state auditor shall be the general accountant of the state and keeper of all public account books, vouchers, documents, and papers relating to the accounts and contracts of the state, and its revenue, debt and fiscal affairs, not required by law to be placed in some other office or kept by some other person.

(b) The auditor shall install a uniform system of accounting, carefully audit the accounts of each state board, commission, and institution, and recommend such changes or improvements in accountancy as he may deem advisable. The officers of all such boards, commissions, and institutions shall comply with his instructions.

(c) The accounts of each state department and state institution shall be fully audited at least once each fiscal year, and reports of such audits shall be filed with the governor and laid before the legislature by the auditor and the governor.

(d) The auditor shall have sole authority to audit state departments and claims against the state, and the expenditure of public funds for this purpose by any other office or department is prohibited, except the governor shall cause an

audit to be made each fiscal year of the books, affairs and accounts of the state auditor, of the loan commission and of the state land department.

Approved March 8th, 1937.

CHAPTER 32

(House Bill No. 90)

AN ACT

RELATING TO THE DEPARTMENT OF LIBRARY AND ARCHIVES; DESIGNATING ITS DIVISIONS, DEFINING ITS FUNCTIONS, AND PRESCRIBING ITS DUTIES.

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

Section 1. DIVISIONS. There shall be a department of the legislative branch known as the department of library and archives, which shall include; 1. the state legislative bureau, 2. the library division, 3. the division of Arizona history and archives.

Sec. 2. LEGISLATIVE BUREAU. The state legislative bureau shall:

1. maintain a legislative reference library, containing legal, statistical, and descriptive data and authoritative philosophical and scientific

treatises on current and potential legislative subjects;

2. collect, compile, systematize, and tabulate statistical information regarding the government of the state and its political subdivisions, and general conditions and welfare;

3. conduct research on special legislative subjects, and prepare briefs summarizing the laws of other states and countries with respect to such subjects, the results of their administration, and the views, theories and proposals relating thereto of recognized authorities, political scientists, and students;

4. procure information, at the request of members of the legislature or state officers, on any legislative subject;

5. prepare or revise bills and other legislative measures for members or committees of the legislature, and for state officers;

6. prepare and issue styles and forms for drafting bills and other legislative measures, for the use of the legislature, state officers, and persons interested in the drafting of measures for introduction;

7. compile and publish a legislative manual, yearbook, or official register containing information concerning the legislature, and the offices, departments, institutions and agencies of the state government;

8. assist, under the direction of the secretary

of state, in the preparation of acts of the legislature for publication, and in the preparation of initiative and referendum publicity pamphlets;

9. publish slip laws of the acts of the legislature, promptly upon the passage and approval of such acts, and make the same available to interested persons, charging therefor a reasonable fee to compensate for the cost of printing; and for such purpose it shall be the duty of the secretary of state to provide the director of the legislative bureau with a certified copy of each bill or joint resolution, showing the chapter number of each thereof, as and when the same is filed in his office;

10. render such other services of a legislative nature, or pertaining to the work of the legislature, as the legislature or any committee thereof may request.

Sec. 3. LIBRARY DIVISION. (a) The library division shall include:

1. a law library, for the special use of the supreme court, departments of the state government, and attorneys residing in the state;

2. a section on government, embracing works, treatises, and publications dealing with political science, economics, sociology, and all phases of the theory and practice of government;

3. an American history and biography section;

4. a mineralogy and geology section;

5. a genealogy section;

6. a documents section containing publications of the United States Congress, of the legislatures of the several states, and of departments of the federal and state governments;

7. a general reference section; and such other sections as the director may deem advisable.

(b) The library division, except the law library, shall be for the use of the general public.

Sec. 4. DIVISION OF ARIZONA HISTORY AND ARCHIVES. The division of Arizona history and archives shall contain:

1. all available works, books, newspaper files, pamphlets, papers, manuscripts, documents, magazines and newspaper articles, maps, pictures, ITEMS, and MATERIAL (written in ink the following "Send this back to be clarified" also underscoring in ink) pertaining to or bearing upon the history of Arizona;

2. copies of current official reports, public documents, and publications of state, county, and municipal officers, departments, boards, commissions, agencies, and institutions, and public archives as defined in section 5. To permit compliance wtih this paragraph it shall be the duty of all public officers required by law to make written reports to the governor, or to the governing officer or body of any county, city or town to provide the state library, for filing in the division of Arizona history and archives, wtih a

copy of each such report, execept such as are confidential.

Sec. 5. DEPOSITORY OF OFFICIAL ARCHIVES. (a) The division of Arizona history and archives shall be the central depository of all official books, records, and documents not in current use, of the various state officers and departments of the state, and of the counties and incorporated cities and towns thereof, which books, departments, records, and documents shall constitute the state archives, and shall be carefully kept and preserved, classified and catalogued, and made available, under such rules as the director may prescribe, for inspection.

(b) It shall be the duty of all state officers having official state or territorial archives in their possession to turn the same over to the director of the department of library and archives.

(c) Any county, municipal, or other public official may, in his discretion, turn over to the division of Arizona history and archives, for permanent preservation therein, any official books, records, documents, and original papers not in current use in their offices, all such records and other files as may be authorized to be destroyed by the boards of supervisors of the several counties, and in no event shall any such official destroy or otherwise dispose of any obsolete or noncurrent records or archives, but shall, in case it is desired to dispose of any thereof, transmit the same to the department of library and archives, which shall have the authority and duty to preserve such as possess a historical value and destroy the remainder.

Sec. 6. HISTORICAL RECORDS. The division of Arizona history and archives shall:

1. collect from the files of old newspapers, court records, church records, private collections, and other sources, data bearing upon the history of the state;

2. accept the loan or gift of rare volumes, manuscripts, maps or pictures, and other items of historical value;

3. classify, edit, annotate, and publish from time to time such records as are deemed to be of public interest;

4. encourage the proper marking of points of historical importance;

5. systematically stimulate historical research, and encourage the study of Arizona history.

Sec. 7. ADMINISTRATION. The department of library and archives shall be under the charge and control of the director, who shall also assume direct and immdeiate charge of the legislative bureau and of such other divisions of the department as he may see fit. The director shall be a person technically trained in library work or having not less than five years actual experience as chief administrator of a major library.

Sec. 8. POWERS AND DUTIES OF DIRECTOR. The director shall have power, and it shall be his duty:

1. to appoint such librarians and assistants

as may be necessary for the performance of the duties of the department, assign their duties, and fix their compensation within the limits of appropriations provided for the purpose;

2. to establish rules and regulations for the use of books or other materials in the library, and for the removal of books from the library, including the assessment of reasonable fines and penalties for failure to return any such books when due;

3. to sell or exchange undesired duplicate copies of books, or books not of value for the purposes of the library, and remit the proceeds to the state treasurer for the credit of the department of library and archives fund, to be used in the purchase of other books;

4. to bring action for the recovery of any book, or for three times the value thereof, against any person having the same in his possession or responsible therefor, and who has failed or refused to return the same upon demand, and if any such book shall be one of a set, the value thereof may be deemed to be the value of the entire set;

5. to certify copies from books, documents, or other archival records which have been placed in the custody of the division of Arizona history and archives as provided by section 5, for which the same fee shall be charged as the fees prescribed for the certification of records by the secretary of state, and any such certificate shall have the same force and effect as if made by the officer originally in charge of such record;

6. to establish with the federal government, the other states, and foreign countries, a system of exchange of official state reports and publications, laws, statutes, legislative journals, and supreme court reports. For such purpose the director of the department of library and archives shall make requisition upon the secretary of state, the heads of departments, and all officers and agents of the state, for such number of copies of official publications as he may need for the purposes of said exchange, and it shall be the duty of such officers to supply the same;

7. to make a biennial report to the legislature on the condition of the library, its activities, and the disposition of moneys expended in its maintenance, and to transmit a copy thereof to the governor.

Sec. 9. SELECTION OF DIRECTOR. Until otherwise provided by law, the present law and legislative reference librarian of the state library shall be director of the department of library and archives.

Sec. 10. SALARY. The director of the department of library and archives shall receive five thousand dollars per annum.

Sec. 11. VACANCY. In the event that a vacancy occurs in the office of director of the state library while the lgieslature is not in session, or, if in session and fails to act, such vacancy shall be filled by appointment by the board of curators, subject to confirmation by the senate.

Sec. 12. BOARD OF CURATORS. The board

of curators of the state library shall consist of three members, to be appointed by the governor, for terms of six years each. Until the expiration of their current terms, the present members of the board of curators shall constitute such board.

Sec. 13. REPEAL. Chapter 72, Revised Code of 1928, is repealed.

Approved March 8, 1937.

CHAPTER 33

(House Bill No. 49)

AN ACT

RELATING TO PRIVATE EMPLOYMENT AGENTS, AND AMENDING SECTIONS 5, 6, 13, AND 17, ARTICLE 6, CHAPTER 24, REVISED CODE OF 1928 (CHAPTER 112, SESSION LAWS OF 1931, REGULAR SESSION).

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

Section 1. Sec. 5, article 6, chapter 24, Revised Code of 1928 (chapter 112, Session Laws of 1931, regular session), is amended to read:

5. LICENSE. No person, firm, association, or corporation shall engage in the business of employment agent for profit, or receive any fee, charge, commission, or other compensation, direct-

ly or indirectly, for services as an employment agent, without first obtaining from the industrial commission a license therefor, as hereinafter provided.

Sec. 2. Sec. 6, article 6, chapter 24, Revised Code of 1928 (chapter 112, Session Laws of 1931, regular session), is amended to read:

6. APPLICATION AND CASH DEPOSIT. Any person, firm, corporation, or association desiring a license as employment agent shall make application therefor to the industrial commission, and accompany the same with a cash deposit in the sum of five hundred dollars, conditioned that the agent will conform in all particulars to the requirements of law relating to the business of employment agent. Said cash deposit shall at all times be maintained at five hundred dollars.

Sec. 3. Sec. 13, article 6, chapter 24, Revised Code of 1928 (chapter 112, Session Laws of 1931, regular session), is amended to read:

13. RETURN OF FEE. (a) No employment agent, or agent thereof, shall send out any applicant for employment without having a bona fide order from the prospective employer to do so.

(b) In case an applicant is sent out and fails to obtain employment as represented the employment agent shall, upon demand, refund any fee the applicant may have paid.

(c) If the applicant is sent beyond the limits of the city in which the employment agency is

located, and fails to receive employment, the employment agent shall refund, in addition to said fee, necessary expenses incurred by the applicant in going to and returning from the place of prospective employment, except when applicant has been informed in writing that he is being sent for interview only.

(d) If the applicant receives employment, and said employment, by reason of discharge, lasts less than seven days, or the total amount of wages paid to said applicant is less than twenty-five dollars, the employment agent shall refund only the amount of the fee paid by said applicant.

(e) Should the employment agent refuse or fail to make prompt refund, upon demand, as provided in this section, the applicant may apply to the commission for a hearing, and if the commission, upon investigation, finds that the applicant is entitled to a refund it shall issue an order to that effect, and shall pay such refund to the applicant out of the cash deposited by the employment agent. Either party to any such controversy may appeal, within five days from the issuance of any such order, to the superior court of the county in which the business of the employment agent is located.

Sec. 4. Sec. 17, article 6, chapter 24, Revised Code of 1928 (chapter 112, Session Laws of 1931, regular session, is amended to read:

17. PENALTY. Any person, firm, association, or corporation who violates any provision of this article 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, confinement for not more than six months, or both.

Sec. 5. SEVERABILITY. If any provision of this act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the act are declared to be severable.

Sec. 6. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this act 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 8th, 1937.

CHAPTER 34

(House Bill No. 68)

AN ACT

RELATING TO TAXATION, AND AMENDING SECTIONS 16 AND 36, CHAPTER 8, SESSION LAWS OF 1933, FIRST SPECIAL SESSION AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 16, chapter 8, Session Laws

of 1933, first special session, is amended to read:

16. FILING REPORTS. (a) Every corporation, as defined in section 4, doing business within the state, whether taxable under this act or not; every person other than a corporation who received during the year a gross income of five thousand dollars or over, or a net income of one thousand dollars or over, if single, or two thousand dollars or over, if married, and every partnership shall, on or before March 15 of each year (or if for a fiscal year ending on some date other than December 31, within seventy-five days after the last day of such fiscal year) file with the commission a report of income in such manner and form and setting forth such facts, necessary to the enforcement of the provisions of this act, as the commission shall prescribe; provided, that a corporation shall not be deemed to be doing business within the state merely because of its incorporation under the laws of the state, nor because of the holding within the state of organization or other meetings of its stockholders or board of directors.

(b) The report of a corporation, including investment company copartnerships, shall be made upon the oath or affirmation of the president, vice-president, or other principal officer and the treasurer thereof, or if a corporation in liquidation or in the hands of a receiver, upon the oath or affirmation of the person responsible for the conduct of its affairs.

(c) The report of a person other than a corporation, and the report of a partnership (other than an investment company copartnership) shall

be made upon the oath or affirmation of a member of such partnership.

(d) Corporations doing business within the state shall also file, with the report of income as provided herein, on forms prescribed by the commission, the following reports:

1. Names and addresses of and the amount paid to each officer or employee residing within the state to whom seven hundred dollars or more was paid for salaries, wages, fees, or bonuses, for services actually rendered in carrying on the business, profession or occupation from which the income is derived.

2. The names and addresses of creditors residing within the state to whom interest (other than interest coupons payable to bearer) was paid in the operation of the business from which the income is derived, where such payment amounts to three hundred dollars or more; provided, every commercial bank, savings bank, or other financial institution shall, in lieu of the reports required by this paragraph, keep and maintain for the inspection of the tax commission, or its agents, the records required by section 5, subsection (d) of this act.

3. Payments made, and the names and addresses of persons residing within the state to whom dividends or liquidating dividends were paid, where such payment amounts to three hundred dollars or more.

4. Payments made, and the names and addresses of persons, within or without the state,

to whom payments were made for rents or royalties on property situate within the state, where such payment amounts to three hundred dollars or more.

(e) Persons other than corporations claiming deductions for salaries, wages, fees or bonuses paid for services shall file the report required in subsection (d), paragraph 2, of this section.

(f) Persons other than corporations, claiming deductions for interest paid within the year on existing indebtedness, shall report the form of the indebtedness, the names, and addresses of creditors to whom interest was paid, and the amount paid to each, where such payments amount to three hundred dollars or more.

(g) Whenever in the judgment of the commission any person other than a corporation is subject to income tax, or for any reason ought to file a report of income, it shall notify such person to make such report, and to include therein such information as the commission shall prescribe. Failure to receive such notice shall not excuse a person required to file a report of income.

(h) Married persons living together as husban and wife may make separate reports or join in a single joint report of income.

(i) Upon written request therefor the commission may, for absence, sickness, or other sufficient reason, grant a reasonable extension of time for filing a report of income.

Sec. 2. Sec. 36, chapter 8, Session Laws of 1933 is amended to read:

36. LIMITATION ON CORRECTIONS. Corrections or additional assessments of income may be made at any time within three years after the close of the period covered by a report of income; provided, that if in any year no return is filed, income of any such year may be assessed when discovered.

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 10, 1937.

CHAPTER 35

(House Bill No. 102)

AN ACT

RELATING TO THE FRUIT AND VEGETABLE INDUSTRY, AND AMENDING CHAPTER 95, SESSION LAWS OF 1929.

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

Section 1. Sec. 3, chapter 95, Session Laws of 1929, is amended to read:

3. APPLICATION OF LAW. (a) All fresh fruits and vegetables when being packed, or after packing, or when delivered for shipment, loaded, shipped or being transported, offered for sale or sold in the State of Arizona for which grades, standards and standard containers are herein established shall be construed as coming within the meaning of this Act.

(b) All lots of fruits and vegetables packed for sale, offered for sale or transported for sale, or sold in the State of Arizona must be packed in new or clean containers.

Sec. 2. Chapter 95, Session Laws of 1929, is amended by adding section 11a:

11a. SCHEDULE OF CHARGES. (a) To provide the necessary funds for the enforcement of the provisions of this Act pertaining to the sale of loose and bunched fruits and vegetables, the following schedule of charges is authorized: beets, carrots, or turnips, one-tenth cent per one-half dozen bunches; spinach, asparagus, cabbage, cauliflower, broccoli, okra, string beans, or peas, one-tenth cent per pound; sweet potatoes, or tomatoes, one-half cent per lug; Irish potatoes, one-half cent per lug, or two cents per hundred pounds; strawberries, one cent per twelve-pint tray; sweet corn, one-tenth cent per dozen;

(b) On or before January 1, covering the period from August 1 to November 30, on or before May 1, covernig the period from December 1 to March 31, and on or before September 1, covering the period from April 1 to July 31, the supervisor of inspection shall make a detailed ac-

counting to the dean of agriculture of all receipts and disbursements of this fund, and to the accounting made September 1 shall be attached a certified public accountant's report covering the fiscal year ending July 31 of each year. Any part of the fund remaining unused at the end of the fiscal year shall be returned pro-rata to the persons from whom it was collected.

Sec. 3. Sec. 21, chapter 95, Session Laws of 1929, is amended to read:

21. VIOLATIONS. It shall be unlawful: 1. To pack, or cause to be packed, sell, offer for sale, deliver for shipment, load, ship or transport for shipment any fruits or vegetables which do not conform to the requirements of this Act; 2. To prepare, deliver for shipment, load, ship, transport, offer for sale or sell for shipment, a deceptive pack, load, arrangement or display of fruits or vegetables, or to mislabel any container or display of such fruits or vegetables.

Sec. 4. Chapter 95, Session Laws of 1929, is amended by adding section 25a:

25a. VEGETABLE STANDARDS. (a) Carrots, when being packed, presented for sale, or sold, shall be free from decay and insect injury which has penetrated or damaged the flesh, and shall be free from serious damage due to growth cracks, mechanical injury, being misshapen, or other causes; not more than five per cent of any lot of carrots may be below these requirements. "Serious damage" means any condition which would cause a loss of twenty per cent or more of the root during preparation for use. When

bunched, carrots shall be virtually uniform in size, and when ranging in diameter from one to one and one-fourth inches shall contain seven carrots to the bunch; if over one and one-fourth inches, five carrots to the bunch. Topped carrots, when packed in lugs, boxes, crates, or sacks, shall be virtually uniform in size.

(b) Beets and turnips, when being packed, presented for sale or sold, shall be free from serious damage due to decay, disease, scab, nematode, growth-cracks, mechanical injury, stringiness, woodiness, being misshapen, or other causes; not more than five per cent of the beets or turnips in any one lot may be below these requirements. "Serious damage" means any condition which would cause a loss of twenty per cent or more of the root during preparation for use. When bunched, beets and turnips shall contain not less than four nor more than five roots to the bunch.

(d) Spinach, when being packed, presented for sale or sold, shall be free from serious damage due to insects, disease, tip burn, frost injury or other causes; not more than five per cent of the spinach in any one lot may be below these requirements. "Serious damage" means any condition which would cause a loss of twenty per cent or more of the leaves during preparation for use. Spinach, when being sold, or advertised for sale, whether wholesale or retail, shall be sold by the pound.

(e) Asparagus, when being packed, presented for sale or sold, shall not be wilted or crushed, stalks shall not have badly broken, badly spreading, or badly seeded tips and shall be free from

decay and from serious damage caused by dirt, disease, insects, mechanical injury or other causes. Stalks of asparagus shall not be badly crooked and shall have not more than two inches of white on the butt, except that not more than twenty-five per cent of the stalks in any bunch may have not to exceed two and one-half inches of white. "Serious damage" means any injury from the causes mentioned which materially affects the quality. When bunched, stalks of asparagus shall be virtually uniform in size. Not more than ten per cent, by weight, of the stalks in any lot may be below these requirements, and not to exceed one-half of this tolerance shall be allowed for any one cause. Asparagus, bunched or loose, when advertised for sale, offered for sale, or sold, either at wholesale or retail, shall be sold by the pound.

(f) Cauliflower and broccoli, when being packed, presented for sale or sold, shall be free from rots and worm or other insect injury which has penetrated or damaged the curd, and free from serious damage by freezing, sunburn or other causes. Damage to any one head of cauliflower or broccoli is not serious unless it causes a loss of twenty per cent of the edible portion thereof. Not more than five per cent, by count, of the heads in any container or bulk lot may be below these requirements, and any container or bulk lot of less than ten heads shall have not more than twenty per cent, by count, of heads below these requirements. Cauliflower and broccoli shall be properly trimmed to the number of leaves necessary to protect the head.

(g) Cabbage, when being packed, offered for sale or sold, shall be firm, not withered, puffy

or burst, and shall be free from soft rot, seed stems, and from serious damage caused by discoloration, freezing, disease, insects or mechanical or other means. Damage to any one head of cabbage is not serious unless it causes a loss of ten per cent or more, by weight, of the individual head. Not more than ten per cent, by count, of the heads in any lot may be below these requirements, and not to exceed one-half of this tolerance shall be allowed for any one cause.

(h) Sweet potatoes shall be free from mold, decay, and soft and wet rots, and free from serious damage due to insect injury, bruises, growth cracks, freezing, grass roots and other causes. Damage to any one potato is not serious unless it causes a waste of ten per cent, by weight, of the individual potato. Not more than ten per cent, by weight, of the sweet potatoes in any container or bulk lot may be below these requirements, and not to exceed one-half of this tolerance shall be allowed for any one cause. When packed in lugs, boxes or sacks, sweet potatoes shall be fairly uniform in size.

(i) Potatoes, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container or in bulk, shall conform to the following standdards:

1. Potatoes shall be free from serious injury by sun scald, second growth, sunburn, hollow heart, growth cracks, cuts, bruises, shriveling, scab, scurf, thizactonia, live tuber moth larvae, grass roots, wire worm, tuber moth and nema-

tode. Not more than ten per cent, by weight, of the potatoes in any container or bulk lot may be below these requirements, and not to exceed one-half of this tolerance shall be allowed for any one cause. "Serious damage" means damage which results in a loss of ten per cent or more of the potato over and above the loss occasioned during the ordinary process of preparation for use. Arizona No. 1 shall consist of potatoes of simlar varietal characteristics which are not badly misshapen; Arizona No. 2, large, potatoes of not less than two and one-half inches diameter; Arizona No. 1, medium, potatoes of not less than one and seven-eighths inches diameter; Arizona No. 2, potatoes of similar varietal characteristics, not less than one and one-half inches diameter.

(j) Strawberries shall be mature but not overripe, not noticeably undeveloped or deformed; shall have the cap (calyx) attached, and be free from cuts, molds, decay, and from serious damage caused by rain, irrigation, sun, bruising, disease, insects or other means. Any strawberry which has not less than two-thirds of the surface showing a characteristic reddish color shall be considered mature. Not more than ten per cent, by count, of the berries in any one container or sub-container may be below these requirements, and not to exceed one-half of this tolerance shall be allowed for any one cause. When prepared for sale, advertised, or offered for sale, or sold, strawberries shall be contained in the dry pint basket, containing an interior capacity of approximately thirty-three and six-tenths inches.

(k) Tomatoes shall be mature but not overripe, shall be free from insect injury which has

penetrated or materially damaged the flesh, wet or soft rots, blight, freezing injury, and from serious damage caused by blossom end rot, mosaic, alkali spot, sun scald, bruises, cat faces, blossom end scars, and growth cracks, and in the case of tomatoes which are packed, shall be virtually uniform in size. Not to exceed ten per cent of the tomatoes in any container or lot may be below these requirements, and not to exceed one-half of this tolerance shall be allowed for any one cause.

(l) Okra, when being packed, presented for sale, or sold, shall be free from serious damage caused by disease, decay, insects, woodiness, or stringiness. Damage to any one pod is not serious unless it causes a loss of more than ten per cent to the individual pod. Not over ten per cent of the pods in any lot may be below these requirements.

(m) String beans, when being packed, presented for sale, or sold shall be mature (free snapping) but not over-mature; shall be free from serious damage caused by freezing, hail, dirt, disease or insect injury, rust, anthracnose, mold, mildew, decay, mechanical or other means. Damage to any one bean is not serious unless it causes a loss of ten per cent or more of the individual pod. Not more than ten per cent of the beans in any lot may be below these requirements.

(n) Fresh peas, when being packed, presented for sale, or sold shall be mature but not over-mature and shall be fairly well filled, fresh and firm, and free from serious damage caused by

disease, mold, decay, freezing, dirt, insects, or mechanical or other means. Not more than ten per cent, by weight, of any lot may be below these requirements.

(o) Green corn, when being packed, presented for sale, or sold shall be mature, but not overmature (as indicated by a "doughy" condition of the kernels); shall be free from serious damage caused by wilting, shrivelling, worms, disease, decay, insects or other means. The leaves covering the ear shall be fairly fresh and green. Damage to an ear of corn is not serious unless it causes a loss of ten per cent or more of the individual ear. Not more than ten per cent, by count, of the ears in any lot may be below these requirements.

Sec. 5. EMERGENCY. To preserve the public peace, health, and safety is 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 13, 1937.

CHAPTER 36

(House Bill No. 64)

AN ACT

RELATING TO BENEFIT CORPORATIONS, AMENDING SECTIONS 607, 608, 609, AND

610, REVISED CODE OF 1928, AND AMENDING ARTICLE 3, CHAPTER 14, REVISED CODE OF 1928, BY ADDING SECTIONS 608a, 608b, 608c, 608d, 608e, 609a, 609b, 609c, 609d, 609e, 610a, 610b, 610c, 610d, 610e, AND 610f.

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

Section 1. SHORT TITLE. This act may be cited as the benefit corporation law of 1937.

Sec. 2. Sec. 607, Revised Code of 1928, is amended to read:

607. BENEFIT CORPORATIONS. Corporations, not for pecuniary profit, may be formed to provide cash benefits for members and cash benefit for the nominees of deceased members, and shall include all corporations, societies and associations operating an insurance business where funds are provided by mutual contributions, periodical payments, dues or assessments, except those hereinafter exempted.

Sec. 3. Sec. 608, Revised Code of 1928, is amended to read:

608. FORMATION. (a) Two hundred or more citizens of the United States, residents of this state for at least one year, may form a benefit corporation by filing articles of incorporation, verified by each of them, stating the general objects of the corporation, its principal place of business, the time of its commencement and termination, the names of the directors and officers by whom the affairs of the corporation

are to be conducted and the time of their election, the corporation's name (which shall indicate its general character of business and shall not closely resemble the name of any association, life insurance company, or corporation now licensed to do business in this state), and whether private property is to be exempted from liability for the corporate debts.

(b) When the articles of incorporation have been thus filed and a certified copy thereof recorded in the office of the county recorder of the county in which its place of business is situated, and appointment of a statutory agent filed, the corporation commission shall issue the corporation a certificate of incorporation.

Sec. 4. Article 3, chapter 14, Revised Code of 1928, is amended by adding section 608a:

608a. MINIMUM MEMBERSHIP. Such corporation shall have twelve months from the date of its certificate of authority to secure a minimum of not less than five hundred members in good standing. Should the membership at any time fall below said minimum, the corporation shall immediately notify the corporation commission. Within ninety days thereafter, or such further time as the commission may allow, the corporation shall increase its membership to said minimum. If the corporation fails to increase its membership within the time fixed, the commission shall revoke its certificate of authority and thereupon such corporation shall liquidate and dissolve.

Sec. 5. Article 3, chapter 14, Revised Code

of 1928, is amended by adding section 608b:

608b. DEPOSIT OF MONEY OR SECURITY. (a) Every benefit corporation organized or operating under the provisions of this act, before receiving a certificate of authority to transact business, shall, in addition to the requirements of section 609b, deposit with the state treasurer, to be by him held in trust for the benefit and protection of the corporation's members, the sum of one thousand dollars. Thereafter a further sum of one thousand dollars, divided into twelve equal monthly payments, beginning thirty days after the certificate of authority is issued, shall be likewise deposited with the state treasurer. Failure to pay any such monthly payment shall automatically cancel the corporation's certificate of authority.

(b) In addition to said deposits every such corporation shall, not later than February 1, 1940, and on or before February 1 of each year thereafter, deposit with the state treasurer, to be by him held in trust as hereinafter provided, for the benefit and protection of the members of the corporation, a further sum equal to one dollar for each one thousand dollars of protection in force on December 31 of the preceding year, beginning as of December 31, 1939, until a total of ten thousand dollars has been so deposited.

(c) The deposits prescribed by this section shall be subject to withdrawal from the state treasury in whole or in part only on the order of and as directed by the corporation commission, but may, with the commission's approval, be invested in United States or state bonds, which shall be placed with and assigned to the state treasurer

and held by him as provided for the original deposits. Subject to approval by the commission any such securities may be exchanged for others of like amounts. The interest on said securities shall be payable to the corporation depositing the same.

(d) Any unsettled final judgment of a court of this state shall be a lien on the deposits of money or securities prescribed by section 608b, and subject to execution after thirty days from entry of final judgment. If said deposit is depleted thereby it shall be replenished within ninety days.

(e) Said deposit may be considered as a part of any required reserve of the corporation and shall not be subject to withdrawal so long as the corporation has any contract or other liability outstanding. If and when the corporation liquidates, dissolves, or merges with another corporation, and there are no certificates or other liabilities not satisfied or assumed, the deposit shall be returned to the corporation upon the order of the commission, and placed to the credit of the fund from which it was taken or paid to the person who may have advanced it.

Sec. 6. Article 3, chapter 14, Revised Code of 1928, is amended by adding section 608c:

608c. BENEFIT CERTIFICATE. (a) Every benefit certificate issued by any such corporation shall specify the maximum amount not exceeding five thousand dollars, on the life of any individual, to be paid on the happening of the contingency therein stated, and shall state the basis

or amount to be set aside to the mortuary and reserve fund. The certificate, including any written amendment thereto, and, at the option of the corporation, the application therefor, and the by-laws of the corporation, shall constitute the entire contract between the corporation and the member, and the applicant shal see that all facts required to be stated are set forth in the application.

(b) Each corporation shall provide in its certificate for at least fifteen days' grace following the due date of any periodical payment or dues, during which time the certificate shall not be forfeited. If payments are not made according to the terms of the certificate all liability of the member and of the corporation ceases, except as otherwise provided in the certificate. Any corporation may provide for a period of time, which shall be stated in the certificate, for the reinstatement of a lapsed or forfeited certificate, and for a reinstatment fee. If the corporation requires a written application for reinstatement such application shall be the basis of renewing the contract, and any statement made therein may be used by the corporation in defense of its rights under the certificate.

Sec. 7. Article 3, chapter 14, Revised Code of 1928, is amended by adding section 608d:

608d. FIDELITY BOND. The president, vice-president, or treasurer of every benefit corporation shall furnish a fidelity bond of a company authorized to transact business in the state, in the amount of five thousand dollars, payable to the corporation.

Sec. 8. Article 3, chapter 14, Revised Code of 1928, is amended by adding section 608e:

608e. LIABILITY LIMITED. The private property of the officers, directors, members, beneficiaries, or employees of any benefit corporation organized under the provisions of this act shall not be liable for the payment of the debts of the corporation.

Sec. 9. Sec. 609, Revised Code of 1928, is amended to read:

609. PAYMENTS AND FUNDS. (a) Every benefit corporation shall provide in its benefit certificate for periodical payments or dues sufficient to pay benefit claims and general operating expenses as stipulated therein.

(b) A mortuary and reserve fund, exclusive of other assets, may be created, out of which may be paid all benefit claims arising under the certificates, the deposits required to be made with the state treasurer as provided by section 608b, and attorney's fees and necessary expenses arising out of the defense, settlement, or payment of any contested or disputed claim. The residue of payments made by members, after setting aside the amount required for the mortuary and reserve fund, and interest earned by the assets of the corporation, whether deposited with the state treasurer or otherwise invested, may be used for general operating expenses.

Sec. 10. Article 3, chapter 14, Revised Code of 1928, is amended by adding section 609a:

609a. EXAMINATION. At least once in every two years the corporation commission shall require the books and the affairs of each benefit corporation to be examined and audited by an accountant designated and commissioned by it, for the purpose of verifying the funds as provided in the benefit certificate thereof. For such purpose the commission and its auditor shall have free access to all books, papers and accounts of the corporation. The cost of any such examination and audit shall be paid by the corporation, but it shall not be required to pay for more than one such examination and audit in any one year, nor to exceed twenty-five dollars for each one thousand certificates or fraction thereof in force at the time of such examination except that a corporation chartered under the laws of another state shall also pay the traveling expenses of the accountant designated by the commission. All such costs shall be paid upon the completion of the audit or examination.

Sec. 11. Article 3, chapter 14, Revised Code of 1928, is amended by adding section 609b:

Sec. 609b. CERTIFICATE OF AUTHORITY TO TRANSACT BUSINESS. (a) Before any benefit corporation shall solicit applications for benefit certificates it shall file a copy of its certificate with the corporation commission and evidence that it has made the deposit required by section 608c. If the certificate conforms to the requirements of this act, the commission shall within three days issue a written certificate of authority to the corporation to transact business.

(b) Upon presentation to the commission of

prima facie evidence that any benefit corporation is wilfully violating the provisions of this act, the commission shall immediately notify such corporation, stating the manner in which it is alleged the law is being violated. If it appears to the commission that the corporation is continuing such violation, it shall cite the corporation to appear within thirty days to show cause why the alleged violations should not be remedied. If upon said hearing the commission shall find that the corporation is violating the provisions of this act in the particulars stated in the citation, it shall serve a written notice of its decision upon the corporation, which shall be subject to the rights of appeal hereinafter provided. Should the corporation not appeal from such decision, or if it appeal and the appellate court shall uphold the decision of the commission, the corporation shall comply with the order of the commission within ten days thereafter, and upon its failure so to do, the commission may revoke the certificate of authority of such corporation.

Sec. 12. Article 3, chapter 14, Revised Code of 1928, is amended by adding section 609c:

609c. EXEMPTION FROM ATTACHMENT. No money paid or to be paid for any benefit, as provided in a certificate issued by a corporation organized or operating under the provisions of this act, shall be liable to attachment or other process, nor may it be seized, taken, appropriated or applied by any legal or equitable process, nor by operation of law to pay any debt or liability of any member or his nominee, except as may be provided in the benefit certificate.

Sec. 13. Article 3, Chapter 14, Revised Code of 1928, is amended by adding section 609d:

609d. ORGANIZATIONS EXEMPTED. The provisions of this act shall not apply to secret or fraternal societies, lodges, or councils, which conduct their business and secure members on the lodge system exclusively, and having a ritualistic work and ceremonies in their societies, lodges, or councils, nor to any mutual or benefit association organized or formed and composed exclusively of members of any such society, lodge, or council, church of religious society, nor to any association of employees employed by one and the same concern, or its subsidiary, nor any labor organization, nor to any life insurance company organized or operating under chapter 36, Revised Code of 1928, nor to any foreign assessment company operating under the general insurance laws of this state.

Sec. 14. Article 3, chapter 14, Revised Code of 1928, is amended by adding section 609e:

609e. NO VESTED PROPERTY RIGHT. No member of a benefit corporation, shall have any vested property right or title in any deposits or reserve during the life time of the member, other than as provided in the benefit certificate.

Sec. 15. Sec. 610, Revised Code of 1928, is amended to read:

610. POWERS OF BENEFIT CORPORATIONS. Any corporation organized under the provisions of this act may contract, sue and be sued by and in its own name, and shall not be subject to the provisions of the general insurance laws, and no

law hereafter enacted shall apply to such corporations unless they are expressly designated therein. They may own sufficient real property for their business purposes and such other real property as they may purchase upon foreclosure of their mortgages. Property obtained through foreclosure shall be sold and conveyed within five years from the date title is obtained unless the superior court of the county in which the principal place of business of the corporation is located, shall, upon petition and for good cause shown, extend the time for such sale and conveyance. Such corporation may make and amend necessary by-laws, which shall provide for annual meetings of members who may vote in person or by proxy. The by-laws or the benefit certificate may provide for the qualification of members, mode of acceptance, the fees of admission and periodical payments or dues, the expulsion of members for non-payment of any periodical payment or dues, the restoration to membership, the employment and compensation of its agents and other regulations not in violation of this act.

Sec. 16. Article 3, chapter 14, Revised Code of 1928, is amended by adding section 610a:

610a. EXISTING CORPORATIONS. Any existing corporation or association heretofore incorporated under the provisions of sections 607, 608, 609, and 610, article 3, chapter 14, Revised Code of 1928, shall be deemed to be lawfully incorporated, organized and existing and may continue its corporate existence and transact business under, and avail itself of the provisions hereof without reincorporating or requalifying, except that such corporation shall, on or before January 1, 1938,

comply with the provisions hereof as to statutory agent, minimum membership, deposits of money or securities, benefit certificate, fidelity bond, and certificate of authority, and shall be subject to examination as herein provided.

Sec. 17. Article 3, chapter 14, Revised Code of 1928, is amended by adding section 610b:

610b. FOREIGN ORGANIZATIONS. No benefit corporation, association, or society incorporated or transacting business under the laws of any other state or foreign country, shall transact business in this state until it complies with the requirements of this act. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction punished by a fine of not more than five hundred dollars, imprisonment in the county jail not more than six months, or both.

Sec. 18. Article 3, chapter 14, Revised Code of 1928, is amended by adding section 610c:

610c. FILING FEES. The fees for the filing of instruments and documents pertaining to the organization of benefit corporations shall be the same as the fees provided for filing of like instruments and documents with the corporation commission.

Sec. 19. Article 3, chapter 14, Revised Code of 1928, is amended by adding section 610b:

610b. CONTESTABILITY. (a) All certificates issued by a benefit corporation shall be incontestable after three years from their effec-

tive date or three years from the effective date of any reinstatement after lapse, except for non-payment of assessment levied.

(b) To contest the validity of a certificate, or deny liability thereunder, the corporation shall notify the member, or if the member is dead, the beneficiary, by registered letter addressed to such member or beneficiary at the last address known to the corporation.

Sec. 20. Article 3, chapter 14, Revised Code of 1928, is amended by adding section 610e:

610e. APPEAL. Any decision of the corporation commission may, within sixty days after the same has been served on a benefit corporation, be appealed to the superior court of the county in which the principal place of business of such corporation is located. Notice of appeal and a statement of objection to the commission's decision shall be filed with the commission, which shall, within sixty days after the appeal has been filed, transmit a copy of such notice and statement, with a certified copy of the proceedings before the commission, including a transcript of testimony and all exhibits, to the clerk of the superior court, who shall docket the appeal in the name of the appellant as plaintiff and the corporation commission as defendant. The superior court shall hear such appeal, with or without a jury, unless both parties shall file an agreement to a continuance. Either the corporation commission or any such corporation or proposed corporation may appeal from the judgment of the superior court to the supreme court.

Sec. 21. Article 3, chapter 14, Revised Code of 1928, is amended by adding section 610f:

610f. PENALTIES. Any solicitor, agent, examining physician, or other person who wilfully makes any false or fraudulent statement or misrepresentation in or with reference to any application for benefits or for the purpose of obtaining any money or benefit in or to any corporation transacting business under this act, or any officer of any such corporation who refuses to permit the corporation commission or its auditor to make an examination and audit of the business, books, or records of such corporation, or who wilfully violates any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by fine of not more than five hundred dollars, imprisonment in the county jail not more than six months, or both.

Sec. 22. SEVERABILITY. If any provision of this act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the act are declared to be severable.

Approved March 13, 1937.

CHAPTER 37

(House Bill No. 58)

AN ACT

RELATING TO PARDONS AND PAROLES, AND

CREATING THE OFFICE OF SUPERVISOR OF PAROLEES.

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

Section 1. Chapter 131, Revised Code of 1928, is amended by the addition of section 5220a.

5220a. SUPERVISOR OF PAROLEES. (a) There shall be a supervisor of parolees, whose duty it shall be: 1. to make investigations, and to collect information which will assist the board of pardons and paroles in passing upon applications of inmates of the state prison, for paroles; 2. to keep a record of parolees, and of the reports of parolees who are required to report to the board, and, 3. to contact parolees and give field supervision whenever possible.

(b) The chairman of the board of pardons and paroles shall be ex-officio the supervisor of parolees. He shall receive for his services as supervisor of parolees seven dollars per day while actually serving in such capacity, but shall not receive such compensation for any day for which he draws compensation as chairman of the board of pardons and paroles. He shall also receive the traveling expenses allowed public officers while engaged in the performance of his duties.

Approved March 13th, 1937.

CHAPTER 38

(Senate Bill No. 45)

AN ACT

RELATING TO EDUCATION, AND AUTHORIZING THE STATE BOARD OF EDUCATION TO ENTER INTO CONTRACTS FOR THE WELFARE AND EDUCATION OF INDIANS.

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

Section 1. CONTRACTS AUTHORIZED. (a) The state board of education is authorized to enter into contracts with the department of the interior for the welfare and education of Indians in public schools of the state, in accordance with the act of Congress approved April 16, 1934 (48 Stat. 596), as amended by the act of June 4, 1936 (49 Stat. 1458), and to administer the expenditure of federal funds provided thereunder.

(b) No such contract shall be binding upon the school district affected until approved by the board of trustees thereof.

Approved March 15, 1937.

CHAPTER 39

(House Bill No. 224)

AN ACT

MAKING AN APPROPRIATION FOR THE PUR-

CHASE OF MATERIALS AND THE CONSTRUCTION OF A FENCE AROUND THE GEORGE W. P. HUNT MONUMENT; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. There is hereby appropriated out of the general fund of the state, to the Board of Directors of State Institutions, the sum of four hundred twenty-five dollars, or so much thereof as may be necessary.

Section 2. PURPOSE. This appropriation is for the maintenance and upkeep, and any improvements needed on the George W. P. Hunt Monument near Tempe, in Maricopa County, state of Arizona.

Section 3. EMERGENCY. To protect 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 15, 1937.

CHAPTER 40

(Senate Bill No. 71)

AN ACT

RELATING TO PENSIONS FOR AGED AND

PHYSICALLY DISQUALIFIED MEMBERS OF POLICE DEPARTMENTS, AND FOR THE CREATION OF POLICE PENSION FUNDS AND POLICE PENSION BOARDS.

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

Section 1. SHORT TITLE. This act may be cited as the police pension act of 1937.

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

"fund" means the police pension fund;

"board" means the police pension board;

"department" means the police department;

"governing body" means the city commission, city council, board of trustees, or other governing body of the municipality;

"member" or "member of the department" means a member of the police department, and includes all ranks and both sexes;

"departmental member' means a member of the police pension board chosen from among the members of the department other than the chief of police.

Sec. 3. POLICE PENSION FUND. In each city of the state having a population, according to the last federal census, of not less than twenty thousand inhabitants, there is hereby created, and

in any incorporated city or town having a population of less than twenty thousand inhabitants there may be created by ordinance, a police pension fund, which shall be managed, controlled and distributed in accordance with the provisions of this act.

Sec. 4. POLICE PENSION BOARD. Said fund shall be administered by a police pension board. In cities in which this act is or shall hereafter become mandatory the board shall be composed of the president of the civil service commission, if there be one, and if there be none, then the head of the governing body of such city, the city clerk, the city treasurer, the chief of police, and three subordinate members of the police department. In cities or towns in which the fund shall be established by ordinance, the board shall consist of the mayor, or other head of the governing body of the municipality, the municipal clerk, the municipal treasurer, and two members of the department. The president of the civil service commission, mayor or other head of the governing body, as the case may be, shall ex officio be the chairman; the municipal clerk shall ex officio be the secretary, and the municipal treasurer shall ex officio be the treasurer of the board.

Sec. 6. MEMBERS NOT TO RECEIVE COMPENSATION; LIABLE ON OFFICIAL BONDS. No member of the board shall receive any compensation for services performed as a member or employee of said board. The members ex officio shall be liable on their official bonds for any misconduct in connection with the performance of their duties as such.

Sec. 7. POWERS OF THE BOARD. The police pension board shall have exclusive control and management of the police pension fund, subject to the provisions of this act. It shall make rules, not inconsistent with the provisions of this act, for its government, the conduct of its proceedings, and the management of the fund, and shall do all things necessary to carry out the provisions of this act. It shall have power to compel witnesses to attend, or to produce records and papers, and to testify with respect to any application for pension, or upon any matter connected with the fund, and, by any member of the board, to administer oaths to such witnesses. It may invest, in the name of the board, that portion of the fund which in its judgment is available for investment, in such interest bearing securities as are eligible by law for the investment of the surplus or reserve of the state compensation fund, and under similar conditions, and may sell such securities.

Sec. 8. CONTENTS OF THE FUND. The police pension fund shall consist of:

1. Two per cent of the compensation paid to each member of the department, to be deducted from each salary warrant issued in payment for the services of any such member, which shall be refunded to any member who is discharged or otherwise separated from the service, together with interest at the rate of three and one-half per cent interest compounded semi-annually.

2. An equal amount to be paid by the city in which such pension fund is established, and not to be refunded.

3. All moneys received from fines imposed upon members of the department, for violation of the rules.

4. All rewards given or paid to members of the department.

5. Ten per cent of all moneys received from municipal licenses for the keeping of places wherein spirituous, malt, or other intoxicating liquors are sold, in cities coming within the provisions of this act.

6. Twenty-five per cent of all moneys received from the licensing of pawnbrokers, second-hand dealers, junk dealers, billiard hall keepers, pool or pigeon-hole table keepers, and card-room keepers, in cities coming within the provisions of this act.

7. Twelve and one-half per cent of all moneys collected as fines for violating city ordinances, in cities coming within the provisions of this act.

8. All earnings upon the deposit, loan or investment of the fund.

9. All moneys received from taxes levied by the state for support of the fund.

10. All moneys received from taxes levied by the governing body of the municipality to eliminate deficits in the fund.

Sec. 9. PENSIONS. (a) Pensions shall be paid from the fund in the cases specified in this section, the intention being to restrict the opera-

tion of this act to situations not covered by the workmen's compensation law.

(b) Any member of the police department who has served such department twenty years in the aggregate may, upon application, be retired, and shall be paid, during his lifetime, a monthly pension equal to one-half of the compensation received by him for a period of not less than one year prior to the date of application for retirement. In the absence of an application for retirement the board may, when it deems such action to be for the best interest of the department, on its own motion propose any such member for retirement, and upon the certificate of the city physician that the said member is physically unfit for further police service, he shall be retired, and shall thereafter receive the pension prescribed in this paragraph.

(c) Any member of the department who has served in such department an aggregate of five years, and who, within the hours he is required to be on active duty, and while engaged in the performance of his duty, contracts a disease or sustaining injury due to his occupation, not compensable under the workmen's compensation law, and is found, upon physical examination held as provided in section 19, to be unfit physically or mentally by reason of such disease, for police service, shall, if the disability be permanent, be retired, and shall be paid, during his lifetime, a monthly pension equal to one-half the compensation received by him for a period of not less than one year prior to such order of retirement. If the disability resulting from such diseases be temporary, he shall be temporarily retired, and

shall be paid, during such period of retirement, one-half the monthly compensation received by him.

(d) In the event that the disease contracted as provided in paragraph (c) of this section shall result in death, or if after ten years service and while in the service, any member of the department shall die from any cause and shall leave surviving a widow, a child under the age of eighteen years, or a dependent parent, a monthly pension shall be paid: 1. to the widow, unless she marries the decedent after his retirement, until death or remarriage, an amount equal to one-third of the monthly compensation of the deceased at the time of death or retirement; 2. to the guardian of each such child until it is eighteen years of age, or until its dependency shall earlier terminate, ten dollars per month, but in the event the total of the pensions to the widow and dependent children shall exceed the amount of pension to which the deceased, if he were living and retired, would be entitled, then an amount equal to one-sixth of the amount of such pension shall be prorated between the children; 3. to the dependent parent, in the event there is no widow entitled to a pension, the amount a widow so entitled would receive, and in case there are two dependent parents, the pension shall be paid to the one the board shall determine, or prorate the same.

Sec. 10. MINIMUM AMOUNT IN FUND BEFORE ALLOWANCE OF PENSIONS. No retirement shall be ordered under the provisions of said act, nor any application for pension allowed, nor any warrant or check drawn upon the

fund, until there is to the credit of said fund a sum equal to one hundred and fifty dollars for each member of the department.

Sec. 11. PERMANENT RESERVE. Whenever the fund shall contain the sum prescribed by section 10, an amount equal to one hundred dollars for each member of the department shall be set aside as a permanent reserve, and only the income from the same shall be used for the payment of pensions. Annually there shall be added to said permanent reserve an amount sufficient to include, at the rate of one hundred dollars for each additional member, any increase during the preceding years in the personnel of the department, and an additional amount equal to ten dollars for each member of the department, until the permanent reserve shall reach a sum equal to two hundred dollars for each such member.

Sec. 12. PAYMENTS BY WARRANT. All moneys paid from the fund shall be paid by the treasurer only upon warrants signed by the chairman and countersigned by the secretary of the board.

Sec. 13. REDUCTION AND INCREASE OF REVENUE; TAX LEVY. Whenever the fund, exclusive of the revenue, shall contain a sum equal to one hundred dollars for each member of the department, and the board estimates that accruing revenue will be more than sufficient to maintain such status, it shall certify the facts, including an estimate of surplus revenue, to the governing body, and said governing body may reduce the percentages specified in paragraphs 5, 6, and 7, section 8, in such proportions as in

its judgment shall balance the fund. Whenever the fund shall fall below the said point the governing body shall, upon the certification of the board as to the facts, restore said percentages, or if they are already at the maximum fixed by section 8, it shall levy a tax, in the manner provided for the levying of taxes for the support of the municipal government, at such rate as may be necessary to maintain the fund at said point.

Sec. 14. ORGANIZATION MEETING. Within one week after declaration of the result of the first election held hereunder, as prescribed in section 15, the chairman ex officio of the board shall call a meeting for the purpose of organization, the adoption of rules, and such other action as may be necessary to carry out the purposes of this act.

Sec. 15. ELECTION OF DEPARTMENTAL MEMBERS OF BOARD. Within thirty days after this act becomes effective as to municipalities then subject or as to other municipalities within thirty days after any thereof shall become subject to its provisions, the governing body of any such municipality shall call an election for the purpose of selecting departmental members of the board. The election shall be held at the city hall or such other convenient place as the governing body may determine, during such hours as will enable all qualified persons to cast their ballots. Balloting shall be secret and each permanent member of the police department, regularly appointed and sworn, shall be entitled to vote for as many candidates as there are places to be filled. The vote shall be canvassed and the result announced by the governing body with-

in one week after the election. The members of the department, to the number of places to be filled, successively receiving the highest number of votes, shall be declared elected. Thereafter a regular election shall be held annually on the second Monday in January of each year.

Sec. 16. REGULAR AND CALLED MEETINGS. The board shall hold regular monthly meetings, on a day or date to be fixed in its rules, and such other meetings, after due notice to each member, as the board may deem necessary. A majority of the members shall constitute a quorum, but no retirement shall be ordered, application for pension approved, warrant authorized, or money paid out of the fund except upon the affirmative votes of a majority of the members, taken by roll call, and entered in the official record of proceedings of the meeting at which such action is taken. All meetings shall be public.

Sec. 17. TERMS OF DEPARTMENTAL MEMBERS. The terms of office of departmental members of the board shall end at noon on the third Monday in January of the year next following the year in which they are elected, but such members shall continue to serve until their successors are elected and qualify.

Sec. 18. OATH OF OFFICE. The oath of office shall be administered to departmental members by the presiding officer of the board.

Sec. 19. PHYSICAL EXAMINATION. Any member, whether active or temporarily retired, ordered by the board to undergo a physical examination, must submit himself to such examina-

tion before the chief medical officer of the municipality, or such other regularly licensed and practicing physician as the board may designate, but shall have the right to be represented at such examination by a physician of his own choice, whose fee shall be paid out of the fund.

Sec. 20. PENSION NOT SUBJECT TO PROCESS. No pension allowed under this act shall be subject to garnishment, attachment, judgment, execution, or other legal process, and no person entitled to such pension shall have the right to assign the same nor the board the right or authority to recognize any attempted assignment or to pay over any sum whatever which has been assigned or attempted to be assigned.

Sec. 21. VACANCIES. Any vacancies occurring in the departmental membership of the board shall be filled at a special election, of which not less than one week's notice shall be given, to be called by the governing body upon the occurrence of the vacancy.

Sec. 22. ANNUAL REPORT. The board shall report to the governing body, in writing, on the first Monday in January of each year, showing in detail the condition of the fund and the transactions of the board during the preceding year.

Sec. 23. EXCEPTION. This act shall not apply to any city having and maintaining, by charter or ordinance, a pension or retirement plan for aged or physically disqualified members of the police department.

Approved March 15, 1937.

CHAPTER 41

(House Bill No. 77)

AN ACT

RELATING TO CLOSE PURSUIT, AND TO MAKE UNIFORM THE LAW THEREON.

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

Section 1. SHORT TITLE. This act may be cited as the uniform act on close pursuit.

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

"State" includes the District of Columbia;

"Close pursuit" includes: 1. Close pursuit as defined by the common law; 2. Pursuit of a person who has committed a felony, or who is reasonably suspected of having committed a felony; 3. Pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed; 4. It shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

Sec. 3. CLOSE PURSUIT. Any member of a duly organized state, county or municipal unit of another state of the United States who enters this state in close pursuit, and continues within this state in such close pursuit of a person in order to arrest him on the ground that he is

believed to have committed a felony in such other state, shall have the same authority to arrest and hold such person in custody as has any member of any duly organized state, county or municipal peace unit of this state to arrest and hold in custody a person on the ground that he is believed to have committed a felony in this state.

Sec. 4. ARREST AND HEARING. If an arrest is made in this state by an officer of another state in accordance with the provisions of section 3 he shall without unnecessary delay take the person arrested before a magistrate of the county in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the magistrate determines that the arrest was lawful he shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the governor of this state. If the magistrate determines that the arrest was unlawful he shall discharge the person arrested.

Sec. 5. OTHER LAWFUL ARRESTS NOT AFFECTED. Section 3 of this act shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful.

Sec. 6. CERTIFICATION. Upon the passage and approval by the governor of this act it shall be the duty of the secretary of state to certify a copy thereof to the executive department of each of the states of the United States.

Sec. 7. SEVERABILITY. If any provision of this act be held invalid, such invalidity shall not affect other provisions which can be given effect

without the invalid provision, and to this end the provisions of the act are declared to be severable.

Sec. 8. 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 15, 1937.

CHAPTER 42

(House Bill No. 79)

AN ACT

RELATING TO PROBATION AND PAROLE, AND PROVIDING FOR ENTERING INTO COMPACTS WITH OTHER STATES OF THE UNITED STATES IN RELATION TO OUT-OF-STATE PAROLEE SUPERVISION.

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

Section 1. SHORT TITLE. This act may be cited as the uniform act for out-of-state parolee supervision.

Sec. 2. AUTHORIZATION FOR COMPACTS. The governor is hereby authorized and directed to enter into a compact on behalf of the state of Arizona with any of the United States legally

joining therein in form substantially as follows:

A COMPACT

Entered into by and among the contracting states. signatories hereto, with the consent of the Congress of the United States of America, granted by an act entitled "an act granting the consent of Congress to any two or more states to enter into agreements or compacts for co-operative effort and mutual assistance in the prevention of crime and for other purposes."

The contracting states solemnly agree:

1. That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called "receiving state"), while on probation or parole, if, 1a. such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there; 1b. though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there. Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person. A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state

more than six continuous months immediately preceding the commission of the offense for which he has been convicted.

2. That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

3. That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states parties hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conslusive upon and not reviewable within the receiving state, unless at the time a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, in which case he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

4. That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

5. That the governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

6. That this compact shall become operative immediately upon its ratification by any state as between it and any other state or states so ratifying. When ratified it shall have the full force and effect of law within such state, the form of ratification to be in accordance with the laws of the ratifying state.

7. That this compact shall continue in force and remain binding upon each ratifying state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which ratified it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto.

Sec. 3. SEVERABILITY. If any provision of this act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the act are declared to be severable.

Sec. 4. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this act shall become immediately operative. It

is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved March 15, 1937.

CHAPTER 43

(Senate Bill No. 69)

AN ACT

RELATING TO COUNTIES, CITIES, AND TOWNS, AND PRESCRIBING MINIMUM WAGES TO BE PAID TO POLICE, PEACE OFFICERS, AND PROFESSIONAL FIREFIGHTERS.

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

Section 1. SHORT TITLE. This act may be cited as the police, peace officers' and firemen's minimum wage act of 1937.

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

"Professional firefighter" means a member of an organized and paid fire department;

"Classification" means the names of the positions, and the ranks and classes thereof, in the police and fire departments and peace officers' units subject to this act;

"Peace officers" includes regularly salaried deputies sheriff, policemen, and police officers of duly organized police departments;

"Month" means thirty days.

Sec. 3. CLASSIFICATIONS AND MINIMUM WAGES. (a) Any city or town of more than seven thousand inhabitants, as shown by the last federal census, having, or hereafter creating, a salaried police or fire department, shall pay to every regularly appointed member thereof a minimum monthly wage in accordance with the classifications, periods of service and corresponding minimum monthly wages therefor, herein prescribed:

Foot patrolman 3rd year and every year thereafter, $180.00 per month; Hoseman 3rd year and every year thereafter, $180.00 per month.

Sec. 4. WHO NOT INCLUDED. This act shall not be construed to apply to any person holding a courtesy or honorary commission in the police, peace officers, or fire forces of any city, town, nor to any persons not appointed in accordance with the rules, regulations, ordinances, charter provisions or statutes concerning appointments to the police, peace officers or fire department to which appointment is claimed, nor to those officers employed in part time service.

Sec. 5. PENALTIES. Any person, persons, municipal corporation or other political subdivision of the state violating any provision of this act shall be guilty of a misdemeanor, and upon conviction fined not less than three hundred dol-

lars, imprisoned in the county jail six months, or both.

Sec. 6. SEVERABILITY. If any provision of this act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the act are declared to be severable.

Approved March 15, 1937.

CHAPTER 44

(Senate Bill No. 83)

AN ACT

RELATING TO TRADE PRACTICES, AND TO PREVENT UNFAIR SALES AND DESTRUCTIVE MERCHANDISING PRACTICES.

Be it Enacted by the Legislature of the State Arizona:

Section 1. SHORT TITLE. This act may be cited as the unfair sales and practices act.

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

"cost" means the invoice cost (less actual bona fide trade discounts), or replacement cost (less actual bona fide trade discounts), whichever is lower, of the article, product or commodity, to

the retailer or wholesaler, plus the cost of doing business by the said retailer or wholesaler as evidenced by the standards and the methods of accounting regularly employed by him in his allocation of overhead costs or expenses, paid or incurred, and must include, without limitation: labor (including salaries of executives and officers), rent, depreciation, selling cost, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising. In all retail or wholesale sales involving more than one item or commodity, the retailer's or wholesaler's selling price on individual items or commodities shall be computed on the "cost" as herein defined. "Cost" to the retailer and to the wholesaler must be bona fide costs, and sales to retailers and wholesalers at prices which cannot be justified by existing market conditions within this state shall not be used as a basis for computing costs with respect to sales by retailers and wholesalers;

"sell at retail", "sales at retail", and "retail sale" include any transfer for a valuable consideration, made in the ordinary course of trade or in the usual prosecution of the seller's business, of title to tangible personal property to the purchaser for consumption or use other than resale or reprocessing or manufacturing. The above terms mean any transfer of such property where title is retained as security for the purchase price, but is intended to be transferred later;

"sell at wholesale", "sales at wholesale", and "wholesale sales" include any transfer for a valuable consideration, made in the ordinary course of trade or the usual prosecution of the seller's business, title to tangible personal property to the

purchaser for resale. The above terms shall mean any transfer of such property where title is retained as security for the purchase price but is intended to be transferred later;

"retailer" includes person, partnership, firm, corporation or association, wholly or partially engaged in the business of making sales at retail within this state;

"wholesaler" includes person, partnership, firm, corporation or association, wholly or partially engaged in the business of making sales at wholesale within this state;

"vendor" means any person, firm or corporation who performs work upon, renovates, alters or improves any personal property belonging to another person, firm, or corporation;

"unfair methods of competition" and "unfair or deceptive trade or business practices" mean any and every act. or action, usage or practice in or in connection with the sale of or offer or advertising to sell goods, wares or merchandise which is characterized in whole or in part by fraud, misrepresentation or deception, and without limitation shall specifically include loss-leader sales, namely, sales, or offers to sell, at retail, at or below cost, any commodity which bears, or the label or container of which bears the trade-mark, brand or name of the producer, and which the manufacturer or owner of such trade-mark, brand or name, makes available for purposes of resale to wholesalers or retailers generally, and not under exclusive distribution contracts, when any such sale or offer to sell shall be for the purpose

or with the intent of attracting trade in other commodities not sold or offered for sale at or below cost, or for the purpose of destroying, suppressing or hindering competition of any regular established dealer in such commodity. Any sale of offer to sell such a commodity at or below the lowest reasonable cost thereof as determined under the provisions of this act shall, in any proceeding hereunder, be presumed to be a loss-leader sale, but no sale or offer to sell such commodity at or above the lowest reasonable cost thereof shall constitute a loss-leader sale.

"retail trade" or "wholesale trade" do not include cooperative associations, corporate or otherwise, of farmers, gardeners or dairymen, including livestock farmers and fruit growers, and publishers of or dealers in newspapers. Any person engaged partially in the "retail trade" or "wholesale trade" and also in any other trade or industry, shall to the extent of his or its engaging in the activities herein defined be subjected to the provisions of this act.

Sec. 3. DECLARATION OF POLICY. It is hereby declared to be the policy of this state to protect the well-being of its citizens and to promote the public welfare through the prevention, suppression and elimination of unfair methods of competition, and unfair or destructive trade or business practices, and other practices destructive of fair competition in the retail and wholesale trades. It is the purpose of this act to carry out such policy in the public interest.

Sec. 4. SECRET ALLOWANCES. The secret payment or allowance of rebates, refunds, commis-

sions, or unearned discounts, whether in the form of money or otherwise, or secretly extending to certain purchasers special services or privileges not extended to all purchasers purchasing upon like terms and conditions, to the injury of a competitior, shall be unlawful. Any person, firm, or corporation violating this section shall be guilty of a misdemeanor and on conviction subject to the penalties prescribed in section 6.

