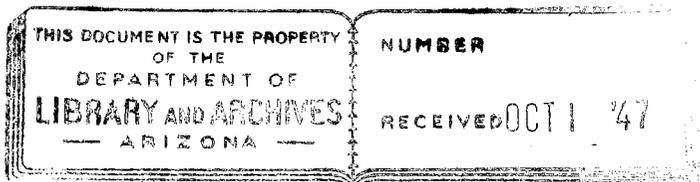


**ACTS**  
**Memorials and Resolutions**  
of the  
**REGULAR SESSION**  
**Sixteenth Legislature**  
of the  
**STATE OF ARIZONA**  
**1943**



**Regular Session Convened January 11, 1943**

**Regular Session Adjourned Sine Die March 14, 1943**



Publication Authorized

Section 4-201, Arizona Code of 1939

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

Chapter 96, Sub. 6, Laws of 1943)

Regular Session, 16th 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

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

THIS IS TO CERTIFY—That the Acts, Memorials and Resolutions published in this volume, are full, true and correct copies of the originals, passed at the Regular Session of the 16th 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 16th Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, January 11, 1943, and adjourned sine die on the 14th day of March, 1943.

That the Acts, Memorials and Resolutions passed at said Session were officially published on the 13th day of June, 1943.



IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 13th day of June, 1943.

DAN E. GARVEY (signature)  
Secretary of State

MEMBERS OF THE SENATE

SIXTEENTH LEGISLATURE

OF ARIZONA

1943

---

County	Name and Party	Address
Apache	Bert J. Colter (D)	Springerville
Cochise	Dan Angius (D)	Bisbee
Cochise	Ralph Cowan (D)	McNeal
Coconino	James E. Babbitt (D)	Flagstaff
Gila	S. L. Bixby (D)	Globe
Gila	James R. Heron (D)	Globe
Graham	V. P. Richards (D)	Safford
Greenlee	A. C. Stanton (D)	Clifton
Maricopa	James Minotto (D)	805 Luhrs Tower, Phoenix
Maricopa	Walter J. Thalheimer (D)	Luhrs Bldg., Phoenix
Mohave	J. Hubert Smith (D)	Kingman
Navajo	Lloyd C. Henning (D)	Holbrook
Pima	H. H. d'Autremont (D)	P. O. Box 515, Tucson
Pima	Wm. F. Kimball (D)	77 N. Court Street, Tucson
Pinal	L. E. Canfil (D)	Superior
Santa Cruz	W. H. Hathaway (D)	Nogales
Yavapai	Paul C. Keefe (D)	Clarkdale
Yavapai	Norman Fain (D)	Prescott
Yuma	H. H. Baker (D)	Yuma

MEMBERS OF THE HOUSE  
 SIXTEENTH LEGISLATURE  
 OF ARIZONA  
 1943

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District	Name and Party	Address
----------	----------------	---------

APACHE COUNTY

	Walter Pulsipher (D).....	St. Johns
--	---------------------------	-----------

COCHISE COUNTY

- |    |                               |         |
|----|-------------------------------|---------|
| 1. | William K. Caley (D).....     | Bisbee  |
| 2. | Howard McKinney (D).....      | Warren  |
| 3. | H. J. Lewis (D).....          | Douglas |
| 4. | Frank W. Sharpe, Jr. (D)..... | Douglas |
| 5. | A. R. Spikes (D).....         | Bowie   |

COCONINO COUNTY

- |    |                            |           |
|----|----------------------------|-----------|
| 1. | Frank Christensen (D)..... | Flagstaff |
| 2. | W. C. Rittenhouse (D)..... | Williams  |

GILA COUNTY

- |    |                            |        |
|----|----------------------------|--------|
| 1. | Robert Fitzgerald (D)..... | Globe  |
| 2. | Harold H. Copp (D).....    | Miami  |
| 3. | W. G. Rosenbaum (D).....   | Hayden |