Sec. 5. UNFAIR COMPETITION. (a) It is declared that advertising, offers to sell, or sales by retailers or wholesalers at less than cost as defined in this act, with the intent or effect of inducing the purchase of other merchandise, or of unfairly diverting trade from a competitor or otherwise injuring a competitor, impair and prevent fair competition, injure public welfare, is unfair competition and contrary to public policy, where the result of such advertising, offers, or sales is to deceive or mislead any purchaser, or prospective purchaser or to substantially lesson competition or unreasonably restrain trade, or to tend to create a monopoly in any line of commerce. It is further declared that such advertising, offers, or sales by any retailer or wholesaler with such intent, effect or result are in contravention of the policy of this act, and shall constitute a misdemeanor, punishable as prescribed in section 6.

(b) The inhibition hereof against discrimination shall embrace any scheme of special rebates, collateral contracts, or any device of any nature whereby such unfair practices are, in substance or fact, effected in violation of the spirit and intent of this act, and shall constitute a misdemeanor punishable as prescribed in section 6.

Sec. 6. SALES AT LESS THAN COST. Any retailer who shall, in contravention of the policy of this act, advertise, offer to sell, or sell at retail any merchandise at less than cost to the retailer, or any wholesaler who shall advertise, offer to sell, or sell at wholesale any merchandise at less than cost to the wholesaler, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars. Proof of any such advertising, offer to sell, or sale by any retailer or wholesaler in contravention of the policy of this act shall be prima facie evidence of a violation of this act.

Sec. 7. AIDING OR ASSISTING VIOLATION. (a) Any person, who, either as director, officer or agent of any firm or corporation, or as agent of any person violating the provisions of this act, assists or aids, directly or indirectly, in such violation shall be responsible therefor equally with the person, firm or corporation for whom or which he acts.

(b) It shall be unlawful for any person engaged in commerce, either as a retailer or as a wholesaler, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by this act.

(c) In the prosecution of any person as officer, director or agent, it shall be sufficient to allege and prove the unlawful intent of the person, firm or corporation for whom or which he acts.

(d) Any person violating any of the provisions of this section shall be guilty of a mis-

demeanor, punishable as prescribed in section 6.

Sec. 8. EXCEPTIONS. Nothing in this act shall prevent a cooperative association from returning to its members, producers, or consumers the whole, or any part of, the net earnings or surplus resulting from its trading operations, in proportion to their purchases or sales from, to or through the association.

Sec. 9. INJUNCTION. In addition to the penalties provided in this act, the county attorney of any county, or any person damaged, or who is threatened with loss or damage by reason of a violation of this act, shall have the right to apply for an injunction, and any court of competent jurisdiction shall have power to restrain sales in violation of this act.

Sec. 10. ACTIONS FOR DAMAGES OR INJUNCTIVE RELIEF. (a) Any person injured by any violation, or who will suffer injury from any threatened violation, of this act, may maintain an action in any court of general equitable jurisdiction, to prevent, restrain or enjoin such violation or threatened violations. If in such action, a violation or threatened violation of this act shall be established, the court shall enjoin and restrain or otherwise prohibit such violation or threatened violation, and the plaintiff in said action shall be entitled to recover three-fold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

(b) In the event no injunctive relief is sought or required, any person injured by a violation of this act may maintain an action for damages

alone in any court of general jurisdiction, and the measure of damages in such action shall be the same as that prescribed in subsection (a).

(c) In any proceedings instituted or action brought in pursuance of the provisions of subsections (a) and (b), the plaintiff, upon proof that he has been unlawfully discriminated against by the defendant, shall be conclusively presumed to have sustained damages equal to the monetary amount or equivalent of the unlawful discrimination; and in addition thereto, may establish such further damages, if any, as he may have sustained as a result of such discrimination.

Sec. 11. CONTRACT IN CONTRAVENTION OF ACT. Any contract, express or implied, made by any person, firm, or corporation in violation of any of the provisions of this act is declared to be an illegal contract and no recovery thereon shall be had.

Sec. 12. TESTIMONY OF DEFENDANT. Any defendant in any action brought under the provisions of this act may be required to testify, and the books and records of any such defendant may be brought into court and introduced, by reference, into evidence, but no information so obtained may be used against the defendant as a basis for a misdemeanor prosecution.

Sec. 13. SALES EXEMPTED. The provisions of this act shall not apply to sales at retail or sales at wholesale made: 1. in an isolated transaction and not in the usual course of business; 2. where merchandise is sold in bona fide clearance sales, if advertised, marked and sold as such;

3. where perishable merchandise must be promptly sold in order to forestall loss; 4. of imperfect or damaged merchandise, or merchandise which is being discontinued, if advertised, marked and sold as such; 5. of merchandise sold upon the complete final liquidation of any business; 6. of merchandise sold for charitable purposes or to unemployment relief agencies; 7. of merchandise sold on contract to departments of government and governmental institutions; 8. in meeting the price of a competitor on merchandise which is the same as to comparable competitive factors such as weight, quantity, quality, pack, brand or packaging; 9. by any officer acting under the order or direction of any court.

Sec. 14. SEVERABILITY. If any provision of this act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the act are declared to be severable.

Sec. 15. PURPOSE OF ACT. The legislature declares that the purpose of this act is to safeguard the public against the creation or perpetuation of monopolies, and to foster and encourage competition by prohibiting unfair and discriminatory practices by which fair and honest competition is destroyed or prevented. This act shall be liberally construed, that its beneficial purposes may be subserved.

Sec. 16. 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 meas-

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

Approved March 15, 1937.

CHAPTER 45

(House Bill No. 51)

AN ACT

RELATING TO HIGHWAYS, AND AUTHORIZING THE STATE HIGHWAY COMMISSION TO DESIGNATE CERTAIN ROADS AS PART OF HIGHWAY 93.

Be it Enacted by the Legislature of the State Arizona:

Section 1. DESIGNATION OF HIGHWAY. (a) The state highway commission is authorized and directed to designate as a state highway and as a part of highway 93, that certain road beginning at the terminus of highway 93 at Kingman, running thence to Wikieup, thence to near Signal, thence to the Alamo crossing, and thence to connect with highway 60 near Aguila.

(b) No construction or maintenance shall be begun on the highway so designated until such portions of highway 93 within the state, as are now under construction, are completed.

Approved March 13, 1937.

CHAPTER 46

(House Bill No. 11)

AN ACT

RELATING TO DELINQUENT TAXES, THE PAYMENT THEREOF AND PROVIDING FOR EXEMPTION OF PENALTIES AND INTEREST THEREON.

Be it Enacted by the Legislature of the State Arizona:

Section 1. SHORT TITLE. This act is known and may be cited as the delinquent tax penalty exemption law of 1937.

Sec. 2. PENALTY AND INTEREST EXEMPTION. Except as herein provided all advalorem taxes levied against real and personal property, which were delinquent on November 2, 1936, shall be exempt from penalties and interest in a sum not to exceed five hundred dollars on the entire amount, if paid on or before the first Monday in December 1937. Exemptions shall also be allowed on single half year payments within the time above set forth but the amount of exemption shall not exceed the sum of one hundred dollars for any such half year period. Taxes becoming delinquent subsequent to November 2, 1936 and all taxes for which exemption of penalties and interest is herein provided but remain unpaid after the first Monday in December 1937, shall carry penalties and interest otherwise provided by law, and shall not be affected by the provisions herein, and the period of delinquency

shall be effective from the date when said delinquency first accrued. Exemption of penalties or interest herein provided for shall not apply to taxes on property sold prior to the passage of this act, for delinquency taxes.

Approved this 16th day of March, 1937.

CHAPTER 47

(Senate Bill No. 34)

AN ACT

FOR THE RELIEF OF CHIRICAHUA RANCHES COMPANY, A CORPORATION, FOUR DRAG CATTLE COMPANY, A CORPORATION, AND DOUBLE CIRCLE CATTLE COMPANY, A CORPORATION.

Be it Enacted by the Legislature of the State Arizona:

Section 1. APPROPRIATION. The sum of three hundred ninety-one dollars and fifty cents is hereby appropriated for the relief of Chiricahua Ranches Company, a corporation, Four Drag Cattle Company, a corporation, and Double Circle Cattle Company, a corporation.

Sec. 2. BASIS OF CLAIM. Said sum shall be in full satisfaction of the claim of Chiricahua Ranches Company, a corporation, Four Drag Cattle Company, a corporation, and Double Circle Cattle Company, a corporation, for costs incurred

in that certain case, in the supreme court of the state of Arizona, wherein the state of Arizona was appellant and Chiricahua Ranches Company, a corporation, Four Drag Cattle Company, a corporation, and Double Circle Cattle Company, a corporation, were the appellees, and in which under date of January 21, 1935, a mandate of the said court was issued in favor of the said claimants for said costs, and against the livestock sanitary board of the state of Arizona, to be paid out of the seizure fund held by or any unexpended moneys appropriated for the said board, which said indebtedness is further evidenced by certificate of indebtedness number 18, issued by the state auditor under date of August 19, 1935, in the said sum.

Approved March 16, 1937.

CHAPTER 48

(Senate Bill No. 100)

AN ACT

RELATING TO COUNTY CLASSIFICATION FOR THE FIXING OF SALARIES, AND AMENDING SECTION 2793, REVISED CODE OF 1928.

Be it Enacted by the Legislature of the State Arizona:

Section 1. Sec. 2793, Revised Code of 1928, is amended to read:

2793. CLASSIFICATION OF COUNTIES FOR FIXING SALARIES. For the purpose of fixing the compensation, of county and precinct officers, the several counties of the state are classified according to the assessed valuation of their taxable property as fixed and determined upon the assessment and tax rolls of the said counties. Counties having an assessed valuation of more than thirty-five million dollars shall belong to the first class; counties having an assessed valuation of more than fifteen million and not over thirty-five million dollars shall belong to the second class; counties having an assessed valuation of more than eight million and less than fifteen million dollars shall belong to the third class; counties having an assessed valuation of eight million dollars or less shall belong to the fourth class. Whenever the assessed valuation of the taxable property of any county changes to a higher or lower class, the class of the county shall likewise change. The compensation of an officer shall be determined by the assessment roll of the year of election or appointment of such officer.

Approved March 17, 1937.

CHAPTER 49

(Senate Bill No. 115)

AN ACT

AUTHORIZING THE STATE AUDITOR FOR

PURPOSE OF WRITING OFF DEFUNCT BANK ACCOUNTS.

Be it Enacted by the Legislature of the State Arizona:

Section 1. AUTHORIZATION. The state auditor is authorized to draw his warrant against the general fund in the amount of four hundred thirty-eight thousand three dollars and fifty cents, payable to the state treasurer, who shall accept the same and apply such warrant to the Due from Banks account in the general fund for the purpose of eliminating the accounts enumerated in section 2.

Sec. 2. PURPOSE. The purpose of said authorization is to reduce the Due from Banks account in the general fund for losses sustained by such fund in the closing of the following depository banks, in the following amounts: Bank of Phoenix, three hundred twenty thousand one hundred seventy-eight dollars and three cents; Exchange Bank of Peoria, twenty thousand one hundred seventy-one dollars and fifty-two cents; Central Bank of Wickenburg, seventy-seven thousand six hundred twenty-eight dollars and ninety-five cents; Central Bank of Willcox, twenty thousand twenty-five dollars.

Approved March 16, 1937.

CHAPTER 50

(House Bill No. 3)

AN ACT

RELATING TO BANKS AND BANKING, AND EXEMPTING BANKING INSTITUTIONS FROM FURNISHING SECURITY FOR INSURED DEPOSITS.

Be it Enacted by the Legislature of the State Arizona:

Section 1. SECURITY ON DEPOSITS. Notwithstanding any provision of law of this state or of any political subdivision thereof requiring security for deposits in the form of collateral, surety bond or in any other form, security for such deposits shall not be required to the extent said deposits are insured under the provisions of section 12B of the Federal Reserve Act, as amended, or any amendments thereto.

Approved March 16, 1937.

CHAPTER 51

(House Bill No. 99)

AN ACT

RELATING TO COMMERCIAL FERTILIZERS AND PROVIDING FOR THE REGULATION

OF THE MANUFACTURE AND SALE THEREOF.

Be it Enacted by the Legislature of the State Arizona:

Section 1. SHORT TITLE. This act may be cited as the Arizona fertilizer law of 1937.

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

"Person" includes inidviduals, partnerships, associations, and corporations;

"Manufacturer" means a person engaged in the business of preparing, mixing, or manufacturing commercial fertilizer or fertilizer material;

"Manufacture" means preparation, mixing, or manufacturing of commercial fertilizer or fertilizer material;

"Sell" or "sale" includes exchange;

"Commercial fertilizer" means any substance, including any combination or mixture of substances, designed and fit for use in inducing increased crop yields or plant growth when applied to the soil, except unmanipulated animal and vegetable manures, liming materials, residue or sludge from sewage disposal plant, and gypsum;

"Fertilizer material" means any substance which is or may be used with another substance in the compounding of mixed fertilizers, or for direct application to the soil, principally as a source of plant food;

"Filler" means any inert substance, of no agricultural value, added to superphosphate or to any

other single fertilizer material, or added in the manufacture of any mixed fertilizer, to adjust the weight thereof so that the particular lot will comply with the guaranteed analysis filed with the state chemist under section 5;

"Brand" means the name, number, trade-mark, or other designation under which commercial fertilizer or fertilizer material is offered for sale, sold, or distributed in this state, and the fertilizer itself offered for sale, sold, or distributed under such name, number, trade-mark, or other designation;

"Grade" means the minimum percentages, stated in whole numbers only, of total nitrogen, phosphoric acid in available form (comprising the water and citrate soluble), and available potash;

"Official sample" means any sample of commercial fertilizer or fertilizer material registered under this act which is taken by an official inspector duly appointed by the state chemist for the purpose of taking samples, and is obtained, 1. in the factory or plant where manufactured, or in the custody of a common or other carrier, if manufactured in this state, or, 2. in the open market or in the custody of a common or other carrier, if manufactured outside of this state;

"Ton" means a ton of two thousand pounds avoirdupois;

"Per cent" or "percentage" means the percentage by weight avoirdupois.

Sec. 3. ENFORCING OFFICIAL. This act

shall be administered by the state chemist. The head of the department of agricultural chemistry and soils of the agricultural experiment station of the University of Arizona is constituted state chemist for the enforcement of this act.

Sec. 4. REGISTRATION. (a) It shall be unlawful for any person, acting for himself, or as agent, to sell or offer for sale within the state any commercial fertilizer or fertilizer material that has not been registered as required by this section.

(b) Any person who may desire to sell or offer for sale, either by himself or through another person, mixed fertilizer or fertilizer materials in this state, shall first file with the state chemist, on registration forms supplied by him, a signed statement, giving the name and address of the applicant and the following information with respect to each brand or grade, in the following order: 1. weight of each package in pounds; 2. brand name, or trade-mark, together with the grade numerals; 3. guaranteed analysis showing the minimum percentage of plant food in the following order and giving: 3a. in mixed fertilizers, total nitrogen, per cent (whole numbers only), available phosphoric acid, per cent (whole numbers only), available potash, per cent (whole numbers only); 4. the name and address of the person guaranteeing registration.

(c) In the case of bone, tankage, natural mineral phosphates or other unacidulated phosphatic fertilizer materials in which the phosphoric acid is not shown by laboratory methods to be available but may eventually become available in

the soil, the phosphoric acid may be guaranteed as total phosphoric acid. If the term "available phosphoric acid" be used in the statement of analysis, it shall mean the sum of water soluble and citrate soluble phosphoric acid, except that when applied to basic slag phosphates the term "available" shall mean that part of the phosphoric acid found available by the Wagner citric acid method as adopted by the association of official agricultural chemists. In no case shall both the total phosporic acid and available phosphoric acid be used in the same statement of analysis.

(b) The person offering for sale or selling any brand of mixed fertilizer or fertilizer material shall not be required to register the same if it has already been registered under this act by the person entitled to do so and such registration is then outstanding.

(e) For the privilege of registration, the person applying therefor shall pay to the state chemist in advance of registration five dollars for each brand or grade, as the case may be. Said registration shall expire on the thirty-first day of December of the year for which it is made.

(f) The guaranteed percentages of the plant food in any brand shall not be changed without reregistration, in which event the fee herein required shall be paid again by the person offering the brand for registration, and in no case shall any plant food percentage of such brand be decreased even in event of subsequent registration.

Sec. 5. MARKING. (a) Each person who

offers for sale or sells commercial fertilizer or fertilizer material in this state shall mark upon each container or associate with each shipment or some document relative thereto the information required by subsections (b) and (c) of section 4. The information may either be branded or printed directly on the bag or other shipping container, or may be printed on a tag, label, or certificate which shall be affixed to the shipping container or otherwise associated with the shipment, as provided in this section.

(b) If shipped in bags, barrels, or other containers commonly used, the data required by subsections (b) and (c) of section 4 shall be printed: 1. either directly on the package, or, 2. on tags to be affixed to the package by the manufacturer.

(c) If shipped in bulk by rail, the data shall be printed on a suitable label which shall be fastened on the inside wall of the car near the door.

(d) If shipped in bulk by truck, wagon, or other vehicle, the information required by subsection (b) of section 4 shall be attached to the copy of the invoice delivered to the purchaser or other receiver.

(e) If shipped in packages weighing five pounds or less, the information may be printed in any appropriate way on the container in which the material is delivered to the purchaser, or upon a common shipping container in which the smaller packages are shipped.

(f) The tags, labels, or certificates required

by this section shall be furnished by the manufacturer.

Sec. 6. INSPECTION FEE. (a) There shall be assessed and paid on all commercial fertilizers or fertilizer materials offered for sale, sold, or distributed in this state an inspection fee at the rate of twenty cents per ton, provided that sales to manufacturers or exchanges between them are hereby exempted; provided that after this act has been in operation for one year the state chemist may, if it appears that the revenue derived from this act is more than necessary for its administration and operation, reduce the rate, as provided in section 6, and for any year thereafter he may increase or decrease the inspection fee but at no time shall the fee exceed 20 cents per ton.

(b) Payment of the fee laid by subsection (a) of this section shall be evidenced by either affixing a fee tag or other tag bearing a fee stamp to each package of commercial fertilizer or fertilizer material offered for sale, sold, or distributed in this state, or by otherwise associating such tags or stamps with each lot, or with some document relating thereto.

(c) In case fee stamps are used to evidence the payment of the fee laid by section 6, they shall be affixed to the containers, in the case of subsection (b) of section 5; in the case of subsection (c), to the certificate fastened on the wall of the car; in the case of subsection (d) cancelled stamps in the proper amount shall be affixed to the invoice delivered to the purchaser or the receiver; and in the case of subsection

(e) cancelled stamps of the proper amount at the tonnage rate covering each shipment required in section 18, and each container shall have printed thereon a statement that the fee has been paid.

(d) The fee tags or stamps required under this section shall be issued by the state chemist and sold to persons applying for the same, at the rate provided in subsection (a). Tags left in the possession of persons registering commercial fertilizer or fertilizer materials may be used in another season or will be redeemed by the state chemist on application of the purchaser or his successor.

Sec. 7. INSPECTION. It shall be the duty of the state chemist personally or by agents duly authorized in writing, to make such inspection of commercial fertilizer or fertilizer material in this state, to have such samples taken, and to have such chemical analyses made as in his judgment may be necessary to ascertain whether or not persons offering, selling, or distributing commercial fertilizer or fertilizer material are complying with the provisions of this act.

Sec. 8. SAMPLING. (a) samples of commercial fertilizer or fertilizer material complying with the definition contained in this act and taken as prescribed in subsection (b), (c), and (d) of this section shall constitute official samples.

(b) For purposes of analysis by the state chemist or his duly authorized agents and for comparison with the certificate of guarantee supplied to the state chemist in accordance with section 4,

the state chemist or an official inspector duly appointed by him in accordance with law shall take an official sample of not less than two pounds from packages of commercial fertilizer or fertilizer material. Such samples shall be taken from at least one-tenth of the sacks or other packages comprising the particular lot sampled, unless this necessitates sampling more than twenty bags, in which case samples shall be taken from one bag for each additional ton represented by the lot; if there are less than one hundred sacks in the lot, not less than ten shall be sampled, or, if there are ten sacks or less samples shall be taken from each package.

(c) A core sampler shall be used that removes a core from the bag or other package from top to bottom, and the cores taken shall be mixed on clean oil cloth or paper, and if necessary shall be reduced by quartering to the quantity of sample required. The total sample taken from any lot of commercial fertilizer or fertilizer material under this paragraph shall be divided into two one-pound samples, each of which shall be placed in an air-tight container and shall be forwarded to the state chemist with proper identification marks. One of said one-pound samples shall be known as the "reserve" sample.

(d) In sampling fertilizers in bulk, either in a factory, car, truck, or other conveyance, at least ten portions shall be drawn and these from different places so as fairly to represent the pile or shipment.

(e) It shall be the duty of the state chemist to ascertain and publish as part of his regula-

tions under this act any changes that may hereafter be made in the official methods of and recommendations for sampling commercial fertilizer or fertilizer material adopted by the association of official agricultural chemists. Thereafter such methods and recommendations shall be used in all sampling done in connection with the administration of this act in lieu of those prescribed in subsections (b), (c), and (d) of this section.

(f) All samples taken under the provisions of this section shall be taken from original unbroken bags or packages, the contents of which have not been damaged by exposure, water, or otherwise.

(g) The results of official analyses of any commercial fertilizer or fertilizer material shall not be published either by the state chemist or by any other person in such manner as may unfairly injure the business of the manufacturer or vendor of such commercial fertilizer or fertilizer material.

(h) The state chemist shall not be required to analyze samples except such as are taken under the provisions of this section.

Sec. 9. CHEMICAL ANALYSIS. (a) Official samples of each brand of commercial fertilizer sold within this state shall be analyzed at least once each year and all such analysis shall be made under the direction of the state chemist.

(b) The official methods of sampling and analysis adopted by the association of official agri-

cultural chemists shall be followed in making the chemical analysis provided for in this section.

(c) The findings of the state chemist or his deputy, as shown by the sworn statement of the results of analysis of official samples of any brand of commercial fertilizer or fertilizer material, shall constitute prima facie evidence of their correctness in the courts of this state as to the particular lots sampled and analyzed, except when the procedure prescribed in subsection (d) of this section is followed.

(d) Should the certificate of analysis of the state chemist of any sample of commercial fertilizer or fertilizer material show that the plant food content of any lot of a brand or trade-mark registered under this act is below the limits prescribed by subsection (b) of section 10, a copy of said certificate shall be sent to the manufacturer or other person who registered the brand or trademark, and, should he request it, a portion of the sample analyzed by the state chemist shall be sent to him for analysis by his own chemist or by one employed by him. If said analysis differs materially from the analysis of the state chemist, the registrant may request that the reserve sample be analyzed by a disinterested chemist, mutually agreed upon by the state chemist and the registrant, or, if such agreement is not possible, to be selected by the state chemist. In any case where the procedure outlined in this paragraph is followed, whichever analysis, that of the referee chemist or that of the state chemist, is nearer to the guarantee registered with the state chemist shall be accepted, and a sworn statement of the results of said analysis shall

constitute prima facie evidence as to the lot in question.

Sec. 10. PLANT FOOD DEFICIENCY. (a) Whenever any lot of commercial fertilizer or fertilizer material offered for sale, sold, or shipped within the state for consumption shall fall as much as five per cent and not more than ten per cent in value below the analysis guaranteed under section 4 or claim by the marking required under section 5 in the total value of the sum of the nitrogen, phosphoric acid, and potash, the manufacturer or other vendor guaranteeing the registration shall be subject to a penalty equal to twice the commercial value of the deficiency.

(b) Whenever the deficiency in total value exceeds ten per cent, the penalty shall be fifty per cent of the total invoice value of the particular lot of fertilizer or fertilizer material.

(c) In determining whether any lot of commercial fertilizer or fertilizer material is deficient in plant food, the state chemist shall give credit for an excess of one plant food constituent above the guarantee against any deficiency not to exceed ten per cent below the guarantee in any other constituent, basing such credit for over-runs on commercial value.

(d) The state chemist, in determining for administrative purposes whether or not any commercial fertilizer or fertilizer material is deficient in plant food, shall be guided solely by the official samples as defined in section 3 and taken as provided for in subsections (b), (c) and (d) of section 8 of this act.

Sec. 11. NOTICE AND COLLECTION OF PENALTIES. It shall be the duty of the state chemist to notify the seller of all deficiencies in plant food found by him by means of a copy of the statement setting forth the official analysis. He shall also advise the seller of the amount of the penalty to be assessed. It shall be the duty of the seller within thirty days from the receipt of said notice to pay to the state chemist the amount of the penalty, unless the registrant has requested that the sample in question be analyzed by a referee chemist in accordance with the provisions of section 9, subsection (d), in which case the thirty day period above mentioned shall not begin until the referee chemist's analysis has been made available to the registrant. If it is not so paid, the state chemist shall proceed in the appropriate courts of the state to recover from the seller the amount of the penalty as determined under section 10. The penalty collected shall be paid to the state chemist who shall deposit the same in the general fund of the University of Arizona to the credit of the fertilizer fund for use in accordance with this act.

Sec. 12. COMMERCIAL VALUE. For the purpose of determining the commercial values to be applied under the provisions of sections 11 and 12, the state chemist is authorized to determine and publish the relative values per pound and per unit of the various ingredients of commercial fertilizer and fertilizer material, namely, nitrogen, available phosphoric acid, available potash, and to furnish such relative values to any person engaged in the manufacture or sale of commercial fertilizers or fertilizer materials in this state upon application. The relative values

so determined and published shall be used in determining and assessing penalties.

Sec. 13. MINIMUM PLANT FOOD CONTENT. (a) No superphosphate with potash, no superphosphate with nitrogen, and no complete fertilizer shall be offered for sale or sold for fertilizer purposes within this state which contains less than twelve per cent of plant food.

(b) No mixture of fertilizer materials containing less than two per cent either of total nitrogen, available phosphoric acid, or available potash, if these are claimed or guaranteed in the registration or claimed on the container or on the tag, label, or certificate, shall be offered for sale or sold in this state, and no fractional percentages of total nitrogen, available phosphoric acid, or available potash may be claimed or guaranteed for any mixed fertilizer.

This section shall not apply to fertilizer materials which are offered for sale, sold, or consigned to manufacturers.

Sec. 14. FILLERS. It shall be unlawful for any person to manufacture, offer for sale, or sell in this state any commercial fertilizer containing any substance used as a filler or otherwise used in such commercial fertilizer or fertilizer material as a filler any substance that contains inert plant food material for the purpose or with the effect of deceiving or defrauding the purchaser.

Sec. 15. MATERIALS CONTAINING UNAVAILABLE PLANT FOOD. (a) It shall be unlawful for any person to offer for sale or to

sell in this state for fertilizer purposes any raw or untreated leather, hair, wool waste, hoof, horn, or similar materials, either as such or mixed with other fertilizer materials, the plant food content of which does not conform to the standards of activity recommended by the association of official agricultural chemists.

(b) This section shall not apply: 1. to the substances mentioned in subsection (a) when they have been treated or processed in such manner as to make available the plant food constituents contained therein; nor 2. to the substances mentioned in subsection (a) which are shipped, offered for sale, or sold to manufacturers of fertilizer.

Sec. 16. DECEPTION AND FRAUD. It shall be unlawful for any person to make any false or misleading representation in regard to any commercial fertilizer or fertilizer material shipped, sold, or offered for sale by him in this state, or to use any misleading or deceptive trade-mark or brand name in connection therewith. The state chemist is authorized to refuse registration or to prohibit the sale in the state of any commercial fertilizer or fertilizer material, the sale of which would violate this section.

Sec. 17. SALES OF MATERIALS TO CONSUMERS. Nothing in this act shall abridge the right of a consumer of commercial fertilizer to buy bulk materials from any manufacturer or dealer for his own use, provided the registration fee and inspection fee have been paid thereon if subject thereto, and that the provisions of this

act otherwise in respect to such materials have been complied with.

Sec. 18. SHIPMENT REPORTS. (a) Every person making any shipment of commercial fertilizer or fertilizer material into or within the state, subject to the fee laid by section 6, shall, within twenty-four hours thereafter, send to the state chemist a notice of the kinds, amounts of each kind, dates, destinations, and consignees of all such shipments.

(b) The state chemist or any officer or employee of this state whose duties require the compilation of reports based upon the information required by subsection (a) of this section, who shall knowingly compile or issue any false information or report, or who shall willfully, directly, or indirectly disclose information thus obtained regarding the business of any person, except with the consent of such person, or in the form of unidentifiable totals, or as authorized by section 19 shall be guilty of a misdemeanor.

Sec. 19. PUBLICATIONS. The state chemist is authorized to publish at such time and in such forms as he may deem proper information concerning the production and use of commercial fertilizer and fertilizer materials, and shall publish an annual report which shall contain a statement of moneys received and expended from license and registration fees and from the sale of fee tags or stamps, and appropriately classified statistics of fertilizer sales in the state. Reports of chemists' findings based on official samples of each brand of commercial fertilizer or fertilizer material sold within the state, as compared with

guaranteed analysis registered under section 4, shall be published by the state chemist at least anuually as promptly as possible after July 1 of each year.

Sec. 20. GRADES OF MIXED FERTILIZER. In order to eliminate waste and reduce the cost of manufacture, bearing in mind the economic interest of the farmer, the state chemist may establish a list of grades of mixed fertilizer suitable to meet the agricultural needs of this state, provided that such list of grades is approved by the director of the Arizona state experiment station, the director of the state agricultural extension service, and by fertilizer producers representing at least three-fourths of the total tonnage of all fertilizers sold in the state in the last calendar year. After such grades have been established, the sale or offer for sale in this state of mixed fertilizers not conforming to the grades so established shall be unlawful, provided that mixed fertilizers made in exact accordance with specifications furnished by the purchaser as to the number of pounds of each and every material entering into such mixed fertilizers and not necessarily conforming to any grade on such established list may be sold for such purchaser's own use and not for resale.

Sec. 21. REGULATIONS. For the enforcement of this act the state chemist is authorized to prepare and issue such regulations not inconsistent with law as may be necessary, which regulations shall have the force of law, and to cooperate with any department or agency of the government of this state as he may elect in their enforcement.

Sec. 22. VIOLATIONS. Each of the following offenses shall be a misdemeanor and any person upon conviction thereof shall be punished as provided by law for the punishment of misdemeanors:

1. The violation of any one of the following provisions of this act: subsection (a) of section 4; subsection (b) of section 4; section 5; subsection (a) of section 13; subsection (b) of section 13; section 14; section 15; and section 16.

2. The filing with the state chemist of any false statement of fact in conection with the registration under section 4 of any commercial fertilizer or fertilizer material.

3. Forcibly obstructing the state chemist or any official inspector authorized by the state chemist in the lawful performance by him of his duties in the administration of this act.

4. Knowingly taking a false sample of commercial fertilizer or fertilizer material for use under any provision of this act; knowingly submitting to the state chemist for analysis a false sample thereof, or making to any other person any false representation with regard to any commercial fertilizer or fertilizer material sold or offered for sale in this state for the purpose of deceiving or defrauding such other person.

5. The fraudulent tampering with any lot of commercial fertilizer or fertilizer material so that as a result thereof any sample of such commercial fertilizer or fertilizer material taken and submitted for analysis under this act may not correct-

ly represent the lot, or tampering with any sample taken or submitted for analysis under this act, if done prior to such analysis and disposition of the sample under the direction of the state chemist.

6. Willfully selling or offering for sale in this state any commercial fertilizer or fertilizer material without having paid inspection fee thereon required by section 6.

7. Using a second time the fee tags or stamps provided for in subsection (d) of section 6.

8. The delivery to any person by a state chemist or his deputy or other employee of the state chemist of a report that is willfully false and misleading on any analysis of commercial fertilizer or fertilizer material made by him in connection with the administration of this act.

9. The willful failure to make the reports required by subsection (a) of section 18.

Sec. 23. SEVERABILITY. If any provision of this act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the act are declared to be severable.

Sec. 24. APPROPRIATION. All moneys collected under the provisions of this act shall be deposited in the general fund of the University of Arizona, in a fund to be known as the fertilizer fund, which fund shall be used solely for the purpose of administering the provisions of this act,

upon the order of the Board of Regents of the University of Arizona in the same manner as other funds of said University.

Sec. 25. REPEAL. Chapter 65, Revised Code of 1928, is repealed. This section does not negative an implied repeal of any statute which conflicts with this act.

Sec. 26. EFFECTIVE DATE. This act shall take effect and be in force from and after July 1, 1937.

Approved March 16, 1937.

Note:—Evidently error in repealing section as to Chapter 65, R. C. 1928.

CHAPTER 52

(House Bill No. 217)

AN ACT

RELATING TO CATTLE GUARDS ON COUNTY ROADS AND PROVIDING FOR THEIR MAINTENANCE.

Be it Enacted by the Legislature of the State Arizona:

Section 1. CATTLE GUARDS ON COUNTY ROADS. When deemed expedient and necessary the boards of supervisors may install and construct, or authorize private persons, who own or

are in possession of real estate lying adjacent to county roads, to install and construct cattle gards on county roads.

The boards shall prescribe the specifications and type of material to be used in the installation and construction of cattle guards, which shall be reasonably uniform throughout the county. Upon the installation and construction of any cattle guard on a county road, after the effective date of this act, it shall be the duty of the county to maintain and repair such cattle guard.

All cattle guards heretofore installed on county roads which do not substantially comply as to type of material and specifications as prescribed by the board of supervisors, shall not be required to be maintained by the county unless the board shall otherwise so order and a copy of said order is thereupon spread upon the minutes of the board.

Approved March 16, 1937.

CHAPTER 53

(House Bill No. 32)

AN ACT

RELATING TO THE REAL ESTATE BUSINESS, AND PROVIDING FOR THE REGULATION THEREOF.

Be it Enacted by the Legislature of the State Arizona:

Section 1. SHORT TITLE. This act may be cited as the Arizona real estate act.

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

"department" means the state real estate department;

"commissioner" means the real estate commissioner;

"real estate broker" or "broker" means a person who, for compensation, sells, buys, exchanges, rents, leases, or otherwise trades or deals in, or offers, advertises, negotiates or solicits to trade or deal in, or lists for the purpose of or with a view to trading or dealing in real estate or leases thereon, or collects rents or negotiates loans on real estate, or improvements or leases thereon, for another; the performance of one act as described in this paragraph shall constitute the performer thereof a real estate broker;

"real estate salesman" or "salesman" means a person who is employed by a broker to do the things or any thereof in respect of which the business of a broker is conducted;

"lease" or "leasing" includes any lease, whether it be the sole, the principal or an incidental part of a transaction;

"person" includes corporation, co-partnership,

company, or any other form of multiple organization for the carrying on of business;

"licensee' means a person to whom a license as real estate broker or salesman has been granted;

"subdivided lands" or "subdivision" means land subdivided or prepared to be subdivided for the purpose of sale or lease, whether immediate or future, into five or more lots or parcels.

Sec. 3. BROKER OR SALESMAN TO HAVE LICENSE. It shall be unlawful for any person to engage in the business of a real estate broker or salesman without first obtaining a license as prescribed in this act, and otherwise complying with the provisions of this act.

Sec. 4. EXCEPTIONS. Except as to the requirements with respect to the subdivision of land, this act shall not be construed to apply to: 1. a person, or corporation through its officers receiving no special compensation therefor, dealing in his or its own property; 2. a person holding a valid power of attorney, which is being used for specific purposes; 3. an attorney at law in the performance of his duties as such; 4. a receiver, trustee in bankruptcy or other person acting under an order of a court; 5. a trustee selling under a deed of trust.

Sec. 5. STATE REAL ESTATE DEPARTMENT; COMMISSIONER. This act shall be administered by the state real estate department. The state land commissioner shall be ex officio state real estate commissioner.

Sec. 6. POWERS OF COMMISSIONER. The real estate commissioner shall have charge of and control over the department, with full power to regulate and control, in accordance with the provisions of this act, the issuance and revocation of licenses of real estate brokers and real estate salesmen, and otherwise to carry out the purposes of this act. He shall adopt a seal, bearing the words "Real Estate Commissioner, State of Arizona", for the authentication of proceedings of the department and of the official documents thereof. He shall have his principal office at the state capitol, but may have branch offices in such cities as he may deem necessary. On or about July 1 of each year he shall issue a directory of licensed brokers and salesmen, which shall be mailed without charge to all licensed brokers within the state as shown on the records in his office. In connection with said directory, he may reproduce the laws relating to the licensing of real estate brokers and salesmen and such matter connected therewith as he may deem advisable. He shall have authority to publish, at such intervals as he may deem expedient, a bulletin containing information relating to the department, and to secure the publication of similar matter in such established publication as he may deem best fitted for the dissemination of information to licensees and to the public.

Sec. 7. EMPLOYEES. The commissioner shall appoint a secretary and such deputies, assistants or clerks as may be necessary, and fix their compensation, at not to exceed one hundred fifty dollars per month for any employee.

Sec. 8. EMPLOYEES OF DEPARTMENT NOT

TO ENGAGE IN REAL ESTATE BUSINESS. No officer or employee of the department shall be connected with or directly or indirectly interested in any real estate company or real estate brokerage firm.

Sec. 9. ATTORNEY GENERAL LEGAL OFFICER OF DEPARTMENT. The attorney general shall act for the commissioner in all legal actions or proceedings, and shall advise him upon all questions of law arising out of the administration of this act.

Sec. 10. RECORDS OF DEPARTMENT TO BE RECEIVED IN EVIDENCE. Properly certified copies of all records of the department or of documents filed therein shall be received in evidence in all courts of the state equally and with like effect as the originals.

Sec. 11. REAL ESTATE FUND; FINANCIAL REPORT TO GOVERNOR. Ninety per cent of the moneys collected under the provisions of this act shall, accompanied by detailed statement thereof, be paid at least once each month to the state treasurer, who shall place them in a fund to be known as a real estate fund, and ten per cent of all moneys collected shall be transferred to the general fund of the state. All moneys to the credit of said real estate fund are appropriated for the use of the commissioner for the payment of salaries, office and traveling expenses, and otherwise in carrying out the purposes of this act. For use in proper cases requiring cash advances the commissioner may make withdrawals from said fund for a revolving fund, but must account for the moneys so withdrawn whenever

the auditor may require. The commissioner shall semi-annually report to the governor, under oath, the total amount of receipts and expenditures of the department for the six months preceding. At the end of each fiscal year all balances remaining in the real estate funds, over and above two thousand dollars, shall revert to the general fund.

Sec. 12. LICENSES FOR CORPORATIONS OR COPARTNERSHIPS. A corporation or copartnership applying for a real estate broker's license shall designate the officer or member thereof who shall act as such broker, and said license shall extend no authority to act as broker to any person other than the one so designated. If any such corporation or copartnership shall desire any other officer or member thereof to act as broker, it shall procure a license for each such officer or member, which shall entitle the holder to act as broker only in behalf of and while under the employ of such corporation or copartnership.

Sec. 13. APPLICATION FOR LICENSE. Every application for license shall be in writing, signed by the applicant, to the commissioner, and shall be accompanied by the examination fee, and the recommendation of two real estate owners of the county in which the applicant resides or has his place of business, certifying to the good moral character of the applicant. If for a license as broker the application shall state: 1. the name of the applicant; 2. the location of his place of business, or if more than one, the location of each. If for a license as salesman the application shall state: 1. the name of the applicant;

2. how long he has been engaged in the business; 3. the name of his last employer; 4. the name and place of business of his present employer, or in whose employ he is about to enter.

Sec. 14. QUALIFICATIONS OF LICENSEES. (a) Except as herein provided, the commissioner shall require such other proof as he may deem advisable of the honesty, truthfulness and good reputation of the applicant, and shall ascertain by written examination held in the presence of the commissioner or his deputy that he has: 1. an adequate knowledge of the English language, reading, writing, spelling, and elementary arithmetic, 2. a fair understanding of the rudimentary principles of real estate conveyancing, 3. a sufficient understanding of the obligations between principal and agent, of the principles of real estate practice and the canons of business ethics pertainnig thereto, and of the provisions of the real estate laws of this state, and such other regulations as the commissioner shall deem necessary.

(b) The commissioner shall waive the examination of any applicant for a broker's license who held an unrevoked or unsuspended broker's license or of any applicant for a salesman's license who held an unrevoked or unsuspended salesman's license on December 31 of the preceding year.

(c) Before granting a broker's license the commissioner shall require of the applicant a corporate surety bond, to be approved by him, in the sum of twenty-five hundred dollars, running to the state, and conditioned upon the faithful

compliance of the broker so licensed with the provisions of this act.

Sec. 15. LICENSES FOR ADDITIONAL PLACES OF BUSINESS. When the applicant maintains more than one place of business within the state he shall be required to procure an additional license for each branch office so maintained. The bond prescribed in section 14 shall be deemed to cover all licenses granted to the applicant.

Sec. 16. RENEWAL OF LICENSES. A license may be renewed by filing an application therefor on a form to be provided by the commissioner. Said renewal shall be granted without requiring the applicant to again present recommendations or submit to examination.

Sec. 17. EXAMINATION AND LICENSE FEES. The following fees shall be charged:

1. Broker's license, twenty-five dollars.

2. Broker's examination fee, twenty-five dollars.

3. Broker's renewal fee, twenty-five dollars.

4. Examination fee for officials of corporations or members of copartnerships, other than the individual primarily designated to act for any such corporation or copartnership, ten dollars.

5. License fee for same, ten dollars.

6. Salesman's license fee, ten dollars.

7. Salesman's examination fee, ten dollars.

8. Renewal fee for salesman's license, ten dollars.

9. Renewal fee for officials of corporations or members of copartnerships, other than the individual primarily designated to act for any such corporation or copartnerships, ten dollars.

10. Branch office broker's license fee, five dollars.

11. Changing name and address of licensee on records of the department, one dollar.

12. Transfer of salesman's license or change of employer, one dollar.

13. Duplicate license fee, one dollar.

14. Reinstatement of license within the calendar year, one dollar.

Sec. 18. FEES IN ADVANCE; EXPIRATION OF LICENSES. All license fees shall be paid in advance, and shall be the same regardless of the time of the year when the license is issued. All licenses shall expire on December 31 of each year at midnight.

Sec. 19. LICENSES TO BE DISPLAYED; CANCELLATION OF SALESMAN'S LICENSE. Any license issued under the provisions of this act shall authorize the licensee to do business only at the location stipulated therein. All licenses, whether of broker or salesman, shall be prom-

inently displayed in the office of the real estate broker. A salesman's license shall remain in the possession of the employer until cancelled or until the licensee shall leave his employ, when it shall be returned to the commissioner by the broker for cancellation.

Sec. 20. REINSTATEMENT OF LICENSE. The commissioner may reinstate a license cancelled but not suspended or revoked within the calendar year upon receipt of application and the proper fee.

Sec. 21. PLACE OF BUSINESS; CHANGE OF LOCATION. Each licensed broker shall be required to have and maintain a definite place of business. Notice of change of business location, shall be given to the commissioner in writing, whereupon the commissioner shall issue a new license for the unexpired period. Change or abandonment of a business location without such notice shall automatically cancel the license.

Sec. 22. SIGNS. Every person licensed as a broker shall erect and maintain a sign in a conspicuous place on the premises to indicate that he is a licensed broker, and the name of said person shall be clearly shown thereon. The size and location of such sign shall conform to regulations prescribed by the commissioner.

Sec. 23. INVESTIGATIONS; SUSPENDING OR REVOKING LICENSES. The commissioner upon his own motion may, and upon a verified complaint in writing shall, investigate the actions of any person, corporation, or copartnership engaged in the business of acting in the capacity

of real estate broker or salesman. He may suspend or revoke a license issued under the provisions of this act, when it shall appear that the holder thereof, while a licensee under the provisions of this act, within three years immediately preceding, in the performance of or attempt to perform any of the acts authorized by such license or by this act, has: 1. made any substantial misrepresentation; 2. made any false promises of a character likely to influence, persuade or induce; 3. pursued a flagrant course of misrepresentation or made false promises through agents or salesmen; 4. acted for more than one party in a transaction without the knowledge or consent of all parties thereto; 5. been guilty of any other conduct, whether of the same or a different character, which constitutes fraud or dishonest dealings; 6. violated any of the rules and regulations prescribed by the commissioner; 7. procured a license under the provisions of this act, for himself or any salesman, by fraud, misrepresentation or deceit; 8. been convicted of a felony, knowledge of which the commissioner did not have at the time of last issuing a license to such licensee; 9. knowingly authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business or any land or subdivision thereof offered for sale, in this or any other state; 10. willfully disregarded or violated any of the provisions of this act; 11. willfully used the term "realtor" without legal right to do so; 12. employed unlicensed salesmen, or 13. violated any of the provisions of this act.

Sec. 24. LICENSE OF CORPORATION OR

COPARTNERSHIP. The commissioner may suspend or revoke the license of a corporation or copartnership, as to any officer, agent, or member acting under the license thereof, without revoking the license of such corporation or copartnership.

Sec. 25. COMMISSIONER MAY PRESCRIBE RULES AND REGULATIONS. The commissioner may prescribe and enforce reasonable rules and regulations essential to the carrying out of the provisions of this act, and all licensees hereunder are hereby required to operate in accordance therewith. Said rules and regulations shall have the same force and effect as if the same were detailed in full herein.

Sec. 26. EMPLOYER'S LICENSE NOT REVOKED. The violation of any provision of this act on the part of a salesman or employee of a licensed broker shall not be cause for the suspension or revocation of the license of the employer unless it shall appear upon a hearing before the commissioner that the employer had guilty knowledge of such violation.

Sec. 27. PROSECUTION. The commissioner may file a complaint for any violation of this act before any court of competent jurisdiction, and may in person, or by his deputies, assistants, or counsel assist in the prosecution of such case. The county attorney of any county in which any such violation occurs shall, upon the written request of the commissioner or the attorney general, prosecute the same.

Sec. 28. PENALTY. Any person or corpora-

tion who acts as a broker or salesman within the meaning of this act, or who advertises in such manner as to indicate that he or it is a broker, without being licensed as herein prescribed shall, upon conviction thereof, be punished, if an individual, by a fine of not more than five hundred dollars, by imprisonment in the county jail not to exceed six months, or both; or if a corporation, be punished by a fine of not to exceed five thousand dollars.

Sec. 29. UNLAWFUL EMPLOYMENT; PENALTY. A broker shall employ and pay only duly and legally licensed salesmen, and salesmen shall accept employment and compensation as such only from duly and legally licensed brokers. It shall be unlawful for any person, firm or corporation, whether obliger, escrow holder or otherwise, to pay or deliver to anyone a compensation for performing any of the acts specified herein, as a broker, who is not licensed at the time such service is rendered. An identification card or certificate of license issued by the state real estate department showing that the person, firm or corporation holds a license for the year in which such payment is made or earned, shall be sufficient proof to relieve such obliger, escrow holder, or other person, from the penalty provided in this section. Violation of this section shall be a misdemeanor, punishable by a fine of one hundred and fifty dollars for each offense.

Sec. 30. ACTIONS FOR THE COLLECTION OF COMPENSATION. An action for the collection of compensation earned may be maintained in the courts of the state, by any broker or salesman. To initiate any such suit the com-

plaint must allege that the complainant was a duly licensed broker or salesman at the time the alleged cause of action arose, and precedent to hearing the cause the court shall require the plaintiff to prove the alleged qualifications as such licensee.

Sec. 31. SUBDIVIDED LANDS; NOTICE. Before offering subdivided lands for sale or lease, the owner, agent, or subdivider shall notify the commissioner in writing of his intention, which notice shall contain: 1. name and address of owner; 2. name and address of subdivider; 3. legal description and area of land; 4. a true statement of the condition of the title to the land, including all encumbrances thereon; 5 the terms and conditions on which it is intended to dispose of the land, together with copies of any contract intended to be used, and such other information as the owner, his agent, or subdivider, may desire to present; 6. a map of the subdivision which has been filed in the office of the county recorder in the county in which such subdivision is located. The commissioner may require such additional information as he shall deem necessary by submitting a questionnaire to the owner, his agent or subdivider.

Sec. 32. INVESTIGATION OF SUBDIVISION. The commissioner shall investigate any subdivision being offered for sale or lease at the time this act takes effect, or which shall be offered hereafter, and shall make public his findings with respect thereto.

Sec. 33. REPORT; ORDER PROHIBITING SALE OR LEASE. Upon examination of a sub-

division, the commissioner shall prepare a report thereon, and may publish the same. An order prohibiting the sale or lease of the property may be issued by the commissioner if the examination discloses that such sale or lease would constitute misrepresentation, deceit or fraud. Before such order of prohibition shall issue, the commission shall hold a hearing as provided in this act.

Sec. 34. NOTICE OF CHANGE OF PLAN. It shall be unlawful for any owner, agent, or subdivider, after submitting to the commissioner the plan under which a subdivision is to be offered for sale or lease, and securing his approval, to materially change the same without first notifying the commissioner in writing of such intended change.

Sec. 35. TITLES FREE FROM LIENS. It shall be unlawful to sell any lot or parcel of a subdivision which is subject to a lien or encumbrance other than taxes or assessments levied by public authority, or when the interest of the owner, his agent, or subdivider of such land is held under option or contract of purchase or in trust, unless there is a provision in the instrument evidencing such lien, encumbrance. option, contract, or trust agreement, or in a valid supplementary agreement, enabling the vendor to deliver title to each parcel sold free of such lien, encumbrance, option, contract or trust agreement, upon completion of all payments and performances of all the terms and provisions required to be made or performed by the vendee under the agreement of sale. Certified or verified copies of documents containing such provisions shall be filed

with the commissioner prior to the sale of any part of any such subdivision.

Sec. 36. FALSE PUBLICATION; PUBLIC OFFENSE; PENALTY. Every person who knowingly authorizes, directs or aids in any publication whatsoever or any false statement or representation concerning any land or subdivision offered for sale or lease, and every person who, with knowledge that any advertisement, pamphlet, prospectus, or letter concerning any such land or subdivision contains any written statement that is false or fraudulent, issues, circulates, publishes or distributes the same, or shall cause the same to be issued, circulated, published or distributed, or who in any respect willfully violates or fails to comply with any order, permit, decision, demand or requirement of the commissioner under the provisions of this act, shall be guilty of a public offense, and upon conviction shall be punished by a fine of not more than two thousand dollars, imprisonment not to exceed two years, or both, and if a licensee he shall be tried before the commissioner for suspension or revocation of his license.

Sec. 37. VIOLATIONS; COMPLAINT; SUMMONS AND ANSWER. Before denying, suspending or revoking any license, or issuing any order prohibiting the sale or lease of property as provided in section 33, the commissioner shall present the applicant, licensee, owner, agent, or subdivider with written notice of the charges filed against him, or reasons for prohibiting the sale or lease of subdivided property, and shall afford him an opportunity to be heard in person or by counsel. Service of the complaint and notice of

the time and place of hearing shall be fully effected by mailing a true copy of the complaint and notice by registered mail to the applicant, licensee, owner, agent, or subdivider, at his latest address of record in the department. Ten days after such service the defendant shall be required to appear and file a verified answer to such complaint.

Sec. 38. HEARING; WITNESSES; DEPOSITION; SERVICE OR PROCESS. Any party to any such hearing shall have the right to the attendance of witnesses in his behalf, in person or upon deposition, upon making request therefor to the commissioner and designating the person or persons sought to be subpoenaed. For the purpose of said hearing the commissioner shall have all of the powers vested in public officers by section 4470, Revised Code of 1928. The commissioner may cause the deposition of witnesses within or without the state to be taken as prescribed by law for deposition in civil cases. Process issued by the commissioner may be served by any person authorized to serve process of courts of record or by any person designated for that purpose by the commissioner. The person serving any such process shall receive such compensation as may be allowed by the commissioner, not to exceed the fees prescribed by law for similar service. Any witness who shall appear by order of the commissioner shall receive the same fees and mileage allowed by law to a witness in civil cases, which shall be paid by the party at whose request such witness is subpoenaed. Fees for serving process and of witnesses subpoenaed by the commissioner not upon the request of any other person, shall be paid from the real estate

fund as other expenses of the department are paid.

Sec. 39. APPEAL; TRANSCRIPT. The decision of the commissioner in denying, suspending or revoking any license, or other order or decision, shall be subject to review. Any person aggrieved by the commissioner'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, or other order or decision. If, in the opinion of the court, the denial, suspension or revocation of such license, or other order or decision, was made without just cause, the court may afford such relief as it may deem advisable. Notice of an appeal from the decision or order of the commissioner shall be served by leaving with the commissioner an attested copy thereof within thirty days after said commissioner has notified the person aggrieved of his decision or order. Hearing of any such appeal shall proceed in accordance with such rules as the court may determine. The party appealing may make demand of the commissioner, in writing, for a certified transcript of all papers on file in his office affecting or relating to such decision or order and of all evidence taken at the hearing. Within thirty days after receipt of the said demand, accompanied by a fee of one dollar for certifications of the said transcript and ten cents for each folio thereof, the commissioner 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 or order

of the commissioner may be stayed upon such terms as the court may impose, but in no event shall the decision or order of the commissioner take effect until thirty days after the date thereof.

Sec. 40. SEVERABILITY. If any provision of this act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the act are declared to be severable.

Sec. 41. REPEAL. Article 4, chapter 58, Revised Code of 1928, is repealed. This section does not negative an implied repeal of any statute which conflicts with this act.

Approved March 15, 1937.

CHAPTER 54

(House Bill No. 12)

AN ACT

RELATING TO ELECTIONS, AND AMENDING SECTIONS 1243, 1255, 1256 AND 1310, REVISED CODE OF 1928, AND AMENDING PARAGRAPHS 1309, 1311 AND 1312, REVISED CODE OF 1928 AS AMENDED.

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

Section 1. Sec. 1243, Revised Code of 1928, is amended to read:

1243. FORM OF BALLOTS ON VOTING MACHINES. All ballots for voting machines shall be printed in black ink, on clear, white material of such size as will fit the ballot frame and in as plain, clear type as the space will reasonably permit. The party name for each political party represented on the machines shall be prefixed to the list of candidates of such parties. The titles of offices may be arranged horizontally with the names of candidates arranged vertically under the title of the office or the titles of the offices may be arranged vertically with the names of the candidates arranged horizontally opposite the respective titles. The arrangement of the names of the candidates and the offices shall be as uniform as practicable and if not specifically provided for herein be so arranged as to comply with the law governing the use of paper ballots in so far as the construction of the machine will permit. The machine shall be so adjusted that, when one or more voting pointers equalling the total number of persons to be elected to that office shall have been operated, all other voting pointers, connected with that office shall be thereby locked.

Sec. 2. Sec. 1255, Revised Code of 1928, is amended to read:

1255. CANVASS OF VOTES AND PROCLAMATION OF RESULTS. As soon as the polls of the election are closed, the judges and inspectors of election thereat shall immediately lock and seal the voting machine against voting. The judges

and inspectors then shall sign a certificate stating that the machine has been locked against voting and sealed, the number of voters as shown on the public counters, the number of the seal, the number registered on the protective counter, and that the voting machine is closed and locked. They shall then open the counter compartment in the presence of the watchers and all other persons who may be lawfully within the polling place, giving full view of all the counter numbers. One of the election officers shall, under the scrutiny of the judge or inspector of a different political party, in the order of the officers as their titles are arranged on the machine, read and announce distinctly the designating number and letter on each counter for each candidate's name, the result as shown by the counter numbers, and shall then read the votes recorded for each office on the irregular ballots. He shall also in the same manner announce the vote on each constitutional amendment, proposition or other questions. The counter shall not in the case of presidential electors be read consecutively along the party row column, but shall be read along the office columns or rows, completing the canvass of each office. If a separate ballot in each party column or row entitled "presidential electors" is provided, a vote for such ballot shall operate as a vote for all the candidates of such party for presidential electors. The vote as registered, shall be entered on the statements of canvass in ink, by two election officers of opposite political faith, but not including the inspector, in the same order on the space which has the same designating number and letter, after which the figures shall be verified by being called off in the same manner from the counters of the machine by an

election officer of opposite political faith from the inspector. The return of the canvass shall then be filled out, which shall show the total number of votes cast for each candidate, as shown on his counter, and the number of votes for persons not nominated, and the statement shall be signed by each judge. After proclamation of the vote, ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the machine and any necessary corrections shall then and there be made by the board. If write-in votes have been cast such votes shall be canvassed and tallied and added to the regular votes cast and the paper roll containing the write-in vote shall be preserved as are regular paper ballots. The judge or inspector filing the returns shall deliver to the board or officer from whom they were received, the keys of the voting machine, inclosed in a sealed envelope having indorsed thereon a certificate of the election officers stating the number of the machines, the election precinct where it has been used, the number of the seal and the number of the protective counter.

Sec. 3. Sec. 1256, Revised Code of 1928, is amended to read:

1256. STATEMENT OF CANVASS. In each election precinct where voting machines are used, statements of canvass shall be printed to conform wtih the type of voting machine used. The designating number and letter on the counter for each candidate shall be printed next to the candidate's name on the statements of canvass and shall provide for the entry of the number of votes for each candidate and the "yes" and "no" over

each question. These statements shall be executed in duplicate in each election precinct and one copy placed in the official and one in the unofficial envelopes and delivered to the board of supervisors or other authority, as are other election returns.

Sec. 4. Sec. 1304, Revised Code of 1928, is hereby amended to read:

1304. APPLICATION FOR BALLOT. Within thirty days next preceding the Saturday before any primary or general election, such elector may make application in person to any registration officer in the state for an official absent or disabled voter's ballot, or if absent from the state during the thirty days next preceding the election may, upon the application blanks herein provided for, secure such ballot by appearing before any notary public or other officer qualified to administer oaths within the state of temporary residence, and swearing and subscribing to such application and returning the original and duplicate to the recorder of the county in which such elector is registered. Upon receipt of such application, if in proper form the recorder shall mail, postage prepaid to such elector, the ballot described herein, together with the envelope for its return, and such elector may, after making and subscribing the affidavit provided for upon the return envelope, mark such ballot and return it to the recorder of the county wherein such elector is registered.

Sec. 5. Sec. 1310, Revised Code of 1928, is amended to read:

1310. APPOINTMENT OF ABSENTEE BOARD. The Boards of Supervisors of the several counties in the state, upon recommendation of the county central committees, shall appoint one or more absentee election boards to serve at a place to be designated by the boards of supervisors to canvass and tally all absentee ballots. In the selection of absentee board herein provided for the Board of Supervisors shall select one or more members of each absentee board from each supervisoral district within the county. The absentee board shall serve from 6:00 o'clock p. m. on election day until they have completed the canvass of all absentee ballots. All absentee ballots received by the county recorder before 6:00 o'clock p. m. on election day together with the original application shall be delivered to the absentee board at 6:00 o'clock p. m. on election day. The necessary printed blanks for poll lists, tally lists, lists of voters, ballots, oath, and returns, together with envelopes in which to enclose the returns, shall be furnished by the board of supervisors to the absentee board for each election precinct at the expense of the county.

Sec. 6. Sec. 1309 Revised Code of Arizona 1928 as amended by Chapter 82, Session Laws 1933, Regular Session, is hereby amended to read:

1309. DUTIES OF COUNTY RECORDER. Upon receipt of the envelope containing such ballot, the county recorder shall compare signature on such envelope with the signature of elector or his or her original affidavit of registration in the general county register and if satisfied that such signatures correspond and that the affidavit is sufficient the recorder shall forthwith enclose

the same unopened together with the original application of such voter, in a large envelope securely sealed and indorsed with the name or number of the voting precinct in which the voter is registered, the name and official title of the recorder, and the words, "This envelope contains only absent or disabled voter's ballot and must be opened only on election day" and the recorder shall thereafter safely keep the same in his office until delivered, and file the duplicate application in his office.

Sec. 7. Sec. 1311, Revised Code of Arizona, 1928, as amended, is amended to read:

1311. CASTING A BALLOT BY ELECTION BOARD. The absentee board immediately upon receipt of the absentee ballots shall in the following manner cast separately for each precinct the absent or disabled voter's ballot which has been received. The outer envelope shall be opened by the judges and the name on voters' affidavits checked with the precinct register and if such judges find that the applicant is a duly qualified elector of such voting precinct they shall open the envelope containing the ballot, in such manner as not to destroy the affidavit thereon, and take out the ballot without unfolding the same or permitting it to be opened or examined, and having indorsed the stub in the same manner that other ballots are indorsed, deposit the ballot in the ballot box, and show by the records of such election that such elector has voted. If the affidavit is insufficient, or the applicant is not a duly qualified elector of said voting precinct, such vote shall not be allowed, but without opening the envelope containing the absent

or disabled voter's ballot, the judges of election shall mark across the face thereof, "rejected as defective", or "rejected as not an elector", as may be. When he vote is allowed the envelope in which the ballot was enclosed shall be deposited in the ballot box and when the ballot is rejected, the envelope and its contents shall be deposited in the ballot box, and preserved as official ballots. The canvass and return by the absentee board shall be made as provided for regular precincts.

Sec. 8. Sec. 1312, Revised Code of Arizona, 1928, as amended, is amended to read:

1312. VOTER EXPECTING TO BE ABSENT. Any elector who has reason to believe that he will be absent from the county on election day, who is present in such county and precinct at any time after the official absent and disabled voters' ballots are printed and available, may vote before leaving home, in like manner as an absent voter. Any elector who makes application for and receives an absentee ballot shall not vote at the polls on election day.

Approved March 16, 1937.

CHAPTER 55

(House Bill No. 21)

AN ACT

RELATING TO EDUCATION, CONFERRING POWER UPON THE BOARDS OF EDUCA-

TION, AND AMENDING SECTION 1106, REVISED CODE OF 1928.

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

Section 1. Sec. 1106, Revised Code of 1928, is amended to read:

1106. CURRICULUM; DEGREES. The boards may establish and conduct at each of said colleges a teachers training course of four years and award to each student satisfactorily completing said course the degree of bachelor of arts in education. The boards may also establish and conduct courses carrying graduate credits and leading to the degree of master of arts in education, and upon satisfactory completion of such courses, may award the degree of master of arts in education.

Approved March 16, 1937.

CHAPTER 56

(House Bill No. 92)

AN ACT

MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF AN ADDITION TO THE STATE CAPITOL.

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

Section 1. APPROPRIATION. (a) Notwith-

standing the limitations imposed by section 3021, Revised Code of 1928, all moneys standing to the credit of the legislative, executive and judicial public buildings land fund are appropriated to the board of directors of state institutions, for the purpose for which said fund was created, namely, the erection of an addition to the state capitol, to be known as the department of justice building, for the housing of the supreme court, the attorney general's offices, and the several divisions of the state library, and to be expended in the manner and under the terms and conditions hereinafter expressed.

(b) In addition to the appropriation contained in subsection (a), the sum of one hundred twenty thousand dollars is appropriated out of the general fund for the employment of labor and other necessary expenditures in connection with the erection of said addition to the state captitol, and the general fund shall be reimbursed, at the rate of not less than ten thousand dollars per month, to the amount of said appropriation, out of the governor's relief fund (section 21, chapter 77, Session Laws of 1935, regular session).

Sec. 2. CONDITIONS. (a) Said appropriations are conditioned upon the allocation, by the federal emergency administration of public works, under the terms of that certain public works project application known as application number Arizona 1040-1, or other agreement between the state of Arizona and the federal government or any agency thereof, of approximately forty-five per cent of the cost of erection of the proposed addition to the capitol building.

(b) All expenditures hereunder shall be made on claims approved by the governor, and at the times and in conformity with the requirements of said agreement or contract with the federal emergency administration of public works or other agency of the United States government.

(c) The appropriation herein provided shall become available immediately upon the passage and approval of this act, irrespective of the provisions of section 2616, Revised Code of 1928.

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

Approved March 16, 1937.

CHAPTER 57

(Senate Bill No. 30)

AN ACT

FOR THE RELIEF OF THOMAS A. FLYNN.

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

Section 1. Appropriation. The sum of one thousand two hundred fifty dolars is appropriated for the relief of Thomas A. Flynn.

Sec. 2. BASIS OF CLAIM. Said sum shall

be in full satisfaction of the claim of Thomas A. Flynn for special legal services performed between May 13, 1935 and June 7, 1935, in connection with the defense of suits brought in the federal court by Phelps Dodge Corporation against the members of the state tax commission.

Approved March 16, 1937.

CHAPTER 58

(Senate Bill No. 33)

AN ACT

FOR THE RELIEF OF DOUBLE CIRCLE CATTLE COMPANY.

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

Section 1. APPROPRIATION. The sum of forty-seven dollars and five cents is appropriated for the relief of Double Circle Cattle Company.

Sec. 2. BASIS OF CLAIM. Said sum shall be in full satisfaction of the claim of Double Circle Cattle Company, for costs incurred after filing of judgment in that certain case, in the superior court of the state of Arizona in and for the county of Graham, wherein the state of Arizona was plaintiff and Double Circle Cattle Company and Marion P. McEuen were defendants, in which the judgment of the court was rendered on May 11, 1935, in favor of the defendants, and in which, by order of the court, the livestock sanitary board was directed to pay the costs of

suit out of the seizure fund held by or any unexpended moneys appropriated for the said board.

Approved March 16, 1937.

CHAPTER 59

(Senate Bill No. 35)

AN ACT

FOR THE RELIEF OF W. L. ELLSWORTH.

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

Section 1. APPROPRIATION. The sum of one thousand one hundred ninety dollars is hereby appropriated for the relief of W. L. Ellsworth.

Sec. 2. BASIS OF CLAIM. Said sum shall be in full satisfaction of the claim of W. L. Ellsworth for services and cattle feed, furnished from May 1, 1934 to April 31, 1935 inclusive, upon the order of the livestock sanitary board of Arizona, in caring for cattle seized by and held at the instance of said board during the trial of that certain case, in the superior court of the state of Arizona in and for the county of Graham, wherein the state of Arizona was plaintiff and the Chiricahua Ranches Company, a corporation, Four Drag Cattle Company, a corporation, Marion P. McEuen, Clayton McEuen, and Arthur J. McEuen were defendants, which claim of said W. L. Ellsworth is evidenced by four certificates of indebtedness against the general fund

of the state of Arizona issued by the state auditor, to-wit, number 10, dated January 10, 1935, in the amount of nine hundred eighty dollars; number 11, dated January 25, 1935, in the amount of one hundred forty dollars; number 16, dated August 19, 1935, in the amount of thirty-five dollars, and number 17, dated August 19, 1935, in the amount of thirty-five dollars.

Approved March 16, 1937.

CHAPTER 60

(Senate Bill No. 36)

AN ACT

FOR THE RELIEF OF MARION P. McEUEN.

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

Section 1. APPROPRIATION. The sum of two hundred thirty-eight dollars and five cents is appropriated for the relief of Marion P. McEuen.

Sec. 2. BASIS OF CLAIM. Such sum shall be in full satisfaction of the claim of Marion P. McEuen, for costs expended in the trial of that certain case, in the superior court of the state of Arizona in and for the county of Graham, wherein the state of Arizona was plaintiff and Double Circle Cattle Company and Marion P. McEuen were defendants, in which, under date of December 23, 1936, a mandate of the said court was issued in favor of said Marion P. McEuen

for said costs, and the livestock sanitary board was directed to pay the same out of the seizure fund held by or any unexpended moneys appropriated for the said board.

Approved March 16, 1937.

CHAPTER 61

(Senate Bill No. 37)

AN ACT

FOR THE RELIEF OF MARION P., CLAYTON, AND ARTHUR J. McEUEN.

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

Section 1. APPROPRIATION. The sum of three hundred forty-two dollars and thirty cents is hereby appropriated for the relief of Marion P., Clayton, and Arthur J. McEuen.

Sec. 2. BASIS OF CLAIM. Said sum shall be in full satisfaction of the claim of Marion P., Clayton, and Arthur J. McEuen, for costs incurred in that certain case, in the superior court of the state of Arizona in and for Graham county, wherein the state of Arizona was plaintiff and Chiricahua Ranches Company, a corporation, Four Drag Cattle Company, a corporation, Double Circle Cattle Company, a corporation, and Marion P., Clayton, and Arthur J. McEuen were defendants, and in which, under date of December 28, 1934, judgment was awarded to the said claimants for said costs, and against the livestock sanitary board

of the state of Arizona, to be paid out of the seizure fund held by or any unexpended moneys appropriated for the said board.

Approved March 16, 1937.

CHAPTER 62

(Senate Bill No. 38)

AN ACT

FOR THE RELIEF OF CHIRICAHUA RANCHES COMPANY, A CORPORATION, FOUR DRAG CATTLE COMPANY, A CORPORATION, AND DOUBLE CIRCLE CATTLE COMPANY, A CORPORATION.

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

Section 1. APPROPRIATION. The sum of two thousand five hundred sixty-eight dollars and six cents is hereby appropriated for the relief of Chiricahua Ranches Company, a corporation, Four Drag Cattle Company, a corporation, and Double Circle Cattle Company, a corporation.

Sec. 2. BASIS OF CLAIM. Said sum shall be in full satisfaction of the claim of Chiricahua Ranches Company, a corporation, Four Drag Cattle Company, a corporation, and Double Circle Cattle Company, a corporation, for costs incurred in that certain case, in the superior court of the state of Arizona in and for the county of Graham, wherein the state of Arizona was plaintiff

and the Chiricahua Ranches Company, a corporation, Four Drag Cattle Company, a corporation, and Double Circle Cattle Company, a corporation, Marion P. McEuen, Clayton McEuen, and Arthur J. McEuen were defendants, and in which, under date of December 28, 1934, a mandate of said court was issued in favor of the said claimants for said costs, and against the livestock sanitary board of the state of Arizona, to be paid out of the seizure fund held by or any unexpended moneys appropriated for said board.

Approved March 16, 1937.

CHAPTER 63

(Senate Bill No. 112)

AN ACT

REPEALING SECTION 2637, Revised Code of 1928, AS AMENDED, AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 2637, Revised Code of 1928, as amended, is repealed.

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 17, 1937.

CHAPTER 64

(Senate Bill No. 139)

AN ACT

RELATING TO THE ARIZONA PECAN INDUSTRY, AND ESTABLISHING PECAN STANDARDS.

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

Section 1. SHORT TITLE. This act may be cited as the Arizona pecan standardization act.

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

"container" means any sack, box, barrel, carton, or other receptacle used for packing, shipping or selling unshelled pecans;

"subcontainer" means any container when being used within another container;

"pack" and "packed" means the regular placing or arrangement of all or part of the unshelled pecans in any container or subcontainer;

"deceptive pack" means any container or subcontainer which has in the outer layer or any exposed surface, unshelled pecans which are in quality, size, condition, or in any other respect so superior to those in the interior of the container or subcontainer, or the unexposed portion, as to materially misrepresent the contents; such pack is deceptive even though the pecans in the

container are virtually uniform in size, when the outer or exposed surface is composed of pecans whose size is not an accurate representation of the variation of size of the pecans in the entire container;

"mislabel" means the placing or presence of any false or misleading statement, design, or device, upon any container, or upon the label or lining of any such container or subcontainer containing unshelled pecans, or upon any placard used in connection therewith and having reference to such pecans; a statement, design or device is false or misleading, when the pecans, or container to which it apparently or actually refers, does not conform in every respect to such statement;

"bulk lot" or "bulk load" of any unshelled pecans, means any group of specimens of the same which are not in a container and which is set apart or is separate from any other group or groups;

"placard" means any sign, label or designation other than an oral designation used in connection with any unshelled pecans as a description or identification thereof;

"deceptive arrangement" or "deceptive display" of unshelled pecans means any bulk load or lot, arrangement or display thereof which has in the exposed surface unshelled pecans which are so superior in quality, size, condition, or in any other respect so superior to those which are concealed, or the unexposed portion, as to materially misrepresent any part of the bulk load or lot;

"mature", except when otherwise specifically

defined, means having reached that stage of ripeness which will insure the proper completion of the ripening process after the removal of the product from the tree on which it grew;

"well cured" means that the kernel separates freely from the shell and from the corky partitions inside the shell, and that the kernel is not tough or leathery;

"free from rancidity" means that the kernel is not noticeably rancid to the taste;

"free from molds" means that there is no mold on or inside the kernel;

"free from worm injury" means that there are no worms, web or frass inside the shell;

"free from decay" means that the kernel is not putrid or decomposed;

"excessive shriveling" means any combination of shriveling and lack of development which leaves the meat of the nut decidedly shrunken and unpalatable;

"unshelled pecans" means the food product of the pecan tree when the kernel or edible portion has not been separated from the shell;

"germinated kernels" means that the kernels have commenced to grow or develop into a plant or have started to sprout from the shell.

Sec. 3. DECLARATION. The purpose of this act is to promote the development of the Arizona pecan industry; to prevent deception in the packing, marking, shipping or sale of unshelled pecans

which are packed, marketed, sold or shipped from this state to other states, or imported from other states into this state, or which are sold in this state in packages or bulk, and to set up and establish standards therefor.

Sec. 4. ENFORCEMENT OFFICERS. This act shall be enforced by the supervisor of inspection created by section 4, chapter 95, Session Laws of 1929, in accordance with the provisions prescribed by sections 4, 5, 6 and 7 of said chapter. It shall also be the duty of the state entomologist and his deputies and of the state quarantine inspectors to cooperate in such enforcement. Said supervisor and his deputies, the state entomologist and his deputies, and the state quarantine inspectors are hereinafter called enforcing officers. The supervisor of inspection and the state entomologist shall instruct their deputies and the state quarantine inspectors with regard to the inspection of unshelled pecans.

Sec. 5. POWERS OF ENFORCEMENT OFFICERS. Every enforcement officer shall have power to enter and inspect every place or vehicle within the state where pecans are produced, received, packed, delivered, loaded, shipped, offered for sale or sold, whether for intrastate or interstate shipment, and to inspect such places and all unshelled pecans and containers of unshelled pecans therein. Each such officer shall have the same powers with respect to the performance of the duties imposed by this act as are possessed by other peace officers, and shall have the right, while exercising such police powers, to seize or hold as evidence such part of any pack, load, lot, consignment or shipment of unshelled pecans pack-

ed, delivered for shipment, loaded, shipped or being transported, offered for sale, or sold, in violation of this act, as may in his judgment be necessary to secure the conviction of any person whom he knows, or has good reason to believe, is violating any of the provisions thereof.

Sec. 6. STANDARD FOR UNSHELLED PECANS. (a) Unshelled pecans shall be free from blanks and from damage such as germinated kernels, and free from foreign materials. The kernels of unshelled pecans must be mature, well cured, free from rancidity, molds, worm injury and excessive shriveling, so that the meat is leathery, tough, unpalatable or decidedly shrunken, and must equal not less than forty-five per cent of the total weight of kernel and shell. Not more than ten per cent by count of the unshelled pecans in any one container or bulk lot may be below these requirements. Pecans showing the presence of insect pests shall not be tolerated.

(b) All containers of unshelled pecans shall bear upon them in plain sight and in plain letters, not less than one and one-half inches in height on the outside thereof, the name of the state or of the foreign country where the pecans were produced.

Sec. 7. PECANS NOT IN CONFORMITY WITH ACT. (a) It shall be unlawful to pack or cause to be packed, sell, offer for sale, deliver for shipment, load, ship of transport for shipment, whether packed, shipped, or sold or offered for sale in domestic, interstate, intrastate or foreign commerce any unshelled pecans within the meaning of this act, which do not conform with

the requirements of this act. It shall also be unlawful to prepare, deliver for shipment, load, ship, transport, offer for sale or sell a deceptive pack, bulk lot, bulk load, arrangement or display of unshelled pecans within the meaning of this act, or to mislabel any container, subcontainer or display of such unshelled pecans.

(b) Nothing in this act shall be construed to conflict with any Arizona or federal laws or regulations regarding net weight or other markings on containers or subcontainers.

Sec. 8. SEIZURE. (a) Any unshelled pecans packed, stored or delivered for shipment, loaded, shipped, or being transported or sold in violation of any of the provisions of this act, and their containers, are public nuisances, and shall not be moved from the place where they may be, except under the specific direction of a proper enforcing officer. If, after notice of such violation is given to the packer or owner of such unshelled pecans, such packer or owner refuses, or fails within twenty-four hours, to recondition or re-mark the same so as to comply with all the requirements of this act, such pecans and their containers may be seized by the supervisor or any enforcing officer and by order of the justice, municipal or superior court of the precinct, city or county within which the same may be, shall be condemned and destroyed, or released upon such conditions as the court, in its discretion, may impose to insure that they will not be packed, delivered for shipment, shipped, transported, or sold in violation of this act.

(b) No provision of this act shall be con-

strued to prevent the shelling of any pecans within this state, or to prevent a grower of pecans in this state from selling or delivering the same unpacked and unmarked, as a part of his crop in bulk, to a sheller or packer of pecans for shelling, grading, packing or storage within this state. Any enforcement officer may require from the owner or shipper of unshelled pecans such written or other proof as may be reasonably necessary that such pecans will be used only as permitted by this section and shall hold such pecans until satisfactory proof is given that the same will be so used.

Sec. 9. GRADING RULES. (a) The supervisor is empowered, after thorough investigation, to establish and enforce such grading rules for unshelled pecans, as may be deemed necessary and not in conflict with the provisions of this act. Before becoming effective, such rules and regulations shall be submitted for approval at one or more public meetings of representative growers and shippers interested in the pecan industry, called for such purpose. Any such meeting shall be advertised at least once in a newspaper published in the locality in which the meeting is called, one week or more prior thereto. The meeting shall be presided over by the supervisor or a duly authorized agent, and shall, in so far as practicable, be held at such place or places as can be conveniently reached by persons interested in the pecan industry.

(b) Except as hereinafter provided, grades, grading rules and regulations shall not be modified during the current shipping season for which they are established.

Sec. 10. SUPERVISOR TO PROMULGATE AND ENFORCE RULES. The supervisor is empowered to promulgate and enforce such rules and regulations as he may deem necessary to carry out the provisions of this act, which shall not conflict with any of the provisions hereof. When so promulgated it shall be the duty of all enforcing officers to enforce such rules and regulations.

Sec. 11. PROSECUTION. The county attorney of any county in which a violation of this act occurs shall, upon request of any enforcing officer or other interested person, prosecute such violation; and the prosecutor of any municipality within this state shall have concurrent jurisdiction as to any violation committed within his territorial jurisdiction.

Sec. 12. PENALTY FOR VIOLATION. Any person who violates any provision of this act shall be guilty of a misdemeanor and upon conviction fined not more than five hundred dollars, imprisoned not more than one year, or both.

Sec. 13. SEVERABILITY. If any provision of this act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the act are declared to be severable.

Approved March 17, 1936.

CHAPTER 65

House Bill No. 91)

AN ACT

RELATING TO COMMERCIAL FEED STUFFS, AND PROVIDING FOR THE REGULATION OF THE SALE THEREOF.

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

Section 1. DEFINITION. The term "commercial feeds" includes all materials used for feeding animals or birds, except: 1. unmixed whole seeds or grains, as defined by United States grain standards; 2. the unmixed meals made directly from and consisting of the entire grains of corn, wheat, rye, barley, oats, buckwheat, flaxseed, kaffir, milo, and other grain sorghums; 3. unground hays, straws, cottonseed hulls, stover and silage, when unmixed with other materials.

Sec. 2. SALE AND DISTRIBUTION. (a) All manufacturers, importers, jobbers, firms, associations, corporations, or persons shall, before selling, offering, exposing for sale, or distributing any brand of commercial feed, have printed on or attached to each bag, package, or carton, in a conspicuous place on the outside, or deliver with each bulk lot, a plainly printed statement, hereafter referred to as the label, containing in clear, legible print in the English language: 1. the net weight of the contents of the package, bag, carton or bulk lot; 2. the brand or trade name of the feed; 3. the name and principal address of the manufacturer or person responsible for placing

the commodity on the market; 4. the minimum percentage of crude protein; 5. the minimum percentage of crude fat; 6. the maximum percentage of crude fiber; 7. the official name of each ingredient used in its manufacture, as defined by the association of American feed control officials.

(b) In the case of mixed feeds containing more than a total of five per cent of one or more mineral ingredients, or other unmixed materials used as mineral supplements, and in the case of mineral feeds, mixed or unmixed, which are manufactured, represented and sold for the primary purpose of supplying mineral elements in rations for animals or birds, and containing mineral elements generally regarded as dietary factors essential for normal nutrition, there shall be shown the minimum percentage of calcium (Ca), phosphorus (P), of iodine (I) and the maximum percentage of salt (NaCl), if the same be present. If no nutritional properties other than those of a mineral nature be claimed for a mineral feed product, the percentage of crude protein, crude fat and crude fiber may be omitted.

Sec. 3. APPLICATION FOR REGISTRATION. Before any manufacturer, importer, jobber, firm, association, corporation or person shall sell, offer or expose for sale or distribute in this state any brand of commercial feed, he or they shall make application for registration and file with the state chemist a certified copy of the statement prescribed in section 2, with the exception of item 1, for each brand of commercial feed. Said application shall be accompanied, if the STATE CHEMIST SHALL so request, by a cer-

tified copy of the label or sealed package containing at least one pound of commercial feed to be registered, and the company or person furnishing such sample shall thereupon make an affidavit that it is representative of the commercial feed offered for registration. If the application for registration appears to meet the requirements of this act, the state chemist shall issue a certificate of registration for such brand of commercial feed, which registration shall expire December 31 following its date of issuance.

Sec. 4. EXEMPTION. Any importer, jobber, firm, association, corporation, or person selling, offering or exposing for sale, or distributing commercial feeds to be used only for mixing purposes, which is labeled or tagged as prescribed by section 2, and accompanied by declaration that such feed is to be used for mixing purposes in registered brands only and that the registration fee and the inspection fee are not to be paid thereon, shall be exempted from the payment of said registration fee and inspection fee.

Sec. 5. INSPECTION FEE. (a) Every manufacturer, importer, jobber, firm, association, corporation or person selling, offering or exposing for sale, or distributing any brand of commercial feed as defined in section 1, shall pay to the state chemist an inspection fee of twenty cents for each ton of commercial feed sold, offered or exposed for sale or distributed in this state, and shall affix to or accompany each lot shipped in bulk, and to each parcel of such commercial feed, a tag or stamp to be furnished by the state chemist stating that all charges specified in this section have been paid; provided that after this

act has been in operation for one year, the state chemist may, if it appears that the revenue derived from the act is more than necessary for its administration and operation, reduce the inspection fee provided in Section 5, and for any year thereafter, he may increase or decrease the inspection fee, but at no time shall the rate exceed twenty cents per ton.

(b) When feed is sold in bulk or in packages belonging to the purchaser, the seller shall furnish the purchaser with sufficient fee tags or stamps to cover the sale, and with a card or cards upon which appears the statement required by the provisions of section 2.

(c) Fees so collected shall constitute a fund for the payment of the cost of inspections, sampling analyses, and other expenses necessary for putting into effect the provisions of this act.

Sec. 6. FORMULA FURNISHED BY CUSTOMER. (a) The provisions of this act relating to registration shall not apply to any feed mixed according to a formula furnished by a consumer, but all packages of feeds so mixed shall be plainly marked or tagged on the outside of the package with the words "mixed to order", together with a statement of the name and amount of each ingredient contained therein. Such sales shall be subject to the inspection fee of twenty cents per ton. For the purpose of computing or ascertaining the amount of this inspection fee, a statement under oath shall be filed with the state chemist on or before February 1 of each year giving the total number of tons sold in this state during the preceding calendar year.

(b) If any person, firm or corporation subject to the provisions of subsection (a) shall fail to label the packages as provided, to file a statement of the number of tons sold, or to pay the inspection fee within thirty days after the close of the period for which such fee is due, such person, firm or corporation shall be deemed guilty of a misdemeanor and upon conviction fined for each violation not less than twenty-five nor more than two hundred dollars.

Sec. 7. ONLY ONE STATEMENT AND FEE. Whenever a manufacturer, importer, jobber, firm, association, corporation or person selling, offering or exposing for sale, or distributing a brand of commercial feed shall have filed the statement required by section 2 and paid the inspection fee, no other agent, importer, jobber, firm, association, corporation or person shall be required to file such statement or pay the fee upon such brand.

Sec. 8. POWERS. The state chemist shall have power:

1. to refuse to reigster any commercial feed, 1a. under a brand or trade name which would be misleading or deceptive, 1b. which would tend to mislead or deceive as to the materials of which it is composed, 1c. when the recognized official name of each ingredient used in its manufacture is not stated;

2. to refuse to register more than one commercial feed under the same name when offered by the same manufacturer;

3. to cancel any registration found to be er-

roneous or in violation of any provision of this act;

4. to refuse to allow any manufacturer, importer, jobber, firm, association, corporation or person to lower the guaranteed analysis or change the ingredients of any brand of his or their commercial feeds during the term for which registered, unless satisfactory reasons are presented for making such change or changes.

Sec. 9. ACCESS TO PLACES OF BUSINESS. The state chemist or his deputy shall have free access during regular business hours to all places of business, mills, buildings, carriages, cars, vessels and parcels of whatsoever kind used in the manufacture, transportation, importation, sale or storage of any commercial feed, and shall have the power and authority to open any parcel containing or supposed to contain any commercial feeds, to take therefrom, in the manner prescribed in section 10, samples for analysis, and to cause to be analyzed annually at least one sample so taken of every commercial feed sold, offered or exposed for sale, or distributed.

Sec. 10. METHOD OF SAMPLING. (a) No action shall be maintained for violation of the provisions of this act, based upon an analysis of a sample from less than ten separate original packages, unless there be less than ten separate original packages in the lot, in which case portions for the official sample shall be taken from each original package. In the case of canned or small packaged goods, one can or package from each twenty or less shall be deemed sufficient. If the commercial feed is in bulk, portions shall be

taken from not less than ten different places in the lot, or if not exposed sufficiently to take portions from ten different places, then from as many places as practicable. If the sample thus procured is larger than is required, it shall be thoroughly mixed and quartered until a sample of suitable size remains.

(b) When requested, the sample so procured shall be divided into two parts and placed in suitable containers and sealed, one of which shall be delivered to the person apparently in charge of such feeds.

(c) The state chemist shall analyze or cause to be analyzed the sample so collected, and the result, together with such additional information as the state chemist may beem advisable, shall be promptly transmitted to the manufacturer and to the dealer or person in whose possession the sample product was found, and may be published in reports or bulletins.

(d) The manufacturer or person responsible for the placing upon the market of any commodity so sampled, or the dealer or person in whose possession the feed was found shall upon request to the state chemist within ten days after report is mailed be furnished with a portion of the official sample.

(e) The methods of analysis shall be those in effect at the time by the association of official agricultural chemists of North America.

Sec. 11. VIOLATIONS. If it shall appear from the examination of any sample of feed or

other evidence that any of the provisions of this act have been violated, the state chemist shall cause notice of such violation to be given to the manufacturer and the dealer from whom the sample was taken. The party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed by the state chemist. After such hearing, if it appears that any of the provisions of this act have been violated, the state chemist may certify the facts to the proper prosecuting attorney and furnish that officer with a copy of the results of the analysis or other examination of such sample, duly authenticated by the analyst or other officer making the examination, under the oath of such officer.

Sec. 12. PENALTIES. (a) Any manufacturer, importer, jobber, firm, association, corporation or person who: 1. sells, offers or exposes for sale, or distributes any commercial feeds without having attached thereto or furnished therewith such fee stamps or tags as required by the provisions of this act, 2. uses the required fee stamps or tags a second time, or uses a counterfeit of such fee stamps or tags, 3. impedes, obstructs, hinders or otherwise prevents or attempts to obstruct or prevent the state chemist or his authorized agent in the performance of his duty, 4. sells, offers or exposes for sale or distributes any commercial feeds as herein defined without complying with the requirements of this act, 5. sells, offers or exposes for sale or distributes any commercial feed which contains a smaller per cent of crude protein, crude fat, calcium, phosporus, or iodine, or a larger per cent of crude fiber or salt than is certified to be contained therein, 6.

fails to properly state the name of each and every ingredient used in its manufacture, 7. sells any commercial feed which carries upon or attached to the package any false or misleading statements regarding the contents, feeding value, or net weight thereof, or, 8. violates any other provision of this act, shall be guilty of a misdemeanor and upon conviction fined not more than one hundred dollars for the first violation and not less than fifty nor more than three hundred dollars for each subsequent violation.

(b) Any manufacturer, importer, jobber, firm, association, corporation or person who sells, offers or exposes for sale, or distributes any feeds mixed or adulterated with any substance or substance injurious to the health of life stock or poultry shall be deemed guilty of a misdemeanor and in addition to the penalty provided in subsection (a), such lot of adulterated feeds shall be subject to seizure, condemnation and disposition, in such manner as the court may direct, and the proceeds from such sale shall be transmitted to the state chemist who shall deposit the same in the general fund of the University of Arizona to the credit of the feed fund for use only in accordance with the provisions of this act. The court may in its discretion release the feeds so seized when the requirements of this act have been complied with, and upon payment of all costs and expenses incurred by the state in connection with such seizure.

Sec. 13. STATE CHEMIST TO ADMINISTER ACT. (a) The state chemist shall enforce the provisions of this act, and shall have power to prescribe and enforce administrative rules and

regulations not in conflict with the provisions hereof.

(b) The head of the department of agricultural chemistry and soils, of the Arizona agricultural experiment station, is hereby designated state chemist for the enforcement of this act.

Sec. 14. SEVERABILITY. If any provision of this act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the act are declared to be severable.

Sec. 15. APPROPRIATION. All moneys collected under the provisions of this act shall be deposited in the general fund of the University of Arizona in a fund to be known as the feed fund, which fund shall be used solely for the purpose of administering the provisions of this act upon the order of the Board of Regents of the University of Arizona.

Sec. 16. TIME OF TAKING EFFECT. This act shall take effect and be in force from and after July 1, 1937.

Approved March 16, 1937.

CHAPTER 66

(House Bill No. 23)

AN ACT

RELATING TO THE PAYMENT OF TAXES ON MOTOR VEHICLES, TRAILERS, AND SEMI-

TRAILERS; DETERMINING THE CASH VALUE THEREOF; PROVIDING FOR THE DISTRIBUTION OF THE TAX COLLECTED; GRANTING CERTAIN EXEMPTIONS; AND AMENDING CHAPTER 31, ARTICLE 5, REVISED CODE OF 1928, BY ADDING SECTIONS 1635a, 1635b, 1635c, 1635d, 1635e, 1635f, AND DECLARING AN EMERGENCY.

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

Section 1. Chapter 31, article 5, Revised Code of 1928, is amended by the addition of sections 1635a, 1635b, 1635c, 1635d, 1635e, and 1635f.

1635a. PAYMENT OF TAXES ON MOTOR VEHICLES, TRAILERS AND SEMI-TRAILERS. In addition to the fees provided by chapter 31, Revised Code of 1928, and amendments thereto, every owner of a motor vehicle, trailer or semi-trailer operated upon the highways of this state, if such vehicle be subject to a registration fee, shall pay annually to the county assessor, at the time of the application for registration, a tax on such motor vehicle, trailer or semi-trailer equal to three cents on each dollar of the full cash value of such vehicle, provided that the taxes on any motor vehicle, trailer or semi-trailer registered from any incorporated city or town in this state, shall be four cents on each dollar of full cash value of such vehicle, and provided further that such tax on any new vehicle or any vehicle not previously registered in this state, which shall be registered after the beginning of the registration year, shall be reduced by one-twelfth for each full month that shall have elapsed since

the beginning of the registration year for which registration is sought at the time when such vehicle becomes subject to registration. No motor vehicle, trailer, or semi-trailer shall be registered without the tax herein provided shall have been paid.

1635b. DETERMINATION OF FULL CASH VALUE OF MOTOR VEHICLES, TRAILERS OR SEMI-TRAILERS, EXCEPTING MOTOR VEHICLES, TRAILERS, OR SEMI-TRAILERS, OPERATING IN PUBLIC SERVICE AS COMMON CARRIERS ON A FIXED SCHEDULE OVER ROUTES DESIGNATED BY THE CORPORATION COMMISSION. The county assessor shall determine and fix the full cash value of such vehicle at the time the tax is paid. The prima facie full cash value shall be as follows:

1. During the first calendar year of the life of the vehicle sixty per centum of the manufacturer's list price of a similar or corresponding model of the same make, plus the cost or manufacturer's list price of equipment, apparatus, hoists, other types of body, or other equipment attached to or added to the vehicle after its purchase, and not included in the manufacturer's list price of the vehicle.

2. During each succeeding year thereafter the prima facie full cash value shall be determined by reducing the prima facie full cash value for the first calendar year of the life of the vehicle, one-fourth; provided, that the prima facie full cash value shall not be reduced below the sum of one hundred dollars.

1635c. DETERMINATION OF FULL CASH VALUE OF MOTOR VEHICLES, TRAILERS, OR SEMI-TRAILERS OPERATING IN PUBLIC SERVICE AS COMMON CARRIERS ON A FIXED SCHEDULE AND OVER ROUTES DESIGNATED BY THE CORPORATION COMMISSION. The county assessor shall determine and fix the full cash value of such vehicle at the time the tax is paid. The prima facie full cash value shall be as follows:

1. During the first calendar year of the life of the vehicle sixty per centum of the manufacturer's list price of a similar or corresponding model of the same make, plus the cost of manufacturer's list price of equipment, apparatus, hoists, other types of body, or other equipment attached to or added to the vehicle after its purchase, and not included in the manufacturer's list price of the vehicle.

2. During each succeeding year thereafter the prima facie full cash value shall be determined by reducing the prima facie full cash value for the first calendar year of the vehicle thirty-three and one-third percent and thirty-three and one-third percent during each succeeding calendar year; provided, that the prima facie full cash value shall not be reduced below the sum of two hundred and fifty dollars.

3. Motor vehicles, trailers and semi-trailers, which are operated in this state in interstate commerce, shall be assessed, hereunder, by the vehicle superintendent at that proportion of such full cash value, as the whole number of miles travelled, or which it is estimated will be travelled annu-

ally in this state, bears to the total annual mileage so travelled, or which it is estimated will be travelled, by such vehicle. Such mileage shall be estimated and determined by the vehicle superintendent under such rules and regulations as he shall from time to time prescribe. All taxes collected under subsection 3 shall go to the state general fund.

1635d. MOTOR VEHICLES A SPECIAL CLASS. For the purpose of ad valorem taxation, motor vehicles shall be deemed to constitute a class separate and distinct from other tangible personal property or classes thereof. The tax herein imposed shall be in lieu of all other taxes on any such motor vehicle as tangible personal property but shall not be deemed to affect any excise tax or tax based upon factors other than the value thereof. The tax on any motor vehicle shall never be charged against nor deemed to constitute a lien on the real property of the owner thereof.

1635e. DISTRIBUTION OF TAX COLLECTED. The county assessor shall forthwith transmit from the taxes collected under the provisions of this act upon any vehicle, to the state treasurer an amount equal to one-fourth cent on each dollar of the full cash value of the vehicle together with a statement showing the vehicle taxed, its full cash value, the residence of the owner of said vehicle, the amount of the tax collected, and exemptions allowed. If the vehicle is registered from any incorporated city or town in this state the county assessor shall forthwith transmit to the treasurer of such city or town for the use of such city of town an amount equal to one cent

on each dollar of the full cash value of such vehicle. The balance of the tax received by the county assessor shall be paid into the county treasury, to be properly distributed by the county treasurer.

1635f. EXEMPTIONS. Motor vehicles, trailers and semi-trailers, owned by widows, honorably discharged soldiers, sailors, United States marines, members of revenue service and army nurses of the United States, shall be exempt from the tax imposed by this act, as provided in article IX, section 2 of the constitution of Arizona and paragraph 3066 of the Revised Code of Arizona, 1928.

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 18, 1937.

Note—Under Section 1635c, sub-section 3 the word "time" is written in with pencil, as transmitted to this office.

JAMES H. KERBY,
Secretary of State.

CHAPTER 67

(Senate Bill No. 16)

AN ACT

RELATING TO THE MOTOR VEHICLE DIVISION OF THE STATE HIGHWAY DEPART-

MENT; AMENDING SECTIONS 1629, 1632, 1634, 1636, 1637, 1638, 1639, 1641, 1642, 1644, AND 1647, REVISED CODE OF 1928; SECTION 1643a, REVISED CODE OF 1928 (CHAPTER 78, SESSION LAWS OF 1933), AS AMENDED; SECTIONS 1633, 1635, 1640, 1646, 1653 AND 1672, REVISED CODE OF 1928, AS AMENDED; AND AMENDING CHAPTER 31, REVISED CODE OF 1928, BY ADDING SECTIONS 1640a, 1640b, 1642a, 1642b, 1643b, 1644a AND 1648a.

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

Section 1. Sec. 1629, chapter 31, Revised Code of 1928, is amended to read:

1629. MOTOR VEHICLE DIVISION. (a) The highway department shall maintain a division of motor vehicles. The state engineer, subject to the approval of the commission, shall appoint a vehicle superintendent to be the head of such division.

(b) The vehicle division shall maintain an office in the capital, and such other offices as the duties of the division may require. The superintendent may, with the consent of the state engineer, appoint a chief clerk and such other employes as the business of the division may demand.

(c) The superintendent, and such officers, agents and employees of the division as he may designate, are denominated peace officers for the enforcement of all laws the enforcement or administration of which is vested in the superin-

tendent or in the division. The powers of the superintendent, officers, agents and employees as peace officers are strictly limited to the enforcement of motor vehicle laws and regulations, and within such limits shall be co-extensive with the like authority of regular peace officers of the state or of the municipalities thereof, and may be exercised throughout the state.

(d) The superintendent shall prescribe rules and regulations for carrying out the provisions of this act, shall designate the necessary agencies for such purpose, and shall prepare and deliver to such agencies all forms required therefor.

(e) The superintendent, chief clerk, and such officers, agents and employees of the division as the superintendent shall designate, shall have power to administer oaths and acknowledge signatures, without fee, in any matter connected with the administration of any law the enforcement of which is vested in the superintendent of the division. The superintendent shall issue to all persons designated by him to administer oaths and acknowledge signatures a certificate of authority so to do, the original of which shall be filed in the division and a copy in the office of the secretary of state.

(f) The assessor of each county is constituted an agent of the division for the performance of acts and duties delegated to him, and the offices maintained by such county assessors are constituted county offices of the division. Fifty cents of each original registration fee shall be remitted to the county treasurer of the county in which such registration fee is collected, and placed in a special

fund for the use of the assessor in carrying out the duties imposed upon him by this act. Claims against said fund shall be allowed and paid in the same manner as claims against the county are allowed and paid. The board of supervisors may order the transfer of all or any unexpended part of said fund received during a previous fiscal year into the fund for the maintenance and construction of county highways. All moneys received from the taxes herein imposed, except the portion retained for the assessor's special fund, shall be immediately transferred by the collecting officer to the superintendent, and by him to the state treasurer, who shall credit the same to the state highway fund.

Sec. 2. Sec. 1632, chapter 31, Revised Code of 1928, is amended to read:

1632. REGISTRATION OF MOTOR VEHICLES. (a) Every owner of a motor vehicle, trailer or semi-trailer, before the same if operated upon any highway in this state, shall apply to the vehicle division for a certificate of title thereto and the registration thereof.

(b) When an application, accompanied by the proper fee, has been made as herein required, such vehicle may be operated pending completion of the registration thereof, but during such period there shall be displayed, as evidence of said application, two "drive-out" number plates of a distinctive type, which shall be supplied by the county assessor, attached to the front and rear of the vehicle. At the expiration of fifteen days said plates shall be surrendered and regular license plates affixed. Any assessor issuing "drive-

out" plates shall, on the day of the issuance thereof, notify the local peace officers and the nearest highway partolman, and failure to do so shall constitute a misdemeanor. On the sixteenth day after the issuance of any such plates, if the same be not surrendered, any officer shall seize and impound the said vehicle and hold it until the regular license plates are procured and placed thereon, and the owner of such vehicle shall be guilty of a misdemeanor, except that in the case of a foreign registration or other emergency, the division shall have the right to extend said time so as to allow time for clearance of title and registration.

(c) This section shall not apply to farm tractors, road-rollers, or road machinery temporarily operating or moved upon the highway, nor to any owner permitted to operate a vehicle under special provision relating to lien holders, manufacturers, dealers and nonresidents.

Sec. 3. Sec. 1633, Revised Code of 1928, as amended, is amended to read:

1633. APPLICATION FOR CERTIFICATE OF TITLE. (a) Application for a certificate of title to any motor vehicle, trailer or semi-trailer, shall be made to the assessor of the county in which the owner resides, upon a form furnished by the vehicle division. It shall be signed by the owner, and shall contain his complete residence address, a brief description of the vehicle to be registered, the name of the maker, the engine and serial number, whether new or used, the last license number if known, the state in which issued, and in the case of the application for a certifi-

cate of title to a new vehicle, the date of sale by the manufacturer or dealer to the person first operating such vehicle, and such other information as may be required by the vehicle division.

(b) The application for a certificate of title to a new vehicle shall be accompanied by a certificate from the manufacturer showing the date of sale to the dealer or person first receiving same from the manufacturer, the name of such dealer or person, and a description of the vehicle sufficient to identify it, and shall certify that the vehicle when so sold was a new vehicle. If sold through a dealer, such dealer shall certify that the vehicle when sold to the applicant was new.

(c) If an application is for a certificate of title to a specially constructed, reconstructed or foreign vehicle, such fact shall be stated in the application. With reference to every foreign vehicle which has been registered in another state or country, the owner thereof shall surrender to the vehicle division the number plates assigned to such vehicle, the registration card and certificate of title, certificate of ownership, or other evidence of such foreign registration, together with satisfactory evidence of ownership showing that the applicant is the lawful owner or possessor of such vehicle, except that where in the course of the interstate operation of a vehicle registered in another state or country it is desirable to retain registration of such vehicle in such other state or country, the applicant need not surrender but shall submit for inspection said evidence of such foreign registration and ownership and the vehicle division upon a proper showing shall register such vehicle, but shall not issue a certificate

of title for such vehicle.

(d) Every foreign vehicle, before the same shall be registered in this state, shall be examined and inspected by the vehicle division or an officer or agent thereof.

(e) An applicant who rents, or intends to rent such vehicle without a driver shall state such fact in the application.

Sec. 4. Sec. 1634, Revised Code of 1928, is amended to read:

1634. REGISTER TO BE KEPT; CERTIFICATE OF TITLE. (a) The vehicle division shall file each application for a certificate of title and when satisfied as to the genuineness and regularity thereof, and that the applicant is entitled thereto, shall register the vehicle therein described and the owner thereof in books or on index cards under a distinctive registration number assigned to the vehicle and to the owner thereof, alphabetically under the name of the owner and numerically under the engine number.

(b) The certificate of title shall contain upon the reverse side a space for the signature of the owner, and the owner shall write his name with pen and ink in such space upon receipt of the certificate. Said certificate shall also contain upon the reverse side forms for assignment of title or interest and warranty thereof by the owner, with space for notation of liens and encumbrances upon the vehicle at the time of a transfer.

(c) Certificates of title to motor vehicles,

trailers or semi-trailers which have been registered in any other state or country shall be of a distinctive color.

(d) The person owning any motor vehicle, trailer, or semi-trailer may, upon furnishing satisfactory proof to the superintendent of such ownership, procure a certificate of title to such vehicle, regardless of whether a certificate of title thereto has previously been issued. If the superintendent shall determine that an applicant for a certificate of title to a motor vehicle, trailer, or semi-trailer, is not entitled thereto, he may refuse to issue a certificate or to register the vehicle, and for like reason, and after notice and hearing, may revoke a registration already made, or any outstanding certificate of title. Said notice shall be served in person or by registered mail.

Sec. 5. Sec. 1635, Revised Code of 1928, as amended, is amended to read:

1635. APPLICATION FOR REGISTRATION. (a) Every application for the registration of a motor vehicle, trailer or semi-trailer, shall be made to the vehicle division on forms prescribed and furnished by the division. Each such application shall contain the name and complete residence address of the owner, a description of the vehicle, including the engine number, and if a new vehicle the date of sale by the manufacturer or dealer to the person first operating the vehicle, and such other facts as may be required by the division. When the owner of the vehicle rents or intends to rent such vehicle without a driver, such fact shall be stated in the application. Every application shall be accompanied by the required fees and the certificate of title to the vehicle for which

registration is sought.

(b) The vehicle division shall file each application and when satisfied as to the genuineness and regularity thereof, shall issue to the owner of the vehicle a registration card and assign number plates to the vehicle. The registration card shall contain upon the face thereof, the date issued, the registration number assigned to the owner and the vehicle, the name and address of the owner, a description of the registered vehicle including the engine number and serial number, and the amount of fees paid for the registration of such vehicle. The owner, upon receiving the registration card, shall sign the same in conformity with the signature appearing in his application in ink, in the space provided therefor, and such registration card shall at all times be carried in plain sight within the driver's compartment of the vehicle for which issued, and shall be subject to inspection by the vehicle superintendent or his authorized agent, members of the highway patrol, or any peace officer.

(c) The superintendent shall deny registration on any motor vehicle. trailer, or semi-trailer owned by or under the control of a person who has failed, refused or neglected to pay any motor vehicle fee, tax or other assessment, or penalty thereon, due to be paid to the division or for its account. Any registration so revoked shall be renewed only upon paying the fees provided for registration and the full amount of such delinquent fees, taxes or other assessments and penalties, if any thereon.

(d) Any person who: 1. issues a number

plate for which a fee is required to be paid, without the presentation of a certificate of title; 2. issues a registration card unless such card carries all information required to be shown thereon, or, 3. places any information on such card which does not appear on the certificate of title of the vehicle, shall be guilty of a misdemeanor. Any person who issues a number plate, without the full amount of the registration and unladen weight fee, applicable upon the date of issuance, has been paid, shall be guilty of a felony.

Sec. 6. Sec. 1636, Revised Code of 1928, is amended to read:

1636. NUMBER PLATES. (a) The vehicle division shall furnish to every owner one number plate for each motorcycle, trailer, or semi-trailer registered, and two number plates for every other motor vehicle registered, and no charge shall be made therefor. The number plate shall have displayed upon it the number assigned to the vehicle and to the owner thereof, the name of this state, which may be abbreviated, and the year for which it is issued. The plate and the letters and numerals thereon, except the year number for which issued, shall be of sufficient size to be plainly readible from a distance of one hundred feet during daylight.

(b) The superintendent may require the return to the vehicle division of all number plates upon the termination of the lawful use thereof. If the number plates of any motor vehicle become mutilated or illegible, such plates shall be surrendered to the division, and new plates in lieu thereof issued upon payment of the prescribed fee.

(c) A passenger motor vehicle rented without a driver shall receive the same type of number plates as issued for a private passenger motor vehicle.

Sec. 7. Sec. 1637, Revised Code of 1928, is amended to read:

1637. HOW TO ATTACH NUMBER PLATES. The number plate assigned to a motorcycle, trailer, or semi-trailer shall be attached thereto in the rear, and the number plates assigned to any other motor vehicle shall be attached thereto, one in the front and one in the rear, and all such plates shall be so displayed until their lawful use shall expire, or they shall be cancelled or revoked. Every number plate shall at all times be securely fastened to the vehicle so as to prevent the plate from swinging, and at a height of not less than twelve inches from the ground to the bottom of such plate, in a position to be clearly visible, and shall be so maintained as to be clearly legible.

Sec. 8. Sec. 1638, Revised Code of 1928, is amended to read:

1638. CERTIFICATE NOT TO BE RENEWED; ANNUAL REGISTRATION. The certificate of title shall be valid for the life of the vehicle, so long as it is owned by the original holder thereof. Every vehicle registration shall expire on December 31 of each year and shall be renewed annually upon application by the owner and by payment of the fees required, such renewal to take effect on January 1. When application is made for renewal of registration, the owner shall exhibit to the county assessor his certificate of

title to the motor vehicle, trailer or semi-trailer to be registered. An owner who previous to January 1 has made proper application for renewal of registration, but has not received the number plates or registration card for the ensuing year, may operate such vehicle upon displaying thereon the number plates assigned thereto for the preceding year, for such time, to be prescribed by the vehicle division, as it may find necessary for the issuance of new plates. The division may, upon request, issue to such applicant a certificate or card showing the applicant's right to use such number plates, for a period not to exceed thirty days.

Sec. 9. Sec. 1639, Revised Code of 1928, is amended to read:

1639. TRANSFER OF TITLE AND REGISTRATION. (a) When the owner of a registered vehicle transfers or assigns his title or interest thereto, the registration of such vehicle shall expire, but the number plates assigned to such vehicle shall be and remain thereon. Upon such transfer or assignment, the owner shall remove the registration card issued for such vehicle and endorse upon the reverse side thereof the name and address of the transferee and the date of transfer, and shall immediately forward such card to the vehicle division, and shall also endorse on the back of the certificate of title to such vehicle, if issued, any assignment thereof, with the warranty of title in the form printed thereon, and shall deliver the same to the purchaser or transferee at the time of delivery to him of such motor vehicle, except as provided in section 1640a. The purchaser, or transferee, except as provided

in section 1640, and within ten days after such transfer, shall apply for and obtain the registration of such vehicle by presenting the certificate of title thereto to the vehicle division, accompanied by the required fee, whereupon a new certificate of title shall be issued to the purchaser or transferee.

(b) The person owning any motor vehicle, upon furnishing satisfactory proof of ownership to the vehicle superintendent, may procure a certificate of title to such motor vehicle, regardless of whether a certificate of title has ever been issued. If the vehicle superintendent shall determine that an applicant for a certificate of title to a motor vehicle, trailer or semi-trailer is not entitled thereto, he may refuse to issue a certificate or to register such vehicle, and for like reason and after notice and hearing, may revoke a registration already acquired, or any outstanding certificate of title. Said notice shall be served in person or by registered mail.

(c) The vehicle superintendent shall refuse to register any motor vehicle, trailer or semi-trailer owned by or under the control of a person who has failed, refused or neglected to pay any motor vehicle fee, tax or other assessment, or any penalty thereon, due to be paid to the vehicle division or for its account, and shall revoke the registration of any motor vehicle, trailer or semi-trailer owned by or under the control of any person who has been delinquent for the period of forty-five days in the payment of any motor vehicle fee, tax or other assessment due to be paid the vehicle division or for its account. The registration of any motor vehicle, trailer or semi-

trailer so revoked shall be renewed only upon paying the fees described for registration and the full amount of such delinquent fees, taxes or other assessments and penalties thereon, if any.

Sec. 10. Sec. 1640, Revised Code of 1928, as amended, is amended to read:

1640. TRANSFER OF OWNERSHIP BY OPERATION OF LAW. (a) Whenever the title or interest of an owner in or to a registered vehicle shall pass to another otherwise than by voluntary transfer, the transferee shall, within ten days after the passing of such title or interest, secure a transfer of registration to himself, and (upon proper application and presentation of the last certificate of title, if available, and such instruments or documents of authority, or certified copies thereof as may be sufficient or required by law to evidence or effect a transfer of title or interest in or to chattels in such case) a new certificate of title.

(b) Where the title or interest of an owner in or to a registered vehicle shall pass to another through notice and sale under the conditions contained in a chattel mortgage, conditional sale, or other evidence of lien, or under the authority given by statute in cases arising under sections 2042 and 2043, Revised Code of 1928, the transferee may secure a transfer of registration to himself, and a new certificate of title, upon presenting satisfactory evidence to the division that the sale of said vehicle was fairly and lawfully conducted in conformity with all requirements of law after due notice given to the former owner.

(c) An administrator, executor, trustee or other representative of the owner, or a peace officer, or any person repossessing a vehicle under the terms of a conditional sales contract, lease, chattel mortgage or other security agreement, or a purchaser at a sale foreclosing a lien, or the assignee or legal representative of any such person, may operate a vehicle from the the place of repossession or place where formerly kept to a garage or place of storage, in the county or state where the contract was recorded or where the one repossessing the same resides, or to any other garage or place of storage not exceeding seventy-five miles from the place of repossession or place where formerly kept by the owner, either upon displaying upon such vehicle the number plates assigned thereto, or without number plates attached thereto but under a written permit first obtained from the vehicle division or the local police authorities having jurisdiction over such highways, and upon displaying in plain sight upon such vehicle a placard bearing the name and address of the person authorizing such movement, and plainly readable from a distance of one hundred feet during daylight.

Sec. 11. Chapter 31, Revised Code of 1928, is amended by adding section 1640a:

1640a. DISMANTLING REGISTERED VEHICLE. Any owner who sells a registered motor vehicle, trailer or semi-trailer as scrap, or to be dismantled or destroyed, shall assign the certificate of title thereto to the purchaser, who shall deliver the same, together with the registration card and number plate or plates to the vehicle division with an application for a permit to scrap,

dismantle or destroy such vehicle, and any owner intending or desiring to dismantle or wreck any registered vehicle shall, before so doing, forward to the vehicle division the certificate of title, registration card and the number plate or plates assigned to such vehicle, together with an application for permit to dismantle or wreck such vehicle. The vehicle division, upon receipt of such title, registration card and number plates, together with such application, shall issue a permit to the applicant to scrap, dismantle or destroy the vehicle, which shall authorize such person to transport or possess the vehicle or to transfer ownership thereto by endorsement upon the permit. A certificate of title shall not again be issued for such vehicle in the event it is scrapped, dismantled or destroyed.

Sec. 12. Chapter 31, Revised Code of 1928, is amended by adding section 1640b:

1640b. RE-REGISTRATION ON CHANGE OF USE. The owner of a registered vehicle on which no unladen weight fee has been paid, shall forthwtih, upon using or offering to use the same for the transportation of passengers for compensation, or upon altering or reconstructing the same for the transportation of property, whether the unladen weight fee has been paid or not, surrender to the vehicle division the certificate of title and registration card to such vehicle and the number plate or plates assigned thereto, and shall make application for a corrected certificate of title and obtain a new registration. In such case, no additional fee, other than the unladen weight fee, shall be required.

Sec. 13. Sec. 1641, Revised Code of 1928, is amended to read:

1641. DEALER TO OBTAIN CERTIFICATE OF TITLE FOR EACH CAR. Every dealer in motor vehicles, trailers and semi-trailers, including manufacturers who sell to others than dealers, having in his possession any motor vehicle, trailer, or semi-trailer, shall at the same time have in his possession a duly and regularly assigned certificate of title thereto. Every such dealer or manufacturer, upon acquiring any foreign vehicle, shall forthwith apply to the vehicle division and obtain a certificate of title thereto. No dealer or manufacturer shall offer for sale or sell any motor vehicle, trailer or semi-trailer unless and until he shall have obtained a certificate of title thereto as hereinabove provided, but a certificate of title shall not be required for a new motor vehicle sold by manufacturers to dealers.

Sec. 14. Sec. 1642, Revised Code of 1928, is amended to read:

1642. DEALERS AND WRECKERS TO BE LICENSED. (a) No person, unless licensed so to do by the vehicle division under the provisions of this section, shall carry on or conduct the business of: 1. a dealer in motor vehicles, trailers or semi-trailers; 2. a dealer in used parts or used accessories of motor vehicles; 3. wrecking or dismantling any such vehicle for resale of the parts thereof. A used car dealer shall be defined as one who deals in used cars other than those taken in by a dealer in new motor vehicles in the sale of such vehicles.

(b) Application for a dealer's or wrecker's license shall be made upon the form prescribed by the vehicle division. It shall contain: 1. the

name and address of the applicant, and 1a. when the applicant is a partnership, the name and address of each partner, or, 1b. when the applicant is a corporation, the names and addresses of the principal officers of the corporation and the state in which incorporated; 2. the place or places where the business is to be conducted; 3. the nature of such business, and such other information as may be required by the vehicle division. Every such application shall be verified by the oath or affirmation of the applicant, if an individual, or in the event an applicant is a partnership or corporation, then by a partner or officer thereof. Every such application shall be accompanied by the fee required by law and by a sworn statement of two reputable persons of the community in which the principal place of business is to be located, certifying the good moral character of the applicant.

(c) In addition to the foregoing provisions, an applicant for a license to deal in used vehicles shall furnish with his application proof satisfactory to the superintendent that he has a permanent and established place of business within the state, and is actively and continuously engaged at such place of business in the business of dealing in used vehicles, or if the applicant is making application for the first time for license as a dealer in used vehicles, that he has established a permanent place of business within the state and intends to actively and continuously engage in such business at such place, and that he has a duly appointed resident agent at said place of business upon whom legal service may be had at any time during ordinary business hours.

(d) Every such applicant shall also at the time

of filing his application file a bond satisfactory to the superintendent, with a surety company authorized to do business in the state as surety. Said bond shall be in such amount, not less than one thousand dollars, as the superintendent may prescribe, shall be conditioned that the dealer will faithfully comply with all the provisions of law required of him, shall contain a warranty and guarantee that the titles to all vehicles offered for sale or sold by said dealer are, when so represented, free and clear of encumbrances in said dealer, and also conditioned that the said bond shall be noncancellable for the period of time co-terminous with the license to be issued to said dealer.

Sec. 15. Chapter 31, Revised Code of 1928, is amended by adding section 1642a:

1642a. SUPERINTENDENT TO ISSUE DEALERS' AND WRECKERS' LICENSES. (a) The vehicle division, upon receiving an application for a dealer's or wrecker's license, accompanied by the required fee, and when satisfied that the applicant is of good character, and so far as can be ascertained has complied with and will comply with the laws of this state with reference to the registration of vehicles and certificates of title and the provisions of this section, shall issue to the applicant a license which shall entitle the licensee to carry on and conduct the business of a dealer or wrecker, as the case may be, during the calendar year in which the license is issued. Every such license shall expire on December 31 of each year, and may be renewed upon application and payment of the fee required by law.

(b) The vehicle division may refuse to issue a license or, after written notice to the licensee and a hearing, may cancel a license when satisfied that the applicant or licensee has failed to comply with the provision of this chapter.

(c) A licensee, before removing any place of business, or opening any additional place of business, shall apply to the division for and obtain a supplemental license, for which no fee shall be charged.

Sec. 16. Chapter 31, Revised Code of 1928, is amended by adding section 1642b:

1642b. RECORDS TO BE KEPT BY DEALERS AND WRECKERS. (a) Every licensee shall maintain a record, in form as prescribed by the vehicle division, of:

1. every vehicle of a type subject to registration hereunder which is bought, sold or exchanged by the licensee or received or accepted by the licensee for sale or exchange;

2. every used motor vehicle body, chassis or motor vehicle engine which is sold or otherwise disposed of;

3. every such vehicle which is bought or otherwise acquired and wrecked by the licensee.

(b) Every said record shall state the name and address of the person from whom any such vehicle, motor vehicle body, chassis or motor vehicle engine was purchased or acquired and the date thereof; the name and address of the per-

son to whom any such vehicle or motor vehicle body, chassis or motor vehicle engine was sold or otherwise disposed of and the date thereof, and a sufficient description of every such vehicle, body, chassis or motor vehicle engine, by name and identifying numbers, to identify the same. Every such record shall be open to inspection by the superintendent or his agents, the members of the highway patrol or any peace officer during reasonable business hours.

Sec. 17. Sec. 1643a, chapter 31, Revised Code of 1928 (chapter 78, session laws of 1933), is amended to read:

1643a. SALE OF SEIZED VEHICLES OR MOTORS. (a) Any vehicle or motor seized under the provisions of this chapter and held for a period of six months, without compliance by the owner with the provisions of law under which the same was seized, including the payment of all fees, penalties, costs and expenses of seizure, shall be sold by the vehicle superintendent. Any motor vehicle, trailer or semi-trailer seized and held for the non-payment of any fee, tax or other assessment or penalty thereon, due to be paid to the vehicle division or for its account, may be sold in thirty days.

(b) The sale of any motor vehicle, motor, trailer, or semi-trailer sold under the provisions of this section shall be at public auction, and notice thereof shall be given by registered mail not less than five nor more than twenty days prior to sale, directed to the last known address of the owner of the vehicle or motor to be sold, when such owner is known, otherwise by publica-

tion in a newspaper of general circulation in the county in which the vehicle or motor was seized. If published in a weekly newspaper, such publication shall be made once in each week for two consecutive weeks, and if in a daily newspaper, six consecutive times. The last publication shall not be less than five nor more than ten days prior to the date of sale. The proceeds from such sale, after the fees, penalties, costs and expenses of seizure and sale are deducted, shall be paid to the owner from whom the vehicle or motor was seized, if he be known; otherwise the same shall be transmitted to the state treasurer and by him credited to the highway fund.

Sec. 18. Chapter 31, Revised Code of 1928, is amended by adding section 1643b:

1643b. SPECIAL SERIAL NUMBERS. If the serial or other identifying number of any motor vehicle, trailer or semi-trailer, other than the motor number of a motor vehicle, shall be altered, removed, obliterated, defaced, omitted, or is otherwise absent, the owner of such vehicle at the time of application for registration thereof shall file an application with the division, on a form provided by it and containing such facts and information as shall be required by the superintendent, for the assignment of a special serial or identifying number for such vehicle. If the superintendent is satisfied that the applicant is entitled to the assignment of such serial or identifying number he shall designate a special number for such vehicle, which shall be noted upon the application, upon a suitable record of the division, and upon the authorization of the use thereof, and the superintendent shall furnish the ap-

plicant with a metal plate impressed with the symbol M V D, followed by the number assigned to such vehicle, which plate shall forthwith be securely attached to the vehicle in a conspicuous position. Such plate shall remain on the vehicle during the life of the same, and shall be the lawful serial or identifying number thereof. Within ten days after the delivery of any such plate the owner shall procure from any justice of the peace, peace officer, officer or agent of the motor vehicle division, or member of the highway patrol, a certificate that said special serial or identifying number has been securely attached in a conspicuous position upon such vehicle, and deliver the same to the vehicle division.

Sec. 19. Sec. 1644, Revised Code of 1928, is hereby amended to read:

1644. DEALERS' NUMBER PLATES. (a) A manufacturer or dealer owning any vehicle of a type otherwise required to be registered may, within a distance of fifty miles from the manufacturer's or dealer's place of business, and for the sole purpose of moving, testing, demonstrating or selling said vehicle, operate the same without registering it, provided that there shall be displayed upon such vehicle in the manner prescribed in section 1637 a special plate or plates issued to such owner as herein provided. This provision shall not apply to work or service vehicles owned by a manufacturer or licensed dealer.

(b) Any manufacturer or licensed dealer may make application to the division, upon a form provided for such purpose, for a dealer's certificate containing a general distinguishing number,

and for one or more pairs of special plates or single special plates appropriate to various types of vehicles. The applicant, at the time of making such application shall, if a manufacturer, submit such proof of his status as a bona fide manufacturer as may reasonably be required by the division, and if a dealer in new motor vehicles, trailers or semi-trailers, shall submit satisfactory proof that he is a duly authorized distributor or dealer for a manufacturer. The division, upon granting any such application, shall issue to the applicant a certificate containing the applicant's name and address and the general distinguishing number assigned to him, and shall also issue special plates as applied for. Every plate or pair of plates so issued shall contain a number or symbol identifying the same from every other plate or pair of plates issued to the same manufacturer or dealer. The right to use any special plate issued as provided herein for any calendar year shall terminate at midnight on December 31 of each year. Every manufacturer or dealer shall keep a written record of the vehicles upon which such special plate or plates are used, and the time during which each plate or pair of plates is used upon a particular vehicle. Such record shall be open to the inspection of the division, any officer or agent thereof, any member of the highway patrol, or any peace officer.

Sec. 20. Chapter 31, Revised Code of 1928, is amended by adding section 1644a:

1644a. MANUFACTURER AND DEALER'S PERMIT TO MOVE WITHOUT PLATES. Any manufacturer of motor vehicles, trailers or semi-trailers may operate or move the same for a

distance of seventy-five miles, and any dealer in new motor vehicles, trailers, or semi-trailers for a distance of fifty miles, or such further distance as may be authorized by the vehicle division, to or from the factory where manufactured, a railway depot, vessel, place of shipment or delivery, or salesroom, without registering the same and without number plates attached, under a written permit first obtained from the vehicle division or local police authorities having jurisdiction over the highway traversed, and upon displaying in plain sight upon each such vehicle a placard bearing the name and address of the manufacturer authorizing or directing such movement, plainly readable from a distance of one hundred feet during daylight.

Sec. 21. Sec. 1646, Revised Code of 1928, as amended, is amended to read:

1646. REGISTRATION OF VEHICLES OF NONRESIDENTS. (a) Except as hereinafter provided, any foreign vehicle owned by a nonresident and used or intended to be used within this state for the transportation of property other than for compensation, shall be registered and licensed in the same manner as is required in the case of motor vehicles, trailers or semi-trailers not theretofore registered or licensed.