GRAHAM COUNTY

- |    |                        |         |
|----|------------------------|---------|
| 1. | Walter Foote (D).....  | Safford |
| 2. | W. B. Mattice (D)..... | Pima    |

GREENLEE COUNTY

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

MARICOPA COUNTY

- |    |                       |                            |
|----|-----------------------|----------------------------|
| 1. | L. S. Norton (D)..... | Phoenix<br>1510 West Adams |
|----|-----------------------|----------------------------|

2. Frank E. Jordan (D).....Phoenix  
838 East Garfield
3. Maxine P. Brubaker (D).....Phoenix  
1120 East Van Buren
4. Cecil A. Bell (D).....Phoenix  
1315 West Fillmore
5. G. N. Baker (D).....Phoenix  
356 North 1st Avenue
6. Arthur J. Barnes (D).....Phoenix  
1325 East Hess Street
7. Laura McRae (D).....Phoenix  
929 East Colorado
8. Jack Cumnard (D).....Mesa
9. Claire Phelps (D).....Chandler
10. Fred M. Jahn (D).....Tempe
11. W. W. Mitchell (D).....Phoenix  
1802 East Adams
12. O. L. McDaniel (D).....Glendale  
Route 1, Box 430
13. T. McGowan (D).....Wickenburg
14. L. D. McDonald (D).....Buckeye
15. R. F. Kilpatrick (D).....Phoenix  
Route 2, Box 684
16. Carroll Hudson (D).....Phoenix  
Route 5, Box 247F
17. J. H. Fairbanks (D).....Phoenix  
Box 3981
18. Wm. H. Chester (D).....Phoenix  
50 West Culver Street
19. Chas. H. Abels (D).....Phoenix  
% Cave Creek Stage
20. Kenneth K. Pound (D).....Phoenix  
Box 3405
21. Alvin Lindsey (D).....Phoenix  
800 East Roosevelt
22. H. C. Armstrong (D).....Tolleson
23. Joe M. Rumsey (D).....Phoenix  
2622 East Willetta

MOHAVE COUNTY

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

NAVAJO COUNTY

1. John L. Westover (D).....Joseph City
2. W. T. Willey (D).....Winslow

PIMA COUNTY

1. Joseph J. O'Neill (D).....Ajo
2. Frank G. Robles (D).....Tucson  
396 West Blenheim
3. Ray Martin (D).....Tucson  
25 East Corral
4. John H. Ayraud (D).....Tucson  
326 West District
5. Jerome P. Martin (D).....Tucson  
516 East 7th Street
6. D. M. Penny (D).....Tucson  
112 East Prince
7. Robert H. Forbes (D).....Tucson  
105 Olive Road
8. A. Berky (D).....Tucson  
2933 East Helen Street
9. Gaynor K. Stover (D).....Tucson  
82 West Pennington

PINAL COUNTY

1. C. S. Goff (D).....Casa Grande
2. George Ernst (D).....Ray

SANTA CRUZ COUNTY

Richard S. Stearns, Jr. (D).....Elgin

YAVAPAI COUNTY

1. Robert E. Perkins (D).....Prescott
2. A. L. Favour (D).....Prescott
3. Leonard Klein (D).....Clarkdale
4. Harry E. Metz (D).....Jerome

YUMA COUNTY

Northern. Clara Osborne Botzum (D).....Parker  
Southern. Albert W. Dudley (D).....Yuma



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## CHAPTER 1

(House Bill No. 8)

### AN ACT

#### MAKING AN APPROPRIATION FOR THE PAYMENT OF THE CURRENT AND CONTINGENT EXPENSES OF THE SIXTEENTH LEGISLATURE, REGULAR SESSION.

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

Section 1. APPROPRIATION. The sum of ninety-six thousand one hundred forty-one dollars seventy cents is appropriated to the sixteenth legislature, regular session.

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

1. For the payment of salaries: 1a. of members of the senate, nine thousand one hundred twenty dollars; 1b. of members of the house of representatives, twenty-seven thousand eight hundred forty dollars.