(b) When it is desired to operate any such vehicle in this state for a period not to exceed three months in any registration year, if such vehicle is duly registered and licensed under the laws of any other state or country, the owner may make application to the vehicle division in the manner and form prescribed, for the regis-

tration and licensing of such vehicle for the period of time during which it is desired to operate the same in this state. Said application shall be accompanied by an amount equal to one-tenth of the full annual registration and unladen weight fees applicable to said vehicle as prescribed in section 1672, for each month or fraction thereof that said vehicle is to be so operated in this state. The minimum fee for such licensing and registration shall be three dollars and fifty cents. The vehicle division, if satisfied as to the facts stated in said application, shall register and license such vehicle for the period named and assign an appropriate certificate or license, which shall at all times be displayed upon the vehicle in the manner prescribed by the division, while the same is being operated or driven upon any highway of the state. If any such vehicle shall be operated in this state beyond the period for which such certificate or license is issued, the owner shall apply for and obtain the registration of such vehicle, and shall pay the fees for the remaining portion of the registration year.

(c) Every foreign vehicle operated for the transportation of passengers or property for compensation, or in the business of a nonresident carried on in this state, which has been duly registered for the current year in any other state or country, shall be registered in like manner as vehicles owned by residents and the same fees paid.

(d) Every foreign vehicle owned by a nonresident and operated in this state other than for the transportation of passengers or property for compensation, or for the transportation of

property, or in the business of a nonresident carried on in this state, shall be registered within ten days after the beginning of operation in this state in like manner as vehicles owned by residents, and no fee shall be charged for such registration, nor shall any number plates be assigned to such vehicle, but in lieu thereof the vehicle division shall issue to such nonresident owner a permit to operate, which shall be distinctive in form, containing the date issued, a brief description of the vehicle, and a statement that the owner has procured registration of such vehicle as a nonresidnet. No such nonresident owner shall operate any such vehicle upon the highways of this state either before or while it is registered, as provided in this section, unless there shall be displayed thereon the registration number plates assigned to said vehicle for the current calendar year, by the state or country of which the owner is a resident, nor unless said permit is displayed on the windshield of the vehicle in the manner prescribed by the division. Said permit shall be valid for the period for which the registration plate was issued by the state of which the owner is a resident.

Sec. 22. Sec. 1647, Revised Code of 1928, is amended to read:

1647. SUBSTITUTE FOR LOST PLATE OR CERTIFICATE. If any number plate, certificate of title, permit or registration card shall be lost, mutilated or become illegible, the person entitled thereto shall make immediate application for and obtain a duplicate or substitute therefor upon furnishing information satisfactory to the division.

Sec. 23. Chapter 31, Revised Code of 1928, is

amended by adding section 1648a:

1648a. LIENS AND ENCUMBRANCES. (a) No conditional sale contract, conditional lease, chattel mortgage or other lien or encumbrance, title retention instrument, or other instrument affecting or evidencing title to, ownership of, or reservation of title to any registered vehicle, other than a lien dependent upon possession, is valid as against the creditors of an owner acquiring a lien by levy or attachment, or subsequent purchasers, or encumbrancess without notice, until the requirements of this section have been complied with.

(b) There shall be deposited with the division a copy of the instrument creating and evidencing any such lien or encumbrance, which instrument shall be executed in the manner required by the laws of this state and accompanied by the certificate of title last issued for such vehicle. If the vehicle is of a type subject to registration hereunder but has not been registered and no certificate of title has been issued therefor, then the copy of the instrument creating such lien or encumbrance shall be accompanied by the application of the owner for an original registration and issuance of an original certificate of title. In every such event such application shall be accompanied by the fee or fees provided by law. Upon receipt of the application and documents as hereinabove provided, the division shall file the same, endorsing thereon the date and hour received at the central office of the division, and when satisfied as to the genuineness and regularity of the application shall issue a new certificate of title, giving the name of the

owner, and a statement of all liens or encumbrances and the amount thereof certified to the vehicle division, as herein provided, as existing against said vehicle. The vehicle division shall maintain an appropriate index of all liens, encumbrances, or title retention instruments filed as herein provided.

(c) Such filing and the issuance of a new certificate of title as provided in this section shall constitute constructive notice, to creditors of the owner or to subsequent purchasers, of all liens and encumbrances against the vehicle described therein, except such as may be authorized by law dependent upon possession. In the event the documents herein referred to are received and filed in the central office of the vehicle division within ten days after the date of execution thereof such constructive notice shall date from the time of execution, otherwise from the time of receipt and filing of the documents by the vehicle division as shown by its endorsement thereon.

(d) The method provided in this section of giving constructive notice of a lien or encumbrance upon a registered vehicle shall be exclusive, except as to liens dependent upon possession, and any lien, encumbrance, or title retention instrument, or document evidencing the same. filed as herein provided, is hereby exempted from the provisions of law which otherwise require or relate to the recording or filing of instruments creating or evidencing title retention or other liens or encumbrances upon vehicles of a type subject to registration hereunder.

(e) Upon final payment being made on any

lien or encumbrance recorded as provided in this section, the holder thereof shall make and deliver to the lienor or encumbrancer a satisfaction of the same. Upon delivery to the vehicle division by such lienor or encumbrancer of the certificate of title to the vehicle on which such lien or encumbrance was given, together with the satisfaction thereof, the division shall satisfy such lien or encumbrance on its records and on the certificate of title to such vehicle.

(f) Hereafter no county recorder shall receive for filing or recording, any conditional sales contract, conditional lease, chattel mortgage or other lien or encumbrance, title retention instrument or other instrument affecting or evidencing title to, ownership of or reservation of title to any registered vehicle, provided that nothing herein shall prohibit any county recorder from receiving and filing any assignment, satisfaction or release of any such instruments theretofore filed in their respective offices.

Sec. 24. Sec. 1653, Revised Code of 1928, as amended, is amended to read:

1653. OPERATION WITHOUT PAYMENT OF REGISTRATION FEE. (a) Whenever any vehicle shall be operated upon any highway without payment of the registration or transfer fee, such fee shall be deemed delinquent, and if not paid within thirty days after delinquency, a penalty equal to such fee shall be added thereto and collected. The fact of registration of a vehicle in the name of the applicant for the year immediately preceding the year for which application for registration is made shall be prima facie

evidence that such vehicle has been operated on the highways during the year for which application for registration is made.

(b) The full annual registration and unladen weight fee, and any other required fee, together with the penalty herein provided, shall accompany any application for the registration of a vehicle, which is filed more than thirty days subsequent to the date on which registration of such vehicle for the next preceding year expired; except, that if it shall be determined, upon hearing and proof satisfactory to the superintendent, that the vehicle was not operated on the highways of this state prior to the filing of said application and the registration of said vehicle, such penalty over and above the regular fee or fees shall be refunded.

(c) Every registration or transfer fee and penalty added thereto shall constitute a lien upon the vehicle upon which the same are due, as and from the due date. The division shall collect such fee and penalty by seizure of such vehicle from the person in possession thereof, if any, and by sale as provided by law.

Sec. 25. Sec. 1672, Revised Code of 1928, as amended, is amended to read:

1672. FEES; LICENSE TAX ON COMMERCIAL VEHICLES. (a) The following fees shall be paid to the vehicle division.

1. For each original certificate of title, one dollar.

2. For each certificate of title on sale or transfer, one dollar.

3. For a duplicate certificate of title, the original of which is lost or destroyed and is satisfactorily accounted for, fifty cents.

4. For each registration card upon transfer of registration, fifty cents.

5. For a duplicate registration card, fifty cents.

6. For a duplicate of any permit, fifty cents.

7. For filing each application for dealer's or wrecker's license, five dollars.

8. For each dealer's or wrecker's license when issued, three dollars.

9. For filing each application for a chauffeur's license, one dollar.

10. For each original operator's license other than owners, fifty cents.

11. For each operator's license issued under the provisions of section 1663, for which a fee is thereby required to be paid, fifty cents.

12. For each duplicate chauffeur's or operator's license, fifty cents.

13. For each chauffeur's badge to replace lost badge, one dollar.

14. For filing each application to make or stamp special engine number, one dollar.

15. For each identification plate bearing serial or identification number to be affixed to any vehicle, one dollar.

16. For approving each type of reflector, electric lantern, flare, fire extinguisher, or mechanical signal, five dollars.

17. For each number plate or pair of number plates to replace lost, destroyed or mutilated plates, one dollar.

18. For each original plate or plates issued to a dealer, three dollars and fifty cents.

19. For each additional plate or pair of plates issued to a dealer, one dollar.

20. For the registration of any motor vehicle, trailer or semi-trailer, if registered prior to July 1, three dollars and fifty cents; if registered after July 1, two dollars.

21. For filing any conditional sales contract, conditional lease, chattel mortgage or other lien or encumbrance, or title retention instrument, or any other instrument affecting or evidencing title to, ownership of, or reservation of title to any motor vehicle, trailer or semi-trailer, seventy-five cents.

22. For filing any assignment or satisfaction or release of any conditional sales contract, conditional release, chattel mortgage or other title retention instrument, or any other instrument affecting or evidencing title to, ownership of or reservation of title to any motor vehicle, trailer or semi-trailer, twenty-five cents.

(b) In addition to the required registration fee, there shall be paid at the time of application for registration an unladen weight fee on each motor vehicle, trailer or semi-trailer designed, used or maintained primarily for the transporta-

tion of passengers for compensation, or for the transportation of property, including hearses, ambulances and other vehicles used by a mortician in the conduct of his business, and motor vehicles rented without drivers, when such vehicles are equipped wholly with pneumatic tires, in accordance with the following schedule: For vehicles with two axles, 1. two thousand nine hundred to four thousand pounds unladen weight, thirty-five cents per cwt.; 2. four thousand to six thousand pounds, fifty cents per cwt.; 3. six thousand to eight thousand pounds, sixty-five cents per cwt.; 4. eight thousand to ten thousand pounds, seventy-five cents per cwt.; 5. ten thousand to twelve thousand pounds, one dollar per cwt.; 6. twelve thousand pounds or over, one dollar per cwt.; 7. maximum fee, one hundred twenty dollars. For vehicles with three axles, 8. two thousand nine hundred to four thousand pounds, forty cents per cwt.; 9. four thousand to six thousand pounds, sixty-five cents per cwt.; 10. six thousand to eight thousand pounds, eighty cents per cwt.; 11. eight thousand to ten thousand pounds, one dollar per cwt.; 12. ten thousand to twelve thousand pounds, one dollar and thirty-five cents per cwt.; 13. twelve thousand pounds or over, one dollar and sixty cents per cwt.; 14. maximum fee, one hundred eight-five dollars.

(c) In addition to the required registration fee, there shall be paid, at the time of application for registration on each motor vehicle designed and used primarily for the transportation of passengers for compensation or for the transportation of property, when equipped wholly with pneumatic tires and weighing, when unladen, less than twenty-nine hundred pounds, two dollars; and on

each trailer or semi-trailer, when equipped wholly with pneumatic tires and weighing, when unladen, less than twenty-nine hundred pounds but more than one thousand pounds, two dollars.

(d) When any vehicle referred to in subdivision twenty-two hereof or any motor vehicle referred to in subdivision twenty-three hereof is equipped with two or more solid tires, the unladen weight fee therein specified shall be twice the amount specified for such vehicles if equipped wholly with pneumatic tires.

(e) Upon any registration issued after the beginning of the registration year, the unladen weight fees herein prescribed shall be reduced by one-twelfth for each month which shall have elapsed since the beginning of the registration year.

(f) The unladen weight of any vehicle shall be the weight of such vehicle when unladen and fully equipped and ready for service, and shall be evidenced by a sworn statement of the applicant for registration, accompanied by a verified certificate of weight duly issued by a public weighmaster. Such sworn statement or certificate shall be subject to verification by the vehicle division, or any of its officers or agents. A major fraction of one hundred pounds shall be considered as one hundred pounds and a minor fraction of one hundred pounds shall not be counted in determining the unladen weight of any vehicle.

(g) All moneys received from the taxes herein provided shall be immediately transferred by the officer collecting the same to the superintendent, and by him to the state treasurer, who shall

immediately credit the same to the state highway fund.

Sec. 26. SEVERABILITY. If any provision of this act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the act are declared to be severable.

Approved March 18, 1937.

CHAPTER 68

(House Bill No. 200)

AN ACT

RELATING TO UNEMPLOYMENT COMPENSATION, AND AMENDING SECTIONS 3, 4, 5, 6, 7, 12, 18, 19, AND 22, CHAPTER 13, SESSION LAWS OF 1936, FIRST SPECIAL SESSION.

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

Section 1. Sec. 3, Chapter 13, Session Laws of 1936, first special session, is amended to read:

3. BENEFITS. (a) PAYMENT OF BENEFITS. Twenty-four months after the date when contributions first accrue under this act, benefits shall become payable from the fund. All benefits shall be paid through employment offices, in accordance with such regulations as the com-

mission may prescribe.

(b) WEEKLY BENEFIT AMOUNT FOR TOTAL UNEMPLOYMENT. Each eligible individual who is totally unemployed in any week shall be paid, with respect to such week, benefits at the rate of fifty per centum of his full time weekly wages but not more than fifteen dollars per week, nor less than five dollars, or three-fourths of his full time weekly wage, whichever is the lesser.

(c) WEEKLY BENEFIT FOR PARTIAL UNEMPLOYMENT. Each eligible individual who is partially unemployed in any week shall be paid with respect to such week a partial benefit. Such partial benefit shall be an amount which if added to his wages (as used in section 19) for such week, would exceed his weekly benefit amount by two dollars. If such partial benefit for any week equals less than two dollars, it shall not be payable unless and until the accumulated total of such partial benefits with respect to weeks occurring within the thirteen preceding weeks equals two dollars or more.

(d) DETERMINATION OF FULL-TIME WEEKLY WAGE. The full-time weekly wage of any individual means the weekly wages that such individual would receive if he were employed at the most recent wage rate earned by him for employment by an employer during the period prescribed pursuant to subsection (f) of this section, and for the customary scheduled full-time weekly hours prevailing for his occupation in the enterprise in which he last earned wages for employment by an employer during the same period.

(e) If the commission finds that the full-time weekly wage, as above defined, would be unreasonable or arbitrary or not readily determinable with respect to any individual, the full-time weekly wage of such individual shall be deemed to be one-thirteenth of his total wages for employment by employers during that quarter in which such total wages were highest during the period prescribed pursuant to subsection (f) of this section.

(f) The full-time weekly wage of any individual shall be determined and redetermined at such reasonable times as the commission may find necessary to administer this act and may by regulation prescribe. The period hereinabove referred to shall consist of the next to the last completed calendar quarter immediately preceding the date with respect to which an individual's full-time weekly wage is determined, and such of the seven immediately preceding consecutive calendar quarters as the commission may by regulation prescribe.

(g) DURATION OF BENEFITS. The commission shall compute wage credits for each individual by crediting him with the wages earned by him for employment by employers during each quarter, or three hundred and ninety dollars, whichever is the lesser. Benefits paid to any eligible individual shall be charged, in the same chronological order as such wages were earned, against one-sixth of his wage credits which are based upon wages earned during his base period and which have not been previously charged hereunder. The maximum total amount of benefits payable to any eligible individual during any benefit year shall not exceed whichever is the lesser

of: 1. fourteen times his weekly benefit amount, or, 2. one-sixth of such uncharged wage credits with respect to his base period.

(h) PART-TIME WORKERS. As used in this subsection the term "part-time workers" means an individual whose normal work is in an occupation in which his services are not required for the customary scheduled full-time hours prevailing in the establishment in which he is employed or who, owing to personal circumstances, does not customarily work the customary scheduled full-time hours prevailing in the establishment in which he is employed.

(i) The commission shall prescribe fair and reasonable general rules applicable to part-time workers for determining their full-time weekly wage and the total wages for employment by employers required to qualify such workers for benefits.

(j) SEASONAL EMPLOYMENT. Whenever in any employment it is customary to operate because of climatic conditions or the seasonal nature of the employment only during the regularly recurring period or periods of less than forty-four weeks duration in any calendar year, then benefits shall be payable only on account of unemployment occurring during the regular period or periods of such seasonal employment, and no benefits shall be paid for unemployment occurring or existing during the seasonal period or periods of unemployment.

(k) As used in this section: 1. "seasonal industry" means an occupation or industry in

which, because of the seasonal nature thereof it is customary to operate only during a regularly recurring period or periods of less than forty-four weeks in a calendar year; the commission shall, after investigation and hearing, determine, and may thereafter from time to time redetermine, the longest seasonal period or periods during which, by the best practice of the occupation or industry in question, operations are conducted; 2. "seasonal worker" means an individual who is ordinarily engaged in a seasonal industry and who, during the portion or portions of the year when such industry is not in operation, is ordinarily not engaged in any other work.

(l) DETERMINING RULES FOR SEASONAL WORKERS. The commission shall prescribe fair and reasonable general rules applicable to seasonal workers for determining the total wages in employment by an employer required to qualify such workers for benefits and the period during which benefits shall be payable to them.

Sec. 2. Sec. 4, chapter 13, Session Laws of 1936, first special session, is amended to read:

4. BENEFIT ELIGIBILITY CONDITIONS. An unemployed individual shall be eligible to receive benefits with respect to any week only if the commission finds that:

1. He has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the commission may prescribe;

2. He has made a claim for benefits in ac-

cordance with the provisions of subsection (a), section 6;

3. He is able to work, and is available for work;

4. Prior to any week for which he claims benefits he has been totally unemployed for a waiting period of two weeks (and for the purposes of this paragraph, two weeks of partial unemployment shall be deemed to be equivalent to on week of total unemployment); such weeks of total or partial unemployment or both need not be consecutive; no week shall be counted as a week of total unemployment for the purposes of this paragraph: 4a. unless it occurs within the thirteen consecutive weeks preceding the week for which he claims benefits, but this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment, and no individual shall be required to accumulate more than five waiting period weeks during any sixty-five consecutive week period; 4b. if benefits have been paid with respect thereto; 4c. unless the individual was eligible for benefits with respect thereto in all respects except for the requirements of paragraphs 2 and 3, subsection (a) of this section; 4d. unless it occurs after benefits first could become payable to any individual under this law; 4e. he has within the first three out of the last four completed calendar quarters immediately preceding the first day of his benefit year, earned wages for employment by employers equal to not less than fourteen times his weekly benefit amount.

Sec. 3. Sec. 5, chapter 13, session laws of 1936, first special session, is amended to read:

5. DISQUALIFICATIONS FOR BENEFITS. An individual shall be disqualified for benefits:

1. For the week in which he has left work voluntarily without good cause, if so found by the commission, and for not more than five weeks which immediately follow such week, as determined by the commission according to the circumstances in each case.

2. For the week in which he has been discharged for misconduct connected with his work, if so found by the commission, and for not more than five weeks which immediately follow such week, as determined by the commission in each case according to the seriousness of the misconduct.

3. If the commission finds that he has failed without cause, either to apply for available, suitable work when so directed by the employment office or the commission, or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the commission. Such disqualification shall continue for the week in which such failure occurred and for not more than five weeks which immediately follow such week as determined by the commission according to the circumstances in each case. In determining whether or not any work is suitable for an individual, the commission shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the avaliable work from his resi-

dence. Notwithstanding any other provisions of this law, no work shall be deemed suitable and benefits shall not be denied under this law to any otherwise eligible individual for refusing to accept new work under any of the following conditions: 3a. if the position offered is vacant due directly to a strike, lock-out or other labor dispute; 3b. if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; 3c. if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

4. For any week with respect to which the commission finds that his total or partial unemployment is due to a stoppage of work which exists because of a labor dispute, strike or lock-out at the factory, establishment, or other premises at which he is or was last employed. This provision shall not apply if it is shown to the satisfaction of the commission that: 4a. he is not participating in, financing, or directly interested in the labor dispute, strike, or lock-out which caused the stoppage of work, and, 4b. he does not belong to a grade or class of workers of which, immediately before the comencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute, strike or lock-out. In the case of separate branches of work which are commonly conducted as separate businesses in separate premises, each such department shall, for the purposes of this subsection, be deemed to be a

separate factory, establishment, or other premises. If the commission, upon investigation, shall find that the dispute, strike, or lock-out is caused by the failure or refusal of any employer to conform to the provisions of any agrement or contract between employer and employee or any law of the state of Arizona or of the United States pertaining to hours, wages, or other conditions of work, such dispute, strike or lock-out shall not render the workers ineligible for benefits.

5. For any week with respect to which he is receiving or has received remuneration in the form of: 5a. wages in lieu of notice; 5b. compensation for temporary partial disability under the workmen's compensation law of any state or under a similar law of the United States; or, 5c. old age benefits under title II of the social security act, as amended, or similar payments under any act of Congress, except, that if any such remuneration is less than the benefits which would otherwise be due under this act, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration.

Sec. 4. Sec. 6, chapter 13, Session Laws of 1936, first special session, is amended to read:

6. CLAIMS FOR BENEFITS. (a) FILING. Claims for benefits shall be made in accordance with such regulations as the commission may prescribe. Each employer shall post and maintain printed statemetns of the regulations in places readily accessible to individuals in his service, and shall make available to each thereof, at the time he becomes unemployed, a printed statement of

the same. Printed statements shall be supplied by the commission to each employer without cost to him.

(b) INITIAL DETERMINATION. A representative designated by the commission, and hereinafter referred to as a deputy, shall promptly examined the claim and, on the basis of the facts found by him, shall either determine whether or not it is valid, and if valid, the week with respect to which beneftis shall commence, the weekly benefit amount payable and the maximum duration thereof, or shall refer the claim or any question involved therein to an appeal tribunal or to the commission, which shall make its decision with respect thereto in accordance with the procedure described in subsection (c) of this section, except that in any case in which the payment or denial of benefits will be determined by the provisions of paragraph 4, section 5, the deputy shall promptly transmit his full finding of fact with respect to such paragraph to the commission, which, on the basis of the evidence submitted and such additional evidence as it may require, shall affirm, modify, or set aside such findings of fact and transmit to the deputy a decision upon the issues involved under that paragraph, which shall be deemed to be the decision of the deputy. The deputy shall promptly notify the claimant and any other interested party of the decision and the reasons therefor. Unless the claimant or an interested party, within seven calendar days after the delivery of notification, or within ten calendar days after notification was mailed to his last known address, files an appeal from the decision, it shall be final, and benefits shall be paid or denied in accordance therewith. If an appeal is duly filed,

benefits with respect to the period prior to the final decision of the commission shall be paid only after the decision, except that in the event an appeal tribunal affirms a decision of a deputy, or the commission affirms a decision of an appeal tribunal, allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken, but if such decision is finally reversed, no employer's account shall be charged with benefits so paid.

(c) APPEALS. Unless the appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the deputy. The parties shall be duly notified of the tribunal's decision, together with its reasons therefor, which shall be deemed to be the final decision of the commission, unless within ten days after the date of notification or mailing of the decision, further appeal is initiated pursuant to subsection (e) of this section.

(d) APPEAL TRIBUNALS. To hear and decide disputed claims, the commission shall establish one or more impartial appeal tribunals, consisting in each case of three members, one of whom shall be a salaried examiner, selected in accordance with subsection (d), section 11 of this act, who shall serve as chairman, one of whom shall be a representative of employers, and the other of whom shall be a representative of employees; each of the latter two members shall serve at the pleasure of the commission and be paid a fee of not more than ten dollars per day of active service on the tribunal, plus necessary expenses. No person shall participate on behalf of the commis-

sion in any case in which he is an interested party. The commission may designate alternates to serve in the absence or disqualification of any member of an appeal tribunal. In no case shall the hearings proceed unless the chairman of the appeal tribunal is present.

(e) COMMISSION REVIEW. The commission may on its own motion affirm, modify, or set aside any decision of an appeal tribunal on the basis of the evidence previously submitted in the case, or direct the taking of additional evidence, or may permit any of the parties to the decision to initiate further appeals before it. The commission shall permit such further appeal by any of the parties interested in a decision of an appeal tribunal which is not unanimous, or by the deputy whose decision has been overruled or modified by an appeal tribunal. The commission may remove to itself or transfer to another appeal tribunal the proceedings on any claim pending before an appeal tribunal. Any proceeding so removed to the commission shall be heard by a quorum thereof in accordance with the requirements in subsection (c) of this section. The commission shall promptly notify the interested parties of its findings and decisions.

(f) PROCEDURE. The manner in which disputed claims shall be presented, the reports thereon required from the claimant and from employers, and the conduct of hearings and appeals shall be in accordance with regulations prescribed by the commission for determining the rights of the parties, whether or not such regulations conform to common law or statutory rules of evidence and other technical rules of procedure. A full and

complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing upon a disputed claim shall be recorded, but need not be transcribed unless the disputed claim is further appealed.

(g) WITNESS FEES. Witnesses subpoenaed pursuant to this section shall be allowed fees, not less than those paid in the United State district courts of Arizona, at a rate fixed by the commission. Such fees shall be deemed a part of the expense of administering this act.

(h) APPEAL TO COURTS. Any decision of the commission in the absence of an appeal therefrom shall become final ten days after the date of notification or mailing, and judicial review shall be permitted only after any party claiming to be aggrieved by the decision has exhausted his remedies before the commission. The commission shall be deemed to be a party to any judicial action involving any such decision, and may be represented in any such judicial action, or at the commission's request, by the attorney general.

(i) COURT REVIEW. Within ten days after the decision of the commission has become final, any party aggrieved may secure judicial review thereof by commencing an action against the commission in any court of competent jurisdiction in the county of claimant's residence, and in the action any other party to the proceeding before the commission shall be made a defendant. In such action, a petition which need not be verified, but which shall state the grounds upon which a review is sought, shall be served upon a member of the commission or upon such person as the

commission may designate, and it shall be deemed completed service on all parties, but there shall be left with the party so served as many copies of the petition as there are defendants, and the commission shall forthwith mail one such copy to each defendant. With its answer, the commission shall certify and file with the court all documents and papers and a transcript of all testimony taken in the matter, together with its findings of fact and decision therein. The commission may also certify to the court questions of law involved in any decision by it. In any judicial proceeding under this section, the findings of the commission as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive, and the jurisdiction of the court shall be confined to questions of law. Such actions, and the questions so certified, shall be heard in a summary manner and shall be given precedence over all other civil cases except cases arising under the workmen's compensation law of this state. An appeal may be taken from the decision of said court to the superior court or the supreme court of Arizona, in the same manner, but not inconsistent with the provisions of this act, as is provided in civil cases. It shall not be necessary, in any judicial proceeding under this section, to enter exceptions to the rulings of the commission, and no bond shall be required for entering an appeal. Upon the final determination of such judicial proceeding, the commission shall enter an order in accordance therewith. A petition for judicial review shall not act as a supersedeas or stay unless the commission shall so order.

Sec. 5. Sec. 7, chapeter 13, Session Laws of 1936, first special session, is amended to read:

7. CONTRIBUTIONS. (a) PAYMENT. On and after January 1, 1936, contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this act, with respect to wages payable for employment as defined in section 19, occurring during such calendar year. Such contributions shall become due and be paid in accordance with such regulations as the commission may prescribe, and shall not be deducted in whole or in part from the wages of individuals in such employer's employ. In the payment of contributions a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(b) RATE OF CONTRIBUTION. Each employer shall pay contributions equal to the following percentages of wages payable by him with respect to employment: 1. nine-tenths of one per centum with respect to employment during the calendar year of 1936; 2. one and eight-tenths per centum with respect to employment during the calendar year of 1937; 3. with respect to employment after December 31, 1937, two and seven-tenths per centum, except as otherwise provided in subsection (c) of this section.

(c) FUTURE RATES BASED ON BENEFIT EXPERIENCE. The commission shall maintain a separate account for each employer, and shall credit his account with all the contributions paid on his own behalf in excess of one per centum of his annual payroll for each calendar year; but nothing in this act shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into

the fund either on his own behalf or on behalf of such individuals. Benefits paid to an eligible individual shall be charged, in the amount hereinafter provided, against the account of his most recent employer, except that if such individual had not earned within the completed calendar quarter and the expired portion of the uncompleted calendar quarter immediately preceding the first week of any continuous period of unemployment, wages for employment by such most recent employer equal to more than fourteen times his weekly benefit amount, such benefits may also be charged against the account of his next most recent employer, in the inverse chronological order in which the employment of such individual occurred. The maximum amount so charged against the account of any employer shall not exceed one-sixth of the wages payable to such individual by each such employer for employment which occurs on and after the first day of such individual's base period, but not more than sixty-five dollars per completed calendar quarter or portion thereof, which occurs within such base period; but nothing in this section shall be construed to limit benefits payable pursuant to section 3 of this act. The commission shall by general rules prescribe the manner in which benefits shall be charged against the accounts of several employers for whom an individual performed employment at the same time.

(d) PRESCRIBING RULES GOVERNING JOINT ACCOUNTS. The commission may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and upon application by two or

more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

(e) EMPLOYER'S EXPERIENCE CLASSIFICATION. The commission shall, for the year 1941 and for each calendar year thereafter, classify employers in accordance with their actual experience in the payment of contributions on their own behalf and with respect to benefits charged against their accounts, with a view to fixing such contribution rates as will reflect such experience. The commission shall determine the contribution rate of each employer in accordance with the following requirements:

1. Each employer's rate shall be two and seven-tenths per centum, except as otherwise provided in the following provisions. No employer's rate shall be less than two and seven-tenths per centum unless and until there shall have been three calendar years throughout which any individual in his employ could have received benefits if eligible.

2. Each employer's rate for the twelve months commencing January 1 of any calendar year shall be determined on the basis of his record up to the beginning of such calendar year. If, at the beginnnig of such calendar year, the total of all his contributions paid on his own behalf and credited to his account for all past years exceeds the total benefits charged to his account for all such years, his contribution rate shall be: 2a. two per centum, if such excess equals or exceeds seven and one-half but is less than ten per centum of

his average annual payroll; 2b. one per centum, if such excess equals or exceeds ten per centum of his average annual payroll. If the total of his contributions, paid on his own behalf and credited to his account, for all past periods or for the past sixty consecutive calendar months, whichever period is more advantageous to such employer for the purposes of this paragraph, is less than the total benefits charged against his account during the same period, his rate shall be three and six-tenths per centum, unless such employer shows to the satisfaction of the commission that such experience was due to an act of God, fire, or other catastrophe or act of civil or military authority, directly affecting the place in which individuals were employed by him, in which case his rate shall be two and seven-tenths per centum.

3. No employer's rate for the period of twelve months commencing January 1 of any calendar year shall be less than two and seven-tenths per centum, unless the total assets of the fund, excluding contributions not yet paid at the beginning of such calendar year, exceed the total benefits paid from the fund within the last preceding calendar year; and no employer's rate shall be less than two per centum unless such assets at such time were at least twice the total benefits paid from the fund within such last preceding year.

4. As used in this section the term "annual payroll" means the total amount of wages payable by an employer (regardless of the time of payment) for employment during a calendar year, and the term "average annual payroll" means the

average of the annual payrolls of an employer for the last three or five preceding calendar years, whichever average is higher.

Sec. 6. Sec. 10, subsection (a), chapter 13, Session Laws of 1936, first special session, is amended to read:

10. UNEMPLOYMENT COMPENSATION COMMISSION. (a) There is hereby created an unemployment compensation commission of Arizona to be composed of three members, to be appointed by the governor for terms of two, four and six years respectively; and thereafter each new member, other than an appointment to fill a vacancy, shall be for a period of six years; vacancies on said commission to be filled for any unexpired term. Each such member shall receive as compensation the sum of one thousand dollars per annum.

Sec. 7. Sec. 12, chapter 13, Session Laws of 1936, first special session, is amended to read:

12. EMPLOYMENT SERVICE. (a) ESTABLISHMENT AND FUNCTIONS. The commission shall create a division to be known as the Arizona state employment service which shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this act and for the purpose of performing such duties as are within the purview of the act of Congress entitled "an act to provide for the establishment of a national employment system and for co-operation with the states in the promotion of such system, and for other purposes," approved June 6,

1933, (48 Stat. 113, U. S. Code, Title 29, section 49 (c) as amended). The said division shall be administered by a full-time salaried director, who shall be charged with the duty to co-operate with any official or agency of the United States having powers or duties under the provisions of the said act of Congress, as amended, and to do and perform all things necessary to secure to this state the benefits of the said act of Congress as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said act of Congress, as amended, are hereby accepted by this state, in conformity with section 4 of said act, and this state will observe and comply with the requirements thereof. The state employment service division is hereby designated and constituted the agency of this state for the purpose of said act. The existing free public employment offices established pursuant to chapter 55 of the laws of the twelfth session of the legislature of the State of Arizona, 1935 Session, shall be transferred to the jurisdiction of the employment service division of the commission upon this act becoming effective and all records, files and property, including office equipment, of such offices shall likewise be transferred to such division, and the unexpended balance of any appropriation made for such offices is hereby made available to the commission for the purpose of maintaining said state employment divisions. Upon such transfer all duties and powers of the board of directors of state institutions, or the employment service division thereof, relating to the establishment, maintenance and operation of free public employment offices shall be vested in the employment service division of the commission. The commission is directed to appoint the director,

other officers, and employees of the Arizona State employmetn service. Such appointments shall be made in accordance with regulations prescribed by the director of the United States employment service.

(b) FINANCING. All moneys received by this state under the said act of Congress, as amended, shall be paid into the special "employment service account" in the unemployment compensation administration fund, and said moneys are hereby made available to the Arizona state employment service to be expended as provided by this section and by said act of Congress. For the purpose of establishing and maintaining free public employment offices, said division is authorized to enter into agreements with any political subdivision of this state or with any private, nonprofit organization, and as a part of any such agreement the commission may accept moneys, services, or quarters as a contribution to the employment service account.

Sec. 8. Sec. 18, chapter 13, Session Laws of 1936, first special session, is amended to read:

18. NON-LIABILITY AND RECIPROCITY. (a) NON-LIABILITY OF STATE. Benefits shall be deemed to be due and payable under this act only to the extent provided in this act and to the extent that moneys are available therefor, to the credit of the unemployment compensation fund, and neither the state nor the commission shall be liable for any amount in excess of such fund.

(b) RECIPROCAL ARRANGEMENTS. The

commission is authorized to enter into arrangements with the appropriate agencies of other states or the federal government whereby individuals performing services in this and other states for a single employing unit under circumstances not specifically provided for in the definition of employment in section 19 of this act or under similar provisions in the unemployment compensation laws of such other states, shall be deemed to be engaged in employment performed entirely within this state or within one of such other states and whereby potential rights to benefits accumulated under the unemployment compensation laws of several states or under such a law of the federal government, or both, may constitute the basis for the payment of benefits through a single appropriate agency under terms which the commission finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund.

Sec. 9. Sec. 19, chapter 13, Session Laws of 1936, first special session, is amended to read:

19. DEFINITIONS. In this act, unless the context otherwise requires:

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

"Benefits" means the money payments payable to an individual, as provided in this act, with

respect to his unemployment.

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

"Contributions" means the money payments to the state unemployment compensation fund required by this act.

"Calendar quarter" means the period of three consecutive calendar months ending on March 31, June 30, September 30, or December 31, but excluding any calendar quarter or portion thereof which occurs prior to January 1, 1937, or the equivalent thereof as the commission may by reggulation prescribe.

"Employing unit" means any individual or type of organization, including any partnership, association, trust. estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had in its employ one or more individuals performing services for it within the state. All individuals performing services within the state for any employing unit which maintains two or more separate establishments within the state shall be deemed to be employed by a single employing unit for all purposes of this act.

Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this act, whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of the work.

"Commission" means the Arizona unemployment compensation commission.

"Employer" means: 1. Any employing unit which for some portion of a day, but not necessarily simultaneously, in each of twenty different weeks, whether or not such weeks are or were consecutive, within either the current or the preceding calendar year, has or had in employment, three or more individuals (irrespective of whether the same individuals are or were employed in each such day); 2. any individual or employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this act; 3. any employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit (not an employer subject to this act) and which, if subsequent to such acquisition it were treated as a single unit with such other employing unit, would be an employer under item 1 of this definition; 4. any employing unit which, together with one or more other employing units, is owned or controlled (by legally enforceable means or otherwise) directly or indirectly by the same interest, or which owns or con-

trols one or more other employing units (by legally enforceable means or otherwise), and which, if treated as a single unit with such other employing units or interests, or both, would be an employer under item 1 of this definition; 5. any employing unit which, having become an employer under item 1, 2, 3, or 4, has not, under section 8, ceased to be an employer subject to this act; or 6. for the effective period of its election pursuant to subsection (c), section 8, any other employing unit which has elected to become fully subject to this act.

"Employment", subject to the other provisions of this definition, means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied. The term shall include an individual's entire service, performed within or both within and without the state if: 1. the service is localized in the state, or, 2. the service is not localized in any state but some of the service is performed in this state and, 2a. the base of operation or operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this state; or, 2b. the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this state. Services not covered under the above provisions and performed entirely without the state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this act if the individual perform-

ing the services is a resident of the state and the commission approves the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this act. Service shall be deemed to be localized within a state if: 1. the service is performed entirely within such state; or, 2. the service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions. Services performed by an individual for wages shall be deemed to be employment subject to this act unless and until it is shown to the satisfaction of the commission that: 1. such individual has been and will continue to be free from control or direction over the performance of such services, both under his contract of service and in fact; 2. such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprise for which such service is performed; and, 3. such individual is customarily engaged in an independently established trade, occupation, profession, or business.

The term "employment" shall not include: 1. agricultural labor; 2. domestic service in a private home; 3. service performed as an officer or member of the crew of a vessel on the navigable waters of the United States; 4. service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother; 5. service performed in the employ

of any other state or its political subdivisions, or of the United States government, or of an instrumentality of any other state or states or their political subdivisions or of the United States; 6. service performed in the employ of this state, or of any political subdivision thereof, or of any instrumentality of this state or its political subdivisions; 7. service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual; 8. service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of Congress; provided, that the commission is authorized and directed to enter into agreements with the proper agencies, under such act of Congress, which agreements shall become effective ten days after publication thereof in the manner provided in section 11 (b) of this act for general rules, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this act, acquired rights to unemployment compensation under such act of Congress, or who have, after acquiring potential rights to unemployment compensation under such act of Congress, acquired rights to benefits under this act.

"Employment office" means a free public employment office or branch thereof, operated by this state or maintained as a part of a state-controlled system of public employment offices.

"Fund" means the unemployment compensation fund established by this act, to which all contributions required and from which all benefits provided under this act shall be paid.

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

"Total and partial unemployment" means: 1. An individual shall be deemed "totally unemployed" in any week during which he performs no services and with respect to which no wages are payable to him. 2. An individual shall be deemed "partially unemployed" in any week of less than full time work if his wages payable for such week fail to equal two dollars more than the weekly benefit amount he would be entitled to receive if totally unemployed and eligible. "Wages", as used in this definition, shall include only that part of remuneration for odd jobs or subsidiary work, or both, which is in excess of three dollars in any one week, and "services" shall not include that part of odd jobs or subsidiary work, or both, for which remuneration equal to or less than three dollars in any one week is payable. An individual's week of unemployment shall be deemed to commence only after his registration at an employment office, except as the commission may by regulation otherwise prescribe.

"Wages" means all remuneration payable for personal services, including commissions and bonuses and the cash value of all remuneration payable in any medium other than cash. Gratuities customarily received by an individual in the course of his employment from persons other than his

employing unit shall be treated as wages payable by his employing unit. The reasonable cash value of remuneration payable in any medium other than cash, and the reasonable amount of gratuities, shall be estimated and determined in accordance with rules prescribed by the commission.

"Week" means such period of seven consecutive calendar days, as the commission may by regulations prescribe.

"Weekly benefit amount" means the amount of benefits an individual would be entitled to receive for one week of total unemployment.

Sec. 10. Sec. 22, chapter 13, Session Laws of 1936, first special session, is amended to read:

22. DETERMINING INVALIDITY; DISPOSITION OF FUNDS. If at any time the governor shall find: 1. that the provisions of this act requiring the payment of contributions and benefits have been held invalid under the constitution of this state by the supreme court of this state or under the United States constitution by the supreme court of the United States, in such manner that any person or concern required to pay contributions under this act might secure a similar decision, or 2. that the tax imposed by title IX of the social security act, as amended, or any other federal tax against which contributions under this act may be credited, has been amended or repealed by Congress or has been held unconstitutional by the supreme court of the United States, with the result that no portion of the contributions required by this act may be credited against such federal tax, the governor shall publicly so proclaim,

and upon the date of such proclamation the provisions of this act requiring the payment of contributions and benefits shall be suspended. The commission shall thereupon requisition from the unemployment trust fund all moneys therein standing to its credit and shall direct the state treasurer to deposit such moneys, together with any other moneys, in the fund, as a special fund in any banks or public depositories in the state in which general funds of the state may be deposited, and to hold such moneys for such disposition as the legislature may prescribe.

Sec. 11. 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 23, 1937.

CHAPTER 69

(Substitute House Bill No. 84)

AN ACT

PROVIDING FOR THE CREATION OF THE ARIZONA BOARD OF SOCIAL SECURITY AND PUBLIC WELFARE; FIXING THE POWERS AND DUTIES OF THE BOARD; PROVIDING FOR ITS ADMINISTRATION OF THE ACT FOR ASSISTANCE TO THE NEEDY BLIND OF 1937, THE ACT FOR ASSISTANCE TO

DEPENDENT CHILDREN OF 1937, THE ACT FOR OLD AGE ASSISTANCE OF 1937, AND TRANSFERRING TO THE STATE BOARD THE POWERS AND FUNCTIONS OF THE ARIZONA STATE BOARD OF PUBLIC WELFARE AND REPEALING CHAPTER 35, SESSION LAWS OF 1933, AND ALL ACTS OR PARTS OF ACTS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

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

Section 1. DEFINITIONS. As used in this act: "State Department" means the State Department of Social Security and Welfare; "State Board" means the State Board of Social Security and Welfare; "Commissioner" means the Commissioner of the State Department of Social Security and Welfare.

Section 2. STATE DEPARTMENT OF SOCIAL SECURITY AND WELFARE. There is hereby created a State Department of Social Security and Welfare which shall consist of a State Board of Social Security and Welfare, a Commissioner of Social Security and Welfare, and such other officers and employees as may be hereinafter authorized.

Section 3. STATE BOARD OF SOCIAL SECURITY AND WELFARE. The State Board shall consist of five members appointed by the governor on the basis of recognized interest in and knowledge of the problems of public welfare. The members of the State Board shall be appointed for

overlapping terms and without regard to political affiliation.

As soon as possible after the passage and approval of this Act the Governor shall appoint one member for a term ending June 30, 1938, two members for a term ending June 30, 1939, and two members for a term ending June 30, 1940. Thereafter all appointments shall be for a term of three years, except that any vacancy occurring in the membership of the Board for any cause shall be filled by appointment by the Governor for the unexpired term. Every member so appointed shall serve until his successor shall have been duly appointed and qualified, except that any member who offers himself as a candidate for public office shall automatically be disqualified for membership on the Board. The termination of all regular terms shall coincide with the end of the fiscal year.

Members of the State Board shall receive no compensation for their services other than the amount of their traveling and other expenses actually incurred while in the performance of their official duties.

Section 4. DUTIES OF THE STATE BOARD. (a) It shall be the duty of the State Board to select a Commissioner for the State Department, in accordance with the qualifications set forth in this Act, who shall serve at the pleasure of the State Board and whose salary shall be fixed by the State Board in an amount not to exceed $4800.00 per annum. The State Board shall be responsible for the adoption of all policies, rules, and regulations for the government of the State

Department, and all administrative and executive duties and responsibilities of the State Department shall be discharged by the Commissioner subject to the authority of the State Board. The State Board shall have the power and it shall be its duty to fix minimum standards of service and personnel and to formulate salary schedules for the classified service based upon training, experience, and general ability for persons selected for positions in the State Department.

Section 5. STATE COMMISSIONER. The Commissioner of the State Department shall be appointed wholly on the basis of his training, ability, and experience in welfare administration.

Section 6. DUTIES OF THE COMMISSIONER. (a) The Commissioner shall serve as the executive and administrative officer of the State Department and shall be secretary of the State Board. He shall prepare and submit to the State Board for its approval an annual budget of all funds necessary to be appropriated by the legisture for the State Department for the purposes of this Act, including in such budget an estimate of federal funds which may be allotted to the state by the federal government for the purpose of the State Department. He shall prepare annually a full report of the operations and administration of the State Department together with recommendations and suggestions, and such report shall be submitted to the Governor not later than three months after the close of the fiscal year.

The Commissioner shall make such reports in such form and containing such information as the

federal government may from time to time require, and comply with such provisions as the federal government may from time to time find necessary to assure the correctness and verification of such reports.

The Commissioner, subject to the approval of the State Board, shall appoint such personnel as may be necessary for the efficient performance of the duties prescribed in this Act.

Section 7. ACTIVITIES OF THE STATE DEPARTMENT. The State Department shall be charged with the administration of all the welfare activities of the state as hereinafter provided. The State Department shall:

(a) Administer all forms of public assistance including general home relief, outdoor and indoor care and medical care for persons in need, old age assistance, aid to dependent children, aid to the blind, service to crippled children; and shall administer all institutions now administered by the State Board of Public Welfare; supervise agencies and institutions caring for dependent or mentally or physically handicapped or aged adults; approve the incorporation of charitable agencies; and administer such other welfare activities or services as may be vested in it; provided, however, that nothing in this section shall be construed to mean the state institutions operated by the Board of Directors of State Institutions;

(b) Administer all child welfare activities, including importation of children; licensing and supervising of private and local public child-caring agencies and institutions; the care of dependent, neglected and delinquent children in foster fam-

ily homes, or in institutions, especially children placed for adoption;

(c) Establish and administer a program of service for children who are crippled or who are suffering from conditions which lead to crippling, which shall provide for developing, extending, and improving services for locating such children, and for providing for medical, surgical, corrective, and other services and care, and facilities for diagnosis, hospitalization, and aftercare; supervise the administration of those services included in the program which are not administered directly by it; extend and improve any such services, including those in existence on the effective date of this Act; cooperate with medical, health, nursing and welfare groups and organizations, and with any agency of the state charged with the administration of laws providing for vocational rehabilitation of physically handicapped children; to cooperate with the federal government, through its appropriate agency or instrumentality in developing, extending, and improving such services; and receive and expend all funds made available to the department by the federal government, for services to crippled children, the state or its political subdivisions, or from other sources, for such purposes;

(d) Develop such agencies as it may deem necessary for providing services to the blind including the prevention of blindness, the location of blind persons, medical service for eye conditions, vocational guidance and training of the blind, placement of blind persons in employment, instruction of the adult blind in their homes, and other social services for blind persons, or cooper-

ate with such similar agencies already established;

(e) Assist other departments, agencies and institutions of the state and federal governments, when so requested, by performing services in conformity with the purposes of this Act;

(f) Act as the agent of the federal government in the furtherance of any functions of the State Department;

(g) Carry on research and compile statistics relative to the entire public welfare program throughout the state, including all phases of dependency, defectiveness, cooperate with the superior courts in cases of delinquency and related problems; and develop plans in cooperation with other public and private agencies for the prevention as well as treatment of conditions giving rise to public welfare and social security problems; to make the necessary expenditures in connection therewith;

(h) Make such rules and regulations, and take such action deemed necessary or desirable to carry out the provisions of this Act, and which are not inconsistent therewith;

(i) Administer such additional welfare functions as are hereby or may hereinafter be vested in it by law.

Section 8. PERSONNEL. The board shall have the power and it shall be its duty to:

(a) Classify all positions in the administra-

tion of this Act (except that of executive director).

(b) Fix standards for all positions included in the classification.

(c) Formulate salary schedules for the services so classified.

(d) Provide for the fair and impartial selection, appointment and retention of all personnel (except the executive director), on the basis of open competitive merit examinations; notice of such examinations shall be published in the press of the state at least thirty days before the holding thereof; and provide for a fair and impartial system of separation from service through resignation, retirement, or removal. Provided that all persons assigned to either supervisory or case work in any paticular county shall be bona fide residents of the state for at least one year prior to such appointment.

(e) Provide for annual merit ratings of all employees in the services so classified and provide for the use of such ratings in connection with promotions, lay-offs, discipline, removal and salary increments.

(f) If at any future date there shall be established by state law a state-wide merit personnel system, nothing in this section shall be construed to exempt employees of this administration from inclusion in such system.

(g) Immediately upon the effective date of this Act, the State Department shall proceed to

put these provisions into effect and the officers and employees of the state and county departments as hereinbefore prescribed shall be employed in accordance with these provisions not later than one hundred twenty days after this Act shall become effective.

(h) Establish such rules and regulations as are necessary to maintain standards established by the State Department.

Section 9. DEPARTMENTAL ORGANIZATIONS. There shall be created in the State Department any divisions as the State Board may find necessary for effective administration, including a division of Public Assistance and a Division of Child Welfare. Subject to the approval of the State Board, the Commissioner shall have the power to reallocate functions among divisions within the department as desirable for efficient administration.

Section 10. COUNTY BOARDS. (a) In each county there shall be a County Board of Social Security and Public Welfare, consisting of one member of the board of supervisors and two citiben members, residents of different communities of the county, appointed by the county board of supervisors, which County Board shall select their own chairman. The two appointive members of the County Board shall serve for terms of three years, to begin with the fiscal year. In the first instance one member shall be appointed for a term of one year and the other for a term of three years from July 1, 1937. In the event of a vacancy on the County Board, the county board of supervisors shall appoint a member, sub-

ject to qualifications of this Act, to serve for the unexpired term. The members of each County Board shall serve without pay, except that they shall receive necessary traveling expenses while in the discharge of the duties imposed upon them by the State Board.

(b) The several county boards shall be under the direct supervision and control of the State Department, and shall perform such duties as may be prescribed by the State Board.

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

(d) Members of the county boards shall, immediately after this appointment, organize by the selection of a chairman. Each county board may employ a full time secretary, who shall maintain an office in the county seat in quarters assigned or provided by the board of supervisors, and such other employees as may be necessary for the discharge of the duties of the board.

Section 11. CONTRIBUTIONS; DISPOSITION. The State Board shall receive, hold, and administer

for the purposes for which the State Board is created any and all property, real or personal, and the use thereof, donated to such board either by will, or by deed and to use and administer said property for the purposes specified and in accordance with the instructions of the will, deed, or gift creating such donation in so far as allowed by law. It shall receive, hold and expend, subject to the provisions of this act, money received by gift, donation, or otherwise from private sources, from federal, state, county or municipal governments or agencies or from any charitable association or institution. All moneys received under the provisions of this paragraph shall be paid into the state treasury to be maintained by the state treasurer in a fund known as the "State Public Welfare Fund."

Section 12. POWER; ADMINISTRATION OF STATE FUNDS. (a) The State Board shall have the power to institute or approve work projects in any county for the employment of dependent unemployed receiving relief therefor;

(b) The State Board shall act as the official agency for the state in any social welfare activity initiated by the federal government and to administer any state funds that may at any time be appropriated or made available for the relief of dependent persons.

Section 13. TRANSFER OF RECORDS. Upon this Act becoming effective, all records, files, property, including office equipment of the State Board of Public Welfare and county boards of public welfare shall be transferred to and vested in the State Board and the unexpended balance of any

appropriation made for the said board is hereby made available to the State Board herein created for the purpose of carrying out the duties and performing the obligations of said board.

Section 14. DUTIES OF STATE BOARD. It shall be the duty of the State Board to supervise, control and administer as a board the Old Age Assistance Act of 1937, the Assistance to Needy Blind Act of 1937, and the Assistance to Dependent Children Act of 1937, according to the authority conferred in the respective acts and given to such State Board.

Section 15. STATE AND COUNTY BOARDS; EXPENSES; DISTRIBUTION. The expense of the State and county boards shall be paid out of funds made available by the Old Age Assistance Act of 1937, the Dependent Children's Act of 1937, the Needy Blind Act of 1937, and out of the State Public Welfare Fund.

Section 16. REPEALING CLAUSE. Chapter 35 of the Session Laws of 1933, and all acts and parts of acts inconsistent herewith are hereby repealed.

Section 17. SEVERABILITY. Should any section, paragraph, sentence or clause of this Act be declared unconstitutional or invalid for any reason, the remainder of the said Act shall not be affected thereby.

Section 18. EMERGENCY. To protect the public peace, health and safety, it is necessary that this Act shall become immediately operative. It is therefore declared to be an emergency meas-

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

Approved March 22, 1937.

CHAPTER 70

(Substitute House Bill No. 47)

AN ACT

RELATING TO OLD AGE ASSISTANCE, AND DECLARING AN AMERGENCY.

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

Section 1. DEFINITION: As used in this act "state board" means the Arizona State Board of Social Security and Welfare.

"County board" means the county board of Social Security and Welfare.

"Applicant" means a person who has applied for assistance under the terms of this act.

"Recipient" means any person who has received assistance under the terms of this act.

"Assistance" means money payments to aged persons in need as provided in this act.

Section 2. ELIGIBILITY FOR ASSISTANCE

TO THE NEEDY AGED. Assistance shall be granted under this act to any person who:

(a) Is sixty-five years of age or older;

(b) Is a citizen of the United States;

(c) Has resided in the state for at least five years within the nine years immediately preceding the application for assistance, the last year of which shall be continuous and immediately preceding the date of such application;

(d) Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health;

(e) Is not an inmate of or being maintained by any municipal, state, federal, or private institution at the time of receiving assistance, except as a guest of the Pioneers' Home at Prescott, Arizona. Any inmate of such an institution except penal institutions may, however, make application for such assistance but the assistance if granted, shall not begin until after he ceases to be an inmate; provided, however, that assistance may be granted persons temporarily confined in an institution for medical or surgical care;

(f) Has not made an assignment or transfer of property with the intent of rendering himself eligible for assistance under the act, at any time within five years immediately prior to the filing of application for assistance pursuant to the provisions of this act;

(g) Is not because of physical or mental con-

dition in need of continued institutional care; and such care is reasonably available to him;

(h) Does not own real property, other than that used as his residence.

(i) Does not have or own cash or other personal property the fair value of which exceeds one thousand dollars;

(j) Has, during the twelve months immediately preceding his application, and currently continues to receive annually, an income from all sources of a net value not to exceed three hundred sixty dollars provided that contributions and assistance from public or private charities shall not be included in the computation of the income of the applicant.

Section 3. INELIGIBILITY FOR OTHER PUBLIC ASSISTANCE. No person receiving assistance under this act shall at the same time receive any other public assistance except under authorization of the state board from the state or from an instrumentality or political subdivision thereof, except for temporary medical or surgical aid.

Section 4. ABSENCE IN SERVICE OF THE STATE OF ARIZONA OR OF THE UNITED STATES. Absence in the service of the state of Arizona or of the United States shall not be deemed to interrupt residence in this state, as herein prescribed, if a domicile is not acquired outside the state.

Section 5. AMOUNT OF ASSISTANCE. The amount of assistance which any person shall receive, shall be determined with due regard to the resources and necessary expenditures of the individual and the conditions existing in each case, and shall be sufficient when added to all other income and support of the recipient, to provide such person with a reasonable subsistence compatible with decency and health. In no event shall the amount of assistance paid under the provisions of this act to any recipient exceed the sum of thirty dollars for any calendar month.

Section 6. DUTIES OF STATE BOARD AND COUNTY BOARDS.

1. The state board shall:

(a) Administer assistance to the needy aged under this act.

(b) Make rules and regulations and take such action as may be necessary or desirable for carrying out the provisions of this act. All rules and regulations made by the state board shall be binding on the county boards;

(c) Establish adequate standards for personnel employed in the administration of this act and make necessary rules and regulations to maintain such standards;

(d) Prescribe the form of and print and supply to the county boards blanks for applications, reports, affidavits, and such other forms as it may deem necessary and advisable;

(e) Cooperate with the federal government in any reasonable manner, by agreements or otherwise, as may be necessary to qualify for federal grants for assistance to the needy aged and in conformity with the provisions of this act; including the adoption of such methods of administration as are found by the federal government to be necessary for the efficient operation of the plan for such assistance and the making of such reports in such form and containing such information as the federal government may from time to time require, and comply with such provisions as the federal government may from time to time find necessary, to assure the correctness and verification of such reports; and

(f) Publish an annual report not later than four months after the close of each fiscal year showing for such year the total amount paid under this act, the total number of persons assisted, and such other particulars as it may deem advisable. Such report shall be presented to the governor.

2. The county boards shall: (a) Fulfill such duties and responsibilities as may be required by the state board under the provisions of this act.

Section 7. APPLICATION FOR ASSISTANCE TO THE NEEDY AGED. Application for assistance under this act shall be made to the county board of the county in which the applicant resides. The application shall be in writing or reduced to writing in the manner and upon the forms prescribed by the state board and shall be verified by the oath of the applicant. Such application shall contain a statement of the amount

of property both personal and real in which the applicant has an interest and of all income which he may have at the time of the filing of the application, and a statement of any property assigned or transferred within the five years immediately prior to the filing of the application for assistance, and such further information as may be prescribed by the state board.

Section 8. INVESTIGATION OF APPLICATION. Whenever a county board receives an application for assistance under this act, an investigation and record shall promptly be made of the circumstances of the applicant to ascertain the facts supporting the application and such other information as may be required by the rules of the state board.

The county board and the state board and the officers and authorized employees thereof shall have the power to conduct examinations, subpoena witnesses, require the attendance of witnesses, and the production of books, records and papers, and shall pay all such witnesses the same fees and mileage as are now paid witnesses in civil actions under section 1488, Revised Code of 1928. The officers and employees designated by the state board may also administer oaths and affirmations.

Section 9. GRANTING OF ASSISTANCE. Upon the completion of such investigation the county board shall report its findings and recommendations to the state board, or an authorized representative of the state board, who shall decide whether the applicant is eligible for assistance under the provisions of this act and shall

determine the amount of such assistance, and the date on which such assistance shall begin.

The applicant shall be notified of the decision in writing. Such assistance shall be paid monthly or more frequently, in the discretion of the state board, to the applicant. When an application is rejected in whole or in part, or when modification of the assistance is made, written notice shall be given to applicant. Such notice shall carry information as to the opportunity for a fair hearing.

If assistance is granted, the state board shall make an award setting forth the date thereof, the recipient's name, age, and residence, the amount of monthly assistance, and such other determination or information as it may deem necessary; and shall certify the facts with respect thereto on a blank to be proscribed by it, to the state auditor. Such award shall be binding until changed, modified, suspended, discontinued, or until the death of the recipient; and assistance shall commence on the date specified in the award.

Section 10. PAYMENT OF ASSISTANCE. When an assistance award is made, the certification herein provided for, to the state auditor shall, until modified, suspended or discontinued by order of the state board, or until the death of the recipient, be authority to the said official to draw his warrant in payment of such assistance out of the old age assistance fund provided for in this act. The payment of assistance installments shal be by means of a voucher warrant or warrants to which is attached a voucher

or claim which shall be signed and acknowledged by the recipient before such warrant will be honored.

Section 11. APPEAL TO THE STATE BOARD. If an application is not forwarded by the county board with its findings and recommendations to the state board within a reasonable time after the filing of the application or if the application is denied in whole or in part by the state board or if any award or assistance is modified or cancelled by the state board, the applicant or recipient may appeal to the state board in a manner and form prescribed by the state board. The state board shall, upon receipt of such an appeal, give the applicant or recipient an opportunity for a fair hearing.

The state board may also, upon its own motion, receive and consider any application upon which a recommendation has not been made by the county board within a reasonable time. The state board may make such additional investigation as it may deem necessary, and shall make such decision as to the granting of assistance and the amount of assistance to be granted the applicant as in its opinion is justified and in conformity with the provisions of this act. If the application is denied in whole or in part by the state board, or if any award or assistance is modified or cancelled by the state board, the applicant or recipient may appeal to the state board. The state board shall, upon receipt of such an appeal, give the applicant or recipient an opportunity for a fair hearing. All decisions of the state board shal be final, and shall be binding upon the county board.

Section 12. PERIODIC RECONSIDERATION AND CHANGE IN AMOUNT OF ASSISTANCE. All assistance grants made under this act shall be reconsidered by the county board as frequently as may be required by the rules of the state board. After such further investigation as the county board may deem necessary, or the state board may require, the amount of assistance may be changed or assistance may be entirely withdrawn if the state board finds that the recipient's circumstances have altered sufficiently to warrant such action. The state board may, at any time, cancel and revoke assistance for cause, and it may for cause suspend assistance for such period as it may deem proper. All such decisions shall be subject to review, and the granting of an opportunity for a fair hearing by the state board as provided in this act.

Section 13. NO FEES TO BE PAID. No person shall make any charge or receive any fee for representing an applicant or recipient of assistance in any proceeding hereunder except such fees as shall be determined by the state board, provided however, this shall not apply to representation in criminal proceedings brought pursuant to section 15 or section 16 of this act.

Section 14. RECOVERY FROM A RECIPIENT. If at any time during the continuance of assistance the recipient thereof becomes possessed of any property or income in excess of the amount stated in the application, it shall be the duty of the recipient immediately to notify the county board of the receipt or possession of such property or income, and the county board shall after investigation forward its findings and recommen-

dations to the state board which may either cancel the assistance or alter the amount thereof in accordance with the circumstances.

If at any time after the award has been made, the state board shall find that the recipient was at the time of making application for assistance possessed of property or income which was not set forth in said application (if disclosed would have made a material reduction in the amount of pension granted, or would have made the pensioner ineligible) the assistance so paid pursuant to said application or any amount thereof shall be recoverable by the state board.

The board shall forward all moneys so recovered to the state treasurer for deposit in the old age assistance fund. The state board shall certify to the state auditor a statement of the amount so received from the estate of the recipient to which the United States Government is entitled, pursuant to any agreement entered into between the state board and the United States Government or any agency thereof, upon which is dependent federal grants-in-aid extended to the state of Arizona for the purposes of this act, and the state auditor shall promptly draw his warrant for such amount payable to the Treasurer of the United States.

Section 15. FRAUDULENT ACTS. Whoever knowingly obtains, or attempts to obtain, or aids, or abets any person to obtain by means of a false statement or representation, or by impersonation, or other fraudulent device:

(a) Assistance to which he is not entitled;

(b) Assistance greater than that to which he is justly entitled;

(c) Payment of any forfeited installment grant; or aids or abets in buying or in any way disposing of the property of a recipient of assistance without the consent of the state board, with intent to defeat the purpose of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than two hundred and fifty dollars or be imprisoned for not more than three months, or be both so fined and imprisoned in the discretion of the court. In assessing the penalty, the court shall take into consideration the amount of money fraudulently received.

Section 16. VIOLATION PENALTY. Whoever violates any provision of this act for which no penalty is specifically provided shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding two hundred and fifty dollars or to undergo imprisonment in the county jail not exceeding three months or both.

Sec. 17. ASSISTANCE NOT ASSIGNABLE. Assistance granted under this act shall not be transferrable or assignable, at law or in equity, and none of the money paid or payable under this act shall be subject to execution, levy, attachment, garnishment or other legal process, or to the operation of any bankruptcy or insolvency law.

Section 18. CONFIDENTIAL NATURE OF RECORDS. All applications and records concern-

ing any applicant shall be confidential, and shall be open to inspection, only to persons duly authorized by the state board, the taxpayers' association of the community in which the applicant resides or the federal government in connection with their official duties, except that any part of the records used as basis for denying assistance must be made available to the applicant for inspection in case of a fair hearing.

Section 19. FUNERAL EXPENSES. On the death of the recipient, reasonable funeral expenses not exceeding seventy-five dollars, unless in the opinion of the state board local conditions show the amount to be insufficient for the purpose required, but in no case to exceed one hundred dollars, may be paid by the state board, if the estate of the deceased is insufficient to pay the same.

Section 20. DUTIES OF THE STATE TREASURER. The state treasurer is authorized and directed (a) to receive and deposit in the old age assistance fund all money paid to the state for purposes of this act by the secretary of the treasury of the United States as provided by federal law; (b) upon receipt of such money from the United States, and immediately upon warrant of the state auditor, to disburse such money as authorized by the state board in accordance with the provisions of this act.

Section 21. OLD AGE ASSISTANCE FUND. There is hereby created and established in the state treasury an old age assistance fund. This fund shall consist of:

1. All state funds provided by law for the purpose of this act and for its administration;

2. Such funds as are granted to the state of Arizona by federal government for assistance to needy aged persons or for the administration of the same.

Such funds shall be exempt from the provisions of the state financial code, in so far as the same provides for any balance reverting to the general fund at the end of the fiscal year.

Section 22. QUARTERLY REPORTS BY THE STATE BOARD. The state board shall, as soon as is practicable prior to the beginning of each quarter, file with the state treasurer and the state auditor a certificate stating the total of the estimated expenditures in the state during such quarter, as approved by the state board, and secure a certificate of the state treasurer stating the amount of state funds available for payment of said total estimated expenditures; and file with the federal government, in the manner and form prescribed by it, a report of said total estimated expenditures; and file with the federal government, in the manner and form prescribed by it, a report of said total estimated expenditures in the state, together with copies of all certificates of the state.

Section 23. REPRESENTATION BY ATTORNEY GENERAL. The attorney general shall, upon the request of the state board, represent it or any county board in any legal proceedings involving a violation of any of the provisions of this act.

Section 24. APPROPRIATION. For the fiscal year ending June 30, 1937, there is hereby appropriated to the old age assistance fund to be used for the purposes of this act and necessary administrative expenses the following amounts:

1. From moneys in the general fund not otherwise appropriated two hundred thirty six thousand dollars;

2. All money received pursuant to the provisions of this act.

For the fiscal year ending June 30, 1938, and each fiscal year thereafter, there is hereby appropriated to the old age assistance fund, to be used for the purposes of this act and necessary administrative expenses, the following amounts, provided that the sum from sources of state taxation expended in any such fiscal year for administrative expenses shall not exceed five per cent of the state's total contribution to the old age assistance fund for the payment of old age assistance.

(a) All moneys received pursuant to the provisions of this act;

(b) All moneys received from taxes levied as follows: Prior to the first day of July of each year, the state board shall prepare and certify to the state tax commission an estimate of the total amount of money required to be raised by direct taxation for the ensuing fiscal year for the payment of old age assistance and necessary administrative expenses. Such estimate shall be made by estimating the total money needed for old age assistance and necessary administrative expenses

and deducting therefrom the amounts, or estimated amounts, that will be received in such fiscal year from sources other than direct taxation.

The state tax commission, as a party of the annual tax levy, shall levy a tax sufficient to produce the amount shown by such certified estimate as required to be raised by direct taxes.

Section 25. PERSONAL LIABILITY OF OFFICERS AND EMPLOYEES. Neither the members of the state board or county boards, nor the employees of the state board or county boards, shall be personally liable, except to the state of Arizona, for any official act done or omitted in connection with the performance of their respective duties under the provisions of this act.

Section 26. ASSIGNMENT OF PROPERTY. Whenever it appears that any person receiving or applying for an old age pension under and by virtue of chapter 34, Session Laws of 1933, regular session, has under color of the provisions of section 13 of said act, or under any pretext whatever, been required by the Board of Supervisors of the county in which such pensioner resides to execute, in favor of said board or of the county or state, a quit-claim deed, deed of trust, or other form of release, relinquishment, or assignment of any real property owned or held by such pensioner, such deed, relinquishment, assignment, or other instrument is declared to be null and void, and the requirement thereof to the contrary to public policy.

Section 27. LIMITATIONS OF ACT. All assistance granted under this act shall be deemed to

be granted and to be held subject to the provisions of any amending or repealing act that may hereafter be passed, and and no recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by any amending or repealing act.

Section 28. REPEAL. Chapter 34, Session Laws 1933, is repealed, effective June 30, 1937, and no old age pension awarded thereunder shall continue beyond that date. Persons now receiving old age pensions under chapter 34, Session Laws 1933, shall cease to be eligible for old age pensions thereunder if and when they have qualified under this act for old age assistance. Following the effective date of this act the county old age pension commissions of the respective counties as provided for in chapter 34, Session Laws 1933, shall not thereafter receive any application for old age pensions under said chapter.

Section 29. SEVERABILITY. Should any section, paragraph, sentence, clause or phrase of this act be declared unconstitutional or invalid for any reason, the remainder of said act shall not be affected thereby.

Section 30. SHORT TITLE. This act is known and may be cited as the Old Age Assistance Act of 1937.

Section 31. 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 22, 1937.

CHAPTER 71

(Substitute House Bill No. 45)

AN ACT

RELATING TO ASSISTANCE TO NEEDY BLIND; AND DECLARING AN EMERGENCY.

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

Section 1. DEFINITIONS. As used in this act.

"State board" means the Arizona state board of social security and welfare.

"County board" means the county board of social security and welfare.

"Applicant" means a person who has applied for assistance under this act.

"Recipient" means any person who has received assistance under the terms of this act.

"Assistance" means money payments in aid to blind persons in need as provided in this act.

Section 2. ELIGIBILITY FOR ASSISTANCE TO THE NEEDY BLIND. Assistance shall be given under this act to any person who:

(a) Has no vision or whose vision, with correcting glasses is so defective as to prevent the performance or ordinary activities for which his eyesight is essential;

(b) Is sixteen years of age, or older;

(c) Lost his eyesight while a resident of the state or shall have resided in the state for a period of five years during the nine years immediately preceding the filing of the application for assistance. The last year of which shall be continuous and immediately preceding such application;

(d) Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health;

(e) Is not an inmate of or being maintained by any municipal, state, national or private institution at the time of receiving assistance. An inmate of an institution may, however, make application for such assistance, but the assistance, if granted, shall not begin until after he ceases to be an inmate;

(f) Has not made an assignment or transfer of property so as to render himself eligible for assistance under this act, at any time within five years, immediately prior to the filing of application for assistance pursuant to the provisions of this act;

(g) Is not because of his physical or mental condition in need of continuing institutional care;

(h) Shall not, during the period of receiving assistance, solicit alms;

(i) Is not receiving old age assistance.

Section 3. AMOUNT OF ASSISTANCE. The amount of assistance which any recipient shall receive, shall be determined with due regard to the resources and necessary expenditures of the individual and the conditions existing in each case, and shall be sufficient, when added to all other income and support of the recipient, to provide such person with a reasonable subsistence compatible with decency and health. In no event shall the amount of assistance paid under the provisions of this act to any recipient exceed the sum of thirty dollars for any calendar month.

Section 4. DUTIES OF STATE BOARD AND COUNTY BOARDS.

1. The state board shall:

(a) Administer assistance to the needy blind under this act;

(b) Make rules and regulations and take such action as may be necessary or desirable for carrying out the provisions of this act. All rules and regulations made by the state board shall be binding on the county boards;

(c) Establish adequate standards for personnel employed in the administration of this act

and make necessary rules and regulations to maintain such standards;

(d) Prescribe the form of, and print and supply to the county boards, blanks for application, reports, affidavits and such other forms as it may deem necessary and advisable.

(e) Cooperate with the federal government in any reasonable manner, by agreements or otherwise, as may be necessary to qualify for federal grants for assistance to the needy blind and in conformity with the provisions of this act; including the adoption of such methods of administration as are found by the federal government to be necessary for the efficient operation of the plan for such assistance and the making of such reports in such form and containing such information as the federal government may from time to time require, and comply with such provisions as the federal government may from time to time find necessary, to assure the correctness and verification of such reports; and

(f) Publish an annual report not later than four months after the close of each fiscal year showing for such year the total amount paid under this act, the total number of persons assisted, and such other particulars as it may deem advisable. Such report shall be presented to the governor.

(g) Appoint a suitable number of opthalmologists, duly licensed to practice medicine in Arizona and actively engaged in the treatment of

the diseases of the human eye, to examine applicants and recipients of assistance to the blind;

(h) Fix the fees to be paid to ophthalmologists for examinations of applicants, such fees to be paid out of funds appropriated to the state board.

(i) The state board shall designate the procedure to be followed in securing a competent medical examination for the purposes of determining the cause of blindness in the individual applicant for assistance.

(j) The state board shall promulgate rules and regulations stating in terms of ophthalmic measurements the amount of visual acuity which an applicant might have and still be eligible for assistance.

2. The county boards shall:

(a) Fulfill such duties and responsibilities as may be required by the state board under the provisions of this act.

Section 5. ADVISORY COMMITTEE. The state board shall appoint an advisory committee, of which the superintendent of the state school for the deaf and blind, and the superintendent of public health shall be ex-officio members, which shall make a study and recommend to the state board a program of constructive service for the blind, with especial emphasis upon prevention, cure and rehabilitation. Funds appropriated under this act may be utilized for the purpose of providing such constructive service.

Section 6. APPLICATION FOR ASSISTANCE TO THE NEEDY BLIND. Application for assistance under this act shall be made to the county board of the county in which the applicant resides. The application shall be in writing or reduced to writing in the manner and upon the forms prescribed by the state board and shall be verified by the oath of the applicant. Such application shall contain a statement of the amount of property both personal and real in which the applicant has an interest and of all income which he may have at the time of the filing of the application, and a statement of any property assigned or transferred within the five years immediately prior to the filing of the application for assistance, and such further information as may be prescribed by the state board.

Section 7. INVESTIGATION OF APPLICATIONS. Whenever a county board receives an application for assistance under this act, an investigation and record shall promptly be made of the circumstances of the applicant to ascertain the facts supporting the application and such other information as may be required by the rules of the state board.

The county board and the state board and the officers and authorized employees thereof shall have the power to conduct examinations, subpoena witnesses, require the attendance of witnesses, and the production of books, records and papers; all such witnesses to be paid the same fees as are now paid to witnesses in the United States district court of the state of Arizona. The officers and employees designated by the county

board or the state board may also administer oaths and affirmations.

Section 8. EXAMINATION BY OPHTHALMOLOGIST. No applica- shall be approved until the applicant has been examined by an ophthalmologist designed by the state board to make such examinations. The examining ophthalmologist shall certify in writing upon forms prescribed by the state board as to diagnosis, prognosis, and visual acuity of the applicant.

In cases where the services of an ophthalmologist are not reasonably available a medical doctor licensed to practice in Arizona, may, upon authority of the state board, make the examination. In all cases where the applicant is less than sixty-five years of age and has been examined by a doctor who is not an ophthalmologist, there must be a re-examination by an ophthalmologist within one year, except in those cases where the examining physician certifies that there is not the slightest possibility of the restoration of, or improving the sight in any way.

Section 9. GRANTING OF ASSISTANCE. Upon the completion of such investigation the county board shall report its findings and recommendations to the state board or an authorized representative of the state board, who shall decide whether the applicant is eligible for assistance under the provisions of this act, and shall determine the amount of such assistance, and the date on which such assistance shall begin.

The applicant shall be notified of the decision

in writing. Such assistance shall be paid monthly or more frequently, in the discretion of the state board, to the applicant. When an application is rejected in whole or in part, or when modification of the assistance is made, written notice shall be given to applicant. Such notice shall carry information as to the opportunity for a fair hearing.

If assistance is granted, the state board shall make an award setting forth the date thereof, the recipient's name, age and residence, the amount of monthly assistance, and such other determination or information as it may deem necessary; and shall certify the facts with respect thereto on a blank to be prescribed by it, to the state auditor. Such award shall be binding until changed, modified, suspended, discontinued, or until the restoration of sight or the death of the recipient; and assistance shall commence on the date specified in the award.

Section 10. PAYMENT OF ASSISTANCE. When an assistance award is made, the certification herein provided for, to the state auditor shall until modified, suspended, or discontinued, by order of the state board, or until the death of the recipient, be authority to the said official to draw his warrant in payment of such assistance out of the "aid to the blind fund" provided for in this act. The payment of assistance installments shall be by means of a voucher warrant or warrants to which a voucher or claim which shall be signed and acknowledged by the recipient before such warrant will be honored.

Section 11. APPEAL TO THE STATE BOARD. If an application is not forwarded by the county board with its findings and recommendations to the state board within a reasonable time after the filing of the application or if the application is denied in whole or in part by the state board or if any award or assistance is modified or cancelled by the state board, the applicant or recipient may appeal to the state board in a manner and form prescribed by the state board. The state board shall, upon receipt of such an appeal, give the applicant or recipient an opportunity for a fair hearing.

The state board may also, upon its own motion, receive and consider any application upon which a recommendation has not been made by the county board within a reasonable time. The state board may make such additional investigation as it may deem necessary and shall make such decision as to the granting of assistance and the amount of assistance to be granted the applicant as in its opinion is justified and in conformity with the provisions of this act. If the application is denied in whole or in part by the state board, or if any award or assistance is modified or cancelled by the state board, the applicant or recipient may appeal to the state board. The state board shall, upon receipt of such an appeal, give the applicant or recipient an opportunity for a fair hearing. All decisions of the state board shall be final, and shall be binding upon the county boards.

Section 12. PERIODIC RECONSIDERATION AND CHANGE IN AMOUNT OF ASSISTANCE.

All assistance grants made under this act shall be reconsidered by the county board as frequently as may be required by the rules of the state board. After such further investigation as the county board may deem necessary, or the state board may require, the amount of assistance may be changed or assistance may be entirely withdrawn if the state board finds that the recipient's circumstances have altered sufficiently to warrant such action. The state board may, at any time, cancel and revoke assistance for cause, and it may for cause suspend assistance for such period as it may deem proper. All such decisions shall be subject to review, and the granting of an opportunity for a fair hearing by the state board as provided in this act.

Section 13. RE-EXAMINATION AS TO EYESIGHT. Every recipient shall submit to a re-examination as to his eyesight at least once every three years, unless excused therefrom by the state board, and at other times when required to do so by the county board or the state board. He shall also furnish any information required by the county board or the state board.

Section 14. RESTORATION OF EYESIGHT. No assistance under this act shall be granted or continued to any person who refuses medical, surgical or other treatment when his eyesight may be partially or wholly restored by such treatment, and a certificate in writing to that effect is made by the examining ophthalmologist. Any person denied assistance under this ground may appeal to the state board in the manner hereinbefore provided.

Section 15. EXPENSES FOR TREATMENT. Temporary assistance may be granted by the state board to any applicant or additional assistance granted to any recipient who is in need of treatment either to prevent blindness or to restore his eyesight whether or not he is blind as defined in section 2 of this act, if he is otherwise qualified for assistance under this act. The assistance may include necessary traveling and other expenses to receive treatment for a hospital or clinic designated by the state board. Such payments shall be allowed and paid in the same manner as assistance to the blind provided by this act.

Section 16. NO FEES TO BE PAID. No person shall make any charge or receive any fee for representing an applicant or recipient of assistance in any proceedings hereunder except such fee as shall be determined by the state board; provided, however, this shall not apply to representation in criminal proceedings brought pursuant to section 18 or section 19 of this act.

Section 17. RECOVERY FROM A RECIPIENT. If at any time during the continuance of assistance the recipient thereof becomes possessed of any property or income in excess of the amount reported at the time of application, it shall be the duty of the recipient immediately to notify the county board of the receipt or possession of such property or income, and the county board shall after investigation forward its findings and recommendations to the state board which may either cancel the assistance or alter the amount thereof in accordance with the circumstances.

If at any time after an award has been made,

the state board shall find that the recipient was at the time of making application for assistance possessed of property or income which was not reported at the time of said application, the assistance so paid pursuant to said application, or any amount thereof shall be recovered to the state treasurer for deposit in the "aid to the blind fund". The state board shall certify to the state auditor's statement of the amount so received from the recipient to which the United States government is entitled, pursuant to any agreement entered into between the state board and the United States government or any agency thereof, upon which is dependent federal grants-in-aid extended to the state of Arizona for the purposes of this act, and the state auditor shall promptly draw his warrant for such amount payable to the treasurer of the United States.

Section 18. FRAUDULENT ACTS. Whoever knowingly obtains, or attempts to obtain, or aids, or abets any person to attain by means of a false statement or representation, or by impersonation, or other fraudulent device:

(a) Assistance to which he is not entitled;

(b) Assistance greater than that to which he is justly entitled;

(c) Payment of any forfeited installment grant; or aids or abets in buying or in any way disposing of the property of a recipient of assistance without the consent of the state board, with intent to defeat the purposes of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than two hun-

dred and fifty dollars or be imprisoned for not more than three months, or be both so fined and imprisoned in the discretion of the court. In assessing the penalty, the court shall take into consideration the amount of money fraudulently received.

Section 19. VIOLATION PENALTY. Whoever violates any provision of this act for which no penalty is specifically provided shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding two hundred and fifty dollars or to undergo imprisonment in the county jail not exceeding three months or both.

Section 20. ASSISTANCE NOT ASSIGNABLE. Assistance granted under this act shall not be transferrable or assignable, at law or in equity, and none of the money paid or payable under this act shall be subject to execution, levy, attachment, garnishment or other legal process, or to the operation of any bankruptcy or insolvency law.

Section 21. CONFIDENTIAL NATURE OF RECORDS. All applications and records concerning any applicant shall be confidential, and shall be open to inspection, only to persons duly authorized by the state board, the taxpayers' association of the community in which the applicant resides, or the federal government in connection with their official duties, except that any part of the records used as basis for denying assistance must be made available to the applicant for inspection in case of a fair hearing.

Section 22. FUNERAL EXPENSES. On the death of the recipient, reasonable funeral expenses not exceeding one hundred dollars may be paid by the state board, if the estate of the deceased is insufficient to pay the same, provided that burial shall be made in a cemetery not intended for indigent burials.

Section 23. DUTIES OF THE STATE TREASURER. The state treasurer is authorized and directed (a) to receive and deposit in the "aid to the blind fund" all money paid to the state for the purposes of this act by the secretary of the treasury of the United States as provided by federal law; (b) upon receipt of such money from the United States, and immediately upon warrant of the state auditor, to disburse such money as authorized by the state board in accordance with the provisions of this act.

Section 24. AID TO THE BLIND FUND. There is hereby created and established in the state treasury an aid to the blind fund. This fund shall consist of:

1. All state funds provided by law for the purpose of this act and for its administration;

2. Such funds as are granted to the state of Arizona by the federal government for assistance to needy blind persons or for the administration of the same.

Such funds shall be expended from the provisions of the state financial code in so far as the same provides for any balance reverting to the general fund at the end of the fiscal year.

Section 25. QUARTERLY REPORTS BY THE STATE BOARD. The state board shall, as soon as is practicable prior to the beginning of each quarter, (a) file with the state treasurer and the state auditor, a certificate stating the total of the estimated expenditures in the state during such quarter, as approved by the state board, and secure a certificate of the state treasurer stating the amount of state funds available for payment of said total estimated expenditures; and (b) file with the federal government, in the manner and form prescribed by it, a report of said total estimated expenditures in the state, together with copies of all certificates of the state.

Section 26. REPRESENTATION BY ATTORNEY GENERAL. The attorney general shall, upon the request of the state board, represent it or any county board in any legal proceedings involving a violation of any of the provisions of this act.

Section 27. APPROPRIATION. To carry out the provisions of this act all moneys appropriated for and now standing to the credit of the state board of public welfare, as created by chapter 35, Session Laws of 1933, regular session, for such purposes and objects, are appropriated to the use of the Arizona state board of social security and welfare.

Section 28. PERSONAL LIABILITY OF OFFICERS AND EMPLOYEES. Neither the members of the state board or county boards, nor the employees of the state board or county boards shall be personally liable, except to the state of Arizona, for any official act done or omitted in con-

nection with the performance of their respective duties under the provisions of this act.

Section 29. LIMITATIONS OF ACT. All assistance granted under this act shall be deemed to be granted and to be held subject to the provisions of any amending or repealing act that may hereafter be passed, and no recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by an amending or repealing act.

Section 30. SEVERABILITY. Should any section, paragraph, sentence, clause, or phrase of this act be declared unconstitutional or invalid for any reason, the remainder of said act shall not be affected thereby.

Section 31. SHORT TITLE. This act shall be known, and may be cited the "assistance to the needy blind act of 1937".

Section 32. 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 22, 1937.

CHAPTER 72

(Substitute House Bill No. 46

AN ACT

RELATING TO ASSISTANCE TO DEPENDENT CHILDREN.

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

Section 1. DEFINITIONS. As used in this Act, "State Board" means the Arizona State Board of Social Security and Welfare.

"County Board" shall mean the County Board of Social Security and Welfare.

A "Dependent Child" means a needy child under the age of sixteen, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and whose relatives liable under the law for his support are not able to provide adequate care and support of such child without public assistance, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, or aunt, in a place of residence maintained by one or more of such relatives as his or their own home.

"Assistance," means money payments in aid to a dependent child or children.

"Applicant" means a person who has applied

for assistance under this Act who has custody of the dependent child.

"Recipient" means a person with whom the child or children live while receiving assistance under the terms of this Act.

Section 2. ELIGIBILITY FOR ASSISTANCE TO DEPENDENT CHILDREN. Assistance shall be given under this Act to any dependent child who:

(a) Has resided in this State for one year immediately preceding the application for such assistance; or who was born within the State within one year immediately preceding the application, and whose mother has resided in the State one year immediately preceding the birth of said child; and

(b) Is living in a suitable family home meeting the standards of care and health, fixed by the laws of this State and the rules and regulations of the State Board thereunder.

Section 3. AMOUNT OF ASSISTANCE. The amount of assistance which shall be granted for any dependent child shall be determined by the State Board with due regard to the resources and necessary expeditures of the family, and the conditions existing in each case, and shall be sufficient when added to all other income and support available to the child, to provide such child with a reasonable subsistence compatible with decency and health.

Section 4. DUTIES OF STATE BOARD AND COUNTY BOARDS.

1. The State Board shall:

(a) Administer assistance to dependent children under this Act;

(b) Make rules and regulations and take such action as may be necessary or desirable for carrying out the provisions of this Act. All rules and regulations made by the State Board shall be binding on the County Boards;

(c) Establish adequate standards for personnel employed in the administration of this Act and make necessary rules and regulations to maintain such standards:

(d) Prescribe the form of and print and supply to the County Boards blanks for application, reports, affidavits and such other forms as it may deem necessary and advisable;

(e) Co-operate with the Federal Government in any reasonable manner, by agreements or otherwise, as may be necessary to qualify for Federal grants for assistance to dependent children and in conformity with the provisions of this Act; including the adoption of such methods of administration as are found by the Federal Government to be necessary for the efficient operation of the plan for such assistance and the making of such reports in such form and containing such information as the Federal Government may from time to time require, and comply with such provisions as the Federal Government may from

time to time find necessary, to assure the correctness and verification of such report; and

(f) Publish an annual report not later than four months after the close of such fiscal year showing for year the total amount paid under this Act, the total number of persons assisted, and such other particulars as it may deem advisable. Such report shall be presented to the Governor.

2. The County Boards shall:

(a) Fulfill such duties and responsibilities as may be required by the State Board under the provisions of the Act.

Section 5. APPLICATION FOR ASSISTANCE. Application for assistance under this Act shall be made to the County Board of the county in which the dependent child resides. The application shall be in writing or reduced to writing in the manner and upon the form prescribed by the State Board and shall be verified by the oath of the applicant. The application shall be made by the relative having responsibility for the care of the dependent child and shall contain information as to the age and residence of the child and such other information as may be required by the rules and regulations of the State Board. One application may be made for several children of the same family if they reside with the same person.

Section 6. INVESTIGATION. Whenever a County Board receives a notification of the dependency of a child or an application for assist-

ance, an investigation and record shall promptly be made of the circumstance to ascertain the dependence of the child or the facts supporting the application made under this Act and such other information as may be required by the rules of the State Board.

The County Boards and the State Board and the officers and authorized employees thereof shall have the power to conduct examinations, subpoena witnesses, require the attendance of witnesses, and the production of books, records and papers: all such witnesses to be paid the same fees as are now paid to witnesses of the United States District Court of the State of Arizona. The officers and employees designated by the State Board may, also administer oaths and affirmations.

Section 7. GRANTING OF ASSISTANCE. Upon the completion of such investigation the County Board shall report its findings and recommendations to the State Board, or an authorized representative of the State Board, who shall decide whether the child is eligible for assistance under the provisions of this Act and shall determine the amount of such assistance, and the date on which such assistance shall begin.

The applicant shall be notified of the decision in writing. Such assistance shall be paid monthly or more frequently, in the discretion of the State Board. When an application is rejected in whole or in part, or when modification of the assistance is made, written notice shall be given

to applicant. Such notice shall carry information as to the opportunity for a fair hearing.

If assistance is granted, the State Board shall make an award setting forth the date thereof, the amount of monthly assistance, and such other determination or information as it may deem necessary; and shall certify the facts with respect thereto on a blank to be prescribed by it, to the State Auditor. Such award shall be binding until changed, modified, suspended, or discontinued; and assistance shall commence on the date specified in the award.

Section 8. PAYMENT OF ASSISTANCE. When an assistance award is made, the certification herein provided for, to the State Auditor shall until modified, suspended, or discontinued by order of the State Board, be authority to the said official to draw his warrant in payment of such assistance out of the "Aid to Dependent Children Fund" provided for in this Act. The payment of assistance installments shall be by means of a voucher warrant or warrants to which is attached a voucher or claim which shall be signed and acknowledged by the recipient before such warrant will be honored.

Section 9. MAXIMUM PAYMENTS. In no event shall the amount of assistance paid under the provisions of this Act to any recipient exceed the sum of $18. for the first child and $12. for each additional child in the same family, for any one calendar month.

Section 10. APPEAL TO THE STATE BOARD. If an application is not forwarded by the County

Board with its findings and recommendations to the State Board within a reasonable time after the filing of the application or if the application is denied in whole or in part by the State Board or if any award or assistance is modified or cancelled by the State Board, the applicant or recipient may appeal to the State Board in a manner and form prescribed by the State Board. The State Board shall, upon receipt of such an appeal, give the applicant or recipient an opportunity for a fair hearing.

The State Board may, also, upon its own motion receive and consider any application upon which a recommendation has not been made by the County Board within a reasonable time. The State Board may make such additional investigation as it may deem necessary, and shall make such decision as to the granting of assistance and the amount of assistance to be granted to the applicant as in its opinion is justified and in conformity with the provisions of this Act. If the application is denied in whole or in part by the State Board or if any award or assistance is modified or cancelled by the State Board, the applicant or recipient may appeal to the State Board. The State Board shall, upon receipt of such an appeal, give the applicant or recipient an opportunity for a fair hearing. All decisions of the State Board shall be final, and shall be binding upon the County Board.

Section 11. PERIODIC RECONSIDERATION AND CHANGE IN AMOUNT OF ASSISTANCE. All assistance grants made under this Act shall be reconsidered by the County Board as frequently as may be required by the rules of the State

Board. After such further investigation as the County Board may deem necessary, or the State may require, the amount of assistance may be changed or assistance may be entirely withdrawn if the State Board finds that the recipient's circumstances have altered sufficiently to warrant such action. The State Board may, at any time, cancel and revoke assistance for cause, and it may for cause suspend assistance for such period as it may deem proper. All such decisions shall be subject to review, and the granting of an opportunity for a fair hearing by the State Board as provided in this Act.

Section 12. NO FEES TO BE PAID. No person shall make any charge or receive any fee for representing an applicant or recipient of assistance in any proceeding hereunder except such fees as shall be determined by the State Board; provided, however, this shall not apply to representation in criminal proceedings brought pursuant to Section 12 or Section 13, of this Act.

Section 13. FRAUDULENT ACTS. Whoever gnowingly obtains, or attempts to obtain, or aids, or abets any person to obtain by means of a false statement or representation, or by impersonation, or other fraudulent device:

(a) Assistance to which he is not entitled;

(b) Assistance greater than that to which he is justly entitled;

(c) Payment of any forfeited installment grant with intent to defeat the purposes of this Act, shall be guilty of a misdemeanor, and upon

conviction thereof shall be fined not more than two hundred and fifty dollars or be imprisoned for not more than three months, or be both so fined and imprisoned in the discretion of the court. In assessing the penalty, the court shall take into consideration the amount of money fraudulently received.

Section 14. VIOLATION PENALTY. Whoever violates any provision of this Act for which no penalty is specifically provided shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding two hundred and fifty dollars or to undergo imprisonment in the county jail not exceeding three months, or both.

Section 15. ASSISTANCE NOT ASSIGNABLE. Assistance granted under this Act shall not be transferable or assignable, at law or in equity, and none of the money paid or payable under this Act shall be subject to execution, levy, attachment, garnishment or other legal process, or to the operation of any bankruptcy or insolvency law.

Section 16. CONFIDENTIAL NATURE OF RECORDS. All applications and records concerning any applicant shall be confidential, and shall be open to inspection only to persons duly authorized by the State Board, the taxpayers' association of the community in which the applicant resides, or the Federal Government in connection with their official duties, except that any part of the records used as basis for denying assistance must be

made available to the applicant for inspection in case of a fair hearing.

Section 17. DUTIES OF THE STATE TREASURER. The State Treasurer is authorized and directed (a) to receive and deposit in the Aid to Dependent Children Fund all money paid to the State for the purpose of this Act by the Secretary of the Treasury of the United States as provided by Federal Laws: (b) upon receipt of such money from the United States, and immediately upon warrant of the State Auditor, to disburse such money as authorized by the State Board in accordance with the provisions of this Act.

Section 18. AID TO DEPENDENT CHILDREN FUND. There is hereby created and established in the State Treasury an "Aid to Dependent Children Fund." This fund shall consist of:

1. All State funds provided by law for the purposes of this Act and for its administration;

2. Such funds as are granted to the State of Arizona by the Federal Government for assistance to dependent children or for the administration of the same.

Such funds shall be exempt from the provisions of the State Financial Code insofar as the same provides for any balance reverting to the General Fund at the end of the fiscal year.

Section 19. QUARTERLY REPORTS BY THE STATE BOARD. The State Board shall, as soon

as is practicable prior to the beginning of each quarter, (a) file with the State Treasurer and the State Auditor a certificate stating the total of the estimated expenditures in the State during such quarter, as approved by the State Board, and secure a certificate of the State Treasurer stating the amount of State funds available for payment of said total estimated expenditures in the State, together with copies of all certificates of the State.

Section 20. REPRESENTATION BY ATTORNEY GENERAL. The Attorney General shall, upon the request of the State Board, represent it or any County Board in any legal proceeding involving a violation of any of the provisions of this Act.

Sestion 21. APPROPRIATION. To carry out the provisions of this act all moneys appropriated for and now standing to the credit of the State Board of Public Welfare, as created by Chapter 35, Session Laws of 1933, Regular Session, for such purposes and objects, are appropriated to the use of the State Board of Social Security and Welfare.

Section 22. PERSONAL LIABILITY OF OFFICERS AND EMPLOYEES. Neither the members of the State Board or County Boards, nor the employees of the State Board or County Boards shall be personally liable, except to the State of Arizona for any official act done or omitted in connection with the performance of their respective duties under the provisions of this Act.

Section 23. LIMITATIONS OF ACT. All assistance granted under this act shall be deemed granted and held, subject to the provisions of any amending or repealing act that may hereafter be passed, and no recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by any amending or repealing act. Nothing in this act shall be construed as authorizing any state official, agent, or representative to carry out any of the provisions of this act, to take charge of any child over the objection of either of the parents of such child, or of the person standing in loco parentis to such child.

Section 24. SEVERABILITY. Should any section, paragraph, sentence, clause, or phrase of this act be declared unconstitutional or invalid for any reason, the remainder of said act shall not be affected thereby.

Section 25. SHORT TITLE. This act shall be known and may be cited the "Assistance to Dependent Children Act of 1937".

Section 26. 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 22. 1937.

CHAPTER 73

(House Bill No. 237)

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, 1937, AND ENDING JUNE 30, 1938, HEREINAFTER DESIGNATED AS THE 26TH FISCAL YEAR, AND BEGINNING JULY 1, 1938, AND ENDING JUNE 30, 1939, HEREINAFTER DESIGNATED AS THE 27TH 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, 1937, and ending June 30, 1938, hereinafter designated as the 26th Fiscal Year, and beginning July 1, 1938, and ending June 30,

1939, hereinafter designated as the 27th 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 26th Fiscal Year	For the 27th Fiscal Year
Salaries	$550,245.45	$592,503.17
Wages	82,075.50	87,793.28
Office Expense	20,000.00	20,000.00
Operation	86,620.00	86,620.00
Travel	15,000.00	15,000.00
Repairs and Replacements	14 000.00	10,000.00
Capital Investment	83,500.00	5,000.00
Miscellaneous Requirements:		
Refund of fees—Basic Science Act declared unconstitutional	2,000.00	
Total Appropriation	$853,440.95	$816,916.45
	$1,670,357.40	

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 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Administrators and Instructors	$ 93,585.45	$ 98,264.72
Other Employees	24,143.70	25,350.89
Office Assistants	4,557.00	4,784.85
Total Salaries and Wages	$122,286.15	$128,400.46
Operation:		
Office Supplies and Expense	8,000.00	8,000.00
Motor Vehicle Expense	3,000.00	3,000.00
Light, Power, Fuel and Water	35,420.00	35,400.00
Material and Supplies	10,000.00	10,000.00
Total Operation	$ 56,420.00	$ 56,400.00

Travel	1,000.00	1,000.00
Capital Investment:		
Motor Vehicles	835.00	835.00
Building and Grounds	5,500.00	3,000.00
New Equipment	8,000.00	8,000.00
Total Capital Investment	$ 14,335.00	$ 11,835.00
Repairs and Replacements:		
Buildings and Grounds	12,598.00	16,000.00
Total Appropriation	$206,639.15	$213,635.46
	$420,274.61	

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 Arizona State Teachers College at Flagstaff is hereby appropriated for the improvement, support and maintenance of the Arizona State Teachers College at Flagstaff; and the Arizona State Teachers College at Flagstaff 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 3. ARIZONA STATE TEACHERS COLLEGE AT TEMPE.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		

Instruction and Admintration	$120,975.75	$127,024.54
Training School	33,285.00	34,949.25
Labor (Maintenance and Regular)	23,998.80	25,198.74
Other Labor	4,967.76	5,216.15
New Salaries and Wages	30,000.00	30,000.00
Total Salaries and Wages	$213,227.31	$222 388.68
Operation:		
Office Supplies and Expense	5,474.07	5,474.07
Motor Vehicle Expense	4,131.45	4,131.45
Light, Power, Fuel and Water	16,580.76	16,580.76
Material and Supplies	19,589.22	19,589.22
Total Operation	$ 45,775.50	$ 45,775.50
Travel	619.95	999.00
Capital Investment:		
Motor Vehicles: Campus Truck	1,400.00	1,40.000
Grounds:		
Shrubbery and Trees	800.00	800.00
1,500 ft. 4″ fire lines & 5 standpipes	1,290.00	

Fence—South of South Hall		1,000.00
Total Grounds	2,090.00	1,800.00
New Equipment	15,000.00	15,000.00
Total Capital Investment	18,490.00	18,200.00
Repairs and Replacements: Buildings and Grounds	7,500.00	7500.00
Total Appropriation	$285,612.76	$294,863.18
	$580,475.94	

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 Arizona State Teachers College at Tempe is hereby appropriated for the improvement, support and maintenance of the Arizona State Teachers College at Tempe; and the Arizona State Teachers College at Tempe 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 4. SUPERINTENDENT OF PUBLIC INSTRUCTION AND COMMON SCHOOLS.

For the board of education; for the support of the kindergarten, primary, elementary, gram-

mar, 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 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Salary—Superintendent	$ 4,275.00	$ 4,500.00
Director of Elementary Education	2,600.00	2,600.00
Statistician	2,600.00	2,600.00
Director of Research	2,500.00	2,500.00
Director of Tests & Measurements	2,500.00	2,500.00
Certification Clerk	2,500.00	2,500.00
Stenographer	1,638.00	1,638.00
Stenographer	1,575.00	1,575.00
Stenographer	1,575.00	1,575.00
Stenographer	1,386.00	1,386.00
Other salaries and wages	1,500.00	1,500.00
Total Salaries and Wages	$ 24,649.00	$ 24,874.00
Operation	10,000.00	10,000.00

Travel	4,000.00	4,000.00
Capital Investment	1,000.00	1,000.00
Repairs and Replacements	500.00	500.00
Miscellaneous Requirements:		
Teachers' Pensions	57,000.00	59,000.00
Textbooks	57,000.00	57,000.00
Total Miscl. Requirements	$114,000.00	$116,000.00
Vocational Education:		
For Operation; for travel; for Capital Investment	750.00	750.00
Sub-Total	154,899.00	157,124.00
For Vocational Education and to match federal funds; provided, however, that no salaries in excess of $3,600.00 per annum shall be allowed from the combined state and federal funds.		
Reimbursement to Schools	$ 7,700.00	$ 7,700.00
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
Trade, Industrial and Home Economics Education:		
For salaries and wages; for reimbursement to schools; for operation; for travel; for capital investment;		
Lump Sum Appropriation..	12,500.00	12,500.00
Teacher Training:		
For salaries and wages; for operation; for travel; for capital investment;		
Lump Sum Appropriation..	10,000.00	10,000.00
Civilian Rehabilitation:		
For salaries and wages; for operation; for travel; for capital investment;		
Lump Sum Appropriation..	10,000.00	10,000.00
Total Vocation Education	$ 46,200.00	$ 46,200.00

The above appropriations are made subject to the condition that, at least, like amounts shall be alloted 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	$201,099.00	203,324.00
		$404,423.00

The balance of the per capita tax, together with the amount of all moneys received from national forest, interest collected on deferred payments on the purchase of state lands, the income from the investment of permanent funds as prescribed by the enabling act and the state constitution, 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 26th Fiscal Year	For the 27th Fiscal Year
Salary—Superintendent	$ 3,000.00	$ 3,000.00
Other salaries and wages	44,000.00	44,000.00
Total salaries and wages	$ 47,000.00	$ 47,000.00

Operation	30,700.00	30,700.00
Travel	650.00	650.00
Repairs and Replacements	1,700.00	1,700.00
Capital Investment	3,638.50	3,450.00
Motor Vehicle	1,000.00	
To build and equip additions to the present dining room, and dishwashing room, move ice boxes and build entry room to ice boxes	8,500.00	
To install equipment and make necessary changes to power plant and laundry, including new boiler	2,000.00	
Total appropriation	$ 95,188.50	$ 83,500.00
	$178,688.50	

Subdivision 6. INDUSTRIAL SCHOOL.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Superintendent	$ 3,000.00	$ 3,000.00
Head Instructor	1,800.00	1,800.00
Detail Officer	1,740.00	1,740.00
Secretary	1,500.00	1,500.00
Teacher	1,380.00	1,380.00
Teacher	1,380.00	1,380.00

Teacher	1,380.00	1,380.00
Nurse	1,380.00	1,380.00
Farmer	1,200.00	1,200.00
Dairy Man	1,200.00	1,200.00
Plumber	1,350.00	1,350.00
Engineer and Electrician	1,350.00	1,350.00
Cook	1,200.00	1,200.00
Supervisor	1,200.00	1,200.00
Supervisor of Music	1,200.00	1,200.00
Supervisor	1,200.00	1,200.00
Supervisor	1,200.00	1,200.00
Truck Driver	900.00	900.00
Doctor	600.00	600.00
Dental Work	480.00	480.00
Chaplain	180.00	180.00
Total salaries and wages	$ 26,820.00	$ 26,820.00
Operation	23,065.00	22,425.00
Travel	400.00	400.00
Capital Investment:		
School Equipment	100.00	
5 milch cows	500.00	
1 set harness	60.00	
1,200 chickens	150.00	
Chicken House	150.00	

Rubber tire Tractor with cultivator attachment	1,200.00	
1 Boiler	900.00	
Laundry Machinery	1,900.00	
1 Pressing Unit	300.00	
1 Pump	500.00	
Mower		140.00
Rake		75.00
Hammer Mill		200.00
Bull		150.00
Pipe		300.00
Tools		135.00
Total Capital Investment	$ 5,760.00	$ 1,000.00
Motor Vehicle—one truck or pickup	1,100.00	
Repairs and Replacements	1,650.00	1,000.00
Total Appropriation	$ 58,795.00	$ 51,645.00
	$110,440.00	

Subdivision 7. PIONEERS' HOME.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Superintendent	$ 3,000.00	$ 3,000.00

Bookkeeper	1,500.00	1,500.00
Engineer	1,200.00	1,200.00
Physician	1,200.00	1,200.00
Nurse, Head (R.N.)	1,200.00	1,200.00
Nurse, Night (R.N.)	1,000.00	1,000.00
Nurse, (R.N.)	1,000.00	1,000.00
Nurses, 3	2,250.00	2,250.00
Orderlies, 2	1,300.00	1,300.00
Cook	1,200.00	1,200.00
Assistant Cook	750.00	750.00
Baker	1,000.00	1,000.00
Kitchen Helper	650.00	650.00
Waiters, 3	1,800.00	1,800.00
Housekeeper	750.00	750.00
Janitors, 2	1,300.00	1,300.00
Barber	660.00	660.00
Dentist & Oculist (periodic)	550.00	550.00
Dishwasher	650.00	650.00
Total salaries and wages	$ 22,960.00	$ 22,960.00
Operation	59,860.00	59,860.00
Travel	200.00	200.00
Capital Investment:		
Fire Alarm	525.00	

House Telephones	220.00	
Range	555.00	
Miscellaneous Equipment		1,000.00
Total capital investment	$ 1,300.00	$ 1,000.00
Repairs and Replacements	4,100.00	4,100.00
Total Appropriation	$ 88,420.00	88.120.00
	$176,540.00	

Subdivision 8. PRISON.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Superintendent	$ 3,600.00	$ 3,600.00
Assistant Superintendent	2,400.00	2,400.00
Secretary	2,000.00	2,000.00
Physician	2,000.00	2,000.00
Steward-Auditor	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 at $200.00 each)	400.00	400.00
Dentist (periodic)	600.00	600.00
Yard Captain	1,800.00	1,800.00

Guards (40 at $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	95,500.00	95,500.00
Travel	1,500.00	1,500.00
Repairs and Replacements	4,000.00	4,000.00
Capital Investment:		
Ranges and Equipment	800.00	
Hospital Sterilization Equipment	600.00	
1 Water Pump and Motor	2,500.00	
For changing pumps and equipment from 25 cycle to 60 cycle	4,500.00	
Wall Lighting System	1,200.00	
1 No. 92 Hammer Mill	500.00	
1 No. 35-14 ft Grain Drill with Attachment	450.00	
1 Double Roller Electric Mangle, 48″ wide	125.00	
1 Bull	200.00	

Boars	100.00	
Dental Chair	150.00	
1 Hay Shed	1,000.00	
Lump Sum—Capital Investment for the second year		2,000.00
Total Capital Investment	$ 12,125.00	$ 2,000.00
Motor Vehicles:		
1 No. 15 Caterpillar Tractor	1,600.00	
1 Flat Body Stake Truck	1,000.00	
1 Flat Body Stake Truck or Pick-Up	1,000.00	
Total Motor Vehicles	$ 3,600.00	
Total Appropriation	$198,925.00	$185,200.00
	$384,125.00	

Subdivision 9. STATE ROSPITAL FOR THE INSANE.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Salary—Superintendent	$ 3,600.00	$ 3,600.00
Physician—Psychiatrist	2,520.00	2,520.00
Physician—Psychiatrist	2,520.00	2,520.00

Physician	1,890.00	1,890.00
Technician	1,260.00	1,260.00
Steward	1,890.00	1,890.00
Bookkeeper	1,260.00	1,260.00
Assistant Bookkeeper	1,008.00	1,008.00
Stenographer	1,134.00	1,134.00
Clinical Stenographer	1,134.00	1,134.00
Storekeeper	1,260.00	1,260.00
Assistant Storekeeper	1,134.00	1,134.00
Information Clerk	945.00	945.00
Telephone Operator	819.00	819.00
Carpenter	1,575.00	1,575.00
Assistant Carpenter	1,134.00	1,134.00
Plumber	1,512.00	1,512.00
Night Watch	945.00	945.00
Cook	1,260.00	1,260.00
Assistant Cook	1,008.00	1,008.00
Mechanic	1,260.00	1,260.00
Truck Driver	945.00	945.00
Farmer	1,575.00	1.575.00
Assistant Farmer	945.00	945.00
Farm Detail (2)	1,638.00	1,638.00
Gardener	1,134.00	1,134.00
Dairyman	1,134.00	1,134.00
Baker	1,260.00	1,260.00

Meat Cutter	756.00	756.00
Waiter	945.00	945.00
Waitress	945.00	945.00
Supervisor	1,134.00	1,134.00
Social Worker	1,260.00	1,260.00
Matron—Registered Nurse	1,260.00	1,260.00
Matron—Night (Registered Nurse)	1,050.00	1,050.00
Registered Nurse	1,260.00	1,260.00
Seamtress	945.00	945.00
Laundryman	1,134.00	1,134.00
Laundress	882.00	882.00
Assistant Laundress	756.00	756.00
Engineer	1,890.00	1,890.00
Assistant Engineer	1,197.00	1,197.00
Assistant Engineer (2)	1,890.00	1,890.00
Shoe Maker	756.00	756.00
Dentist (periodic)	1,200.00	1,200.00
Miscellaneous Day Labor (periodic)	500.00	500.00
Attendants	61,320.00	61,320.00
Total Salaries and Wages	$120,779.00	$120,779.00
Operation	$120,000.00	$120,000.00

Travel	1,000.00	1,000.00
Repairs and Replacements	6,000.00	6,000.00
Capital Investment:		
2 Typewriters	150.00	
Wards and Household	2,000.00	2,000.00
Laboratory	300.00	300.00
X-Ray Unit with Table and Fleuroscope complete	2,900.00	
3 Hand Lawn Mowers	50.00	50.00
Dairy Cows		1,000.00
1 Bull	100.00	
1 Boar	50.00	
2 Sets Harness, complete	110.00	
1 Single Row Hand Planter	20.00	
1 6″ moleboard Walking Plow	12.50	
1 4-Section Harrow with drawbar, 120 teeth	66.50	
1 Pressure Drill with Bits	27.80	
1 Sulkey Plow, 14″ Moleboard	85.50	
1 Perfection Sprayer, for garden	7.00	
1 Tip Top Duster, for garden	16.50	

Carpenter Tools	150.00	
2 Milking Units, complete	220.00	
1 Cream Separator	150.00	
300 ft. Fire Hose with couplings	300.00	
1 Electric Drill, size ¾″ type wappet, with chuck, and one Drill Post for same	111.00	
Laundry Machinery	5,000.00	
1 New Water Storage Tank	360.00	
1 Air Compressor Unit	100.00	
Portable Electric Arc Welder	150.00	
Total Capital Investment	$ 12,436.80	$ 3,350.00
Total Appropriation	$260,215.80	$251,129.00
	$511,344.80	

Subdivision 10. ANIMAL HUSBANDRY.

For the Livestock Sanitary Commission for cooperation with the United States Bureau of Animal Industry for the eradication of tuberculosis in cattle.

	For the 26th Fiscal Year	For the 27th Fiscal Year
For Salaries and Wages;		

for Operation; for Travel:

Lump Sum Appropriation	$ 7,500.00	$ 12,500.00
	$20,000.00	

The said appropriation is made subject to the condition that, at least, a like amount shall be alloted to this State by the Federal Government and expended concurrently with this appropriation.

Subdivision 11. ARIZONA COPPER TARIFF BOARD.

	For the 26th Fiscal Year	For the 27th Fiscal Year
For Salaries and Wages; for Operation; for travel:		
Lump Sum Appropriation	$ 1,250.00	$ 1,250.00
	$ 2,500.00	

Subdivision 12. ATTORNEY GENERAL.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Salary—Attorney General	$ 5,225.00	$ 5,500.00
Special Ass't Attorney General	5,000.00	5,000.00
Assistant Attorney	3,600.00	3,600.00

Assistant Attorney	3,600.00	3,600.00
Assistant Attorney	3,000.00	3,000.00
Assistant Attorney	3,000.00	3,000.00
Assistant Attorney	3,000.00	3,000.00
Chief Stenographer-Secretary	2,100.00	2,100.00
Stenographers, (4 at $1,800.00)	7,200.00	7,200.00
Total Salaries	$ 35,725.00	$ 36,000.00
Operation	4,000.00	4,000.00
Travel	1,000.00	1,000.00
Capital Investment	1,500.00	750.00
Total Appropriation	$ 42,225.00	$ 41,750.00
	$ 83,975.00	

Subdivision 13. BANKING DEPARTMENT.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Superintendent	$ 5,000.00	$ 5,000.00
Examiner	3,000.00	3,000.00
Secretary	2,000.00	2,000.00
Total Salaries and Wages	10,000.00	10,000.00

Operation	1,000.00	1,000.00
Travel	1,500.00.	1,500.00
Capital Investment	250.00	250.00
Total Appropriation	$ 12,750.00	$ 12,750.00
	$ 25,500.00	

Subdivision 14. BOARD OF DIRECTORS, STATE INSTITUTIONS.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Secretary	$ 4,800.00	$ 4,800.00
Stenographer	1,800.00	1,800.00
Order Clerk	2,400.00	2,400.00
Bookkeeper	2,400.00	2,400.00
Typist	1,200.00	1,200.00
Total Salaries and Wages	$ 12,600.00	$ 12,600.00
Operation	2,300.00	2,300.00
Preparation and printing of biennial report	100.00	600.00
Travel	300.00	300.00
Capital Investment	500.00	100.00
Motor Vehicles	700.00	
Total Appropriation	$ 16,500.00	$ 15,900.00
	$ 32,400.00	

Subdivision 15. BOARD OF HEALTH AND CHILD HYGIENE.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Board of Health and Vital Statistics:		
Salary—Superintendent and Registrar	$ 3,600.00	$ 3,600.00
Other Salaries and Wages	9,900.00	9,900.00
Total Salaries and Wages	13,500.00	13,500.00
Operation	3,775.00	3,775.00
Travel	300.00	300.00
Capital Investment	250.00	250.00
Total Appropriation	$ 17,825.00	$ 17,825.00
Child Hygiene:		
Salaries and Wages	11,550.00	11,550.00
Operation	700.00	700.00
Travel	1,500.00	1,500.00
Capital Investment	300.00	50.00
Co-operating Health Units	6,000.00	6,000.00
Total Appropriation	$ 20,050.00	$ 19,800.00
Grand Total Appropriation	37,875.00	37,625.00
	$ 75,500.00	

Subdivision 16. BOARD OF PARDONS AND PAROLES.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salary—Chairman (per diem) (96 days at $7.00 per diem)	$ 1,428.00	$ 1,428.00
Supervisor of Paroles	672.00	672.00
Salary—Secretary	1,620.00	1,620.00
Total Salaries	$ 3,720.00	$ 3,720.00
Operation	500.00	500.00
Travel	500.00	500.00
Capital Investment	100.00	100.00
Total Appropriation	$ 4,820.00	$ 4,820.00
	$ 9,640.00	

Subdivision 17. BUREAU OF CRIMINAL IDENTIFICATION.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Salary—Superintendent	$ 3,600.00	$ 3,600.00
Assistant Superintendent	2,400.00	2,400.00
Total Salaries and Wages	6,000.00	6,000.00
Operation	500.00	500.00

Capital Investment:

Typewriter	110.00	
1 8x8″ Case	121.60	
1 Letter File Case	35.00	
1 3x5 Case (8 drawers)	110.00	
1 5x8 Case	12.50	
1 32MM Micro Tesser	36.00	
1 f 4.5, 7½ f.1	62.00	
Total Capital Investment	$ 487.10	
Total Appropriation	$ 6,987.10	$ 6,500.00
	$ 13,487.10	

Subdivision 18. CAPITOL BUILDINGS AND GROUNDS.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Salary—Custodian	$ 2,400.00	$ 2,400.00
Watchman (3 at $1,350.00 each)	4,050.00	4,050.00
Watchman—Periodic	168.75	168.75
Engineer	1,920.00	1,920.00
Elevator Operator	1,080.00	1,080.00
Maid	972.00	972.00
Head Gardener	1,620.00	1,620.00

Janitors (6 at $972.00 each)	5,832.00	5,832.00
Janitor—Periodic	283.50	283.50
Porter	1,455.00	1,455.00
Labor—Periodic	4,218.75	4,218.75
Total Salaries and Wages	$ 24,000.00	$ 24,000.00
Operation	10,000.00	10,000.00
Repairs and Replacements	1,200.00	1,200.00
Total Appropriation	$ 35,200.00	$ 35,200.00
	$ 70,400.00	

Subdivision 19. CARE OF GIRL JUVENILE OFFENDERS.

	For the 26th Fiscal Year	For the 27th Fiscal Year
For the use of the Board of Directors of State Institutions for the payment of such contracts as are entered into by the Board for the detention, confinement, education, employment, reformation, treatment and disciplining of the State's Girl Juvenile Offenders	$ 30,000.00	$ 35,000.00
	$ 65,000.00	

Subdivision 20. COMMISSION OF AGRICULTURE & HORTICULTURE.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Commission Members (3)	$ 900.00	$ 900.00
State Entomologist	3,000.00	3,000.00
Secretary and Chief Clerk	2,100.00	2,100.00
District Entomologist—Yuma	2,400.00	2,400.00
Assistant Entomologist—Phoenix	2,000.00	2,000.00
District Inspector—Safford	1,800.00	1,800.00
District Inspector—Tucson	1,800.00	1,800.00
District Inspector—Phoenix	1,800.00	1,800.00
Crop Pest Inspector—Phoenix, South Side)	1,500.00	1,500.00
Market Inspector—Phoenix	1,500.00	1,500.00
Nursery Inspector	1,500.00	1,500.00
Stenographer	1,440.00	1,440.00
Record Clerk	1,440.00	1,440.00
Miscl. Crop Pest Inspectors (periodic)	1,600.00	1,600.00

Field Apiary Inspectors (periodic)	2,500.00	2,500.00
Road Inspectors (in charge)	14,120.00	14,120.00
Road Inspectors (26 at $1,390.25)	36,146.50	36,146.50
Total Salaries and Wages	$ 77,546.50	$ 77,546.50
Operation	6,000.00	6,000.00
Travel:		
Transportation	4,000.00	4,000.00
Subsistence and Miscellaneous	2,000.00	2,000.00
Total Travel	6,000.00	6,000.00
Capital Investment:		
New Equipment	250.00	250.00
Motor Vehicle	700.00	700.00
Repairs and Replacements	1,000.00	500.00
Total Appropriation	$ 91,496.50	$ 90,996.50
	$182,493.00	

Subdivision 21. CORPORATION COMMISSION.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Administrative Division:		
Salaries:		

Commissioners (3)	$ 12,825.00	$ 13,500.00
Secretary	2,700.00	2,700.00
Total Salaries	$ 15,525.00	$ 16,200.00
Operation	200.00	200.00
Travel	2,500.00	2,500.00
Total Administrative Division	$ 18,225.00	$ 18,900.00
Incorporating Division:		
Salaries:		
Chief Clerk	$ 2,040.00	$ 2,040.00
Stenographer	1,680.00	1,680.00
Clerk	1,715.00	1,715.00
Total Salaries	$ 5,435.00	$ 5,435.00
Operation	1,800.00	1,800.00
Capital Investment	200.00	200.00
Total Incorporating Division	$ 7,435.00	$ 7,435.00
Investment Division:		
Salaries:		
Examiner	2,400.00	2,400.00
Chief Clerk	1,680.00	1,680.00
Total Salaries	$ 4,080.00	$ 4,080.00

Operation	50.00	50.00
Travel	200.00	200.00
Capital Investment	125.00	75.00
Total Investment Division	$ 4,455.00	$ 4,405.00
Insurance Division:		
For Salaries; for Operation; for Travel; for Capital Investment;		
Lump Sum Appropriation	$ 5,860.00	$ 5,780.00
Rate Division:		
Salaries:		
Rate Expert	2,520.00	2,520.00
Stenographer	1,800.00	1,800.00
	$ 4,320.00	$ 4,320.00
Operation	100.00	100.00
Capital Investment	95.00	
Total Rate Division	$ 4,515.00	$ 4,420.00
Public Utility Division:		
Salaries:		
Engineer	2,520.00	2,520.00
Stenographer	1,800.00	1,800.00
Total Salaries	4,320.00	4,320.00

Operation	250.00	250.00
Travel	200.00	200.00
Capital Investment	95.00	
Total Public Utility Division	$ 4,865.00	$ 4,770.00
Motor Vehicle Division:		
Salaries:		
Chief Clerk	$ 2,220.00	$ 2,220.00
Clerks (3 at $1,800.00)	5,400.00	5,400.00
Clerks (3 at $1,680.00)	5,040.00	5.040.00
Inspectors (3 at $1,800.00)	5,400.00	5,400.00
Total Salaries	$ 18,060.00	$ 18,060.00
Operation	1,500.00	1,500.00
Capital Investment	200.00	200.00
Total Motor Vehicle Division	$ 19,760.00	$ 19,760.00
Miscellaneous:		
Salaries:		
Reception Clerk	1,680.00	1,680.00
Work Supervisor	2,280.00	2,280.00
Information Clerk	1,680.00	1,680.00

Reporter	2,400.00	2,400.00
Total Miscellaneous	$ 8,040.00	$ 8,040.00
Total Appropriation	$ 73,155.00	$ 73,510.00
	$146,665.00	

Subdivision 22. DAIRY COMMISSIONER.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries:		
Commissioner	$ 3,000.00	$ 3,000.00
Deputy	2,400.00	2,400.00
Stenographer	1,500.00	1,500.00
Stenographer—periodic	50.00	50.00
Special Deputies	1,200.00	1,200.00
Total Salaries and Wages	$ 8,150.00	$ 8,150.00
Operation	450.00	450.00
Travel	2,600.00	2,600.00
Total Appropriation	$ 11,200.00	$ 11,200.00
	$ 22,400.00	

Subdivision 23. FRUIT AND VEGETABLE STANDARDIZATION ACT.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salary—Supervisor	$ 3,000.00	$ 3,000.00
Other Salaries and Wages	1,320.00	1,320.00
Operation	680.00	680.00
Total Appropriation	$ 5,000.00	$ 5,000.00
	$ 10,000.00	

Subdivision 24. GOVERNOR.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salary—Governor	$ 7,125.00	$ 7,500.00
Other Salaries and Wages	15,600.00	15,600.00
Total Salaries and Wages	$ 22,725.00	$ 23,100.00
Operation	5,000.00	5,000.00
Travel	1,800.00	1,800.00
Capital Investment:		
Motor Vehicle	2,000.00	
New Equipment	250.00	250.00
Total Capital Investment	$ 2,250.00	$ 250.00

Contingent Fund	7,500.00	7,500.00
Rewards	1,000.00	1,000.00
Audits of Auditor's Office, Loan Commission and State Land Department	2,500.00	2,500.00
Total Appropriation	$ 42,775.00	$ 41,150.00
	$ 83,925.00	

Subdivision 25. INDUSTRIAL COMMISSION.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Industrial Commission		
Salaries—Commissioners (3)	$ 12,000.00	$ 15,000.00
Enforcement of Labor Laws:		
Salaries and Wages:		
Manager	3,000.00	3,000.00
Electrical Inspector	2,400.00	2,400.00
Construction Inspector	2,400.00	2,400.00
Stenographer	1,500.00	1,500.00
Total Salaries and Wages	$ 21,300.00	$ 24,300.00
Operation	500.00	500.00
Travel	2,500.00	2,500.00
Total Appropriation	$ 24,300.00	$ 27,300.00
	$ 51,600.00	

Subdivision 26. INSPECTOR OF WEIGHTS & MEASURES.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salary—Inspector	$ 2,000.00	$ 2,000.00
Operation	500.00	500.00
Travel	1,000.00	1,000.00
Capital Investment—Motor Vehicle	700.00	
Total Appropriation	$ 4,200.00	$ 3,500.00
	$ 7,700.00	

Subdivision 27. INSURANCE PREMIUMS.

	For the 26th Fiscal Year	For the 27th Fiscal Year
For Premiums: Exclusive of the State Highway Department and Governor's Relief	$ 20,000.00	$ 20.000.00
To Cover Certificate of Indebtedness	71,129.30	
Total Appropriation	$ 91,129.30	$ 20,000.00
	$111,129.30	

Subdivision 28. INTEREST ON PUBLIC DEBT.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Interest:		

State and Territorial Bonds; Tax Anticipation Bonds; Registered Warrants:		
Lump Sum Appropriation	$ 43,073.26	$ 42,173.26
	$ 85,246.52	

Subdivision 29. JUNIOR COLLEGES.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Junior College—Thatcher	$ 15,000.00	$ 15,000.00
Junior College—Phoenix	15,000.00	15,000.00
Total Appropriation	$ 30,000.00	$ 30,000.00
	$ 60,000.00	

No part of the said state aid shall be expended for the construction or repair of buildings, or the purchase of grounds or equipment.

Subdivision 30. LAW AND LEGISLATIVE REFERENCE LIBRARY.