2. For the payment of mileage: 2a. of members of the senate, six hundred fourteen dollars; 2b. of members of the house of representatives, one thousand two hundred twenty-seven dollars seventy 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, thirteen thousand nine hundred thirty dollars.

4. For the payment of the contingent expense: 4a. of the senate, fourteen thousand dollars; 4b. of the house

of representatives, twenty-four thousand one hundred sixty dollars.

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

Approved by the Governor: Jan. 14, 1943.

Filed in the office of the Secretary of State: Jan. 15, 1943.

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## CHAPTER 2

(House Bill No. 9)

### AN ACT

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

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

Section 1. APPROPRIATION. The sum of six thousand three hundred forty-five dollars ten cents is appropriated to the department of library and archives, for the state legislative bureau.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the purpose of paying the wages of employees, and purchasing reference material and supplies for the state legislative bureau of the department of library and archives.

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

Approved by the Governor: Jan. 14, 1943.

Filed in the office of the Secretary of State: Jan. 15, 1943.

## CHAPTER 3

(House Bill No. 10)

## AN ACT

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

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

Section 1. APPROPRIATION. The sum of one thousand dollars is appropriated to the governor, for the fund for capitol buildings and grounds.

Section 2. PURPOSE. The purpose of the appropriation made under the terms of Section 1 is to defray the expense of extra janitors and janitor supplies during the regular session of the sixteenth legislature.

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

Approved by the Governor: Jan. 14, 1943.

Filed in the office of the Secretary of State: Jan. 15, 1943.

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CHAPTER 4

(House Bill No. 133)

## AN ACT

RELATING TO MOTOR VEHICLES, AND EXTENDING THE PERIOD OF PAYMENT OF 1943 REGISTRATION FEES, WITHOUT PENALTY, TO FEBRUARY 13.

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

Section 1. EXTENSION OF TIME FOR PAYMENT OF REGISTRATION FEES. The provisions of any law to the contrary notwithstanding, no motor vehicle registration fee for the year 1943 shall be deemed delinquent, or penalty collected therefor, if paid on or before February 13, 1943.

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

Approved by the Governor, February 1, 1943.

Filed in the Office of the Secretary of State, February 1, 1943.

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## CHAPTER 5

(House Bill No. 23)

### AN ACT

RELATING TO EDUCATION; PROVIDING FOR THE TAKING AND SUBSCRIBING TO OATH BY TEACHERS AND ADMINISTRATIVE OFFICERS, AND AMENDING SECTION 54-1002, ARIZONA CODE OF 1939.

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

Section 1. Sec. 54-1002, Arizona Code of 1939, is amended to read:

54-1002. TEACHERS AND ADMINISTRATIVE OFFICERS TAKE AND SUBSCRIBE OATH. Every teacher and administrative officer in public schools shall, upon receiving a certificate to teach and before delivery of the same, or at the time of signing a contract of employment as a teacher or administrative officer in public schools for a period of service at a particular school, take and subscribe to the oath prescribed for, and administered to public officers, pursuant to the provisions of section 12-301, Arizona Code of 1939, before the state

superintendent of public instruction, any county superintendent of schools, any justice of the peace, OR ANY OTHER PERSON QUALIFIED TO ADMINISTER OATHS IN ARIZONA, and shall file a copy of the same in the office of the state superintendent of public instruction.

Approved by the Governor, Feb. 12, 1943.

Filed in the Office of the Secretary of State, Feb. 12, 1943.

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## CHAPTER 6

(Senate Bill No. 81)

### AN ACT

MAKING AN APPROPRIATION TO THE STATE HOSPITAL FOR THE INSANE; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of fifty-five thousand six hundred fifty dollars is appropriated to the state hospital for the insane.