	For the 26th Fiscal Year	For the 27th Fiscal Year
For salaries and wages; for operation; for travel; for capital investment; for repairs and replacements:		
Lump Sum Appropria-		

tion	$ 21,400.00	$ 20,800.00
	$ 42,200.00	

Subdivision 31. LIVE STOCK SANITARY COMMISSION.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Commissioners—per diem	$ 1,200.00	$ 1,200.00
Secretary	2,880.00	2,880.00
Brand Clerk	2,280.00	2,280.00
Bookkeeper	1,860.00	1,860.00
Stenographer	1,450.00	1,450.00
Field man	600.00	600.00
Inspectors	86,200.00	86,200.00
State Inspector	3,000.00	3,000.00
Total salaries and wages	$ 99,470.00	$ 99,470.00
Operation	3,100.00	3,100.00
Travel	1,200.00	1,200.00
Total Appropriation	$103,770.00	$103,770.00
	$207,540.00	

Subdivision 32. LOAN COMMISSION.

	For the 26th Fiscal Year	For the 27th Fiscal Year
For Operation; for Travel:		

Lump Sum Appropriation	$ 900.00	$ 900.00
	$ 1,800.00	

Subdivision 33. NATIONAL GUARD.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salary—Adjutant General	$ 3,600.00	$ 3,600.00
Other Salaries and Wages:		
State Quartermaster	2,100.00	2,100.00
Executive Officer	2,100.00	2,100.00
Personnel Officer	2,100.00	2,100.00
Assistant Quartermaster	2,100.00	2,100.00
Stenographer	1,200.00	1,200.00
Caretaker—Arsenal	1,200.00	1,200.00
Caretaker—Fort Tuthill	1,200.00	1,200.00
Rangekeeper—Phoenix	300.00	300.00
Periodic Day Labor	400.00	400.00
Total Salaries and Wages	$ 16,300.00	$ 16,300.00
Operation	8,000.00	8.000.00
Travel	2,000.00	2,000.00
Capital Investment	500.00	500.00
Repairs and Replacements	3,500.00	3,500.00
Contingent property allowance	1,500.00	1,500.00

Rental of Armories	4,000.00	4,000.00
Officers' Clothing Allowance	5,100.00	5,100.00
Unit Allowance	14,580.00	14,580.00
158th Infantry Allowance	1,200.00	1,200.00
Pay of enlisted men, field training	19,000.00	19,000.00
Total Appropriation	$ 75,680.00	$ 75,680.00
	$151,360.00	

For emergencies not provided for, viz; courts martial, investigations, funerals, medical attention, etc., and to equalize errors in estimates, the auditor and treasurer are authorized upon the request of the adjutant general approved by the governor, to transfer not to exceed ten per cent of monies appropriated under any item, to any other item, excepting salaries, in order that no deficiency may be necessary at the close of the fiscal years ending June 30, 1938, and June 30, 1939.

Subdivision 34. PIONEERS' HISTORICAL SOCIETY.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salary—Secretary	$ 1,200.00	$ 1,200.00
Operation	800.00	800.00
Total Appropriation	$ 2,000.00	$ 2,000.00
	$ 4,000.00	

Subdivision 35. PRESCOTT HISTORICAL SOCIETY.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Preservation and repair of Gubernatorial Mansion at Prescott; for salaries; for operation; for capital investment:		
Lump Sum Appropriation	$ 2,250.00	$ 2,250.00
	$ 4,500.00	

Subdivision 36. PREDATORY ANIMALS.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages	$ 10,000.00	$ 10,000.00
	$ 20,000.00	

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 37. REDEMPTION OF PUBLIC DEBT.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Bond Redemption:		
State	$ 10,000.00	$ 10,000.00

County	20,000.00	20,000.00
Total Bond Redemption	$ 30,000.00	$ 30,000.00
	$ 60,000.00	

Subdivision 38. RODENT CONTROL.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages	$ 10,500.00	$ 10,500.00
	$ 21,000.00	

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 39. SECRETARY OF STATE.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salary—Secretary	$ 4,750.00	$ 5,000.00
Other Salaries and Wages:		
Assistant Secretary of State	3,300.00	3,300.00
Chief Clerk and Bookkeeper	2,100.00	2,100.00
Stenographers (6 at $1,800.00)	10,800.00	10,800.00
Total salaries and wages	$ 20,950.00	$ 21,200.00
Operation	2,500.00	2,500.00

Expense of preparing and printing first special session laws 1936	2,500.00	
Expense of preparing and printing regular session laws of 1937	3,500.00	
Expense — preparing and printing and distributing Initiative & Referendum Publicity	5,000.00	12,000.00
Total Appropriation	$ 34,450.00	$ 35,700.00
	$ 70,150.00	

Subdivision 40. SHEEP SANITARY COMMISSION.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Inspectors (3 at $1,500.00 each)	$ 4,500.00	$ 4,500.00
Stenographer-Secretary	1,500.00	1,500.0
Total salaries and wages	$ 6,000.00	$ 6,000.00
Operation	200.00	200.00
Travel	2,400.00	2,400.00
Total Appropriation	$ 8,600.00	$ 8,600.00
	$ 17,200.00	

Subdivision 41. STATE AUDITOR.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salary—Auditor	$ 4,275.00	$ 4,500.00
Other salaries and wages:		
Deputy State Auditor or Chief Clerk	3,600.00	3,600.00
Field Auditors (2 at $2,400.00 each)	4,800.00	4,800.00
Accountant	3,000.00	3,000.00
Warrant Registrar	2,100.00	2,100.00
Bookkeeper	2,280.00	2,280.00
Assistant Bookkeeper	2,100.00	2,100.00
Warrant Clerk	1,800.00	1,800.00
Assistant Warrant Clerk	1,800.00	1,800.00
Statistician	1,920.00	1,920.00
Stenographer	1,800.00	1,800.00
Pension Clerk	1,500.00	1,500.00
Claim Clerk	1,500.00	1,500.00
Assistant Pension Clerk	1,500.00	1,500.00
Total salaries and wages	$ 33,975.00	$ 34,200.00
Operation	2,000.00	2,000.00
Travel	450.00	450.00
Repairs and Replacements	150.00	150.00

Capital Investment	2,500.00	
Total Auditor's Office	$ 39,075.00	$ 36,800.00
Auditing Division:		
Salaries:		
2 Senior Accountants at $3,600.00	7,200.00	7,200.00
2 Junior Accountants at $2,400.00	4,800.00	4,800.00
1 Stenographer	1,500.00	1,500.00
Total Salaries	$ 13,500.00	$ 13,500.00
Operation	500.00	500.00
Travel	1,000.00	1,000.00
Printing Reports	1,000.00	1,000.00
Capital Investment:		
1 Typewriter	128.06	
2 Adding & Calculating Machines	1,070.00	
	1,198.06	
Total Auditing Division	$ 17,198.06	$ 16,000.00
Property Inventory Division:		
Salaries:		
Inventory Clerk	3,000.00	3,000.00

Checkers (periodic)	2,400.00	2,400.00
Total Salaries	$ 5,400.00	$ 5,400.00
Operation	500.00	500.00
Travel	1,000.00	1,000.00
Capital Investment	1,663.06	
Printing Reports		500.00
Total Property Inventory Division	$ 8,563.06	$ 7,400.00
Total Appropriation	$ 64,836.12	$ 60,200.00
	$125,036.12	

Subdivision 42. STATE EXAMINER.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Salary— Examiner	$ 2,500.00	$ 2,500.00
Deputy Examiners (3 at $2,300.00)	6,900.00	6,900.00
Stenographer	1,400.00	1,400.00
Extra Help	600.00	600.00
Total Salaries and Wages	$ 11,400.00	$ 11,400.00
Operation	750.00	750.00
Travel	6,900.00	6,900.00

Capital Investment	225.00	225.00
Total Appropriation	$ 19,275.00	$ 19,275.00
	$ 38,550.00	

Subdivision 43. STATE FAIR COMMISSION.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Salary—Secretary to the Fair Commission	$ 2,400.00	$ 2,400.00
Salary—Caretaker	1,200.00	1,200.00
Total Salaries and Wages	$ 3,600.00	$ 3,600.00
Operation	750.00	750.00
Insurance	2,124.26	1,455.02
Total Appropriation	$ 6,474.26	$ 5,805.02
	$ 12,279.28	

Subdivision 44. STATE HISTORIAN.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salary—Historian	$ 2,400.00	$ 2,400.00
Operation	200.00	200.00
Travel	300.00	300.00
Capital Investment	50.00	50.00

Repairs and Replacements	75.00	75.00
Total Appropriation	$ 3,025.00	$ 3,025.00
	$ 6,050.00	

Subdivision 45. STATE LABORATORY.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Salary—Director	$ 2,520.00	$ 2,520.00
Bacteriologist (Phoenix)	1,800.00	1,800.00
Ass't Bacteriologist (Tucson)	1,800.00	1,800.00
Stenographer (Phoenix)	1,000.00	1,000.00
Stenographer (Tucson)..	1,000.00	1,000.00
Periodic Help	500.00	500.00
Total salaries and wages	$ 8,620.00	$ 8,620.00
Operation	1,500.00	1,500.00
Travel	200.00	200.00
Capital Investment	450.00	450.00
Repairs and Replacements	250.00	200.00
Total Appropriation	$ 11,020.00	$ 10,970.00
	$ 21,990.00	

Subdivision 46. STATE LAND COMMISSION.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Salary—Commissioner	$ 3,600.00	$ 3,600.00
Deputy Commissioner	3,000.00	3,000.00
Secretary to the Commissioner	1,800.00	1,800.00
Secretary—Real Estate Department	2,400.00	2,400.00
Stenographer (Dep. & Real Est. Secy.)	1,800.00	1,800.00
Engineer	2,600.00	2,600.00
Appraiser and Field man	2,400.00	2,400.00
Appraiser and Field man	1,800.00	1,800.00
Selection Clerk	1,920.00	1,920.00
Chief Accountant	2,160.00	2,160.00
Cashier	2,100.00	2,100.00
Bookkeeper	1,620.00	1,620.00
Chief Clerk, Leasing Department	1,920.00	1,920.00
Stenographer	1,620.00	1,620.00
Clerk & Typist (2 at $1,620.00)	3,240.00	3,240.00
Clerk & Typist (3 at $1,500.00)	4,500.00	4,500.00

Lumbermen and Fire Guards	2,500.00	2,500.00
	$ 40,980.00	$ 40,980.00
Operation	8,500.00	8,500.00
Travel	2,000.00	2,000.00
Capital Investment	1,000.00	1,000.00
Motor Vehicles—2	1,500.00	
Repairs and Replacements	300.00	300.00
General Expense in co-operating with the Federal Government working out the provisions of the Taylor Grazing Act.	5,000.00	5,000.00
Total Appropriation	$ 59,280.00	$ 57,780.00

$117,060.00

Subdivision 47. STATE LOAN BOARD.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Secretary	$ 2,550.00	$ 2,550.00
Stenographer	1,500.00	1,500.00
Total salaries and wages	$ 4,050.00	$ 4,050.00
Operation	1,400.00	1,400.00

Travel	1,000.00	1,000.00
Total Appropriation	$ 6,450.00	$ 6,450.00
	$ 12,900.00	

Subdivision 48. STATE MINE INSPECTOR.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salary—Mine Inspector	$ 4,275.00	$ 4,500.00
Other salaries and wages:		
Deputies (3 at $2,400.00)	7,200.00	7,200.00
Secretary	1,800.00	1,800.00
Total salaries and wages	$ 13,275.00	$ 13,500.00
Operation	1,000.00	1,000.00
Travel	5,000.00	5,000.00
Total Appropriation	$ 19,275.00	$ 19,500.00
	$ 38,775.00	

Subdivision 49. STATE TAX COMMISSION.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Salaries—Commissioners (3)	$ 12,825.00	$ 13,500.00
Secretary and Auditor	2,700.00	2,700.00

Stenographers (2 at $1,800.00)	3,600.00	3,600.00
Total salaries and wages	$ 19,125.00	$ 19,800.00
Operation	500.00	1,000.00
Travel	1,000.00	1,000.00
Capital Investment	200.00	200.00
Repairs and Replacements	200.00	200.00
Total State Tax Comsion	$ 21,025.00	$ 22,200.00
	$ 43,225.00	

Income Tax Division:

For salaries and wages; for operation; for travel; for capital investment; for repairs and replacements: Lump Sum Appropriation	$ 10,000.00	$ 10,000.00
	$ 20,000.00	

Chapter 8, Laws First Special Session, 1933, as amended by Chapter 80, Laws of 1935, Regular Session, appropriates an amount equal to 4% of the total revenues collected during each calendar year, or fraction thereof, as determined from the receipts therefrom by the State Treasurer, which appropriation is exclusive of and in addition to the appropriation herein contained.

SALES TAX DIVISION

Chapter 77, Laws of the Regular Session, Twelfth Legislature, 1935. 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 4% of the taxes collected each month hereunder, which appropriation shall be credited by the State Treasurer to a fund to be known as the license fee and privilege tax administration fund.

LUXURY TAX DIVISION

Chapter 78, Laws of the Regular Session, Twelfth Legislature, 1935. 4% of all moneys received under the provisions of this Act, which shall be credited to a special fund to be known as the Luxury Tax Administration Fund, based upon monthly collections.

LIQUOR LICENSE DIVISION

Chapter 46, Laws of the Regular Session, Twelfth Legislature, 1935. $35,000.00 per year, beginning January 1, 1936, out of the funds collected under the provisions of said chapter, which shall be credited to a special fund to be known as the Liquor License Administration Fund.

Total Appropriation	$ 31,025.00	$ 32,220.00
		$ 63,225.00

Subdivision 50. STATE TREASURER.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Salary—Treasurer	$ 4,275.00	$ 4,500.00
Deputy	3,300.00	3,300.00
Chief Clerk	2,000.00	2,000.00
Bookkeeper	2,400.00	2,400.00
Assistant Bookkeeper	1,800.00	1,800.00
Stenographer	1,800.00	1,800.00
Securities Clerk	2,100.00	2,100.00
Total salaries and wages	$ 17,675.00	$ 17,900.00
Operation	3,200.00	3,200.00
Travel	100.00	100.00
Capital Investment	200.00	200.00
Repairs and Replacements	100.00	100.00
State Treasurer—Estate Tax Division:		
For salaries and wages; for operation; for capital investment; for repairs and replacements; for travel:		
Lump Sum Appropriation	12,000.00	
Total Appropriation	$ 33,275.00	$ 21,500.00
	$ 54,775.00	

Subdivision 51. STATE VETERINARIAN.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salary—Veterinarian	$ 3,000.00	$ 3,000.00
Operation	450.00	450.00
Travel	1,000.00	1,000.00
Total Appropriation	$ 4,450.00	$ 4,450.00
	$ 8,900.00	

Subdivision 52. STATE WATER COMMISSION.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Commissioner	$ 4,000.00	$ 4,000.00
Ass't Commissioner & Secretary	2,700.00	2,700.00
Engineer	3,000.00	3,000.00
Assistant Engineer	2,700.00	2,700.00
Stenographer-Bookkeeper	2,000.00	2,000.00
Stenographer	1,800.00	1,800.00
Stenographer	1,500.00	1,500.00
Total salaries and wages	$ 17,700.00	$ 17,700.00
Operation	2.500.00	2,000.00
Travel	2,500.00	2,500.00
Capital Investment	1,300.00	300.00

Motor Vehicle	1,000.00	
Stream Gauging To be expended in cooperation with the U. S. Geological Survey, and upon the condition that the United States will contribute an amount equal to that expended by the State for such purpose.	15,000.00	15,000.00
Total Appropriation	$ 40,000.00	$ 37,500.00
	$ 77,500.00	

Subdivision 53. SUPERIOR COURT.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries—Judges	$ 38,825.00	$ 41,000.00
Court Commissioners (periodic)	250.00	250.00
Total Appropriation	$ 39,075.00	$ 41,250.00
	$ 80,325.00	

Subdivision 54. SUPREME COURT.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Salaries—Judges (3)	$ 24,225.00	$ 25,500.00
Clerk	3,420.00	3,600.00

Reporter—Decisions	1,140.0	1,200.00
Stenographers (3 at $2,100.00 each)	6,300.00	6,300.00
Total salaries and wages	$ 35,085.00	$ 36,600.00
Operation	1,200.00	1,200.00
Travel:		
Superior Judges sitting in this Court	150.00	150.00
Miscellaneous Requirements:		
Printing Reports	2,000.00	2,000.00
Printing Reports:		
Volumes 46 and 47 now on Press necessary by July 1, 1937, (back volumes for which there is no appropriation)	2,000.00	
Total Miscellaneous	$ 4,000.00	$ 2,000.00
Total Appropriation	$ 40,435.00	$ 39,950.00
	$ 80,385.00	

Subdivision 55. VETERANS' RELIEF COMMISSION.

	For the 26th Fiscal Year	For the 27th Fiscal Year
For relief of veterans pur-		

suant to law	$ 5,500.00	$ 5,500.00
	$ 11,000.00	

Subdivision 56. VETERANS' SERVICE OFFICER.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Salaries and Wages:		
Salary—Veterans Service Officer	$ 3,000.00	$ 3,000.00
Stenographer	1,440.00	1,440.00
Total salaries and wages	$ 4,440.00	$ 4,440.00
Operation	60.00	60.00
Special Review of Veterans' Cases:		
Salaries and Wages:		
Case Reviewers (3 at $150.00 mo. for 6 mo.)	2,700.00	
Stenographer (6 mo. at $100 per mo.)	600.00	
Operation: Material and Supplies	200.00	
Total Special Review Veterans' Cases	$ 3,500.00	
Travel	1,000.00	1,000.00
Capital Investment:		
Desk & Chair, typewrit-		

er & filing cabinet.....	250.00	
Total Capital Investment	$ 250.00	
Total Appropriation	$ 9,250.00	$ 5,500.00
	$ 14,750.00	

Subdivision 57. OLD AGE PENSIONS.

	For the 26th Fiscal Year	For the 27th Fiscal Year
Pensions	$900,000.00	$900,000.00
	$1,800,000.00	

Subdivision 58. ARIZONA GAME AND FISH COMMISSION.

The amount of ninety per cent 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. 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 59. BOARD OF ACCOUNTANCY.

The amount of ninety per cent of all fees and receipts from whatever source received by the Board of Accountancy, 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 60. BOARD OF BARBERS.

The amount of ninety per cent of all fees and receipts from whatever source received 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; operations; 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 61. BOARD OF COSMETICIANS.

The amount of ninety per cent of all fees and receipts from whatever source received 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 62. BOARD OF CHIROPRACTIC EXAMINERS.

The amount of ninety per cent of all fees and receipts from whatever source reseived 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 63. 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 64. 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 in-

vestment; 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 65. 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 66. BOARD OF NATUROPATHIC EXAMINERS.

The amount of ninety per cent of all fees and receipts from whatever source received by the Board of Naturopathic 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 67. 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 68. 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 69. 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 70. BOARD OF EXAMINERS IN PHOTOGRAPHY.

The amount of ninety per cent of all fees and receipts from whatever source received by the Board of Examiners in Photography, 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 71. BOARD OF TECHNICAL REGISTRATION.

The amount of ninety per cent of all fees and receipts from whatever source received by the Board of Technical 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 72. REGISTRAR OF CONTRACTORS.

The amount of ninety per cent of all fees and receipts from whatever source received by the Registrar of Contractors, 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 73. ARIZONA STATE EMPLOYMENT SERVICE.

	For the 26th Fiscal Year	For the 27th Fiscal Year
For salaries and wages; for operation; for travel; for capital investment; for repairs and replacements:		
Lump Sum Appropriation	$ 12,500.00	$ 12,500.00
	$ 25,000.00	

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 74. COLORADO RIVER COMMISSION.

	For the 26th Fiscal Year	For the 27th Fiscal Year
For salaries and wages; operation; travel; and capital investment:		
Lump Sum Appropriation	$ 25,000.00	
Total Appropriation	$ 25,000.00	

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 salary, 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. In no case, shall both the husband and wife be included, at the same time, on the pay rolls mentioned in this Act. Provided, however, that physicians at state institutions, persons employed under co-operative 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 bring-

ing 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 monies appropriated herein; and any contract entered into wherein the provisions of this section have not been complied with shall be void; providing 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 23rd, 1937.

CHAPTER 74

(House Bill No. 78)

AN ACT

RELATING TO CRIMINAL PROCEEDINGS, AND PROVIDING FOR SECURING THE ATTENDANCE OF WITNESSES FROM WITHOUT THE STATE.

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

Section 1. SHORT TITLE. This act may be cited as the uniform act to secure the attendance of witnesses from without the state in criminal cases.

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

"witness" means a person whose testimony is desired in any proceeding or investigation by a

grand jury or in a criminal action, prosecution or proceeding;

"state" includes any territory of the United States and the District of Columbia.

Sec. 3. SUMMONING WITNESS IN THIS STATE TO TESTIFY IN ANOTHER STATE. (a) If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in this state certifies under the seal of such court: 1. that there is a criminal prosecution pending in such court, or that a grand jury investigation has commenced or is about to commence, 2. that a person being within this state is a material witness in such prosecution or grand jury investigation, and, 3. that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for a hearing.

(b) If at the hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or grand jury investigation in the other state, and that the laws of the state in which the prosecution is pending, or grand jury investigation has commenced or is about to commence, will give to him protection from arrest and the service of civil and criminal process, he shall issue a summons, with a copy of the certificate at-

tached, directing the witness to attend and testify in the court where the prosecution is pending, or where a grand jury investigation has commenced or is about to commence, at a time and place specified in the summons. In any such hearing the certificate shall be prima facie evidence of all the facts stated therein.

(c) If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in such state, the judge may, in lieu of notification of the hearing, direct that such witness be forthwith brought before him for said hearing; and the judge at the hearing being satisfied of the desirability of such custody and delivery, for which determination the certificate shall be prima facie proof of such desirability may, in lieu of issuing subpoena or summons, order that said witness be forthwith taken into custody and delivered to an officer of the requesting state.

(d) If the witness, who is summoned as above provided, after being paid or tendered by some properly authorized person the sum of ten cents a mile for each mile and five dollars for each day that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of a witness who disobeys a summons issued from a court of record in this state.

Sec. 4. WITNESS FROM ANOTHER STATE SUMMONED TO TESTIFY IN THIS STATE. (a) If a person in any state, which by its laws has

made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence, in this state, is a material witness in a prosecution pending in a court of record in this state, or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

(b) If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of this state to assure his attendance in this state, such judge may direct that such witness be forthwith brought before him; and the judge being satisfied of the desirability of such custody and delivery, for which determination said certificate shall be prima facie proof, may order that said witness be forthwith taken into custody and delivered to an office of this state, which order shall be sufficient authority to such officer to take such witness into custody and hold him unless and until he may be released by bail, recognizance, or order of the judge issuing the certificate.

(c) If the witness is summoned to attend and testify in this state he shall be tendered the sum of ten cents a mile for each mile and five dollars for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this state

a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If such witness fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

Sec. 5. EXEMPTION FROM ARREST AND SERVICE OF PROCESS. (a) If a person comes into this state in obedience to a summons directing him to attend and testify in this state he shall not while in this state pursuant to such summons or order be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

(b) If a person passes through this state while going to another state in obedience to a summons or order to attend and testify in that state or while returning therefrom, he shall not while so passing through this state be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons or order.

Sec. 6. UNIFORMITY OF INTERPRETATION. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it.

Sec. 7. SEVERABILITY. If any provision of this act be held invalid, such invalidity shall not effect other provisions which can be given effect

without the invalid provisions, and to this end the provisions of the act are declared to be severable.

This bill having remained with the governor ten days Sundays excluded, after the final adjournment of the legislature, and not having been filed with his objections, has become a law this 25th day of March, A. D. 1937.

JAMES H. KERBY,

Secretary of State.

CHAPTER 75

(House Bill No. 101)

AN ACT

RELATING TO THE DUTIES OF COUNTY TREASURERS, AND AMENDING ARTICLE 7, CHAPTER 16, REVISED CODE OF 1928, BY ADDING SECTION 864a.

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

Section 1. Article 7, chapter 16, Revised Code of 1928, is amended by adding section 864a:

864a. CORRECTION OF ERRORS. (a) When an error appearing in the accounts of the county treasurer, excepting the tax rolls, comes to the notice of such officer, he shall, if the error was

made not more than fifteen years prior thereto, immediately correct the same, and place on the margin of the book in which the original entry of such error appears and opposite the correction thereof, a notation of the date of such correction and the reason therefor.

(b) In the event that any such correction shall deplete or create a deficit in any fund or account, the treasurer shall show the fund overdrawn, and shall refuse to pay warrants or other evidence of indebtedness issued against the same until the fund is replenished.

This bill having remained with the governor ten days, Sundays excluded, after the final adjournment of the legislature, and not having been filed with his objections, has become a law this 25th day of March, A. D. 1937.

JAMES H. KERBY,

Secretary of State.

CHAPTER 76

(House Bill No. 201)

AN ACT

RELATING TO THE SALE OF MOTOR VEHICLES, TRAILERS AND SEMI-TRAILERS PREVIOUSLY REGISTERED IN ANOTHER STATE OR COUNTRY, AND TO AMEND CHAPTER 31, REVISED CODE OF 1928, BY

ADDING THERETO A NEW SECTION TO BE DESIGNATED SECTION 1653A.

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

Section 1. Chapter 31, revised code of 1928, is hereby amended by adding a section, to be numbered section 1653a, and to read as follows:

1653a. SALE OF VEHICLES REGISTERED IN ANOTHER STATE OR COUNTRY. No person shall engage in the business of bringing motor vehicles, trailers, or semi-trailers previously registered in any other state or country into this state for the purpose of sale unless licensed as provided herein.

Every person engaged or desiring to engage in such business shall file with the vehicle division his verified application upon forms prescribed and furnished by it, accompanied by a fee of one hundred dollars and a bond or bonds, in the penal sum of one thousand dollars, on a form to be approved by the vehicle superintendent, and with a surety company authorized to transact business in this state as surety thereon, and upon which such applicant shall be the principal obligor and the state of Arizona shall be the obligee, conditioned upon compliance with the provisions hereof. Upon the filing of a proper application, accompanied by the fee and the bond or bonds as required herein, the vehicle superintendent shall issue to the applicant a license to engage in the business of bringing motor vehicles, trailers, or semi-trailers previously registered in another state or country into this state for the purpose of sale.

Every person engaged in the business of bringing motor vehicles, trailers, or semi-trailers previously registered in any other state or country into this state, for the purpose of sale, shall within ten days from the date of the sale thereof report such sale to the motor vehicle idvision upon a form to be prescribed and furnished by it, and shall at the same time pay to such division an amount equal to ten percent of the selling price of said vehicle, provided that such amount shall not be paid on more than one sale of any such vehicle.

Any person shall be deemed to be engaged in the business of bringing motor vehicles, trailers or semi-trailers previously registered in another state or country into this state for the purpose of sale who shall in any one day bring into, or cause to be brought into this state for the purpose of sale more than one such vehicle, or who in any one month shall bring into, or cause to be brought into this state for the purpose of sale more than two such vehicles, or who in any one year shall bring into, or cause to be brought into this state for the purpose of sale three or more such vehicles.

The word "sale" as used herein shall mean the transfer or conveyance within this state of the possession, ownership, or to the right to acquire the ownership of any motor vehicle, trailer, or semi-trailer previously registered in any other state or country for a consideration, either in money or other thing of value. Every such vehicle shall be deemed to have been brought into this state for the purpose of sale when brought

in, or caused to be brought in, by a person engaged in the business of bringing such vehicles into this state for the purpose of sale as defined herein.

Every licensee hereunder shall keep within this state a full and complete record of every sale made by him, and such records shall at all times be open to inspection by any officer or agent of this state.

The vehicle superintendent shall cancel the license of every person failing or refusing to comply with the provisions hereof.

All monies collected under the provisions hereof shall be transmitted by the vehicle division to the state treasurer and by him credited to the general fund of the state, except that the fees paid by any applicant for a license hereunder shall be by the state treasurer credited to the state highway fund.

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.

This bill having remained with the governor ten days, Sundays excluded, after the final adjournment of the legislature, and not having been filed with his objections, has become a law this 25th day of March, A. D. 1937.

JAMES H. KERBY,
Secretary of State.

MEMORIALS

HOUSE MEMORIAL NO. 1

A MEMORIAL

RELATING TO A GRANT OF PUBLIC LANDS.

TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

Forty-five per cent of the area of the state of Arizona is embraced in Indian reservations, forest reserves, national parks and monuments, and other forms of withdrawal from entry and settlement.

This vast empire, while adding materially to the cost of maintenance of government, brings no direct revenue to the state and but little to the counties in which certain of the federal reserves lie; prevents development at the hands of private industry, and affords little or no opportunity for the builders of homes.

The state, by reason of this unusual if not unparalleled situation, is deprived of a great and most potent source of revenue, and willing farmers and stockraisers of opportunities which otherwise would be their's of making homes and establishing themselves in life.

Furthermore, practically all of the remaining public lands within the state, lying without these federal reservations, is of a character which does not render it susceptible to title thereto being procured under the United States land laws. The problems of its proper utilization and development could best be met under state laws and through the medium of state administration.

Wherefore your memorialist, the House of Representatives of the State of Arizona, urgently requests:

1. That legislation be enacted granting to the state

of Arizona, the equivalent of two additional sections in each township in the state.

2. That the legislature of Arizona be authorized to provide for the administration of such land in such manner and for such purposes as it may prescribe.

Adopted by the House February 8, 1937.

Filed in the office of Secretary of State February 8, 1937.

HOUSE MEMORIAL NO. 2

A MEMORIAL

RELATING TO THE PROTECTION OF AMERICAN FARM PRODUCTS.

TO THE CONGRESS OF THE UNITED STATES:
Your memorialist respectfully represents:

There is general recognition of the importance of protecting the agricultural industry of the United States against the destructive competition of farm products from foreign countries where, by reason of lower standards of living, and cheap labor, many such products, and particularly those stable in character, may be placed on the market at prices which the American farmer cannot meet.

In pursuance of this policy the Congress has shown its intention to extend protection to American farm products which are sources of starches, by imposing an import duty, or tariff, on such starch producing products as corn, potatoes, and rice.

It is a fact, however, that certain other starch forming products, because of improper classification, are permitted to enter the country duty free, among them

being tapioca, sago, and cassava, which are classified as flour.

These products are almost exclusively used as and in fact are starches, and their admission without the payment of duty goes far toward nullifying the protection given to corn, potatoes, and rice.

Wherefore your memorialist, the House of Representatives of the State of Arizona, requests:

1. That the Congress take appropriate steps looking to the inclusion of tapioca, sago, and cassava, and any other products chiefly useful for their starch content, in the list of protected farm products.

Adopted by the House Feb. 6, 1937.

Filed in the office of Secretary of State Feb. 6, 1937.

HOUSE MEMORIAL NO. 3

A MEMORIAL

RELATING TO FEDERAL AID FOR THE STATES FOR EDUCATIONAL PROGRAMS AND PURPOSES.

TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

There is practically unanimous recognition of the principle that in universal education lies the safety of democracy, of the nation, and of the social and economic welfare of the people.

In order that education may be universal, and that its advantages and opportunities may reach, in appropriate degree, into every section, community, and lo-

cality, it is obvious that federal aid to the state is imperative.

It is evident, also, in order that wise programs of education may be assured of continuity and stability, that definite allotments of federal funds be made available to the several states.

It is, however, likewise generally recognized as a sound principle that the responsible administration of all educational programs fostered by the federal government, which are in any way related to the public schools, should be lodged in the chief administrative department of the state educational system, and the expenditure of federal funds apportioned in connection with any such program should not be subjected to federal control.

Wherefore your memorialist, the House of Representatives of the State of Arizona, respectfully requests:

1. That the policy of federal encouragement and fostering of broad educational programs, applicable to all states under conditions which will make for the universality of education, be placed on a permanent basis.

2. That such programs be carried out through the regular educational agencies and authorities of the several states, and federal funds allocated therefor be expended through state channels and in accordance with state laws.

Adopted by the House Feb. 6, 1937.

Filed in office of Secy. of State Feb. 6, 1937.

HOUSE MEMORIAL NO. 5

A MEMORIAL

RELATING TO THE ACQUISITION, BY THE UNITED STATES, OF A LEASE ON CERTAIN TERRITORY OF THE REPUBLIC OF MEXICO.

TO THE HON. CORDELL HULL, SECRETARY OF STATE OF THE UNITED STATES OF AMERICA:

Your memorialist respectfully represents:

By the terms of that certain treaty between the United States of America and the Republic of Mexico, signed on December 30, 1853, and known as the Gadsden treaty, the boundary between the two republics from a point where the one hundred and eleventh meridian of longitude west of Greenwich intersects the parallel of thirty-one degrees twenty minutes north latitude, extends "in a straight line" (northwest) "to a point on the Colorado river twenty English miles below the junction of the Gila and Colorado rivers."

By this determination, in lieu of extending the common boundary line due west from the point above referred to, there was excluded from the jurisdiction of the United States a large area possessing great potential value to this country, but so far removed by distance and economic disadvantage from the populous area of Mexico as to render of comparative insignificance its value to that country.

Likewise far removed from the seat of the Mexican Government and without the scope of any development program of such government likely to be considered for many generations, is the federal territory of California Baja.

Among the chief advantages of this territory to the United States might be mentioned the facilities which would be afforded for the establishment of a deep-sea port on the Gulf of California, to serve the

southwestern portion of the United States; the addition of several hundred thousand acres of agricultural land adjacent to the Colorado river which might be reclaimed by means of canal systems already under construction; the development of marine enterprises and establishment of tourist resorts on the upper coast of the Gulf of California, and the construction of highways and development of adequate transportation facilities through a portion of the American continent in which such development will most likely otherwise be long delayed.

The fact is well understood and recognized that no act or suggestion of the United States government must be suffered to offend the national pride of our friendly southern neighbor or to warrant a suspicion of this country's aims or motives. Nevertheless it is felt that a proper approach to this question through diplomatic channels, would lead the way to a possible showing of the advantages to both countries of an arrangement by which the desirable ends heretofore referred to might be realized.

Wherefore your memorialist, the House of Representatives of the State of Arizona, respectfully suggests:

1. That diplomatic conversations be undertaken with appropriate authorities of the Republic of Mexico with a view to ascertaining if a lease, for an adequate term of years, and on terms and conditions mutually satisfactory and advantageous, might not be entered into, whereby the United States would obtain such jurisdiction over the territory referred to as would make feasible and practicable the development and utilization of its natural resources.

Adopted by the House Feb. 18, 1937.

HOUSE MEMORIAL NO. 8

A MEMORIAL

RELATING TO THE SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT.

TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

To provide for the protection of land resources, to promote the provitable use of agricultural lands, and to ameliorate the injury to agricultural prosperity occasioned by the decision of the supreme court declaring invalid the agricultural adjustment act, Congress passed and on April 27, 1935 the President approved the soil conservation and domestic allotment act.

This act, as administered, has proved of great benefit to the agricultural industry.

Under the terms of said act the administration of the act will be turned over to the several states not later than December 31, 1937.

There is strong reason to believe that by reason of lack of experience in and knowledge of the technique of administering the conservation program, and the fact that a majority of the states have failed to enact legislation to provide for such administration, the withdrawal of federal administration will work a great hardship upon if not destroy the effectiveness of the plan.

Wherefore your memorialist, the House of Representatives of the State of Arizona, earnestly requests:

1. That the Congress take steps to amend the said act so that the federal government may continue to administer the program provided for therein in coopera-

tion with the agricultural extension service or other suitable agency of the several states.

Adopted by the House March 4, 1937.

HOUSE MEMORIAL NO. 9

A MEMORIAL

REQUESTING THE PASSAGE BY CONGRESS OF "SEEING-EYE" LEGISLATION.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

Those unfortunate persons, the blind, who are doomed to go through life in darkness, are entitled to every aid, protection, and comfort that ingenuity or human sympathy may suggest.

"Seeing-eye" dogs, specially trained, are being used with splendid success for guiding the movements of the blind and rendering their life more pleasant and more secure.

Wherefore your memorialist, the House of Representatives of the State of Arizona, requests:

1. That the Congress enact the bill now pending, H. R. 222, by Mr. Smith of Washington, providing for the accompaniment of blind persons by "seeing-eye" dogs on common carriers, without the payment of additional fare, and any other practical legislation recognizing the right of the blind to the protection afforded by the "seeing-eye" dog.

Adopted by the House March 13, 1937.

HOUSE CONCURRENT MEMORIAL NO. 1

A CONCURRENT MEMORIAL

ON COMPLIANCE WITH LIVESTOCK LAWS BY INDIAN CATTLEMEN.

TO THE HONORABLE, THE SECRETARY OF THE INTERIOR OF THE UNITED STATES:

Your memorialist respectfully represents:

The Arizona cattle industry is in the greatest measure dependent for security against the ravages of livestock diseases and pests and the depredations of cattle thieves, upon the strict enforcement of the state's livestock laws and regulations, as administered by the livestock sanitary board.

On the state's far-flung Indian reservations are many herds the Indian owners of which are not subject to the livestock laws of the state, and are not required, by the Indian authorities, to conform thereto.

In at least two important particulars this failure works injury to white cattlemen and entails grave danger of serious abuses.

First of these is that many Indian cattlemen adopt individual brands, which are not recorded in the state brand book and frequently conflict with recorded brands being run in country adjacent to the Indian lands. At times these brands are those of white cattlemen who previously held Indian leases.

The second major cause of dissatisfaction and annoyance, with serious potentialities, is the fact that Indian cattle are transported by truck between widely separated points outside of the reservations, without being subjected to the inspection, as required by law, to which every white cattleman must under identical circumstances adhere. In addition to constituting a weakness in the state's armour of sanitary regulations

it creates a feeling in the minds of white cattlemen that they are being discriminated against.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, urgently requests:

1. That the regulations and practices of the bureau of Indian affairs be so amended as to provide that Indian cattlemen shall not be permitted to make use of individual brands unless the same are duly recorded.

2. That cattle movements outside of reservation boundaries be accompanied by observance of state livestock inspection requirements.

3. That in other respects Indian cattle owners be required to observe regulations equivalent to those of the Arizona livestock sanitary board.

Passed the House Feb. 11, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 5, 1937.

HOUSE JOINT MEMORIAL NO. 6

A JOINT MEMORIAL

RELATING TO FLOOD CONTROL ON THE LOWER GILA RIVER IN ARIZONA.

TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA:

Your memorialist respectfully represents:

The storage dams on the Gila, the Salt and the Verde rivers, constructed and used for irrigation pur-

poses, do not have sufficient storage capacity to prevent flooding of the basin of the lower Gila river in Arizona in periods of excessive run-off of the three rivers mentioned above, and of the other streams feeding the lower Gila.

The valleu of the lower Gila has a very large and valuable area of low lying lands susceptible of cultivation, which lands would be totally destroyed for agricultural purposes in the event of a serious flood in the Gila valley.

The Reclamation Bureau of the Department of the Interior of the United States has investigated the subject of flood control of the lower Gila and has tentatively selected a dam site on the Gila river between the towns of Gila Bend and Wellton, Arizona, as a feasible location for a storage dam to control the flood waters of the Gila and to prevent the damage which would be caused by a serious flood in the lower Gila valley.

In addition to the utility of such a dam in preventing damage by flood waters of the Gila, the gradual release of the stored waters behind such a dam would tend to stabilize the level of the under-ground waters in the Gila river basin and would permit pumping operations from the under-ground waters for irrigation purposes without lowering the water table to a point where such pumping becomes more expensive than is warranted by the benefits derived therefrom, as is the case in certain years under present conditions.

The President of the United States in a recent message to Congress has suggested a five year program of public works to be undertaken by the United States, of which sum a large part will in all probability be allocated to works for the control of floods.

Wherefore your memorialist, the Legislature of the State of Arizona, prays:

That the President and the Congress of the United

States in selecting the projects to be included in any program of public works adopted by the United States and in the expenditure of any sum allocated to the State of Arizona as a part of said program, the need and desirability of a flood control dam on the lower Gila river should, for the reasons set forth herein, receive serious consideration.

Passed the House March 4, 1937.

Passed the Senate March 11, 1937.

Approved March 16, 1937.

HOUSE JOINT MEMORIAL NO. 7

A JOINT MEMORIAL

RELATING TO THE CONSTRUCTION OF A HIGHWAY TO LINK RECLAMATION PROJECTS OF THE COLORADO RIVER.

TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA:

Your memorialist respectfully represents:

That the development of the vast resources of the Colorado river represents an outstanding opportunity for the conservation of the nation's wealth, for providing employment, creating farm homes, and for developing recreational facilities for the nationals of this and other countries.

That there are along the Colorado river several outstanding reclamation projects and dams, namely: Boulder dam; Parker dam; Imperial dam; the Gila project and the Yuma project; and that a short distance below the international boundary line is located the Gulf of Mexico, and an opportunity for develop-

ment of commerce by establishing a deep sea port for the benefit of the commerce of the United States and Mexico.

That there exist more than two million acres of land irrigable from the Colorado river which, if developed, will furnish an empire of national importance, and that there are wonderful recreational advantages at Lake Mead, behind Boulder dam, and in the Gulf of California.

That it is important to the United States that the reclamation projects and dams within the United States be connected with a good highway, for use, both in time of war and peace, and that such development could be made to bring about construction of a highway within the Republic of Mexico joining the proposed highway at San Luis on the international boundary line and connecting with the Gulf of California and the proposed international highway to South America.

That the construction of the proposed highway would relieve unemployment and be of great advantage to the United States.

Wherefore your memorialist the Legislature of the State of Arizona, 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 civilian conservation corps, the Indian Bureau, or other agencies, construct a highway from Boulder dam, or to connect therewith at Yucca Junction near Kingman, in Mohave County and on the Arizona side of the Colorado river, and connecting the said Parker dam, Imperial dam to a junction with the Republic of Mexico, at San Luis.

2. That if additional legislation be required or

desirable for the consummation of this constructive improvement, that the Congress enact the same.

Passed the House March 5, 1937.

Passed the Senate March 11, 1937.

Approved by the Governor March 16, 1937.

SENATE CONCURRENT MEMORIAL NO. 2

(PRAYING FOR THE RELIEF OF CERTAIN PROPERTY OWNERS OF SANTA CRUZ COUNTY.)

TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES:

Your memorialist 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 within 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, Arizona, 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 International 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 within said neutral strip as it passed through Santa Cruz county: John T. Brickwood, $3,750.00; Edward 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, the Senate of the State of Arizona, the House of Representatives concurring, urgently requests:

1. 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.

Adopted by the House Feb. 6, 1937.

Adopted by the Senate Feb. 2, 1937.

Filed in the office of Secretary of State Feb. 8, 1937.

SENATE JOINT MEMORIAL NO. 1

(RELATING TO THE USE OF COPPER ON GOVERNMENT PROJECTS IN ARIZONA.)

TO THE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF THE INTERIOR, THE COMMISSIONER OF RECLAMATION, THE ADMINISTRA-

TOR OF THE RURAL ELECTRIFICATION ADMINISTRATION, AND SUCH OTHER FEDERAL OFFICERS AS ARE IN CHARGE OF CONSTRUCTIVE PROJECTS IN ARIZONA:

Your memorialist respectfully represents:

The United States, through various agencies, particularly the United States bureau of reclamation, is now carrying on construction work in Arizona, and is constructing the Parker-Gila project in this state.

There will be opportunity for extensive use of copper products in such work, particularly in electric transmission lines.

It is noted that in the projects in other states aluminum has been substituted for copper by virtue of drastic cuts in the price of aluminum, with consequent loss to the copper industry.

The use of copper on government projects in this state is a benefit to such projects, notwithstanding the differential in first cost between copper and aluminum, by virtue of the longer service life of copper, and the stimulation of markets for products of reclamation projects among the copper mining areas of this state, and the relief on the general tax burden afforded by prosperity of the copper industry.

The specifications for purchase of wire and cable on federal projects are prepared or approved by agencies of the United States.

Wherefore your memorialist, the Legislature of the State of Arizona, prays:

1. That the President of the United States, the secretary of the interior, the commissioner of reclamation, the administrator of the rural electrification administration, and such other federal officers as are in charge of constructive projects in Arizona, are respectfully requested to restrict the specifications for

wire and cable on such projects to the use of copper, particularly upon such lines as may be built in connection with the Parker-Gila project, and any other project utilizing power from Boulder Dam.

2. That the governor is authorized and directed to forward certified copies of this memorial to the President, the secretary of the interior, the administrator of the rural electrification administration, the commissioner of reclamation, and to such other federal officials as may be concerned.

Adopted by the House Jan. 29, 1937.

Adopted by the Senate Jan. 28, 1937.

Approved by the Governor of Arizona.

Received in the office of Secretary of State Jan. 29, 1937.

SENATE JOINT MEMORIAL NO. 2

ON THE PROPOSED ARGENTINE SANITARY CONVENTION.

TO THE SENATE OF THE UNITED STATES:
Your memorialist respectfully represents:

The Argentine sanitary convention, now pending before the Senate committee on foreign relations, would permit the importation of livestock products purported to be free from rinderpest or foot-and-mouth disease.

Under the strict exclusion provisions of the present law, importation of such products is prohibited from countries where these diseases exist, and as a result our country is now free from the ravages of these dreaded diseases. There is excellent reason to fear that if the present law is relaxed these diseases would

find their way into the United States, to the irreparable injury of the great cattle industry.

Wherefore your memorialist, the Legislature of the State of Arizona, prays:

1. That the Senate of the United States refuse to ratify the proposed Argentine sanitary convention.

2. That the present embargo against importation of livestock or the products thereof from countries where either rinderpest or foot-and-mouth disease exists, be retained.

Adopted by the House Jan. 18, 1937

Adopted by the Senate Jan. 18, 1937

Approved by the Governor Feb. 4, 1937

Filed in the office of the Secretary of State Feb. 11, 1937.

SENATE JOINT MEMORIAL NO. 3

(ON THE PROPOSAL FOR A FEDERAL LEASING SYSTEM ON MINING PROPERTY.)

TO THE CONGRESS OF THE UNITED STATES:
Your memorialist respectfully represents:

Recent press reports carry the announcement of a proposal, on the part of the Secretary of the Interior, that the present United States mining laws, under which location and discovery is the basis of the right to develop and to acquire ownership to lode mining claims, be abandoned, and a federal leasing system substituted therefor.

This proposal gives much concern to the states

whose mining activities owe their beginning, and in large part their growth, to the prospector, who, urged by the promise of a rich strike and the right to become the owner of his find, braved the danger and endured the hardships of the hills.

The prospector is still an important, if not an indispensable factor in the discovery of the mineral treasure stored in western mountains, and will continue, if the incentive for his efforts be not withdrawn, to ply his lonely, arduous, and perilous, but effective calling.

The enthusiasm of the adventurous investor also, who risks his fortune on a prospect willingly when he knows that title can be secured to such prospect, would be seriously impaired if not destroyed if a leasing system were substituted, and it is strongly believed that interest in mining development would suffer a most severe blow.

It might be pointed out that under a leasing system the annoyances of long-distance federal control, the cost of surveying, drawing of leases, and the like, would of themselves tend to discourage the transfer of mining claims to those who might be interested in their development, thus retarding the development of this important natural resource, but the principal point is that the promise of rich reward is the lure that is needed to spur the prospector's search and to whet the investor's interest. This incentive would be seriously dulled by the proposed change.

Wherefore your memorialist, the Legislature of the State of Arizona, prays:

1. That the Congress refuse to abandon the plan under which mineral development of the west has progressed satisfactorily, or to change the present laws relating to discovery and location of lode mining claims.

Adopted by the House Jan. 28, 1937

Adopted by the Senate January 22, 1937

Approved by the Governor Jan. 29, 1937

RESOLUTIONS

HOUSE JOINT RESOLUTION NO. 3

A JOINT RESOLUTION

EXPRESSING ASSENT OF THE STATE OF ARIZONA TO THE PROVISIONS AND PURPOSE OF THE ACT APPROVED JUNE 29, 1935 (PUBLIC NO. 182, 74TH CONGRESS.)

Whereas, there has been enacted by the Senate and House of Representatives of the United States of America in Congress assembled, an act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges, approved June 29, 1935 (Public No. 182, 74th Congress); and

Whereas, the provisions of the act and the purpose of the grants of money authorized by the act are made subject to the legislative assent of the several states and territories; therefore

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

1. That the assent of the Legislature of the State of Arizona, required by said act, is hereby given.

Passed the House Feb. 9, 1937

Passed the Senate Mar. 3, 1937

Approved March 5th, 1937 by Governor.

SENATE JOINT RESOLUTION NO. 4

A JOINT RESOLUTION

(EXTENDING AN INVITATION TO GENERAL ROMAN YOCUPICIO, GOVERNOR OF SONORA, TO VISIT ARIZONA.)

WHEREAS, the feeling of genuine good-will and friendship existing between the state of Arizona and its neighbor, the state of Sonora, is a source of deep satisfaction to the people of this state; and

WHEREAS, the similarity of physical characteristics, geographical ties, and common material interests, which unite these border states of two great republics suggest the constant fostering of the most amicable relations; and

WHEREAS, it would afford much gratification to the people of Arizona if they might have the honor welcoming and entertaining His Excellency, the Governor of Sonora, General Roman Yocupicio; therefore

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

1. That the hearty invitation of the people of Arizona, through their legislative representatives, is extended to His Excellency, the Governor of Sonora, to pay a visit, at his convenience, to the state of Arizona, and to the capitol city thereof.

2. That Governor Yocupicio is cordially invited to visit the legislature, while in session, and to address the two houses thereof in joint session.

Adopted by the House Feb. 10, 1937

Adopted by the Senate Feb. 10, 1937

Signed by the Governor Feb. 10, 1937

Received in the office of Secretary of State Feb. 11, 1937

HOUSE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION

FELICITATING HON. MORRIS GOLDWATER UPON THE ATTAINMENT OF HIS EIGHTY-FIFTH BIRTHDAY.

Whereas, on Saturday, January 16, 1937, Hon. Morris Goldwater, of Prescott, will have reached the eighty-fifth milestone of his journey through life, in the sixty-eighth year of his residence in Arizona; and

Whereas, there is probably no man living who has played a more interesting part in the history and development of Arizona, or more highly exemplified the life of a true pioneer and builder; and

Whereas, it would be impossible to recount the great list of civic and industrial achievements of this unusual citizen, but it is well to recall that as a public servant he served the Territory of Arizona as a member of the council of the Twelfth Territorial Legislature, as president of that body in the Twentieth Legislature, as Chief Clerk of the House of Representatives of the Thirteenth Legislature, and as a member of the Territorial Board of Equalization; that he was a distinguished member and vice-president of the constitutional convention which framed the organic law of this State, and occupied a seat in the Senate of the second State Legislature; that in a sense not without justification he might be termed the Father of the City of Prescott, to which he has given his administrative talents for a time so long that the oldest citizen scarcely recalls its beginning, though it

is well remembered that as Mayor he holds a record of twenty-six consecutive years. In the field of business his accomplishments are not less notable, for as Merchant and Banker he has occupied the forefront rank throughout a long and eminently successful career; and

Whereas, it is fitting that acknowledgment be rendered of the debt this State owes to this sturdy, forthright, and constructive citizen; therefore

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

1. That it is the sense of this body that the Honorable Morris Goldwater is recognized as one of Arizona's most distinguished, most capable, and most successful builders, whose contributions to the civic, business, and social life and development of the Territory and State will not be forgotten.

2. That the hearty felicitations of the Legislature upon the attainment of a station so rich in years, memories, and the affectionate regard of his fellow citizens are cordially extended, with the sincere wish that he may enjoy yet many other years of pleasant contemplation of a life so filled with worthy deeds.

Passed the House Jan. 15, 1937

Passed the Senate January 15, 1937

Filed in the office of Secretary of State Jan. 15, 1937

SENATE CONCURRENT RESOLUTION NO. 1

(ON THE DEATH OF HONORABLE SAMUEL BLAIN BRADNER.)

WHEREAS, Honorable Samuel Blain Bradner pass-

ed away at the United States Veterans Hospital, at Tucson, on January 2, 1937; and

WHEREAS, the deceased was a loyal, devoted, and constructive citizen of Arizona, ever concerned for the welfare and upbuilding of the state; and

WHEREAS, as a member of the constitutional convention which formulated Arizona's organic law, and as a member and the speaker of the house of representatives of the first state legislature he left his impress upon the political records of his adopted state; and

WHEREAS, Mr. Bradner was notable as a friend of labor, and distinguished himself by the capable championship of legislation designed to better the conditions of the working man; therefore

BE IT RESOLVED by the Senate of the State of Arizona, the House of Representatives concurring:

1. That the passing of this worthy citizen and erstwhile public servant is a distinct loss to the state, and deeply regretted.

2. That the sympathy of the legislature be extended to the widow and other relatives of the deceased.

Adopted by the House January 22, 1937

Adopted by the Senate January 22, 1937

Received by the Secretary of State January 25, 1937.

SENATE CONCURRENT RESOLUTION NO. 2

(ON THE DEATH OF HONORABLE DANIEL P. JONES.)

WHEREAS, on July 7, 1936, the Grim Reaper claimed the soul of Honorable Daniel P. Jones, of Mesa; and

WHEREAS, the State of Arizona is thus deprived of an earnest, energetic, capable, and trustworthy citizen, whose contributions to the public service of the state are notable; and

WHEREAS, the deceased, during his residence of almost three score years in Arizona, served as a member of the House of Representatives of the first, fifth, and sixth legislatures, being the Speaker of the sixth, as a member of the Senate of the eighth legislature, and last but not least as chaplain of the ninth and tenth; and

WHEREAS, during his long experience as a developer of the farming community in which his lot was cast, he managed with conspicuous ability the "south-side" canal system, under the regimes respectively of the farmers, the United States Reclamation Service, and the Salt River Valley Water Users' Association, finding time meanwhile to give his talents to the cause of education as a member of the board of trustees of both grammar and high schools; therefore

BE IT RESOLVED by the Senate of the State of Arizona, the House of Representatives concurring:

1. That it is with a very genuine and keen sense of loss that the departure of "Uncle Dan", as he was familiarly known, is recorded by the body with which and in which he so often labored.

2. That deepest sympathy is extended to the bereaved family.

Adopted by the House Jan. 19, 1937

Adopted by the Senate Jan. 19, 1937

Received in the office of Secretary of State Jan. 20, 1937

HOUSE JOINT RESOLUTION NO. 2

A JOINT RESOLUTION

RELATING TO CELEBRATION OF THE ADOPTION OF THE CONSTITUTION OF THE UNITED STATES, AND PROVIDING FOR A COMMISSION TO ARRANGE THEREFOR.

Whereas, September 17, 1937, marks the one hundred and fiftieth anniversary of the adoption of the Constitution of the United States; and

Whereas, it is fitting and proper that an event of such importance should be recognized and duly celebrated by the people of Arizona; therefore
Be it resolved by the Legislature of the State of Arizona:

1. That September 17, 1937, is designated as Constitution Day.

2. That the governor is directed to proclaim the said day, and to call upon public officials and citizens to display the United States flag on public buildings, at homes and at other appropriate places, in honor thereof.

3. That a Constitution Day commission is established, to be composed of six persons of high repute to be appointed by the governor, two members of the senate to be appointed by the president of the senate, two members of the house of representatives to be appointed by the speaker of the house, and the governor, the president of the senate, and the speaker of the house ex-officio. Said commissioners shall serve without pay, and shall have no authority to incur expense.

4. That the Constitution Day commission is authorized to make all arrangements for an appropriate state celebration, to take place in the month of September, 1937, of the one hundred and fiftieth anniversary of the adoption of the Constitution of the United States; to encourage the celebration of the said event in the various cities, towns, settlements, and schools of the state, and by patriotic societies; to participate on behalf of the state, in such manner as it deems advisable, in any such celebration which may be held in the state during the said month, and to endeavor to have prayers of thanksgiving offered in all churches of the state, on September 17, 1937, for the blessings of liberty and the protection and guidance of God vouchsafed to this nation and people under the Constitution of the United States.

Passed the House Jan. 28, 1937

Passed the Senate Feb. 5, 1937

Approved by the Governor, February 8, 1937

Filed in the office of the Secretary of State, Feb. 11, 1937.

SENATE JOINT RESOLUTION NO. 2

(REFERRING TO THE ATTORNEY GENERAL A REPORT OF THE STATE AUDITOR CONCERNING AN AUDIT OF CERTAIN DIVISIONS OF THE STATE TAX COMMISSION.)

WHEREAS, under the provisions of chapter 107, Session Laws of 1935, regular session (general appropriation act), there was appropriated to the state auditor the sum of ten thousand dollars, for salaries and traveling expense of field auditors, for the purpose of auditing the books and affairs of departments of the state government; and

WHEREAS, under date of November 9, 1936, the state auditor filed with the governor a report covering an investigation of three divisions of the state tax commission, to-wit: the sales tax division, the luxury tax division, and the liquor division; and

WHEREAS, said report discloses irregularities in the financial affairs and methods of business practised by the said tax commission which, in the interest of the public service, and in justice both to the taxpayers of the state and to the department charged with said irregularities, should not be permitted to pass unnoticed; therefore

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

1. That said report of the state auditor, concerning an examination of the sales tax, luxury tax, and liquor divisions of the state tax commission, is referred to the attorney general, with instructions to take appropriate action thereon.

2. That in the event of failure of the attorney general to take such action within sixty days from the date of aproval of this resolution, the governor is authorized and directed to take such steps as to him may seem proper and necessary.

Adopted by the House Feb. 5, 1937

Adopted by the Senate Feb. 5, 1937

Approved Feb. 8, 1937

Filed in the office of Secretary of State Feb. 11, 1937

HOUSE CONCURRENT RESOLUTION NO. 5

A CONCURRENT RESOLUTION

EXTENDING THE STATE'S HOSPITALITY TO VISITING SHRINERS.

Whereas, a great outpouring from all parts of the southwest of members and officers of many temples of the Ancient Arabic Order of Nobles of the Mystic Shrine, is planned to converge upon the capital city of Arizona on March 20 next, thence to repair to the Grand Canyon of the Colorado, where a joint ceremonial of the order will be held on a scale rarely attempted; and

Whereas, it will be a proud day in the history of Arizona when this host of Nobles assembles within the state's borders, and an occasion upon which every loyal citizen should do his utmost to express the welcome of his commonwealth; and

Whereas, it is with a feeling of extreme pride that the Grand Canyon of the Colorado is pointed to as the most profound, majestic and awe inspiring of Nature's scenic wonders, and as a site peculiarly fitting for the holding of the super-ceremonial with which the visitors will climax their journey to Arizona: therefore

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. That the hearty welcome of the state of Arizona is extended in advance of their coming to the prospective visiting Nobles and officers of the Ancient Arabic Order of Nobles of the Mystic Shrine.

2. That the cordial cooperation of every citizen of the state is bespoken to make of the occasion an event which no visiting Noble will forget, or remember with other than the keenest delight.

Passed the House, Feb. 5, 1937

Passed the Senate, Feb. 16, 1937

Approved by the Governor, Feb. 19, 1937

Filled in the office of the Secretary of State, Feb. 25, 1937.

REFERENDUM MEASURES

REFERENDUM MEASURE
VOTED ON BY THE PEOPLE
AT THE GENERAL ELECTION
HELD ON NOVEMBER 3rd,
1936

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON NOVEMBER 3rd, 1936.

Referred to the people by the Legislature and filed in the office of the Secretary of State, March 1935, and printed in pursuance of Paragraph 1746, Chapter 34, Article 1, Revised Code of Arizona, 1928.

JAMES H. KERBY, Secretary of State.

(On Official Ballot Nos. 300-301)

(House Bill No. 194)

TWELFTH LEGISLATURE, REGULAR SESSION

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 AS HEREIN AMENDED.

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 herein 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 NULLIFIES 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 available 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."

Passed the Senate March 19, 1935.

Passed the House March 15th, 1935.

Filed March 30, 1935.

JAMES H. KERBY, Secretary of State.

The following is the form and number in which the question will be printed on the Official Ballot.

REFERRED TO THE PEOPLE
BY THE LEGISLATURE

"RELATING TO
WORKMEN'S COMPENSATION"

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 EMPLOYEES", 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.

If you favor the above law, vote YES; if opposed, vote NO.

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300 Yes. ☐ 15656

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301 NO. ☐ 19302

ACTS
Resolutions and Memorials

of the

FIRST SPECIAL SESSION
Thirteenth Legislature

of the

STATE OF ARIZONA
1937

First Special Session Convened May 10th, 1937

First Special Session Adjourned Sine Die, May 29th, 1937

Publication Authorized

Chapter 14,
S. B. 21

Laws First Special Session

13th Legislature,
1937

AUTHENTICATION

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

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

That the First Special Session of the Thirteenth Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, May 10, 1937, and adjourned sine die on the 29th day of May, 1937.

That the Acts, Resolutions and Memorials passed at said Session were officially published on the 29th day of May, 1937.

IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 29th day of May, 1937.

JAMES H. KERBY (Signature)
Secretary of State.

EXECUTIVE DEPARTMENT

STATE OF ARIZONA

PHOENIX, ARIZONA

PROCLAMATION

CALLING THE THIRTEENTH LEGISLATURE OF ARIZONA INTO SPECIAL SESSION

WHEREAS, Article IV, Part 2, Section 3 of the Constitution of Arizona reads in part as follows:

> "The Governor may call a special session whenever in his judgment it is advisable. In calling such a special session the Governor shall specify the subjects to be considered at such session, and at such session no laws shall be enacted except such as relate to the subjects mentioned in such call."

And,

WHEREAS, Article V. Section 4 of the Constitution of Arizona reads in part as follows:

> "He (the Governor) may convene the Legislature in extraordinary session."

NOW, THEREFORE, I, R. C. Stanford, Governor of the State of Arizona, in consideration of these premises, and by virtue of the authority vested in me by the Constitution, do convene the Thirteenth Legislature of the State of Arizona into special session, in Phoenix, the Capitol, at ten o'clock A. M., on Monday, the tenth day of May, 1937, to enact legislation for the following purposes:

1.

To consider and amend Chapter 77, 1935, Session Laws, Arizona, known as "The Excise Revenue Act of 1935."

To confirm appointments.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed.
DONE at the Capitol Building, in Phoenix, this first day of May, 1937.

R. C. STANFORD,
Governor.

ATTEST:

JAMES H. KERBY
Secretary of State.

Message of the Governor

Mr. President, Mr. Speaker, and Ladies and Gentlemen of the Legislature:

Our first state sales tax law, passed in 1933, was revised and amended in 1935.

The sales tax was enacted solely as an emergency measure.

The payment of property taxes was being avoided and court proceedings instituted challenging assessments and the tax assessing authority of our state.

The emergency existing at that time was emphasized in the Governor's message requesting the sales tax enactment, by a statement that the financial structure of the state was in a chaotic condition, that state warrants were mere scraps of paper, that bonded indebtedness was in default, that the orderly processes of government were threatened, that our schools faced shortened terms or possibly closing, and that our citizens were unemployed and confronted with the spectre of starvation.

In this situation, our citizenry responded by paying their pennies on the necessities of life to maintain the State Government, while large investments of capital remained idle and permitted the wage earner and home owner to carry on the cost of government.

Today the situation has changed.

Our industries are declaring large dividends on their investments and are enjoying an era of great prosperity. At the same time, many of our individual citizens are still in dire straits, and it is unfair and unjust that these citizens be asked to continue to carry an inequitable burden of state government.

This special session has been called for the purpose of submitting for your consideration a revision of the schedule of sale tax rates upon the various businesses of this state, with the request that you amend the law to make a more equitable distribution of the cost of government so that those industries that shifted such cost in 1933 will today more nearly bear the same proportion of government expense as they bore at that time.

I realize that our general tax laws need complete revision. A study is being made for the purpose of submitting such a program of revision at a special session of the Legislature to be called later this year. However, the glaring inequities of the existing law demand emergency legislation. It has been estimated that four of our state's principal industries have shifted to the consumer and wage earner by reason of the several excise taxes other than the gasoline levy, a sum in excess of $6,000,000.00 (Six Million Dollars) during the past four years, and if the gasoline tax also is taken into consideration, a total of nearly $10,000,000.00 (Ten Million Dollars) during that period.

The revised sales tax schedule that I shall submit to you merely attempts to restore this tax burden to a more equitable basis between industry and the individual.

In order that the thriving industries hereinbefore mentioned may be required to again resume payment of their just share of the cost of government, and until a detailed study of the general tax laws has been completed and revision made by the legislature, I am submitting the revised schedule of sales tax rates for adoption as an emergency measure.

The state's financial structure is now on a sound basis. Warrants are being honored when presented and there is a considerable balance in the Treasury. The financial condition of the counties, however, is, in most instances, no better tha nit was in 1933. In some cases warrants have been outstanding since 1934, and for the most part the property tax rates are unreasonably high.

I recommend, therefore, that revenues from the sales tax, less administrative cost and the emergency relief fund, be diverted from the State general fund to the several counties of the State in proportion to their population, and earmarked, first, to apply against the current property tax levy for bonded indebtedness and interest, and, second, to the county school per capita fund.

I believe it to be essential to the welfare of the State that the entire tax situation be clarified and adjusted at the earliest possible date, and immediate sales tax revision is the first important step, in order that the State Tax Commission and the counties may know how to fix their property tax rates for the coming tax year.

I recommend this proposal for your earnest and prompt consideration.

R. C. STANFORD,
Governor.

MESSAGE DELIVERED BY GOVERNOR R. C. STANFORD TO SPECIAL SESSION OF 13TH STATE LEGISLATURE MAY 11, 1937.

Mr. President, Mr. Speaker, and Ladies and Gentlemen of the State Legislature:

In addressing you on the first day of this special session, I recommended amendment and revision of the sales tax law by adoption of a schedule of rates which I stated would be presented to you.

The schedule of rates recommended has since been incorporated into House Bill No. 3. In asking you to accept this schedule, it seems fitting that I should clarify it by explaining to you how we arrived at the various rates.

The rates set forth in House Bil No. 3 are not just arbitrary figures advanced without reason or consideration. A careful study was made of the effect of the adoption of the sales tax law in 1933 upon the various businesses taxed, and whether certain industries and businesses of this state had profited and obtained an unfair advantage over others in sharing the costs and burdens of government.

I think we may all agree upon the principle that government is maintained for the protection of property and property rights, as well as rights of persons, and that property should contribute its just share of that burden, as well as requiring the individual to contribute a fair proportion for his protection.

Twenty years ago property taxes were the principal source from which revenue was produced to carry on the operation of government. At that time the cost of state government was approximately $3,000,000, while today it is in excess of $12,000,000.

Twenty years ago the producing mines of Arizona were assessed at $329,000,000, while in 1936 the producing mines were assessed at $51,000,000. While the cost

of government has multiplied more than four times, the assessments of mines have been lowered more than six times. One of our mining companies alone, in 1936, reported earnings in excess of $11,000,000.

While assessments on irrigated lands during the same period decreased from $27,000,000 to $22,000,000, approximately $5,000,000, the assessed valuation of city and town lots was increased from $72,000,000 to $93,-000,000, or over $20,000,000.

The assessed value of railroads twenty years ago was $91,000,000, and in 1936, $81,000,000, or a depreciation of approximately $10,000,000.

During this period of shifting assessed valuations, there has occurred a general shifting of the cost of government from property taxation to excise taxation, paid by the individual, which brings us back to the question whether some types of property are bearing their just proportion of the cost of protection of their property rights, compared with the amount paid by individuals for nothing more than protection of their personal liberties.

The total assessed valuation of all property in 1936 was $357,966,807, which was taxed for state purposes ½ of 1 percent and returned to the state treasury $1,769,836.03. At the same time the individual paid in excise taxes to the state government $8,735,272.62.

All of these figures point in a general way to the problem before the state that necessitates revision of our general tax structure, and, as I have indicated to you, should be given careful study, for your consideration at a later date.

Our immediate concern is the revision of the schedule of rates of the sales tax, as a temporary, emergency measure and until a permanent revision is made of our general tax structure.

In 1933 the mines of the state paid in property taxes the sum of $1,131,674. In 1936 the mines paid

in property taxes $415,040,78, and in sales tax, $180,039.82, or a total of $595,080.60. If you increase the rate on sales tax payable by mines from 1 percent to 4 percent, multiply $180,039.82, the amount they paid in 1936, and you will have $720,159. If you then add the amount of property taxes they paid in 1936, totaling $415,000, to the $720,000. in sales tax at 4 percent, you will arrive at the figure of $1,135,000, whereas in 1933 the mining companies paid in property tax alone $1,131,674.

In other words, we took a rate under the sales tax schedule that would require the mining companies to pay toward the cost of government the same amount that they were required to pay in 1933 at the time of the passing of the sales tax law.

Let us next take the reason for the proposed new rate on railroads. This rate has been increased from 1 percent to 5 percent. You may inquire why this figure was used. In order to justify this increase in rate, I invite your attention to the gross amount of taxes paid by the railroads in 1933. The railroads paid in property taxes in 1933 the sum of $944,319, while in 1936 they paid $407,925. In 1936 the railroads paid in sales tax $20,437. The railroads profited by a shift in taxes from property by a reduction from $944,319 to $407,925, an amount in excess of $500,000, and at a cost of $20,437 in sales taxes. If we increase the railroads' rate from 1 percent to 5 percent, they would pay, based on the 1936 returns, a sum of approximately $100,000. in sales taxes, and would still be profiting by reason of the shifting of the burden in a sum in excess of $400,000. So a 5 percent rate does not even begin to correct the shift made in the last four years by reason of the sales tax.

We used the same formula in arriving at the rate of 3½ percent on utilities and 4 percent on telegraph and telephones. The utilities paid $161,936. in property taxes in 1933, and in 1936 paid $62,285. The sales tax they added to their bills, and paid nothing additional by reason thereof.

The telegraph and telephone companies paid $91,-

657. in property taxes in 1933 and $42,854. in 1936, and in sales tax the telegraph and telephone paid nothing, but passed it on to their patrons.

You will observe, therefore, that while those businesses made a tremendous saving in property taxes, they passed on to their customers any additional cost by reason of the sales tax. Accordingly, I have asked that these businesses be required to pay the excises from the savings they have enjoyed through the operation of the sales tax itself. They should be required to absorb these taxes and no longer be permitted to pass them along.

While the average man has assumed and paid the cost of government upon the necessities of life these industries have enjoyed a tremendous saving in their property taxes and at the same time passed right on to the individual the sales tax in its entirety.

I further recommended to you in my message that the sales tax proceeds be apportioned among the counties, by a division on the basis of their population. While the state treasury on July 1st will have a surplus in excess of $2,000,000, the treasuries of the counties for the most part are bare. Our people struggling under the weight of the excise levies, to meet the expense of state government, have permitted their county property taxes to become delinquent in the amount of approximately $13,000,000. during these same four years. The counties, as well as the individual, are entitled to relief from this burden. The sales tax proceeds would reduce the average county tax rate from $2.30 to approximately $1.50 and permit the counties to collect back taxes and replenish their treasuries.

It is not my purpose to perpetuate the sales tax. I have no objection to the attachment of an expiration date with a self-repealing clause. I do not propose, however, to compromise or trade upon the terms, conditions or schedules outlined in the bill. As I interpret the Democratic Platform, the glaring inequalities of the sales tax demand immediate revision and its continuance only until the permanent tax laws of the state may be corrected and revised.

ACTS

CHAPTER 1

(House Bill No. 2)

AN ACT

MAKING AN APPROPRIATION FOR THE FIRST SPECIAL SESSION OF THE THIRTEENTH LEGISLATURE OF THE STATE OF ARIZONA.

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

Section 1. APPROPRIATION. The sum of twenty-six thousand three hundred fifty-nine dollars and forty cents is appropriated to the first special session of the thirteenth legislature.

Sec. 2. PURPOSE. The purpose of said appropriation is to provide for the payment of the current and contingent expense of carrying on the sessions of the legislature, and shall be expended for the following objects and in not more than the following amounts:

1. For the payment of salaries: 1a. of members of the Senate, three thousand forty dollars, 1b. of members of the House of Representatives, eight thousand one hundred sixty dollars.

2. For the payment of mileage: 2a. of mem-

bers of the Senate, seven hundred ninety-four dollars and twenty cents, 2b. of members of the House of Representatives, one thousand two hundred sixty-five dollars and twenty cents.

3. For the payment of salaries and wages: 3a. of officers and employees of the Senate, one thousand five hundred dollars, 3b. of officers and employees of the House of Representatives, three thousand six hundred dollars.

4. For the payment of the contingent expense: 4a. of the Senate, three thousand dollars, 4b. of the House of Representatives, five thousand dollars.

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

Approved May 11, 1937.

CHAPTER 2

(Senate Bill No. 2)

AN ACT

RELATING TO REVENUE AND TAXATION; AMENDING SECTIONS 1, 2, 4, 5, 6, 11, 14, 21, AND 26, ARTICLE 2, ADDING SECTION 28A, ARTICLE 2, AND AMENDING SECTIONS

1 AND 2, ARTICLE 3, CHAPTER 77, SESSION LAWS OF 1935, REGULAR SESSION.

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

Section 1. Section 1, article 2, chapter 77, session laws of 1935, regular session, is amended to read:

Sec. 1. DEFINITIONS. In this article, unless the context otherwise requires:

"person" or "company", herein used interchangeably, includes 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 intent to give a more limited meaning is disclosed by the context;

"tax commission" or "the commission" means the state 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;

"tax year" or "taxable year" means either the calendar year or the taxpayer's fiscal year when permission is obtained from the commission to use a fiscal year as the tax period in lieu of the calendar year;

"sale" means any transfer of title or possession, or both, exchange, barter, lease or rental,

conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property, for a consideration, and includes any transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price; it also includes the fabrication of tangible personal property for consumers who furnish either directly or indirectly the materials used in the fabrication work and the furnishing, preparing or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing or serving such tangible personal property;

"retail sale" or "sale at retail" means a sale for any purpose other than for resale in the form of tangible personal property, but the expressions "transfer of possession", "lease", and "rental" as used in the definition of "sale" means only such transactions as are found upon investigation to be in lieu of sales as defined without the words "lease or rental";

"taxpayer" means any person liable for any tax hereunder;

"gross income" means the gross receipts of a taxpayer derived from trade, 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;

"business" includes all activities or acts, personal or corporate, engaged in or caused to be engaged in with the object of gain, benefit or ad-

vantage either direct or indirect, but not casual activities or sales;

"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, expense of any kind, or losses, but cash discounts allowed and taken on sales shall not be included as gross income; "gross income" or "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;

"engaging", when used with reference to engaging or continuing in business, includes the exercise of corporate or franchise powers;

"auditor" means the state auditor;

"wholesaler" or jobber" means any person who sells tangible personal property for resale and not for consumption by the purchaser;

"retailer" includes every person engaged in the business of making sales at retail, and when in the opinion of the commission it is necessary for the efficient administration of this article, includes dealers, distributors, supervisors, employers, and salesmen, representatives, peddlers, or canvassers as the agents of such dealers, distributors, supervisors, or employers under whom they operate or from whom they obtain the tangible per-

sonal property sold by them, whether in making sales on their own behalf or on behalf of said dealers, distributors, supervisors, or employers;

"gross receipts" means the total amount of the sale, lease, or rental price, as the case may be, of the retail sales of retailers, including any services that are a part of the sales, valued in money, whether received in money or otherwise, including all receipts, cash, credits and property of every kind or nature, and any amount for which credit is allowed by the seller to the purchaser, without any deduction therefrom on account of the cost of the property sold, materials used, labor or service performed, interest paid, losses or any other expense, but does not include cash discounts allowed and taken nor the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit;

"tangible personal property" means personal property which may be seen, weighed, measured, felt, touched, or is in any other manner perceptible to the senses;

"in this state" or "in the state" means within the exterior limits of the state of Arizona.

Section 2. Section 2, article 2, chapter 77, session laws of 1935, regular session, is amended to read;

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 and county governments, to aid in defraying the necessary and ordinary expenses of the state and the counties, to reduce or eliminate the annual tax levy on property for state and county purposes, and to reduce the levy on property for public school education to the extent hereinafter provided, annual privilege taxes measured by the amount or volume of business done by the persons on account of their business activities and in the amounts to be determined by the application of rates against values, gross proceeds of sales, or gross income, as the case may be, in accordance with the following schedule:

(a) At an amount equal to one-fourth of 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, preserving, processing, or otherwise preparing for sale, profit or commercial use, agricultural and horticultural products, including livestock prepared for sale, or commercial use, or any product or products, article or articles, substance or substances, commodity or commodities not classified in paragraph 1, subsection (c) or in subsection (g).

2. Any product, article, substance or commodity included in paragraph 1, subsection (a), which shall be sold at retail, or to the ultimate consumer or user by any person classified in such subsection, 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 paragraph 1, subsection (a) and shall be subject to the provisions of subsection (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 message 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 as 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, advertising and notices.

8. Job printing, engraving, embossing and copying, advertising by billboards, direct mail, radio or by any means calculated to appeal to prospective purchasers.

9. In adidtion to the amount levied as provided in this section, 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 subsection, between points in this state, there is hereby levied and shall be collected an amount equal to one per cent of the gross proceeds of sale, or gross income, from the business of every

person engaged or continuing within this state in the business of transmitting long distance messages or conversation by telephone or telegraph, transporting for hire freight or passengers by motor vehicle or by railroads, transporting oil, or natural or artificial gas, through pipes or conduits, operating private car lines, each and all where the business done or the service performed is partly within this state, whether the same be performed from any point without this state to a point within this state, or from any point within this state to a point without this state, or from any point without this state through this state to another point without this state, it being the purpose of this paragraph of this subsection to impose the tax for the privilege of transacting such business within this state, to be imposed only upon such part of such business as is transacted or performed within this state, and the taxable receipts from such businesses mentioned in paragraph 9 of subsection (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 subsection (c), and paragraph 1 of subsection (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 by 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 subsection (c), and paragraph 1 of subsection (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 subsection (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, 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, movies, operas, shows of any type or nature, exhibitions, concerts, carnivals, circuses, amusement parks,

menageries, fairs, races, contests, games, billiard and pool parlors and bowling alleys, public dances, dance halls, boxing matches and wrestling matches, and any business charging admission fees for exhibition, amusement or instruction, other than projects of bona fide religious or educational institutions.

2. Hotels, guest houses, dude ranches and resorts, rooming houses, apartment houses, office buildings, automobile rental services, automobile storage garages, parking lots, tourist camps, or any other business or occupation charging storage fees or rents, and adjustment and credit bureaus and collections agencies.

(g) At an amount equal to one-fourth of one per cent of the gross proceeds of sales, or the gross income from the business upon every person engaging or continuing in the business of slaughtering animals for food, packing, processing, or compounding meat or meat products.

(h) At an amount equal to one per cent of the gross proceeds or gross income from the business, upon every person engaged or continuing in the business of contracting. Payments made by the contractor for labor employed in construction, improvements or repairs shall not be subject to the tax herein imposed.

(i) At an amount equal to one-four of one per cent of the gross proceeds or gross income from the business, upon every person engaging in the business of selling poultry or stock feed to poultrymen or producers of poultry and poultry products or to stockmen or feeders of stock, at

wholesale rates, for their own use and not for resale.

(j) 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, revised code of 1928, as amended.

Section 3. Section 4, article 2, chapter 77, session laws of 1935, regular session, is amended to read:

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 the subject matter of the sale, the commission shall prescribe uniform and equitable rules for determining the value upon which the 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 common interest exists between the buyer and seller, but otherwise under similar circumstances and conditions.

Section 4. Section 5, article 2, chapter 77, session laws of 1935, regular session, is amended to read:

Sec. 5. PRODUCERS SELLING AT RETAIL.

Any person engaging in any business classified in subsection (a), paragraph 1, or in subsection (g), 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 subsection (d), paragraph 1.

Section 5. Section 6, article 2, chapter 77, session laws of 1935, regular session, is amended to read:

Sec. 6. REPORTING SALES MADE IN MORE THAN ONE CLASS. A person engaged in any business in which sales are made on which the same rate does not apply, or in two or more businesses with respect to which the rate to be applied is not the same, shall make separate returns of the gross proceeds of sales or the gross income of each business separately classified.

Section 6. Section 11, article 2, chapter 77, session laws of 1935, regular session, is amended to read:

Sec. 11. LICENSES. (a) Every person having a gross proceeds of sales or gross income upon which a privilege tax is imposed by this article, desiring to engage or continue in business, shall make application to the commission for a privilege license, accompanied by a fee of one dollar, and no such person shall engage or continue in business until he shall have obtained such license. Provided, however, that such licensees as are operating under the existing law shall be deemed to have complied with the provisions of this section.

(b) If the applicant is not in arrears in the payment of any tax imposed by this chapter, the commission shall issue a license authorizing him to engage and continue in such business, upon condition that he shall comply with the provisions of this chapter. Such license shall be continuous.

(c) The privilege license prescribed herein shall be non-transferable, and shall be displayed in the applicant's place of business.

(d) A person engaged in or conducting a business in two or more locations, shall procure a license for each of such locations. This requirement shall not be construed as conflicting with section 9 of this article.

(e) Any person who violates any provision of this section shall be guilty of a misdemeanor and upon conviction fined, for each offense, not less than ten dollars, or imprisoned not less than ten days.

Section 7. Section 14, article 2, chapter 77, session laws of 1935, regular session, is amended to read:

Sec. 14. COMMISSION TO CORRECT ERRORS. (a) If the taxpayer shall make any error in computing the tax assessable against him, the commission shall correct such error or reassess 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.

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

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

Section 8. Section 21, article 2, chapter 77, session laws of 1935, regular session, is amended to read:

Sec. 21. REMITTANCE; HOW MADE; FORGERY OF RECEIPTS; PENALTY. 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, 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 commission showing separately the taxes collected under each of the classifications and amounts collected from businesses engaged in within each county as 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, setting forth the classification and amounts collected from businesses engaged in within each county.

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 four years.

The commission shall remit all revenues collected under this act to the state treasurer daily, through the state auditor, and the state treasurer shall credit said payment to a fund known as the special privilege tax account. After deducting the appropriation herein made for 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 state board of social security and welfare, to be used by it for the purpose of carrying out the objects and purposes set forth in chapter 69, session laws of 1937, regular session, and any amendment thereto hereafter adopted; provided that thirty-three and one-third per cent of the money allocated to the board of social security and welfare by this act shall be expended by said board in the construction and completion of building or construction projects

authorized by the governor prior to May 23, 1937, from the fund heretofore designated as the "Governor's Relief Fund". Upon completion of said projects, all balances shall revert to the board of social security and welfare, to be expended in accordance with the provisions of chapter 69, session laws of 1937, regular session.

The amount of money expended by the governor from the fund heretofore designated as the "Governor's Relief Fund" from March 23, 1937 to and including May 22, 1937 is hereby validated. All obligations contracted or authorized by the governor for projects for labor or material furnished prior to May 23, 1937 against said "Governor's Relief Fund" other than those projects hereinbefore set forth for which provision has been made, shall be paid and the state board of social security and welfare is hereby authorized to pay from any unexpended balance, appropriated to said board from the privilege sales tax fund, all such unpaid claims for labor and material furnished prior to May 23, 1937, and the state auditor is hereby authorized to draw his warrants therefor upon vouchers approved by the governor and the state board of social security and welfare.

Expenditures made on the order of any board of supervisors for medical attendance or services to, or for the relief of indigent or needy persons on or after March 23, 1937, and prior to May 23, 1937, are hereby validated, and shall be legal charges against the state board of social security and welfare and shall be paid out of the fifteen per cent of the sales tax revenue accruing

to the said board not otherwise allocated by this act.

After deducting from said fund the appropriation herein made for expenses of the commission in administering this act, the appropriation herein made to the state board of social security and welfare, and the warrants drawn against said fund pursuant to sections 17 and 26 of this article, forty per cent of the remaining sum in said account collected in each calendar month shall be credited by the state treasurer to the general fund of the state, and the other sixty per cent of said remaining sum shall be paid by the state treasurer every calendar month to the several county treasurers of the state by averaging the following proportions:

(a) The proportion that the assessed valuation of each county, after deducting that part of the assessed valuation exempt from taxation at the beginning of the month for which said sum is to be paid, bears to the total assessed valuations of all of the counties after deducting that portion of the assessed valuations exempt from taxation at the beginning of the month for which said sum is to be paid, and (b) the proportion that the tax moneys collected under this article upon the gross proceeds or gross income from businesses engaged in within each such county during the month in which the same were collected bears to the total tax moneys collected under this article throughout the state for such calendar month.

Said tax accruing to the counties shall be used by the counties for the following purposes in the

order named; first, in the payment of principal and interest due on any bonds issued by the county; second, in the payment of outstanding warrants issued by the county in years preceding the year in which the tax is received, and the balance remaining after the payment of interest and principal due on said bonds and on said outstanding warrants, shall be credited to the general fund of the county. The commission, on or before the first Monday of July of each year, shall estimate the anticipated tax moneys to be collected under this article payable to each county of the state under this article during the ensuing fiscal year, and shall forthwith transmit such estimate to each county treasurer. Each county board of supervisors shall include such estimate in such county's budget in its estimate of receipts from sources other than property taxes. No debt, obligation or liability shall be paid or liquidated from any portion of said tax collected under this article which is credited to the county general fund unless it be for an item or purpose specific in amount included in said budget.

In estimating and adopting the budget, if the amount of the tax money estimated under this article to be paid into the general fund of the county in any year is less than the amount which was estimated for the preceding year, then in determining the amount which may be levied for tax purposes under the limitations imposed by section 3100, revised code of Arizona 1928, such difference in said estimated amounts may be added to the amount levied for such purposes upon the tax rolls of the preceding year and for the purposes of said section the total shall be deemed the

amount levied for such purposes upon the tax rolls of the preceding year.

All sums of money paid to a county in a fiscal year under the provisions of this article which are in excess of the amount thereof estimated in the budget for that year shall be placed in a special fund and kept therein by the county until the next succeeding fiscal year and the amount thereof shall be included in the budget of the county for that year and shall be expended only for the purposes included in the budget and shall be considered and treated in all respects as though said sum were estimated to be received during that fiscal year under the provisions of this article.

If the amount of money paid to a county in a fiscal year under the provisions of this article shall be less than the amount estimated for such year by the commission and by reason thereof there shall be outstanding unpaid warrants, the commission upon application of the county may authorize such county to levy and assess ad valorem taxes in the following fiscal year in an amount sufficient to pay said outstanding warrants but in no event in an amount greater than the difference between the amount estimated to be received by such county and the amount actually received hereunder. Upon entry of such order by the commission the board of supervisors may thereupon levy and assess taxes at the same time as other taxes are levied.

For the purpose of determining a county's proportion of tax under the following subsections of section 2 of article 2, a taxpayer shall be deemed to be engaged in business within the county:

(1) Subsection (b)-1 and (c)-4. Where the transportation begins.

(2) Subsection (c)-1, where the oil, natural gas, limestone, sand, gravel, copper, gold, silver, or other mineral product, is extracted, mined, quarried or pumped or where the timber is felled.

(3) Subsection (c)-2, where the electricity, gas or water is delivered to the consumer.

(4) Subsection (c)-3, from where the messages or conversations by telephone or messages by telegraph are transmitted.

(5) Subsection (c)-5, where the oil or artificial or natural gas is delivered to the consumer.

(6) Subsection (e)-1, in the case of dining cars, and subsection (c)-6, the taxpayer shall be deemed to be engaged in business in each county in which such cars are operated in the same proportion that the mileage of railroads in each county over which such cars are operated bears to the total mileage of railroads in the state over which such cars are operated.

(7) Subsection (c)-7, where the newspaper, magazine or other periodical and publication is published.

(8) Subsection (c)-8, where the job printing, engraving, embossing and copying is done, where the bill boards are situated, where the advertising by direct mail is sent from, where the radio advertising is transmitted from, and where the

advertising by any other means calculated to appeal to prospective purchasers originates.

(9) Subsection (d)-1, where the sale is made.

(10) Subsection (e)-1, except in the case of dining cars where restaurants, dining rooms, lunch rooms, lunch stands, soda fountains or similar establishments where articles of food or drink are sold for consumption on the premises are situated.

(11) Subsection (f)-1 and subsections (f)-2, where the businesses therein enumerated are situated or conducted.

(12) Subsection (g), where the compounding, packing, preserving or processing is done if sold at wholesale by the person compounding, packing, preserving or processing, otherwise at the place of sale of said tangible property sold at wholesale.

(13) Subsection (a)-1, where the products, articles, substances and commodities mentioned therein are manufactured, baled, crated, boxed, barrelled, canned, bottled, sacked or prepared for sale, profit or commercial use.

Except as herein provided, where a taxpayer is engaged in business in more than one county, the business in which he is engaged in each county shall be determined by the commission and each respective county shall be entitled to distribution of its share of said taxes on the basis of the business engaged in by such taxpayer in said county.

Section 9. Section 26, article 2, chapter 77, session laws of 1935, regular session, is amended to read:

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. 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 and a sum equivalent to the proportion of said tax paid in excess of the amount due which has been paid to a county shall be deducted from any sum thereafter to be paid under this article to said county, and shall be credited to the special privilege tax account.

Section 10. Article 2, chapter 77, session laws of 1935, regular session, is amended by adding section 28a, to read:

28a. UNFAIR COMPETITION. No person engaged in any of the businesses classified in section 2, shall advertise or hold out to the public

in any manner, directly or indirectly, that the tax herein imposed is not considered as an element in the price to the consumer. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Section 11. Section 1, article 3, chapter 77, session laws of 1935, regular session, is amended to read:

Sec. 1. TOKENS. (a) The commission shall issue tokens of the nominal face value of one mill and multiples thereof, for the use of purchasers in reimbursing to persons engaged in business the amount of tax applicable to any sale or sales, and to expend from the appropriation made for the enforcement of this act, such amounts as may be necessary for such purpose.

(b) The commission is authorized to promulgate rules and regulations directing the manner and method of use, and governing distribution, sale and resale of such tokens, which shall provide convenient methods of sale thereof to prospective users, at face value, without the payment to any agency or person of any commission, fee, discount or emolument.

(c) Such tokens shall be accepted at their face value by all persons engaged in business within the meaning of this act, as payment to them of any and all amounts added to the gross receipts of any business taxable under this act. They shall not be accepted by the commission in pyament of a tax, but shall be by the commission redeemed at their face value.

(d) Whoever, with the intent to defraud, shall: 1. falsely make, alter, forge or counterfeit, 2. knowingly aid in the false making, altering, forging or counterfeiting, or, 3. sell or have for sale or in any manner circulate any forged, counterfeited, spurious or altered token, or who shall steal or embezzle any genuine token issued pursuant to this act, shall be guilty of a felony and upon conviction fined for each offense not to exceed twenty-five hundred dollars, imprisoned not to exceed five years, or both.

Section 12. Section 2, article 3, chapter 77, session laws of 1935, regular session, is amended to read:

Sec. 2. LICENSE FEE AND PRIVILEGE TAX ADMINISTRATION FUND; APPROPRIATION. (a) 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.

(b) There is hereby appropriated as set forth in section 21, article 2, hereof, to the state board of social security and welfare, out of the taxes collected hereunder, an amount equal to fifteen per cent of the taxes collected each month hereunder, to be used by it for the purposes set forth in section 21, article 2, hereof, provided however, that in no event shall the total appropriation to the state board of social security and welfare exceed fifteen per cent of the taxes collected hereunder.

(c) The reservation of certain proceeds of the fund referred to in subsection (b), made by section 1, subsection (b), chapter 56, session laws of 1937, regular session, is hereby confirmed and continued, and such further and additional sum not exceeding one hundred fifty thousand dollars as may be necessary, in monthly amounts not exceeding fifteen thousand dollars, is appropriated to the board of directors of state institutions out of moneys accruing to the state board of social security and welfare under the provisions of subsection (b) hereof, for the purpose of constructing the addition to the state capitol provided for by said section 1, subsection (b), chapter 56, session laws of 1937, regular session. The board of directors of state institutions is authorized to enter into such agreement as it may deem proper with the federal public works administration or other agency of the federal government for participation in the cost of construction of said addition, and such portion of any expenditure made under the provisions of this subsection or of section 1, chapter 56, session laws of 1937, regular session, as may be received by or re-

turned to the state under the terms of any such agreement shall revert to the credit of the state board of social security and welfare.

Section 13. SEVERABILITY. If any provision of this act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the act are declared to be severable.

Section 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.

This bill having remained with the Governor ten days, Sundays excluded, after the final adjournment of the Legislature, and not having been filed with his objections, has become a law this 11th day of June, 1937, A. D.

(Signed) JAMES H. KERBY,
Secretary of State.

RESOLUTIONS AND MEMORIALS

HOUSE MEMORIAL NO. 1

A HOUSE MEMORIAL

RELATING TO THE CONTINUATION OF THE FUNCTIONS OF THE FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS.

TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA:

Your memorialist respectfully represents:

The congress of the United States of America has extended the federal emergency administration of public works from time to time since its creation and has augmented the original appropriation to further the policy of the federal emergency administration of public works by financing and aiding the construction of worthy and necessary public projects, and the federal emergency administration of public works has effectively and efficiently discharged the public duties with which it has been entrusted.

The construction of projects of the type financed by the federal emergency administration of public works is not solely a means of reemploying citizens of the state who are without employment, but is a means to stimulate industry in general by the construction of sound and useful public projects designed to meet social and economic needs, and the continuation of its program is necessary in order that unemployment may be reduced and absorbed by private industry.

The records of the Arizona state director of the federal emergency administration of public works discloses that in excess of fifty applications are now pending in his office for the construction of public projects under the direction and supervision of the federal emergency administration of public works.

Wherefore your memorialist, the House of Representatives of the state of Arizona, prays:

1. That the congress of the United States of America continue the functions of the federal emergency administration of public works, and authorize appropriations necessary to adequately provide for a continued program of public improvements.

2, That the secretary of state is authorized and directed to send copies of this resolution to the President of the United States, to the President of the Senate of the United States, the Speaker of the House of Representatives, to the Secretary of the Interior as director of the federal emergency administration of public works, and to each of the senators and representatives from the state of Arizona in the congress of the United States of America.

Adopted by the House May 20, 1937.

Filed in the office of Secretary of State May 20, 1937.

HOUSE CONCURRENT MEMORIAL NO. 2

A CONCURRENT MEMORIAL

RELATING TO PROTECTION OF THE COPPER MINING INDUSTRY.

TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

The production of copper constitutes a major industry of a number of western states, and in certain respects it is the leading industry of Arizona.

It is the principal resource and dependence of a score or more populous cities and towns of this state.

It provides the sole means of support of many hundreds of Arizona families, and indirectly of several thousands.

It is the largest purchaser of Arizona farm products, and contributes in important measure to the prosperity of Arizona farmers, fruit growers, and stockmen.

It accounts for the use of large quantities of Arizona timber and lumber, and is a source of material profit to the transportation industry.

Its annual expenditures for improvements run into the millions, and it forms an extensive market for the heavy goods industries.

As a source of essential war material it is of utmost importance that the copper mines of Arizona and other western states be kept in continuous operation, for the renewal of equipment, unwatering mines, and renovating abandoned workings is a long and expensive procedure.

These are just a few of the reasons why it is of the utmost importance that the copper industry of the United States be afforded the benefits of a price level for raw copper consistent with profitable operation.

To maintain such a price level it is necessary that dependable protection be provided against the influx of foreign copper produced by means of the cheapest of labor and under conditions more conducive to low production costs than those which characterize the copper deposits of this country.

Under the provisions of the Joint Resolution of Congress approved June 28, 1935 (chapter 333, U. S. Statutes, 74th Congress) the present protective duty on copper of four cents per pound expires on June 30 of

the present year. With the removal of such protection a comparatively small drop in the world price of copper will almost certainly result in the invasion of United States markets by huge supplies of foreign copper against which it will be impossible for home producers to compete, with the inevitable result of the closing of many mines.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, earnestly requests:

1. That at least the present protection afforded to United States copper be continued and made permanent.

Passed the House May 20, 1937

Passed the Senate May 21, 1937

Approved by the Governor May 22, 1937

Filed in the office of Secretary of State May 22, 1937.

HOUSE JOINT MEMORIAL NO. 1

A JOINT MEMORIAL

RELATING TO AN ADDITION TO THE CAPITOL BUILDING.

TO THE PRESIDENT OF THE UNITED STATES AND THE PUBLIC WORKS ADMINISTRATOR:

Your memorialist respectfully represents:

Public works project application Arizona 1040-1 (for an addition to the capitol of the state of Arizona, to be known as the department of justice building, and to house the supreme court, the attorney-general's

offices and the department of library and archives) has been approved by the legal, engineering, and financial divisions of the United States public works administration.

The state of Arizona, under the terms of chapter 56, session laws of 1937, regular session (approved March 16, 1937) has provided for the financing of the state's part of the cost of constructing the said addition.

This project is an unusually meritorious one, from the standpoints alike of the public works administration's objectives, the state of Arizona's needs, and the pronounced public benefits which will flow from it.

By furnishing work over a period of approximately one year to a considerable number of semi-skilled and unskilled workmen it will contribute to the further solution of the unemployment situation; by providing adequate quarters for the departments referred to will relieve a congestion which now seriously hampers efficiency in the public service, and in this respect as well as by permitting needed enlargement of essential activities of the department of library and archives will be of great benefit to the public interest.

The supreme court and the attorney-general are at present housed in quarters poorly adapted and altogether insufficient for their needs. The emergency of the department of library and archives is both pronounced and acute. Occupying quarters wholly unfitted for the department's purposes, capacity taxed far beyond the limit, both efficiency and economy of administration are adversely affected, and many essential activities of concern to the legislature, the executive and administrative departments, and to the public interest and welfare are seriously handicapped. Priceless archives are perforce stored in attics, impossible of reasonable access and subjected to unusual fire and other hazards, while great quantities of invaluable library materials are widely scattered, and housed under conditions which preclude proper care and render their use so difficult as to be almost impracticable.

The situation, furthermore, is constantly growing more serious.

Wherefore your memorialist, the Legislature of the state of Arizona, urgently requests:

1. That the approval already given to public works application Arizona 1040-1 by the legal, engineering, and financial divisions of the public works administration be completed and made effective, at the earliest possible date, through approval of said application by the public works administrator and the allocation of funds by the president.

Passed the House May 18, 1937

Passed the Senate May 19, 1937

Approved by Governor May 20, 1937

Filed in office of Secretary of State May 20, 1937.

HOUSE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION

AUTHORIZING THE SECRETAY OF STATE TO EXPEND BALANCES IN CERTAIN FUNDS.

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

1. That the state auditor is authorized to pay out of the unexpended appropriation contained in subdivision 48, chapter 107, session laws of 1935, regular session (general appropriation act), which was appropriated for initiative and referendum expense, the following amounts:

(a). Sims Printing Company, printing 160,000 reg-

istration cards for the great register $252.40; (b). Payroll covering the period September 1st to September 16th, 1936 $1865.00; (c). W. G. Shivers for rental of ten typewriters for three months $60.00; (d). Heinze, Bowen & Harrington $207.00.

The state auditor is directed to audit and allow claims for the purpose as stated, approved by the secretary of state, and the balance of the appropriation contained in subdivision 48, chapter 107, session laws of 1935, regular session, after the payment of the above authorized expenditures, shall revert to the general fund.

Passed the House May 13, 1937

Passed the Senate May 20, 1937

Approved by the Governor May 20, 1937

Filed in the office of Secretary of State May 20, 1937.

HOUSE CONCURRENT MEMORIAL NO. 1

A CONCURRENT MEMORIAL

RELATING TO INCLUSION OF THE SUBJECT OF CIVIL SERVICE IN THE CALL FOR A SPECIAL SESSION.

TO HIS EXCELLENCY, THE GOVERNOR OF ARIZONA:
Your memorialist respectfully represents:

The civil service method of recruiting, organizing, maintaining, and controlling the public service is, as a measure of efficiency, stability, and economy, of paramount importance to the state.

Adoption of this system would elevate the dignity of the state government and bring the conduct of the

state's business, with respect to personnel, in line with the practice of the most advanced states of the union and of other countries.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, requests:

1. That in the event of a call for another special session of the Thirteenth Legislature you include in such call consideration of the subject of a state civil service.

Passed the House May 21

Passed the Senate May 25, 1937

Transmitted without Governor's signature.

This Bill was received by the Secretary of State this 27th day of May 1937, at 9:45 o'clock. A. M.

HOUSE CONCURRENT RESOLUTION NO. 1

A CONCURRENT RESOLUTION

ON THE DEATH OF HONORABLE BENJAMIN B. MOEUR.

Whereas, on March 16, 1937, death came to Hon. (Doctor) Benjamin B. Moeur, at the family home in Tempe; and

Whereas, the passing of this distinguished citizen was the signal for state-wide mourning—an emotion which invaded all classes of homes and found response in the hearts alike of rich and poor; and

Whereas, Doctor Moeur, or "Doc", as he was widely and affectionately addressed despite his right to formal

official title, left behind a multitude of friends and an outstanding record of constructive achievement, as pioneer, neighborhood physician, business man, civic leader, and finally as Governor of the State; now therefore

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

1. The death of Arizona's former Governor, Hon. Benjamin M. Moeur, is chronicled by this body with deepest sorrow, though with pride in the example he has set for future generations.

2. Whole-hearted sympathy is extended to the bereft wife and helpmeet, Mrs. Honor Moeur, and to all members of the sorrowing family.

Passed the House May 14, 1937

Passed the Senate May 17, 1937

Approved this 20th day of May, 1937, by Governor

Received by the Secretary of State this 20th day of May, 1937.

ACTS
Resolutions and Memorials

of the

SECOND SPECIAL SESSION
Thirteenth Legislature

of the

STATE OF ARIZONA
1937

Second Special Session Convened June 2nd, 1937

Second Special Session Adjourned Sine Die
June 22nd, 1937

PUBLICATION AUTHORIZED
Chapter 14 S. B. 21

LAWS
SECOND SPECIAL SESSION
13th Legislature,

1937

AUTHENTICATION

AUTHENTICATION

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

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

That the Second Special Session of the Thirteenth Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, June 2nd, 1937, and adjourned sine die on the 22nd day of June, 1937.

That the Acts, Resolutions and Memorials passed at said Session were officially published on the 22nd Day of June, 1937.

IN WITNESS WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 22nd day of June, 1937.

JAMES H. KERBY, (Signature)
Secretary of State

EXECUTIVE DEPARTMENT

STATE OF ARIZONA

PHOENIX, ARIZONA

PROCLAMATION

CALLING THE THIRTEENTH LEGISLATURE OF ARIZONA INTO SECOND SPECIAL SESSION

WHEREAS, Article IV, Part 2, Section 3 of the Constitution of Arizona reads in part as follows:

> "The Governor may call a special session whenever in his judgment it is advisable. In calling such a special session the Governor shall specify the subjects to be considered at such session, and at such session no laws shall be enacted except such as relate to the subjects mentioned in such call."

And,

WHEREAS, Article V. Section 4 of the Constitution of Arizona reads in part as follows:

> "He (the Governor) may convene the Legislature in extraordinary session."

NOW, THEREFORE, I, R. C. STANFORD, Governor of the State of Arizona, in consideration of these premises, and by virtue of the authority vested in me by this constitution, do convene the Thirteenth Legislature of the State of Arizona into second special session, in Phoenix, the Capitol, at ten o'clock A. M., on Wednesday, the second day of June, 1937, to enact legislation for the following purposes:

I.

To enact a minimum wage law for women and minors.

2.

Enact laws to cooperate with the Federal Government relative to soil erosion control.

3.

Create a State Park and Planning Board to take supervision and control of all State Parks and Monuments and make an appropriation therefor.

4.

To make the following appropriations:

(a) To Board of Directors of State Institutions a sufficient amount to care for delinquent girls.

(b) To care for and feed the inmates of the State Hospital.

(c) Such additional funds as may be necessary for the maintenance and operation of the Capitol Building and Grounds, Pioneers' Home, Industrial School, State Prison and for the Board of Directors of State Institutions.

(d) Such funds as you may deem necessary for the University of Arizona to make available the use of the new dormitory for girls, and to improve the grounds.

(e) For the payment of the claims against the Secretary of State as set forth in Joint Resolution No. 1, first special session, Thirteenth Legislature.

(f) Such funds as you deem advisable to participate in the Fairs to be held in 1939 in New York and San Francisco, and provision for the expenditure thereof.

(g) Sufficient funds for the carrying on and conducting a State Fair for the years 1937-38.

(h) Funds for placing a statue of the late George W. P. Hunt in the Hall of Statues in the National Capitol.

(i) Make provision for adequate salaries for road inspectors employed by the Commission of Agriculture and Horticulture for the 26th and 27th fiscal years.

(j) Sufficient funds to carry on tax litigation now pending or which may hereafter be flied.

(k) Authorize the payment of the expenses of entertaining Governor Yocupicio of Sonora, Mexico, on his good will visit to Arizona.

(l) Appropriate funds for additional buildings at the State Hospital.

(m) Make an appropriation for the State Land Department to use in conjunction with the Works Progress Administration in continuing and completing the clasification of State Lands.

(n) Amend Chapter 78, Laws of 1935, to fully appropriate the funds derived from the luxury tax to the use of the State Board of Social Security and Welfare.

5.

Amend the mortgage moratorium law to remove any doubt as to its validity.

6.

Amend the law relating to the exemption of penalties and interest on delinquent taxes so as to remove the ambiguity and permit the redemption of property sold to the state for taxes under its provisions.

7.

Amend Sec. 3772, RCA 1928, so as to permit the

revival or continuance of actions against successors to officers.

8.

Amend the laws relating to payment for official bonds so that the full premium may be a public charge.

9.

Enact measures permitting the State Loan Board to pay delinquent taxes on lands upon which the state holds mortgages.

10.

Amend the law relative to the registration of nurses to provide full reciprocity between the states.

11.

Enact legislation permitting municipalities operating under special charter to provide by ordinance for the assessment and levy of taxes for local purposes and provide an adequate method for collection of same.

12.

To enact legislation looking toward the protection of depositors in the Morris Plan Company and authorize the creation of Industrial Banks.

13.

To enact legislation authorizing irrigation districts, drainage districts, electrical districts, agricultural improvement districts, and other districts having authority to levy taxes, to compromise delinquent taxes in such districts.

14.

To provide funds for the State Department of So-

cial Security and Public Welfare, either by direct appropriation, or by the enactment of legislation requiring the various counties to furnish funds to the State Board of Social Security and Public Welfare for the care of the indigents.

15.

Confirmation of appointments.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed.

DONE at the Capitol Building, in Phoenix, this first day of June, 1937.

R. C. STANFORD,
Governor.

ATTEST:

JAMES H. KERBY,
Secretary of State.

Message of the Governor

On account of the many matters which demand legislative action, I have again called you in special session. On account of a lack of time to consider all such matters, I have selected only the ones I deem of immediate vital necessity to the state.

First among such items is the enactment of a Minimum Wage Law for women and minors. This state was a Pioneer in the enactment of such legislation, but the Supreme Court of the United States declared it unconstitutional. Recently, as you are aware, that body has reversed its former holding and I now earnestly recommend the adoption of such legislation.

There is a wide-spread and urgent demand from agricultural and grazing interests of the state for the enactment of laws enabling the state to cooperate with and act in conjunction with the United States Government in providing for soil erosion control. I recommend, for your consideration, the enactment of such a law.

The Federal Government is urgently requesting that the state take over the supervision, management and control of state parks, projects and improvements already made by the Federal Government through the C.C.C. and other agencies and to provide for the planning and promoting of other and further public works projects. In order to avail ourselves of Federal aid in such projects there must be some accredited state agency with power and authority to act. I, therefore, recommend the creation of a state park and planning board with powers, duties and funds to administer the act.

On account of a lack of funds, many of the state departments and institutions are unable to efficiently operate. I, therefore, recommend to you appropriations for the following purposes:

To the Board of Directors of State Institutions a sufficient amount to provide care for delinquent girls. At the present time, no appropriation whatever is available for such purpose and without funds no institution will take the care, control and supervision of these delinquents. It is imperative that this appropriation be made for immediate use.

Our unfortunate citizens, who are inmates of the State Hospital, deserve the best care which we can give them. There is an immediate need for additional funds to care for and feed the inmates of the State Hospital. I recommend such an appropriation to become immediately available.

There is need for additional funds for the maintenance and operation of the Capitol Building and grounds, Pioneers' Home, Industrial School, State Prison,

and for the use of the Board of Directors of State Institutions. In order to adequately maintain and operate these institutions a direct appropriation is necessary. I, therefore, recommend that you give to each of these, such funds, immediately available, as are necessary.

I am advised that the State University will not be able to use the new dormitory for girls without funds for some additional improvement, and that certain improvements are necessary to be made on the University grounds. I recommend you make a sufficient appropriation immediately available for such purposes as are necessary.

You adopted at the first special session of the 13th legislature, Joint Resolution No. 1, asking the Auditor to pay certain claims for obligations incurred by the Secretary of State. I recommend you provide by appropriation for the payment of the claims set forth in Joint Resolution No. 1.

Arizona has been invited to participate in the Fairs to be held next year in New York and San Francisco. I recommend a consideration of these invitations and if you deem it advisable that the State participate in these Fairs, that you make such appropriation, therefore, as you deem necessary.

There is a wide-spread demand for the re-establishment of a State Fair. I, therefore, recommend that you make such appropriation as may be necessary for the carrying on and conducting of a State Fair for the years of 1937-8.

I am strongly in favor of the state of Arizona paying proper respect to its illustrious dead. There is available in the Hall of Statues in the National Capitol, and reserved for the state of Arizona, space for one more statue. I believe no better use could be made of this space than to provide and place therein, the statue of the late George W. P. Hunt. I, therefore, earnestly recommend an appropriation for such purpose.

In the regular session of the 13th legislature in the appropriation for the Commission of Agriculture and Horticulture, the salary of the road inspectors was fixed at Thirteen Hundred Ninety and 25/100 ($1390.25) Dollars per year. This does not appear to be a sufficient salary for the work required to be done, and I therefore recommend that you make provision for adequate salaries of such road inspectors.

We have pending in the various courts tax litigation involving approximately One Million ($1,000,000) Dollars in taxes claimed to be due to the state of Arizona. The costs of such litigation in the United States Courts, and the expenses of the Attorney General therein, are made legal charges against the State of Arizona by our code. The more important of these cases are either ready for trial, or will be ready for trial this year, and should be disposed of. In order to handle these cases, it is necessary that funds be made immediately available. It is estimated by the Attorney General's office that there will be needed for such purposes in the payment of expenses, costs and the employment of additional assistants Fifty-seven Thousand Five Hundred and No/100 Dollars. I, therefore, earnestly recommend such appropriation, and that it be made immediately available for use by the Governor and the Attorney General, acting jointly.

Recently Governor Yocupicio, of Sonora, Mexico, and his party, paid a good will visit to the state of Arizona. In keeping with the dignity of the state, and the importance of such visit, certain expenses were incurred in entertaining the visitors. There seems to be no fund available out of which such expenses can be paid. I, therefore, request that you provide for the payment of these expenses out of whatever funds may be available.

The conditions at the State Hospital are such that additional buildings are required to properly house the inmates. If and immediate appropriation is available, I am advised that it will be possible to secure Federal funds to a considerable amount to aid in the construction. However, the time within which Federal

funds will be available is very limited and unless immediate advantage is taken of the offer it will be withdrawn. I, therefore, recommend that you make such appropriation as you deem necessary for this purpose to become immediately available.

We have had underway in the state a project for the classification of state lands which was partly financed from the Governor's Relief Fund, and partly from Federal funds. Since the transfer of the use of relief funds from the Governor to the State Board of Social Security and Public Welfare, work on this project ceased. Unless funds are available to pay the state's portion of the expenses, the work which has already been done will be practically a loss. It appears to me of great importance that this work be completed, as only in this way can we arrive at a proper rental, or sale value of the state lands. I, therefore, recommend that you appropriate a sufficient sum to complete this project.

Under the provisions of Chapter 78, laws of 1935, the appropriation of the money derived from the luxury tax funds specifically provides that all sums on hand on the 30th day of June, 1937, shall revert to the general fund of the state. There also exists some slight doubt as to this appropriation being a continuing appropriation. I recommend, therefore, such action as will fully appropriate the funds derived from the luxury tax to the State Board of Social Security and Welfare, making such appropriation a continuing appropriation and removing the provision for the reversion of any balance to the general fund, and that this action become immediately effective.

The legality of the act extending and continuing the Mortgage Moratorium Act, which was adopted by the regular session of the 13th legislature, is being questioned in the courts and in order to make it effective I recommend such action to amend the law as will remove any doubt as to its validity.

The act passed by the regular session of the 13th legislature relating to penalties and interest on de-

linquent taxes appears to contain some ambiguity and does not permit the redemption of land sold to the state for taxes. I, therefore, recommend that you take such action thereon as is necessary to remove the ambiguity and permit the redemption of property sold to the state for taxes under the provisions of the act. I further recommend that you provide that the time during which this exemption of penalties and interest on delinquent taxes is in force and effect be excluded from the five-year period of limitation within which sales for delinquent taxes may be held and that the treasurers of the various counties be authorized to suspend sales of property for delinquent taxes during such time.

I request that you amend Section 3772, Revised Code of Arizona, 1928, so as to permit the revival or the continuance of actions against successors to officers. I do this because there are today many differences involving property rights which cannot be successfully and completely determined without this provision.

Under the existing laws of this state, premiums on official bonds in the counties are only public charges to the extent of one-half of one per cent of the amount of such bond. This works a decided hardship upon county officers and their deputies. I therefore recommend such action as is necessary to make the premiums of the bonds of county officers and their deputies a public charge in the full amount of such premiums.

The state Loan Board has many loans on real estate. Under the present law, no provision is made for the protection of these mortgages by the payment of delinquent taxes and already lands on which the state holds the mortgage have been sold for taxes. I therefore recommend such legislation as will enable the State Loan Board to adequately protect the investments of the state.

Under the present law relative to the registration of nurses reciprocity is extended in this state only to

nurses coming from states which extend the same courtesy to this state. I am advised that on account of this provision there is, and will be, an acute shortage of nurses in this state during the winter months. I therefore recommend such legislation as will provide full reciprocity between the state of Arizona, and all of the other states.

At present there seems to be a lack of authority vested in municipalities operating under special charter to provide for the assessment, levy and collection of taxes for local purposes. I therefore recommend the enactment of legislation permitting municipalities operating under special charter to provide by ordinance for the assessment and levy of taxes for local purposes and to provide adequate methods for the collection thereof.

The present situation existing in the Morris Plan Company of the state of Arizona indicates that unless some legislation is adopted, serious losses will be suffered by the depositors and that it will not be possible to reorganize such Morris Plan Company, or companies, and thus minimize the losses. I, therefore, recommend to you the enactment of such legislation as may be necessary for the protection of the depositors and for the re-organization of the Morris Plan Company, or companies, or to authorize the creation of some plan of banking in accordance with the need.

Under existing conditions it appears advisable that irrigation districts, drainage districts, electrical districts and agricultural improvement districts and other districts having authority to levy taxes, be given authority to compromise delinquent taxes. No such authority now exists. I, therefore, recommend that you enact such legislation as will authorize such municipal corporations to compromise taxes on the basis that the land against which taxes are levied will not sell for the amount of such taxes.

With the added duties placed on the State Department of Social Security and Public Welfare and the relieving of the Counties of the state of all duties

in the care of indigents, the State Department of Social Security and Public Welfare finds it is unable to carry out its duties with the funds now available. The most important of these duties, which it finds it is unable to perform for lack of funds, is that of caring for the indigent sick. It is of the greatest importance that funds be made immediately available to this Board. I, therefore, recommend that you make the necessary provision for these funds either by direct appropriation of state funds or by the enactment of legislation requiring various counties to furnish at least a substantial portion of the cost of such care.

I submit all of these matters for your consideration and such action as you deem necessary and expedient. While I have well defined ideas about what action should be taken on these questions, it is not my purpose to attempt to impose those ideas upon you. I have prepared measures and these will be furnished you. My only desire is to cooperate to the fullest extent with you and I shall at all times be available, ready and willing to meet and discuss with you any of these questions to the end that the best laws consistent with the result to be accomplished may be enacted.

ORDER OF ACTS

SECOND SPECIAL SESSION OF THE

THIRTEENTH LEGISLATURE

STATE OF ARIZONA

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7 S. B. 15 An Act relating to nursing, and amending section 2568, Revised Code of 1928. Approved June 21, 1937. Effective June 21, 1937. (Emergency section) 557

8 H. B. 1 An Act relating to the Golden Gate International Exposition and the New York World's Fair, and providing for participation therein by the State of Arizona. Approved June 22, 1937. Effective Sept. 19, 1937. 558

9 H. B. 13 An Act making emergency appropriations for the several state institutions. Approved June 25, 1937. Effective June 25, 1937. (Emergency section) 560

10 S. B. 13 An Act relating to the commission of agriculture and horticulture, and making an appropriation for the payment of salaries of road inspectors. Approved June 26, 1937. Effective June 26, 1937. (Emergency section) 563

11 S. B. 8 An Act making an appropriation for the use of the attorney general in defraying the costs and expenses of prosecuting or defending any and all suits brought by or against the State of Arizona or any county thereof or any officials of the state or any county thereof, concerning the validity or amount of any state or county taxes levied by any officials and empowering the attorney general, with the consent

of the governor, to employ special counsel in the prosecution or defense of such suits, provided that no such expenses may be chargeable to the prosecution for delinquency in inheritance tax suits. Approved June 26, 1937. Effective June 26, 1937. (Emergency section) 565

12 H. B. 17 An Act relating to continuation of causes of action, and amendnig section 3772, Revised Code of 1928. Approved June 26, 1937. Effective June 26, 1937. (Emergency section) 567

13 S. B. 4 An Act providing for the organization and operation of industrial banks. Approved June 26, 1937. Effective June 26, 1937. (Emergency section) 568

14 S. B. 21 An Act making an appropriation for the preparation and printing of session laws. Approved June 26, 1937. Effective June 26, 1937. (Emergency section 571

15 S. B. 9 An Act relating to water, irrigation, drainage, and improvement districts, and authorizing boards of directors to compromise taxes assessed and levied against the lands in said districts. Approved June 26, 1937. Effective June 26, 1937. (Emergency section) 572

16 S. B. 6 An Act relating to taxation, amending section 2, article 4, chapter 78, session laws of 1935, regular session, by enlarging the use of said tax for social security and welfare purposes, and declaring an emergency. Approved June 26, 1937. Effective June 26, 1937. (Emergency section) 574

17 H. B. 4 An Act relating to mortgages; and

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repealing chapter 29, session laws of 1933, regular session, chapter 9, session laws of 1935, and chapter 8, session laws of 1937, regular session. Approved June 26, 1937. Effective June 26, 1937. (Emergency section) 576

18 H. B. 7 An Act relating to delinquent taxes, the payment thereof and providing for exemption of penalties and interest thereon, and amending section 2, chapter 46, session laws 1937, regular session. Approved June 26, 1937. Effective Sept. 19, 1937. 578

19 S. B. 3 An Act relating to counties and county officers; enumerating county charges, and amending section 889, Revised Code of 1928, as amended. Approved June 26, 1937. Effective June 26, 1937. (Emergency section) 580

20 S. B. 2 An Act relating to the employment of women and minors and providing for the establishment of a minimum wage. Approved June 26, 1937. Effective June 26, 1937. (Emergency section) 582

ACTS

CHAPTER 1

(House Bill No. 5)

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF THE CURRENT AND CONTINGENT EXPENSE OF THE SECOND SPECIAL SESSION OF THE THIRTEENTH LEGISLATURE.

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

Section 1. APPROPRIATION. The sum of twenty-six thousand three hundred fifty-nine dollars and forty cents is appropriated to the second special session of the thirteenth legislature.

Sec. 2. PURPOSE. The purpose of said appropriation is to provide for the payment of the current and contingent expense of carrying on the second special session of the legislature, and shall be expended for the following objects and in not more than the following amounts:

1. For the payment of salaries: 1a. of members of the Senate, three thousand forty dollars, 1b. of members of the House of Representatives, eight thousand one hundred sixty dollars.

2. For the payment of mileage: 2a. of members of the Senate, seven hundred ninety-four dollars and twenty cents, 2b. of members of the House of Representatives, one thousand two hundred sixty-five dollars and twenty cents.

3. For the payment of salaries and wages: 3a. of officers and employees of the Senate, one thousand five hundred dollars, 3b. of officers and emuloyees of the House of Representatives, three thousand six hundred dollars.

4. For the payment of the contingent expense: 4a. of the Senate, three thousand dollars, 4b. of the House of Representatives, five thousand dollars.

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

Approved June 3, 1937.

CHAPTER 2

(House Bill No. 14)

AN ACT

MAKING AN APPROPRIATION TO PAY EXPENSES INCIDENT TO THE ENTERTAIN-

MENT OF GOVERNOR ROMAN YOCUPICIO OF SONORA.

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

Section 1. APPROPRIATION. The sum of one thousand five hundred eighty-four dollars and fifteen cents is appropriated to the governor.

Sec. 2. PURPOSE. Said appropriation is for the purpose of paying expenses incident to the entertainment of Governor Roman Yocupicio of Sonora, Republic of Mexico, upon the occasion of his good-will visit to the capital of Arizona in the month of February, 1937.

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

Approved June 11, 1937.

CHAPTER 3

(House Bill No. 3)

AN ACT

RELATING TO UNEXPENDED APPROPRIATION AND AUTHORIZING THE SECRETARY

OF STATE TO EXPEND BALANCES IN CERTAIN FUNDS.

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

Section 1. AUTHORIZATION OF EXPENDITURE. The state auditor is hereby authorized and directed to draw his warrants against the unexpended appropriation contained in subdivisions 48, chapter 107, session laws of 1935, regular session, which was appropriated for initiative and referendum expense, and the state treasurer is hereby authorized and directed to pay the same in the following amounts:

(a) Sims Printing Company, printing one hundred sixty thousand registration cards for the great register, two hundred fifty-two dollars and forty cents; (b) payroll covering the period September 1st to September 16, 1936, one thousand eight hundred sixty-five dollars; (c) W. G. Shivers for rental of ten typewriters for three months, sixty dollars; (d) Heinze, Bowen & Harrington, for stationery and supplies, two hundred seven dollars.

Sec. 2. PAYMENT DIRECTED. The state auditor is directed to audit and allow claims for the purpose as stated herein, approved by the secretary of state, and the balances of the appropriation contained in subdivision 48, chapter 107, session laws of 1935, regular session, after the payment of the above authorized expenditures, shall revert to the general fund.

Sec. 3. EMERGENCY. To preserve the pub-

lic 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 June 11, 1937.

CHAPTER 4

(House Bill No. 15)

AN ACT

MAKING AN APPROPRIATION FOR BUILDING CONSTRUCTION AND EQUIPMENT AT THE STATE HOSPITAL FOR THE INSANE.

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

Section 1. APPROPRIATION. The sum of one hundred thirty five thousand dollars is appropriated to the board of directors of state institutions.

Sec. 2. PURPOSE. The purpose of said appropriation is to furnish the state's part of the cost of construction of three new buildings, and additions and alterations to existing buildings, including furnishings and equipment therefor, at the state hospital for the insane, if and when the first federal grant is received, under the terms of the contract (referred to as docket No. Arizona 1040-a-D) entered into between the state of Arizona

and the federal emergency administration of public works under date of November 6, 1936, whereby the said federal agency contributes the sum of ninety-three thousand three hundred sixteen dollars and the state of Arizona is required to furnish the balance of such cost, such balance being included in and limited to the appropriation set forth in section one of this act.

Sec. 3. This act shall be exempt from the provisions of paragraph 2616, Revised Code of Arizona, 1928.

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

Approved June 14, 1937.

CHAPTER 5

(Senate Bill No. 17)

AN ACT

MAKING AN APPROPRIATION FOR IMPROVEMENTS AT THE UNIVERSITY OF ARIZONA.

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

Section 1. APPROPRIATION. The sum of

ten thousand dollars is appropriated to the University of Arizona.

Sec. 2. PURPOSE. Said appropriation is for the purpose of sinking a well and for pumping equipment and reservoir repairs to make available the use of the new dormitory for girls, at a cost not to exceed ten thousand dollars.

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

Approved June 21, 1937.

CHAPTER 6

(House Bill No. 6)

AN ACT

RELATING TO STATE LANDS, AND PROVIDING FOR CONTINUING THE CLASSIFICATION THEREOF.

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

Section 1. APPROPRIATION AND PURPOSE. The sum of seventy thousand dollars is appropriated to the state land department, for the purpose of completing the project being conducted

in cooperation with the works progress administration of the United States government, for the classification of all lands belonging to the state. The expenditure of this appropriation is conditioned upon the continued cooperation of the federal emergency administration of public works in the carrying out of the project.

Sec. 2. ADMINISTRATION. (a) The state land commissioner shall be ex-officio superintendent of said classification project.