Sec. 2. PURPOSE. The appropriation made under the terms of Section 1 is for the purpose of procuring, making or constructing the hereinafter named equipment and improvements, materials therefor, and installing the same, at the state hospital for the insane: 1. dehydration and vegetable preparing shed and equipment; 2. three small houses at farm, for patients; 3. six continuous flow tubs and accessory equipment; 4. basal metabolism apparatus; 5. inductothermy apparatus; 6. cafeteria equipment; 7. ice cream making equipment; 8. food cutter; 9. food preparer; 10. stack oven; 11. mixing machine and accessories; 12. band saw; 13. meat block; 14. one scale for meat room; 15. remodeling building and installing refrigerator equipment; 16. bread slicer; 17. kitchen range; 18. dish washing unit; 19. two dish conveyors and counters; 20. steamer; 21. juice extractor; 22. four stock pots; 23. two fat fryers; 24. griddle; 25. electric toaster; 26. physicians' dining room

supplies; 27. three steam kettles; 28. mixing machine; 29. cafeteria equipment, ward "C"; 30. manure spreader; 31. mowing machine; 32. two poultry houses and equipment; 33. two cow sheds; 34. two power sewing machines; 35. shoe shop equipment; 36. mattress renovating equipment; 37. laundry extractor; 38. trees; 39. labor and materials for miscellaneous repairs; 40. tools and small equipment.

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

Approved by the Governor, February 13, 1943.

Filed in the Office of the Secretary of State, February 15, 1943.

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## CHAPTER 7

(Senate Bill No. 115)

### AN ACT

RELATING TO THE ARIZONA-CALIFORNIA BOUNDARY, AND AUTHORIZING THE APPOINTMENT OF A COMMITTEE TO INVESTIGATE BOUNDARY CONDITIONS ABOVE PARKER DAM; AND DECLARING AN EMERGENCY.

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

Section 1. ARIZONA - CALIFORNIA BOUNDARY.

(a) The governor is empowered to appoint a committee, to be known as the Arizona-California boundary committee, composed of such number of members, not exceeding five, as he shall deem proper, to visit and examine the conditions existing on and along the Colorado river where that river constitutes the boundary line between the states of Arizona and California, and particularly above the Parker dam and extending to the vicinity of Needles, California.

(b) Upon appointment of the committee the members shall meet and choose one of their number as chairman, and shall determine the date on which the committee shall visit the Colorado river at Needles, California, for the purpose of meeting with a joint committee of the California legislature, at which there shall be considered all matters relating to the location of the boundary line, including the encroachment of the Colorado river upon land adjacent thereto, the effects of such encroachment and responsibility therefor, health conditions, damage to property and works, law enforcement and jurisdiction for purposes of taxation, and such other matters as in the judgment of the committee are pertinent. The committee shall report its findings to the governor, who shall transmit the same to the legislature.

Sec. 2. POWERS OF THE COMMITTEE. The committee shall have power to hold hearings, subpoena witnesses, administer oaths, and require the presentation of testimony affecting the matters under investigation.

Sec. 3. PAYMENT OF EXPENSES AND APPROPRIATION. Members of the committee shall be allowed their necessary expenses for travel and subsistence, as provided by law for public officers. The sum of one thousand dollars is appropriated out of the Colorado river commission fund, for the purpose of defraying such expense.

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

Approved by the Governor, February 13, 1943.

Filed in the Office of the Secretary of State, February 15, 1943.

## CHAPTER 8

(Senate Bill No. 75)

## AN ACT

RELATING TO PURE FOOD; PRESCRIBING THE CONDITIONS UNDER WHICH HORSES MAY BE SLAUGHTERED AND HORSEMEAT AND THE PRODUCTS THEREOF SOLD FOR HUMAN CONSUMPTION; MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY.

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

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

“horse” includes horse, ass, mule, and burro;

“horsemeat” means meat from the horse, the ass, the mule, the burro, or any product derived, in whole or in part, from any of such animals;

“slaughterhouse” or “establishment” means a house or place in which horses, asses, mules and burros are slaughtered, packed, or processed;

“board” means the live stock sanitary board.