(b) The commissioner shall have power, with the approval of the state land department, to:

1. Arrange for continued cooperation in said project by the works progress administration through the agreement now in effect or any other agreement whereby the federal government will contribute the services of competent office personnel and field assistants, and may furnish supplies, travel expense and equipment;

2. Employ field supervisors, range specialists, and soil experts who are qualified for the performance of their duties both by technical knowledge and practical experience under Arizona range and farm conditions;

3. Employ mineralogists, engineers, surveyors, and necessary assistants, and,

4. Purchase or otherwise procure such equipment and supplies, and incur such expense for travel or subsistence as may be required in carrying out the purposes of this act.

(c) No supervisor, superintendent, foreman,

specialist, or professional or technical worker shall be employed except upon written application, which shall state the qualifications and experience of the applicant, and be accompanied by the written recommendation of a recognized authority on land classification.

(d) Upon the filing with the department of charges that any employee of said project on the state payroll is incompetent or otherwise unfitted for the duties of his position, the department shall investigate said charges and if found to be justified shall order the dismissal of such employee.

Sec. 3. CLASSIFICATION DATA. All data relating to minerals, water, timber, improvements, grasses, and grazing capacity of the lands classified, and such other information as the state land commissioner may deem necessary, shall be filed with the state land department in appropriate form for quick reference and may be used in considering relinquishments, selections or exchanges under the provisions of the Taylor grazing act.

Sec. 4. LIFE OF APPROPRIATION. The appropriation herein shall be continuing until July 1, 1939, at which date any unexpended balance shall revert to the general fund.

Sec. 5. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved June 19th, 1937.

CHAPTER 7

(Senate Bill No. 15)

AN ACT

RELATING TO NURSING, AND AMENDING SECTION 2568, REVISED CODE OF 1928.

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

Section 1. Sec. 2568, revised code of 1928, is amended to read:

2568. LICENSE WITHOUT EXAMINATION. The board, upon written application, together with such references and proof of identification as it may prescribe, shall issue a license without examination to any person who is registered under the law of any other state or foreign country, the requirements of which, for securing such license, were at the time such license was issued, equal to the requirements now imposed by this state for the registration of nurses. Applicants and licensees hereunder shall be subject to all of the requirements of this article with respect to the payment of fees and the recording of licenses.

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 June 21, 1937.

CHAPTER 8

(House Bill No. 1)

AN ACT

RELATING TO THE GOLDEN GATE INTERNATIONAL EXPOSITION AND THE NEW YORK WORLD'S FAIR, AND PROVIDING FOR PARTICIPATION THEREIN BY THE STATE OF ARIZONA.

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

Section 1. CREATION OF COMMISSION. For the purpose of increasing tourist travel in the state of Arizona and of advertising the state's agricultural, mineral, industrial, and recreational resources, the Arizona commission for the Golden Gate International Exposition and the New York's World's Fair, is created. Said commission shall consist of five members. The members of the commission shall be the Arizona State Fair Commission, and shall serve without pay.

Sec. 2. DUTIES. (a) The commission shall arrange for the acquisition, collection, transportation, installation, maintenance, and advertising, and the return, of an exhibit of the tourist attractions, products and industries of this state at the Golden Gate International Exposition (at San Francisco), and the New York World's Fair (at New York City), in 1939.

(b) In the furtherance of its duties the commission shall cooperate with the various indus-

trial, business and civic organizations of the state.

Sec. 3. SPECIAL FUNDS. The commission may accept gifts, grants and donations of money for use in the performance of the duties prescribed by this act, and shall promptly remit all such moneys to the state treasurer, who shall place the same in separate special funds to be known respectively as the Golden Gate International Exposition Fund, and the New York World's Fair Fund. Warrants upon either of said funds shall be drawn only upon claims against the appropriate fund, approved by the commission. No expenditure shall be made except for necessary and legitimate expenses incurred in connection with the carrying out of the provisions of this act, nor in excess of the amount of money in the fund on account of which the expenditure is made.

Sec. 4. APPROPRIATION. The sum of thirty thousand dollars is appropriated for the purpose of carrying out the provisions of this act, fifteen thousand dollars thereof to be placed in the Golden Gate International Fund, and fifteen thousand dollars in the New York World's Fair Fund.

Sec. 5. DISSOLUTION OF COMMISSION. Within sixty days after the official termination of the Golden Gate International Exposition and the New York World's Fair, the commission shall be dissolved, and all moneys remaining in the special funds herein established shall revert to the general fund.

Approved June 22nd, 1937.

CHAPTER 9

(House Bill No. 13)

AN ACT

MAKING EMERGENCY APPROPRIATIONS FOR THE SEVERAL STATE INSTITUTIONS.

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

Section 1. APPROPRIATION. For the purpose of making necessary repairs and replacements, capital investments, and to relieve deficiencies in operation and maintenance funds for the twenty-fifth fiscal year, for the several state institutions, the sum of forty-three thousand three hundred sixty-four dollars and eighteen cents, and for the twenty-sixth fiscal year to the board of directors of state institutions for salaries and wages one thousand eight hundred dollars, and for the twenty-seventh fiscal year to the board of directors of state institutions for salaries and wages one thousand eight hundred dolars, is appropriated to the board of directors of state institutions.

Sec. 2. OBJECTS. Said appropriation shall be expended for the objects and purposes, and is not to exceed the amounts set forth in sections 3 to 9 inclusive.

Sec. 3. CAPITOL BUILDINGS AND GROUNDS. (a) For repairs and replacements; 1. Repair water softener, one hundred dollars; 2. Repairs to boiler and heating system, four hundred eighty-

eight dollars; 3. Repair roof to bungalow, three hundred fifty dollars.

(b) For capital investment: 1. Tools, one hundred dollars; 2. Vacuum sweeper, seventy-six dollars; 3. Shrubs, trees, seed, one hundred fifty dollars; 4. Lawn mower, four hundred dollars; 5. Time clock and stations, ninety-one dollars.

Sec. 4. PIONEER'S HOME. (a) For repairs and replacements: Storm damage to roof, forty rooms and three halls, two hundred eighty-six dollars.

(b) Capital investment: 1. Tools, one hundred dollars; 2. Oxygen tent, two hundred thirty-five dollars; 3. Artificial limb for William Owen, one hundred fifty dollars; 4. Two Vaporizers, fifty dollars; 5. Diatherm machine, four hundred twenty dollars; 6. Bedding, linens, silverware and kitchen utensils, four hundred thirty-seven dollars and twenty-eight cents; 7. Hot water boiler, four hundred dollars; 8. Motor for oil burner, ninety-two dollars.

Sec. 5. STATE HOSPITAL FOR THE INSANE. (a) Repairs and replacements: 1. Repair water tank, four hundred dollars; 2. Repair tile roofs, three hundred twenty-five dollars and seventy cents; 3. Repair flat deck roofs, three thousand seven hundred seventy dollars; 4. Insurance on boiler, five hundred dollars; 5. Return of insurance on mattress factory, three hundred thirty dollars.

(b) Capital investment: 1. Cultivator tractor, one thousand four hundred dollars; 2. One

tractor, six hundred dollars; 3. Water softener, fifteen hundred dollars; 4. Cows, one thousand five hundred dollars; 5. Hydro-therapeutic equipment, three hundred fifty dollars; 6. Dental supplies, two hundred fifty dollars.

(c) Deficiency for balance of fiscal year, five thousand two hundred sixty-seven dollars, this being the deficiency up to January 1, 1937.

Sec. 6. GIRL JUVENILE OFFENDERS. Deficiency for twenty-fifth fiscal year, six thousand five hundred dollars.

Sec. 7. INDUSTRIAL SCHOOL. 1. Repairs and replacements (W. P. A. project), three thousand nine hundred ninety-eight dollars; 2. Repairs of sewer and water lines, two thousand two hundred thirty-nine dollars and twenty cents.

Sec. 6. STATE PRISON. (a) Repairs and replacements; 1. Reconstruction of pipe lines in boiler room and power house and new tubes in one boiler, seven hundred fifty dollars; 2. Repair water line from pump house to power house main load, one hundred fifty dollars; 3. New clutch assembly for finisher in shoe shop, twenty-five dollars; 4. Repair of farm barracks house, burned, three thousand eight hundred dollars (insurance paid in to general fund).

(b) Capital investment: 1. Scott hydraulic marine hammer, water tube turbine, tube expander, and tube cutter, one hundred fifty dollars; 2. Two hundred twenty-five dollars for hospital equipment not to be used for x-ray; 3. Twenty-six pairs Munson work shoe lasts, twenty-five

dollars; 4. Tools for garage, seventy-five dollars; 5. Tools for blacksmith shop, one hundred dollars; 6. Tools for carpenter shop, one hundred dollars; 7. Water softener, two thousand nine hundred thirty-four dollars; 8. Landis No. 12 MG stitcher shoe shop, one hundred seventy-five dollars; 9. Natural gas equipment, two thousand dollars.

Sec. 9. BOARD OF DIRECTORS OF STATE INSTITUTIONS. Salaries and wages; Voucher clerk for twenty-sixth fiscal year, eighteen hundred dollars; for twenty-seventh fiscal year, eighteen hundred dollars.

Sec. 10. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved June 25, 1937.

CHAPTER 10

(Senate Bill No. 13)

AN ACT

RELATING TO THE COMMISSION OF AGRICULTURE AND HORTICULTURE AND MAKING AN APPROPRIATION FOR THE PAYMENT OF SALARIES OF ROAD INSPECTORS.

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

Section 1. ROAD INSPECTORS. The commission of agriculture and horticulture is authorized to employ, during the twenty-sixth and twenty-seventh fiscal years, not to exceed twenty-six road inspectors, at an annual salary of one thousand five hundred dollars each.

Sec. 2. APPROPRIATION. The sum of five thousand seven hundred seven dollars, one-half thereof for the twenty-sixth fiscal year and one-half for the twenty-seventh fiscal year, is appropriated to the commission of agriculture and horticulture for the payment of salaries of road inspectors. Said sum shall be in addition to any appropriation heretofore made for the purpose stated in this section.

Sec. 3. TERMINATION OF ACT. This act shall expire by limitation as of the end of the twenty-seventh fiscal year.

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

Approved June 26, 1937.

CHAPTER 11

(Senate Bill No. 8)

AN ACT

MAKING AN APPROPRIATION FOR THE USE OF THE ATTORNEY GENERAL IN DEFRAYING THE COSTS AND EXPENSES OF PROSECUTING OR DEFENDING ANY AND ALL SUITS BROUGHT BY OR AGAINST THE STATE OF ARIZONA OR ANY COUNTY THEREOF OR ANY OFFICIALS OF THE STATE OR ANY COUNTY THEREOF, CONCERNING THE VALIDITY OR AMOUNT OF ANY STATE OR COUNTY TAXES LEVIED BY ANY OFFICIALS AND EMPOWERING THE ATTORNEY GENERAL, WITH THE CONSENT OF THE GOVERNOR, TO EMPLOY SPECIAL COUNSEL IN THE PROSECUTION OR DEFENSE OF SUCH SUITS, PROVIDED THAT NO SUCH EXPENSES MAY BE CHARGEABLE TO THE PROSECUTION FOR DELINQUENCY IN INHERITANCE TAX SUITS.

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

Section 1. That there be and is hereby appropriated from any funds in the state treasury not otherwise appropriated, the sum of twenty-five thousand dollars, or so much thereof as may be necessary for the use of the attorney general, to pay for special assistant attorneys general for salaries and services, operation, costs, expenses, travel and capital investment, in prosecuting or

defending any suit or suits brought by or against the State of Arizona or any officials thereof or any county of the state or any officials thereof, concerning the validity or amount of taxes levied by any taxing official or officials of the state or any of its counties, provided that no such expenses may be chargeable to the prosecution for delinquency in inheritance tax suits.

Sec. 2. The appropriation herein made shall be expended by the attorney general, with the consent of the governor.

Sec. 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.

Sec. 4. All laws or parts of laws and all acts and parts of acts in conflict or inconsistent with this act are hereby repealed.

Sec. 5. 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 this 26th day of June, 1937.

CHAPTER 12

(House Bill No. 7)

AN ACT

RELATING TO CONTINUATION OF CAUSES OF ACTION, AND AMENDING SECTION 3772, REVISED CODE OF 1928.

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

Section 1. Section 3772, revised code of Arizona, 1928, is amended to read:

3772. DEATH; DISABILITY OR TRANSFER OF INTEREST; SUCCESSORS TO OFFICERS; NEW PARTIES. An action shall not abate by the death or other disability of a party, or by the transfer of any interest therein, or because an officer or employee of the United States, or of the State of Arizona, or of a county, city or other governmental agency, who is a party dies, resigns, or otherwise ceases to hold his office, or position, if the cause of action survive or continue, but the court may allow the action to be continued or revived, by or against his representative or successor in interest or successor in office or position; upon a transfer of interest, or a change in the incumbency of an office, or position, the action may be continued in the name of the original party, or the court may allow the substitution of the transferee or successor. Upon, or at any time after, the death or disability of a party or transfer of interest, or change in the incumbency of an office, or position, any party may make

and file with the clerk an affidavit of such death, disability transfer of interest or change in the incumbency and suggest the names and residences of proper new parties caused thereby, and the court may order such persons to be made, or substituted as, parties to the action and that a summons issue directed to such persons. The provisions of this section shall apply to all actions heretofore instituted, and not finally determined, including actions in which the death or disability or a party or a transfer of interest or a change in the incumbency of an office or position has occurred, as well as to actions hereafter instituted.

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 this 26th day of June, 1937.

CHAPTER 13

(Senate Bill No. 4)

AN ACT

PROVIDING FOR THE ORGANIZATION AND OPERATION OF INDUSTRIAL BANKS.

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

Section 1. SHORT TITLE. This act is known and may be cited as the Industrial Bank Act of 1937.

Sec. 2. DEFINITION. The term "industrial bank" when used in this act shall be defined and construed to be any bank organized and authorized to do business as hereinafter provided, and authorized to accept deposits and issue investment certificates as evidence of such deposits, which deposits may bear such interest if any, as the terms of the certificate may provide, and which may require the payment to the bank of such amounts from time to time as their terms may provide, and permit the withdrawal or cancellation of amounts paid upon the same in whole or in part from time to time, and the credit of the amounts thereo nupon such conditions as may be set forth therein. Industrial bank loans or discounts to any one person, firm or corporation primarily liable shall not exceed the sum of one thousand dollars, and it shall be lawful for an industrial bank organized and operating under and by virtue of the laws of Arizona to make loans at an interest rate not exceeding ten per cent per annum and to deduct such interest for not exceeding one year at the time of making such loan, provided, however, that no appraisal, examination or investigation charges, or delinquency penalties, or fines, may be charged or accepted on any such loan. In the event any loan is paid before maturity there shall be refunded to the borrower the amount of the unearned discount; provided, however, that in such case the interest charge shall not be less than three dollars.

Sec. 3. ORGANIZATION. Industrial banks

must be corporate entities, and may be organized, licensed and authorized to do business in the same manner as provided for by the law of this state for the organization, authorization, licensing and operation of other banks.

Sec. 4. MINIMUM CAPITAL. No industrial bank shall be organized under this law with a capitalization of less than fifteen thousand dollars in cities having less than fifteen thousand inhabitants; nor less than fifty thousand dollars in cities having more than fifteen thousand and less than fifty thousand inhabitants, and in cities having more than fifty thousand inhabitants not less than one hundred thousand dollars.

Sec. 5. OPERATING RESTRICTIONS. Industrial banks shall not carry any commercial or demand banking accounts, shall not accept any trust or act as guardian, administrator or judicial trustee in any form, and shall not deposit any of its funds with any banking corporation unless such corporation has been designated by a vote of the majority of directors at a meeting duly called, and at which a quorum of directors was in attendance.

Sec. 6. REGULATION AND TAXATION. Industrial banks shall be operated, taxed, regulated and examined in the same manner as commercial banks organized and operated pursuant to the laws of the state of Arizona, and shall at all times maintain the same legal reserve as is prescribed and required of a savings bank.

Sec. 7. INSURANCE. Industrial banks shall purchase and hold so much of the stock and as-

sume and discharge such obligations to the Federal Deposit Insurance Corporation as may be necessary or required for the purpose of maintaining deposit insurance in such corporation.

Sec. 8. STOCKHOLDERS LIABILITY. The liability of the stockholders of an industrial bank shall be the same as that of the stockholders of any commercial or savings bank organized or operated under and by virtue of the laws of the state of Arizona.

Sec. 9. EMERGENCY. To preserve the public peace, health and safety, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved June 26th, 1937.

CHAPTER 14

(Senate Bill No. 21)

AN ACT

MAKING AN APPROPRIATION FOR THE PREPARATION AND PRINTING OF SESSION LAWS.

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

Section 1. APPROPRIATION. The sum of one

thousand dollars is appropriated to the secretary of state.

Sec. 2. PURPOSE. Said appropriation is for the purpose of preparing, indexing, and printing the Session Laws of 1937, first special session, and the Session Laws of 1937, second special session. Said Session Laws may be bound together with the Session Laws of 1937, regular session.

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

Approved June 26th, 1937.

CHAPTER 15

(Senate Bill No. 9)

AN ACT

RELATING TO WATER, IRRIGATION, DRAINAGE, AND IMPROVEMENT DISTRICTS, AND AUTHORIZING BOARDS OF DIRECTORS TO COMPROMISE TAXES ASSESSED AND LEVIED AGAINST THE LANDS IN SAID DISTRICTS.

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

Section 1. COMPROMISE OF TAXES. Boards

of directors of irrigation districts, electrical districts, agricultural improvement districts, drainage districts, power districts, flood control districts, irrigation water delivery districts and other similar districts, are authorized to compromise any district taxes heretofore or hereafter levied against any parcel or parcels of land: 1. in all cases where said board shall find that the parcel or parcels of land against which said taxes are assessed and levied are not worth the amount of the same, plus unpaid state and county taxes against said land, or, 2. whenever said board shall find that at the time when such taxes were assessed and levied, the parcel or parcels of land were not capable of profitable cultivation, but in such cases not unless or until all coupons, warrants or installments on bonds for the payment of which such district taxes were assessed and levied have been fully paid.

Sec. 2. SEVERABILITY. If any provision of this act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the act are declared to be severable.

Sec. 5. EMERGENCY. To preserve the public peace, health and safety it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved June 26, 1937.

CHAPTER 16

(Senate Bill No. 6)

AN ACT

RELATING TO TAXATION, AMENDING SECTION 2, ARTICLE 4, CHAPTER 78, SESSION LAWS OF 1935, REGULAR SESSION, BY ENLARGING THE USE OF SAID TAX FOR SOCIAL SECURITY AND WELFARE PURPOSES, AND DECLARING AN EMERGENCY.

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

Section 1. Section 2, article 4, chapter 78, session laws of 1935, regular session, as amended to read:

2. DISPOSITION OF REVENUE; APPROPRIATIONS. (a) 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 in a special fund to be known as the "luxury tax administration fund."

(b) 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 such taxes collected each month. 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.

(c) There is hereby appropriated to the state auditor out of the taxes collected hereunder, the sum of three thousand dollars per month or so much thereof as may be necessary beginning July 1, 1937, to be used to defray the expenses of the state auditor's office in drawing warrants, for postage and mailing of warrants, rent, and for other expenses and for auditing the claims and accounts of the state board of social security and welfare. The sums remaining after deducting the expenses of the commission in administering the act and the auditor's appropriation are hereby appropriated to the state board of social security and welfare, as a continuing appropriation, to be used for the purposes of relief, relieving unemployment in the state, equipping its offices, printing necessary forms, data, and material, and carrying out the objects set forth in chapters 69, 70, 71, and 72, session laws of 1937, regular session; provided that, beginning July 1, 1937, there shall be allocated each fiscal year, to and for crippled children services, sixty thousand dollars per annum, or so much thereof as may be necessary to carry on such services and to match federal funds made available to Arizona for said services.

Sec. 2. CONTINUING APPROPRIATION. All funds on hand at the end of any fiscal year, aris-

ing from the proceeds of the luxury tax, chapter 78, session laws of 1935, regular session, or under any amendment thereof, and all the unexpended balances thereof remaining in the state treasury or in the imprest fund at the end of any fiscal year, shall not revert to the general fund, but all such funds or unexpended balances thereof shall continue to be credited by the state treasurer to the funds provided by law for public welfare, in the social security and welfare fund.

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

Approved June 26, 1937.

CHAPTER 17

(House Bill No. 4)

AN ACT

RELATING TO MORTGAGES; AND REPEALING CHAPTER 29, SESSION LAWS OF 1933, REGULAR SESSION, CHAPTER 9, SESSION LAWS OF 1935, AND CHAPTER 8, SESSION LAWS OF 1937, REGULAR SESSION.

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 mortgage moratorium act of 1937.

Sec. 2. ACTIONS FOR FORECLOSURE. In all actions now pending or hereafter commenced, for the foreclosure of real estate mortgages or on notes secured thereby executed prior to March 4, 1933, the 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, 1939.

Sec. 3. ORDER FOR POSSESSION AND RENT. In all actions now pending in which default has been entered but no judgment signed, the plaintiff or defendant shall have ten days from the date upon which this act becomes effective in which to file an application for continuance. Upon an order of continuance, as provided in section 2, the court shall make such order or orders with respect to the possession of the real estate involved in said action (giving preference to the owner or owners in possession, determining fair rental terms to be paid by the party or parties to be in possession, and application or distribution of the rents, income and proceeds from said real estate), and make such provision for the preservation of said property, as in the discretion of the court may seem just and equitable during the continuance of said cause. In determining the fair rental terms per month, the court shall fix an amount equivalent to at least the monthly amounts of interest on all real estate mortgages, taxes, insurance and necessary

repairs. Said order shall provide, 1. that such rent, income or proceeds shall be paid to and distributed by the clerk of the superior court of the county in which said suit is pending, and 2. that in such distribution the taxes, insurance, cost of maintenance and upkeep of said real estate shall be paid in the priority named and the balance distributed as the court may direct. The court shall, upon any substantial violation of such order, or for other good and sufficient cause, set aside its order of continuance, and the cause shall proceed to trial.

Sec. 4. REPEAL. Chapter 29, Session Laws of 1933, regular session, chapter 9, Session Laws of 1935, regular session, and chapter 8, Session Laws of 1937, regular session are hereby repealed.

Sec. 5. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved June 26, 1937.

CHAPTER 18

(House Bill No. 7)

AN ACT

RELATING TO DELINQUENT TAXES, THE PAYMENT THEREOF AND PROVIDING FOR

EXEMPTION OF PENALTIES AND INTEREST THEREON, AND AMENDING SECTION 2, CHAPTER 46, SESSION LAWS 1937, REGULAR SESSION.

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

Section 1. That section 2, chapter 46, Session Laws 1937, regular session is amended to read as follows:

Section 2. PENALTY AND INTEREST EXEMPTION. Except as herein provided, all taxes levied against real and personal property which were delinquent on October 3, 1936, shall be exempt from all penalties and interest if paid on or before the first Monday in December, 1937, provided that in case of state, county and school district taxes said sum thus exempted shall not exceed one thousand dollars on the entire amount thereof. Exemption shall also be allowed on single half-year payments within the time set forth above, but the amount of such exemption in the case of state, county and school district taxes shall not exceed the sum of two hundred dollars for any such half-year period. Taxes becoming delinquent subsequent to October 3, 1936, and all taxes for which exemption of penalties and interest is herein provided but remain unpaid after the first Monday in December, 1937, shall carry penalties and interest otherwise provided by law, and shall not be affected by the provisions herein, and the period of delinquency shall be effective from the date when said delinquency first accrued. Exemption of penalties or interest herein provided for shall not apply to taxes on property sold to

private parties priod to the passage of this act, for delinquent taxes. During the foregoing period of exemption from penalties and interest real property held by the state by certificate of purchase shall, in the event of redemption by the former owner be subject to all exemptions of interest and penalties as provided herein for other real and personal property.

Approved June 26, 1937.

CHAPTER 19

(Senate Bill No. 3)

AN ACT

RELATING TO COUNTIES AND COUNTY OFFICERS; ENUMERATING COUNTY CHARGES, AND AMENDING SECTION 889, REVISED CODE OF 1928, AS AMENDED.

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

Section 1. Sec. 889, revised code of 1928, as amended, is amended to read:

Sec. 889. COUNTY CHARGES. County charges are: 1. charges against the county incurred by virtue of any provision of this chapter; 2. salaries of county and precinct officers, deputies and employees and necessary expenses incurred in the conduct of their offices; 3. expenses necessarily incurred in the support of persons charged with

or convicted of crime and committed therefor to the county jail; 4. sums required by law to be paid to grand and trial jurors and indigent witnesses in criminal actions; 5. compensation of interpreters in the prosecution, or defense of criminal actions, not to exceed five dollars per day in the superior court and two and one-half dollars per day in justice courts; provided, that the judges of the superior courts may appoint interpreters for all justice courts and courts of record of their respective counties who shall be the official interpreters whenever present, to be paid such salaries as the board of supervisors may determine, not to exceed one hundred fifty dollars per month; 6. necessary expenses for the support of county hospitals and of indigent sick whose support is chargeable to the county; 7. compensation of physicians for making examinations in insanity cases upon the request or order of the superior court, the fee for which shall not exceed five dollars for each case; 8. contingent expenses necessarily incurred for the use and benefit of the county; 9. premiums for official bonds required by law to be given by public officers, deputies, or clerks; 10. every other sum directed by law to be raised for any county purpose or declared to be a county charge.

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 June 26, 1937.

CHAPTER 20

(Senate Bill No. 2)

AN ACT

RELATING TO THE EMPLOYMENT OF WOMEN AND MINORS AND PROVIDING FOR THE ESTABLISHMENT OF A MINIMUM WAGE.

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

Section 1. SHORT TITLE. This act is known and may be cited as the women's and minor's minimum wage law of 1937.

Sec. 2. PUBLIC POLICY. It is hereby declared to be against public policy for any employer to employ any woman or minor in an occupation in this state at any oppressive and unreasonable wage as defined in section 3 of this act, and any contract, agreement or understanding for, or in relation to such employment, shall be null and void.

Sec. 3. DEFINITION. In this act, unless the context otherwise requires:

"Commission" shall mean the state industrial commission;

"Wage board" shall mean a board created as provided in section 5 of this act;

"Woman" shall mean a female of twenty-one years or over;

"Minor" shall mean a person of either sex under the age of twenty-one years, except a minor employed as a part time worker, whose principal occupation is a student actually attending public or private school, shall not be deemed an employment within the scope of this act;

"Employer" shall mean every person, firm, or corporation, agent, manager, representative, contractor, subcontractor, or principal, or other person having control or direction of any woman or minor employed at any labor, or responsible directly or indirectly for the wages of another;

"Employee" shall mean every woman or minor who is in receipt of or is entitled to any compensation for labor performed for any employer;

"Occupation" shall mean any class of work in any industry, trade, business, or branch thereof, in which women or minors are gainfully employed, but shall not include domestic service in the home of an employer or agricultural labor;

"Wage" or "wages" shall mean any compensation for labor measured by time, piece, or otherwise;

"An oppressive and unreasonable wage" shall mean a wage which is both less than the fair and reasonable value of the services rendered and less than sufficient to meet the minimum cost of living necessary for health;

"A fair wage" shall mean a wage both fairly and reasonably commensurate with the value of the service or class of service rendered, and suffi-

cient to meet the minimum cost of living necessary for health. In establishing a minimum fair wage for any service or class of service under this article, the commission, or the wage board without being bound by any technical rules of evidence or procedure (1.) shall take into account all relevant circumstances affecting the value of the service or class of service rendered, and (2.) shall be guided by like considerations as would guide a court in a suit for the reasonable value of services rendered where services are rendered at the request of an employer without contract as to the amount of the wage to be paid, and (3.) shall consider the wages paid in the state for work of like or comparable character by employers who voluntarily maintain minimum fair wage standards, and (4.) shall consider the minimum cost of living;

"A directory order" shall mean a temporary order which shall become mandatory as provided in this act;

"A mandatory order" shall mean an order of which the violation shall be subject to the penalties prescribed in paragraph two of section eleven of this act.

Sec. 4. POWERS AND DUTIES OF THE COMMISSION. The commission or any authorized representative shall have full power and authority:

(1.) To investigate and ascertain the wages of women and minors employed in any occupation in the state;

(2.) To enter the place of business or em-

ployment of any employer of women and minors in any occupation for the purpose of examining and inspecting any and all books, registers, payrolls, and other records of any employer of women or minors that in any way appertain to, or have a bearing upon, the question of wages of any such women or minors and for the purpose of ascertaining whether the orders of the commission have been and are being complied with; and

(3.) To require from such employer full and correct statements in writing when the commission or any authorized representative deems necessary, of the wages paid to all women and minors in his employment; and

(4.) It shall be the duty of the commission, on the petition of twenty or more residents of the state, engaged in any particular occupation, to cause an investigation to be made of the wages being paid to women or minors in that occupation to ascertain whether any substantial number of women or minors in such occupation are receiving oppressive and unreasonable wages as defined in section two. If, on the basis of information in the possession of the commission, with or without a special investigation, the commission is of the opinion that any substantial number of women or minors in any occupation or occupations are receiving oppressive and unreasonable wages as defined in section two, they shall appoint a wage board, as described in section 5, to report upon the establishment of minimum fair wage rates for such women or minors in such occupation or occupations.

Sec. 5. WAGE BOARD; COMPOSITION; POWERS AND DUTIES. 1. (a) A wage board shall

be composed of three representatives of the employees in any occupation, trade, or industry and an equal number of representatives chosen from among the employers in such occupation, trade or industry, and one industrial commissioner who shall be designated as chairman. The commission shall appoint as the members of such wage board the representatives of the employers to be selected, from nominations submitted by employers and the representatives from the employees employed in such occupation, trade or industry from the nominations submitted by the employees in such occupation, trade or industry; provided, however, that all such representatives appointed by the commission shall be citizens of the state of Arizona, and shall be selected from individuals engaged in the occupation, trade or industry for which a wage is being investigated. Two-thirds of the members of such wage board shall constitute a quorum and the recommendations or report of such wage board shall require a vote of not less than a majority of all its members. Members of the wage board other than the industrial commissioner, shall, while engaged in a conference, receive five dollars per day and necessary cost of transportation. The commission shall make and establish from time to time rules and regulations governing the selection of a wage board and its mode of procedure not inconsistent with this act.

(b) Upon the fixing of the time and place for the holding of a hearing for the purpose of considering wage matters referred to in this act, and at least fourteen days before the date of such hearing, the commission shall give public notice of the time, place, and purpose thereof.

(2.) A wage board, through the chairman, shall have power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of all books, records, and other evidence relative to any matters under investigation. Such subpoenas shall be signed and issued by the Chairman of the wage board and shall be served and have the same effect as if issued out of the superior courts. Obedience to subpoenas issued by authority of the wage board shall be enforced in the superior court of the county in which any such subpoena is issued. A wage board shall have power to cause deposition of witnesses residing within or without the state to be taken in the manner prescribed for like depositions in civil actions in the superior courts.

(3.) The commission shall present to a wage board promptly upon its organization all the evidence and information in the possession of the commission relating to the wages of women and minor workers in the occupation or occupations for which the wage board was appointed and all other information which the commission deems relevant to the establishment of a minimum fair wage for such women and minors, and shall cause to be brought before the wage board any witnesses whom the commission deems material. A wage board may summon other witnesses or call upon the commission to furnish additional information to aid it in its deliberation.

(4.) Within ten days after its organization a wage board shall submit a report including its recommendations as to minimum fair wage standards for the women or minors in the occupation or

occupations the wage standards of which the wage board was appointed to investigate. If its report is not submitted within such time the commission shall appoint a new wage board. (5.) A wage board may differentiate and classify employment in any occupation according to the nature of the service rendered and recommend appropriate minimum fair wage rates for different employments. A wage board shall give due consideration in the classification of employment to such items of compensation in employment as board and lodging or other factors as may be component parts of the total wage rate paid. A wage board may also recommend minimum fair wage rates varying with localities, if in the judgment of the wage board conditions make such local differentiation proper and do not effect an unreasonable discrimination against any locality.

(6.) A wage board may recommend a suitable scale of wage rates for learners and apprentices in any occupation or occupations, which scale of learners' and apprentices' wage rates may be less than the regular minimum fair wage rates recommended for experienced women or minor workers in such occupation or occupations, however, said board shall fix a definite period for which such scale of wages for learners and apprentices shall be paid.

(7.) A report from a wage board shall be submitted to the commission which shall within ten days accept or reject such report. If the report is rejected the commission shall resubmit the matter to the same wage board or to a new

wage board with a statement of the reasons for the resubmission.

Sec. 6. DIRECTORY ORDER. If the report is approved the commission shall make a directory order which shall be published and which shall define minimum fair rates in the occupation or occupations as recommended in the report of the wage board and which shall include such proposed administrative regulations as the commission may deem appropriate to complete the report of the wage board and to safeguard the minimum fair wage standards established. Such administrative regulations shall include among other things, regulations defining and governing learners and apprentices, their rates, number, piece rates or their relation to time rates, overtime or part-time rates, bonuses or special pay for special or extra work. After a directory minimum fair wage order has been in effect for sixty days, and no appeal has been taken, such order shall become mandatory.

Sec. 7. LICENSES IN EXCEPTIONAL CASES. For any occupation for which minimum fair wage rates have been established the commission may cause to be issued to a woman or minor, including a learner or apprentice, whose earning capacity is impaired by age or physical or mental deficiency or injury, a special license authorizing employment at such wages less than such minimum fair wage rates and for such period of time as shall be fixed by the commission or the wage board and stated in the license.

Sec. 8. REHEARING. At any time, after a minimum fair wage order has been in effect for

one year or more, the commission may, on its own motion, and shall, on petition of twenty or more residents of the state, engaged in any particular occupation, reconsider the minimum fair wage rates set therein and reconvene the same wage board or appoint a new board to recommend whether or not the wage rate or rates contained in such order should be revised. The report of such wage board shall be dealt with in the manner prescribed in this act.

Sec. 9. APPEAL. (a) All questions of fact arising under this act, except as otherwise herein provided, shall be decided by the commission, but there shall be the right of appeal from the decision of the commission any question of law or fact, and there shall be a right of review by the superior court on any ruling or holding on a question of law or fact included or embodied in any decision or order of the commission. Such review may be had by the filing, within thirty days after the decision of the commission, in the superior court of the county wherein the contract of employment was entered into and the commission shall be named as the defendant in said action and summons shall issue and be served as in civil actions by the sheriff of any county. The county attorney of the county where such action is filed shall represent the commission. Within twenty days after the date of service of summons on the commission a transcript of the evidence and testimony offered at the hearing shall be filed with the clerk of the court, and such review shall be had upon the transcript offered as well as other evidence. Such review shall not in any manner stay the order of the commission

until such order is reversed, vacated or modified by the court.

(b) Upon the setting aside of any decision of the commission, the court may recommit the controversy and remand the record in the case for further proceedings.

(c) Either party may appeal from the decree of the court in the time and manner provided for appeal from the superior court.

Sec. 10. POSTING. Every employer subject to a minimum fair wage order whether directory or mandatory shall keep a copy of such order posted in a conspicuous place in which women or minors are employed. Employers shall be furnished copies of orders on request without charge.

Sec. 11. VIOLATION; PENALTIES. (1.) Any employer or his agent, or the officer or agent of any corporation, who discharges, or in any other manner discriminates against any employee because such employee has served, or is about to serve, on a wage board, or has testified, or is about to testify before any wage board, or in any other investigation or proceeding under or related to this act, or because such employer believes that said employee may serve on any wage board, or may testify before any wage board or in any investigation or proceeding under this act, or who shall deduct any part of any wages or compensation, other than as prescribed by law, when due any female or minor, shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than fifty nor more than two hundred dollars, for each separate offense.

(2.) Any employer or his agent, or the officer or agent of any corporation who pays or agrees to pay to any woman or minor employee less than the wage rates applicable to such woman or minor under a mandatory minimum fair wage order shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than fifty nor more than two hundred dollars or by imprisonment of not less than ten nor more than ninety days or by both such fine and imprisonment, for each separate offense.

(3.) Any employer or his agent, or the officer or agent of any corporation who fails to keep the records required under this act or to furnish such records to the commission or any authorized represenetative of the commission upon request shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than twenty-five nor more than one hundred dollars, for each separate offense.

Sec. 12. ACTION FOR RECOVERY. If any woman or minor is paid less than the minimum fair wage to which he is entitled, under or by virtue of a mandatory minimum fair wage order, he may recover in a civil action the full amount of such minimum wage, together with costs and a reasonable attorney's fee to be allowed by the court, if judgment is rendered against the employer, less any amount actually paid to him by the employer. Any agreement between such employee and such employer to work for less than such mandatory minimum fair wages shall be no defense to such action.

Sec. 13. APPROPRIATION. For the purposes

of carrying out the provisions of this act there is hereby appropriated to the industrial commission the sum of five thousand dollars, or so much thereof as may be necessary for the twenty-sixth fiscal year, and the sum of five thousand dollars, or so much thereof as may be necessary for the twenty-seventh fiscal year. Any unexpended balance thereof shall revert to the general fund. The state auditor is directed to audit and allow claims, approved by the industrial commission, for the purposes as stated herein.

Sec. 14. SEVERABILITY. If any provision of this act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provisions, and to this end the provisions of the act are declared to be severable.

Sec. 15. 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 June 26, 1937.

Resolutions and Memorials

HOUSE CONCURRENT MEMORIAL NO. 1

A CONCURRENT MEMORIAL

TO THE GOVERNOR OF ARIZONA:

Your memorialist respectfully represents:

The conservation of mental health, the prevention of mental disease, the care and treatment of those suffering from nervous or mental illness, and the salvaging of mental derelicts, constitute one of the state's most solemn and vital obligations to society.

The science of mental therapeutics has in comparatively recent years made remarkable advances, and in many forward-looking states of the Union and of other countries, the application of advanced scientific knowledge, methods and practices has converted what were little more than medieval madhouses into humane and highly efficient institutions in which large percentages of patients are relieved of mental ailments formerly regarded as incurable, and enabled to resume their proper places in the world, no longer burdens upon society.

The state of Arizona, unfortunately, is not one of the commonwealths which can boast of its achievements in the treatment of the mentally sick—a shortcoming which is not only morally wrong but economically unsound.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, requests:

1. That the chief executive cause a thorough investigation to be made of the subject of institutional treatment and care of the mentally diseased, including in such research the laws, practices, and policies of other states, particularly with respect to housing facilities, therapeutic equipment, programs and methods, the qualifications of institutional officers, medical staff

members, internes, nurses, and other personnel, and their compensation, together with such other information as will contribute to a clear understanding of the requirements for establishing, equipping and operating a modern psychopathic institution.

2. That for the purposes of such investigation the chief executive call upon appropriate state agencies for cooperation and assistance, and request from them reports in writing setting forth their findings.

3. That he lay before the legislature at the next session thereof or transmit to the individual members prior thereto the results of said investigation, accompanied by such recommendations as to him may seem proper.

4. That in the event of a call for a special session of the thirteenth legislature he embody in such call the subject of legislation to provide for the establishment, operation, and maintenance of a modern institution for the care and treatment of the mentally diseased.

5. That at such session, or at the first session hereafter, he present for legislative consideration a measure designed to accomplish the objective mentioned, which measure shall embody provisions insuring, among other things: 5a. adequate facilities and modern equipment; 5b. the employment of an institutional head of national standing and of an efficient staff of qualified psychiatrists, doctors, nurses, and attendants, at adequate salaries, without reference to residence qualifications, and removable only for cause; 5x. the adoption and maintenance of enlightened programs, policies, and practices.

Passed the House June 14, 1937

Passed the Senate June 17, 1937

Approved June 21, 1937

Filed in office of Secretary of State June 21, 1937.

SENATE RESOLUTION NO. 2

A RESOLUTION

DENOUNCING THE PRACTICE OF EMPLOYING IN PUBLIC SERVICE MARRIED WOMEN HAVING ABLE-BODIED HUSBANDS.

Whereas, it is alleged that different commissions, departments, officers, and agencies of the state and county government have in their employ married women whose husbands are able-bodied and capable of providing for the support of the family; and

Whereas, it is a matter of common knowledge that there are many capable women, dependent for a livelihood upon their own exertions, who are unemployed; and

Whereas, it is unjust to these women, retarding the complete return of prosperity, and detrimental to the public welfare, that the doors of honorable and lucrative employment in the public service are closed to them because of preference given to women whose husbands are capable of supporting them; therefore

Be it resolved by the Senate of the State of Arizona:

1. That the practice of employing in the public service married women whose husbands are able-bodied, is deemed to be reprehensible and is emphatically disapproved.

2. That the heads of the various commissions, boards, officers, and agencies of the state governments, and the boards of supervisors of the several county governments are directed to transmit to the Governor within ninety days of the adoption of this resolution, a complete list of all such married women employed in each such department or division of the government, and the Governor shall lay such information before the legislature at the next session thereof.

Adopted by the Senate June 22, 1937

Filed in the office of the Secretary of State, June 23, 1937.

SENATE JOINT RESOLUTION NO. 2

A JOINT RESOLUTION

RELATING TO SOIL CONSERVATION; EXPRESSING THE LEGISLATIVE ATTITUDE, AND CREATING THE JOINT COMMITTEE ON SOIL CONSERVATION LEGISLATION.

Whereas, under the provisions of the Act of Congress approved June 22, 1936 (49 U. S. Stats., 1570), known as the Flood Control Act, and the Act approved April 27, 1935 (49 U. S. Stats., 163), creating the Soil Conservation Service, Congress committed the government of the United States to a far-sighted policy of conservation of national resources by means of flood control works on rivers and waterways and control of water run-off and soil erosion on watersheds; and

Whereas, there is pending before the Arizona Legislature a measure designed to provide the means of cooperation between this state and the government of the United States looking to the carrying out of such policy as it affects Arizona, and creating the legal machinery for watershed protection; and

Whereas, the Soil Conservation Service is engaged in the construction of a soil conservation project on the upper Gila river, which, designed as a demonstration project rather than a complete watershed protection program, is nearing completion; and

Whereas, it is the stated policy of the Department of Agriculture that after July 1, 1937, no new soil conservation projects will be established in any state which by that time has not passed legislation providing satis-

factory legal machinery for cooperation between the state and federal government; and

Whereas, consideration of the question of setting up legal machinery such as is proposed, for cooperation with the United States government, implying as the action does the ultimate adoption of land-use regulations and construction programs, presents problems so unusual and unique as not to be hurriedly treated—problems arising, notably, out of the diverse ownership and control of lands that must necessarily be grouped together in the creation of soil conservation districts: lands, both leased and unleased, owned by the state, by the federal government, by corporate entities, and by individuals; and

Whereas, at the present limited special session of the legislature, numerous other subjects specified in the Governor's call are also claiming the attention of the members; therefore

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

1. That in the opinion and judgment of the members of this body that flood control, control of watershed run-off, and prevention of soil erosion is of the greatest importance, its accomplishment of the utmost significance to the Nation's welfare, and that it is the desire and purpose of the State of Arizona to encourage, cooperate in, and participate in the benefits to be derived from, the carrying out of this far-sighted program.

2. That owing to the unusual problems peculiar to this state which demand careful examination, to the many other questions requiring immediate legislative attention, and to the limited time now at the legislature's disposal, it is not deemed feasible at this special session to determine the form of legislation by which the desired cooperation with the United States government shall be provided, but that time should be allowed for thorough examination and consideration of all phases of the question.

3. That in view of these circumstances it is the earnest wish of this body that the Soil Conservation Service of the Department of Agriculture do not at this time invoke its announced policy of establishing no new soil conservation projects in any state which has not passed the desired legislation, but that in addition to completing the present demonstration project on the Gila river it will extend and expand the work so well begun.

4. That in furtherance of the purpose of this body to make a thorough investigation of the problems which present themselves, looking to enactment of the desired legislation, the establishment of a Joint Committee on Soil Conservation Legislation is authorized. Said Committee shall consist of five members of the House to be named by the Speaker of the House of Representatives, the President of the Senate and four members of the Senate to be named by him, and three citizens of the state to be named by the Governor. The committee shall promptly organize and in such manner as it deems expedient proceed to the performance of its duties, as expressed in this resolution, and report to the legislature at its next session.

Adopted by House June 22, 1937

Adopted by Senate June 22, 1937

Approved June 26, 1937

Filed in the office of Secretary of State June 28, 1937.

HOUSE CONCURRENT RESOLUTION NO. 1

A CONCURRENT RESOLUTION

ON THE PROTECTION OF ARIZONA'S WILD LIFE.

Whereas, one of Arizona's most valuable assets and chief attractions is its wild life—the game animals of

its forests and mountains and the fish in its clear mountain streams; and

Whereas, it is of the greatest importance that the wild life of the state be fully protected; and

Whereas, the present laws relating to the taking of game and fish are, if strictly enforced, adequate to afford the necessary protection; and

Whereas, many instances are reported of the exercise of unwarranted leniency, if not the exhibition of indifference, on the part of judicial officers whose duty it is to assess penalties against offenders convicted of violations of the game and fish laws; and

Whereas, the continued pursuit of this policy can only result in the passing of Arizona's wild life, at the cost of the state's material interests and to the great regret of all lovers of nature, therefore,

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. That all officers of the state and its various subdivisions who are charged with the enforcement of the game laws—whether with the apprehension of violators, their prosecution, or with sitting in judgment over them and fixing the punishment in case of conviction—are called upon to discharge their duties earnestly and zealously, without fear or favor, and without respect for the position, standing, or influence of the malefactor.

Passed the House June 14, 1937

Passed the Senate June 15, 1937

Approved by the Governor June 19, 1937

Filed in the office of Secretary of State, June 21, 1937.

SENATE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION

RELATING TO CELEBRATION OF THE COMPLETION OF THE PARKER HIGHWAY BRIDGE.

Whereas, it is proposed that completion of the highway bridge over the Colorado river at Parker, shall be celebrated, on or about October 1, 1937; and

Whereas, said celebration will be participated in by official representatives and many citizens of the states of California and Arizona; therefore

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

1. The state highway commission is authorized to expend, out of funds of the highway department, not to exceed one thousand dollars, for expenses incident to the representation of and participation by this state in said celebration.

Adopted by the House June 18, 1937

Adopted by the Senate June 15, 1937

Approved by the Governor June 21, 1937

Filed in the office of the Secretary of State, June 21, 1937.

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ACTS
Resolutions and Memorials

OF THE

Third Special Session
Thirteenth Legislature

OF THE

STATE OF ARIZONA
1937

Third Special Session Convened July 22nd, 1937

Third Special Session Adjourned Sine Die,
August 4th, 1937

AUTHENTICATION

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

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

That the Third Special Session of the Thirteenth Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, July 22nd, 1937, and adjourned sine die on the 4th day of August, 1937.

That the Acts, Resolutions and Memorials passed at said Session were officially published on the 4th day of August, 1937.

IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 4th day of August, 1937.

JAMES H. KERBY (Signature)
Secretary of State.

Proclamation of the Governor

EXECUTIVE DEPARTMENT
STATE OF ARIZONA
PHOENIX, ARIZONA

PROCLAMATION

CALLING THE THIRTEENTH LEGISLATURE OF ARIZONA INTO THIRD SPECIAL SESSION

WHEREAS, Article IV, Part 2, Section 3 of the Constitution of Arizona reads in part as follows:

> "The Governor may call a special session whenever in his judgment it is advisable. In calling such a special session the Governor shall specify the subjects to be considered at such session, and at such session no laws shall be enacted except such as relate to the subjects mentioned in such call."

AND, WHEREAS, Article V, Section 4 of the Constitution of Arizona reads in part as follows:

> "He (the Governor) may convene the Legislature in extraordinary session."

NOW THEREFORE, I, R. C. STANFORD, Governor of the State of Arizona, in consideration of these premises, and by virtue of the authority vested in me by the constitution, do convene the Thirteenth Legislature of the State of Arizona into third special session, in Phoenix, at the Capitol Building, at ten o'clock A. M., on Thursday, the twenty-second day of July, 1937, to enact legislation for the following purposes:

I.

To provide for the restoration of the payment of old age pensions from the State of Arizona and the various counties to such persons as were receiving old age pensions on the 30th day of June, 1937; make an

appropriation therefor and authorize Boards of Supervisors to levy a tax for the counties' portion of said pensions, all until such time as the pensioners are awarded assistance under Chapter 70, Laws of 1937, Regular Session.

II.

To enact legislation to place upon the various counties, the burden of furnishing medical and surgical attendance, medicine, hospitalization and food, clothing and other supplies during hospitalization, for the indigent sick of the various counties, and authorizing the levy of a tax to pay the cost thereof.

III.

To appropriate funds for the State Board of Social Security and Welfare.

IV.

Confirmation of appointments.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed.

DONE at the Capitol Building, in Phoenix, this 21st day of July, 1937.

(Signed) R. C. STANFORD,
Governor.

ATTEST:

(Signed) AUSTIN S. GRIMES,
Assistant Secretary of State.

Order of Acts

THIRD SPECIAL SESSION OF THE STATE OF ARIZONA

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1 H. B. 3 An Act making an appropriation for the payment of the current and contingent expense of the third special session of the thirteenth legislature. Approved July 27, 1937. Effective July 27, 1937. (Emergency Section) 658

2 S. B. 4 An Act relating to Old-age assistance, and providing for the certification of eligibles for assistance. Approved August 2, 1937. Effective August 2, 1937. (Emergency Section) 659

3 S. B. 3 An Act to appropriate funds for the State Board of Social Security and Welfare; relating to Social Security and Welfare funds; limiting the cost of administration thereof; and amending Section 15, Chapter 69, Session Laws of 1937, Regular Session. Approved August 3, 1937. Effective August 3, 1937. (Emergency Section) 661

4 S. B. 1 An Act providing for the hospitalization and medical care of the indigent sick by the boards of supervisors of the counties of the state; providing funds therefor; and declaring an emergency. Approved August 4, 1937. Effective August 4, 1937. 662

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ACTS

CHAPTER 1

(House Bill No. 3)

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF THE CURRENT AND CONTINGENT EXPENSE OF THE THIRD SPECIAL SESSION OF THE THIRTEENTH LEGISLATURE.

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

Section 1. APPROPRIATION. The sum of twenty-six thousand three hundred sixty-three dollars and sixty cents is appropriated to the third special session of the thirteenth legislature.

Sec. 2. PURPOSE. The purpose of said appropriation is to provide for the payment of the current and contingent expense of carrying on the third special session of the legislature, and shall be expended for the following objects and in not more than the following amounts:

1. For the payment of salaries: 1a. of members of the Senate, three thousand forty dollars, 1b. of members of the House of Representatives, eight thousand one hundred sixty dollars.

2. For the payment of mileage: 2a. of members of the Senate, seven hundred ninety-four dol-

lars and twenty cents, 2b. of members of the House of Representatives, one thousand two hundred sixty-nine dollars and forty cents.

3. For the payment of salaries and wages; 3a. of officers and employees of the Senate, one thousand five hundred dollars, 3b. of officers and employees of the House of Representatives, three thousand six hundred dollars.

4. For the payment of the contingent expense: 4a. of the Senate, three thousand dollars, 4b. of the House of Representatives, five thousand dollars.

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

Approved July 27th, 1937.

CHAPTER 2

(Senate Bill No. 4)

AN ACT

RELATING TO OLD-AGE ASSISTANCE, AND PROVIDING FOR THE CERTIFICATION OF ELIGIBLES FOR ASSISTANCE.

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

Section 1. BOARDS TO CERTIFY LISTS OF OLD-AGE PENSIONERS. Immediately upon this act becoming effective the boards of supervisors of the several counties shall certify to the state board of social security and welfare a list of all persons who on June 30, 1937, were receiving pensions pursuant to the old-age pension act of 1933. Such certification shall be in lieu of any other requirement imposed by law or regulation with respect to eligibility for old-age assistance, and shall serve to qualify all persons certified therein for old-age assistance benefits under the provisions of the old-age assistance act of 1937. The amount of assistance such person shall receive shall be the amount of the total pension said person was receiving on June 30, 1937, under the provisions of the old-age pension act of 1933 and the state auditor is authorized to draw his warrant in payment of such amount of assistance out of the funds provided by law for the purpose of the old-age assistance act of 1937, and all applications pending on the date this act becomes effective and which have been approved by the county boards shall be immediately approved by the state board and certified to the state auditor for payment to be paid out of the funds provided by law for the purpose of the old-age assistance act of 1937 for the amount approved.

Sec. 2. FURTHER EXAMINATIONS. If at any time thereafter, upon further investigation, it should be determined that any of said pensioners should fail to come within the requirements set forth in chapter 70. session laws of 1937, regular session, or that their status as to need should be changed, payments under said act may be discontinued or altered, as the case may be, in ac-

cordance with the determination of the board of social security and welfare.

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

Approved August 2, 1937.

CHAPTER 3

(Senate Bill No. 3)

AN ACT

TO APPROPRIATE FUNDS FOR THE STATE BOARD OF SOCIAL SECURITY AND WELFARE; RELATING TO SOCIAL SECURITY AND WELFARE FUNDS; LIMITING THE COST OF ADMINISTRATION THEREOF; AND AMENDING SECTION 15, CHAPTER 69, SESSION LAWS OF 1937, REGULAR SESSION.

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

Section 1. Section 15, chapter 69, session laws of 1937, regular session, is amended to read:

15. STATE AND COUNTY BOARDS; APPROPRIATION; EXPENSE; DISTRIBUTION. There is hereby appropriated to the state and coun-

ty boards, for the twenty-sixth fiscal year, the sum of one thousand dollars. The expenses of the state and county boards shall be paid out of said appropriation and out of funds made available by the old age assistance act of 1937, the dependent children's act of 1937, the needy blind act of 1937, and out of the welfare fund, provided that such expense shall not exceed five per cent of the old age assistance funds and twelve per cent of all other funds administered hereunder for any one fiscal year.

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 August 3, 1937.

CHAPTER 4.

(Senate Bill No. 1)

AN ACT

PROVIDING FOR THE HOSPITALIZATION AND MEDICAL CARE OF THE INDIGENT SICK BY THE BOARDS OF SUPERVISORS OF THE COUNTIES OF THE STATE; PROVIDING FUNDS THEREFOR; AND DECLARING AN EMERGENCY.

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

Section 1. BOARDS OF SUPERVISORS TO PROVIDE HOSPITALIZATION AND MEDICAL CARE OF INDIGENT SICK. The boards of supervisors in each county of the state shall have the sole and exclusive jurisdiction to provide for the hospitalization and medical care of the indigent sick in such county, except in the case of the state welfare sanitarium, which shall be operated solely by the state board of social security and welfare.

Sec. 2. ESTIMATE OF COST; PROCEDURE. Within not more than three days after the date upon which this bill shall become effective, the board of supervisors of each county shall prepare an estimate of the amount of money required for the hospitalization and medical care of the indigent sick in each county for the fiscal year 1937-1938, which estimate shall be deemed supplementary to the estimate required under the provisions of section 3097, Revised Code of Arizona, 1928, and shall be entered upon the minutes of such board. Such supplementary estimate together with a notice that the same will be included in the annual budget estimate for such year shall be published, prior to August 9, 1937, for at least one publication in the official newspaper of such county, and for all purposes shall be deemed to be a part of the annual estimate for the fiscal year 1937-1938 required by sections 3097 and 3098, revised code of Arizona, 1928. Upon the conclusion of the hearing upon the annual estimate, the amount as finally determined upon by the board of supervisors for the purposes of hospitalization and medical care of the indigent sick in such county for the fiscal year shall be included as a part of the budget estimate of such county for such year

and such budget estimate, including the amount therein provided for the purpose of hospitalization and care of the indigent sick, shall be subject to and shall not exceed the limitations as to amounts to be raised by taxation upon real and personal property porvided for in section 3100, revised code of Arizona, 1928.

Sec. 3. ANNUAL BUDGET. From and after the fiscal year 1937-1938 it shall be the duty of the board of supervisors of each county, subject to and in accordance with the provisions of article 4 of chapter 75, revised code of Arizona, 1928, to include in its annual budget and tax levy for county purposes, such amount as it shall deem necessary and adequate for the hospitalization and medical care of the indigent sick in such county.

Sec. 4. HOSPITAL TREATMENT. Except in emergency cases when immediate hospitalization or medical care is necessary for the preservation of life or limb no person shall be provided hospitalization or medical care hereunder without first filing with the board of supervisors of the county in which he resides a statement in writing, subscribed and sworn to under oath by such person, that he is an indigent, an unemployable totally dependent upon the state or county government for financial support, or an employable of sworn low income without sufficient funds to provide himself necessary hospitalization and medical care, and that he has been a resident of that county for the preceding twelve months, except where treatment is given in the state welfare sanitarium, the affidavit shall state that he has been a resident of the state of Arizona for the preceding twelve months. Any person who for the pur-

pose of obtaining for himself such hospitalization or medical care shall file a false or untrue statement with said board shall be guilty of a misdemeanor. The board of supervisors may admit into such hospital for hospital care, medical or surgical attention, any person other than an indigent who will pay, in part or in whole, for such hospital care, medical or surgical attention, under rules and regulations prescribed by said board. The admission of a paying patient shall not be to the inconvenience of any indigent patient.

Sec. 5. APPROPRIATION. There is hereby appropriated out of the general fund of the state the sum of eighty-five thousand dollars, or so much thereof as may be necessary, to pay outstanding and unpaid claims against the state board of social security and welfare, incurred by said board in the operation of the county hospitals and care of indigent sick between the dates of May 22, 1937, and the date upon which this act becomes effective. Such obligations as have been incurred for capital investment shall be excluded from the provisions of this appropriation and shall be a county charge.

Sec. 6. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved August 4, 1937.

Resolutions and Memorials

HOUSE MEMORIAL NO. 1

A MEMORIAL

PROTESTING AGAINST THE PROPOSED WITHDRAWAL OF LAND IN SOUTHWEST ARIZONA AS GAME REFUGES.

TO THE SECRETARY OF THE INTERIOR AND THE CHIEF OF THE BUREAU OF BIOLOGICAL SURVEY OF THE UNITED STATES OF AMERICA:

Your memorialist respectfully represents:

The total area of land within the state of Arizona is 72,838,400 acres. Of this area Indian reservations occupy 19,566,339 acres, national forests 11,203,438 acres, national parks and monuments 671,610 acres, military reservations 73,008 acres. The public domain consists of something less than 13,000,000 acres. Two-thirds of the state's area is controlled by federal bureaus; less than one-fourth is subject to taxation.

It is understood that the Bureau of Biological Survey has requested the Department of the Interior to have withdrawn from entry two large bodies of land in the southwestern portion of the state, totaling approximately 3,400,000 acres, for the use and propagation of mountain sheep and goats, and as game refuges.

A large portion of the area which it is propos-

ed to have placed in these two game refuges is grazing land and being used by local stockmen, while other portions thereof will soon be irrigated by water from the Colorado river, under the Gila project.

These proposed withdrawals, if made, will work undue hardships on the users of said lands, especially those persons engaged in the livestock business, which is one of the biggest industries of the state, and will also greatly retard the development of the state and in a large measure prevent these lands from being developed and improved and placed upon the tax rolls.

It is overwhelmingly the public sentiment of the people of Arizona that these proposed refuges be not established.

Wherefore your memorialist, the House of Representatives of Arizona, urgently requests:

1. That the proposed withdrawal of public lands in southwestern Arizona, for the purposes above stated, be not made.

Adopted by the House August 2, 1937.

Filed in the Office of the Secretary of the State of Arizona August 2, 1937.

HOUSE MEMORIAL NO. 2

A MEMORIAL

REQUESTING FEDERAL COOPERATION IN CARING FOR THE INDIGENT SICK.

TO THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

The therapeutic value of Arizona's pure, healthful air and dry climate, in the treatment of such ailments as arthritis, neuritis, asthma, bronchitis, sinusitis, and tuberculosis, is well known. This fame brings to Arizona many persons seeking health, particularly tuberculars.

Of these visitors an exceedingly large number are in such poor circumstances that if not immediately they soon become charges upon public charity. Since the dust storms of the midlle western states have grown to the proportions they have in frequency and severity there has been an exceedingly large influx of destitute sufferers from ailments of the classes above mentioned. It is estimated that of Arizona's indigent sick eighty-six per cent are properly classifiable as transients.

Not to care for these people is of course unthinkable. The commonest dictates of humanity require that they be given medical aid. It is not just, however, that the burden should fall wholly upon Arizona. In some measure the responsibility is national in character.

Wherefore your memorialist, the House of Representatives of the State of Arizona, requests:

1. That the Social Security Act be so amended as to extend its provisions for federal cooperation in the care of needy citizens over the class known as the indigent sick.

Adopted by the House August 2, 1937.

Filed with the Secretary of State August 2, 1937.

SENATE CONCURRENT MEMORIAL NO. 2

A CONCURRENT MEMORIAL

REQUESTING ADDITIONAL BUILDINGS AND EQUIPMENT FOR THE VETERANS' ADMINISTRATION FACILITY AT TUCSON.

TO THE CONGRESS OF THE UNITED STATES AND THE VETERANS' ADMINISTRATION:

Your memorialist respectfully represents:

Because of the unsurpassed climatic advantages of its location, the Veterans' Administrative Facility at Tucson is operated primarily for the treatment of tuberculosis. The capacity and resources of the institution are constantly taxed to the limit in the hospitalization of tuberculars.

It is a fact, however, well established by competent medical authority and the testimony of thousands of patients who have experienced its benefits, that the climate of southern Arizona possesses equal therapeutic value in the treatment of arthritis, neuritis, asthma, bronchitis, sinusitis, and various other diseases.

During the past year, because of the lack of adequate accommodations for their treatment, approximately five hundred cases of these special types were denied hospitalization.

It is believed that every disabled veteran should have the benefit of the most favorable climatic conditions and the most effective therapeutic aids indicated for his particular type of disease, to enable him to regain his health.

Wherefore your memorialist:

The Senate of the State of Arizona, the House of Representatives concurring, urgently recommends:

1. That the Veterans' Administration include in its budget requests, an item for the construction of additional buildings at Tucson to take care of at least two hundred general medical patients; that an adequate number of single rooms be provided in each ward; that each building be equipped with the most efficient dry air cooling system, and that ample facilities be provided to take care of the increased bed capacity at the hospital, including accommodations for the necessary personnel.

2. That the Congress of the United States give effect to this recommendation by the enactment of appropriate legislation.

Adopted by House July 28, 1937.

Adopted by Senate July 28, 1937.

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THIRTEENTH LEGISLATURE
ARIZONA, 1937

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