Sec. 2. COMPLIANCE WITH ACT. It is unlawful to slaughter any horse for human consumption, or to prepare, process, can, cure, smoke, salt, render or pack, or sell or offer for sale, for human consumption, any horsemeat or product derived in whole or in part from horsemeat, except in accordance with the provisions of this Act.

Sec. 3. SLAUGHTERHOUSE LICENSE. (a) All horsemeat sold for human consumption must be inspected by the state veterinarian or his deputies. Before slaughtering any horse for human consumption a license therefor shall be secured from the live stock sanitary board. Application for a slaughterhouse license shall be made on a form to be prescribed by the board, and shall contain such information as the board may deem necessary. The applicant shall bind himself to comply with all requirements of the law, and all rules and reg-

ulations of the board pertaining to the slaughtering, processing or packing, or the preparation of meat food products of horsemeat, for human consumption. Each application for a slaughterhouse license shall be accompanied by the fee as now provided by law for slaughterhouses.

Sec. 4. LOCATION AND SANITATION. (a) The slaughtering of horses and the preparation and processing of horsemeat and products thereof shall be conducted in a house or establishment separate from any house or establishment in which cattle, sheep, swine, or goats are slaughtered or prepared, or any meat or meat food products thereof are prepared or handled, and shall at all times, whether in operation or not, be subject to and accessible for inspection by inspectors of the live stock sanitary board, for the purpose of ascertaining the sanitary condition thereof.

(b) The premises of any slaughterhouse or establishment shall be kept in a sanitary condition. In the event the sanitary conditions of any such establishment are such that the horsemeat or horsemeat food products handled therein are rendered unclean, unsound, unhealthful, unwholesome, or unfit for human food, the examining inspector shall refuse to allow such horsemeat or horsemeat food products to be labeled, marked or stamped as inspected and passed.

(c) Any operator of a slaughterhouse or establishment who fails to keep the same in a sanitary condition or to comply with the rules and regulations of the board or the orders issued by an inspector of the board, shall be reported, and the board, after hearing on such charges may, in its discretion, revoke the license of the offending operator.

Sec. 5. INSPECTION. (a) There shall be both an ante-mortem and a post-mortem inspection of each horse slaughtered, and for such inspection a fee of two dollars per head shall be paid to the board, and the minimum charges shall be one hundred dollars for each slaughterhouse per month.

(b) Any horse found either upon ante-mortem or post-mortem inspection or examination to be afflicted with strangles, purpura hemorrhagica, azoturia, forage poison, or so-called cerebrospinal meningitis, dourine,

acute influenza, generalized osteoporosis, glanders, farcy or other malignant disorder, acute inflammatory lameness or extensive fistula, shall be condemned.

(c) Any horse which is suspected, upon ante-mortem inspection, or being infected with glanders shall be tested with mallein, and any horse which on physical examination is suspected of being affected with dourine shall be held for further examination or for such test as the state veterinarian shall prescribe.

(d) Any horse or horsemeat, or product thereof, found to be unwholesome, unclean, unsound, or otherwise unfit for human consumption, shall be condemned, and the inspector may order the same destroyed.

Sec. 6. HORSEMEAT TO BE LABELED. (a) All carcasses of horses slaughtered for human consumption shall be stamped, on each standard cut thereof, "Horsemeat". All horsemeat food products shall be conspicuously branded, marked, tagged, or labeled: "Horsemeat", or "Horsemeat Product".

(b) The labels for horsemeat or horsemeat food products thereof shall be printed on light green paper, and shall bear the words "Horsemeat" or "Horsemeat Product", followed by; "The horsemeat or horsemeat food product contained herein has been inspected and passed by the State of Arizona."

Sec. 7. RETAIL DEALERS. (a) All horsemeat or horsemeat products sold at retail must be sold from a separate compartment, which shall contain a sign, with letters not less than two inches high, conspicuously placed, marked "horsemeat".

(b) Any restaurant, hotel, or other place where prepared food is served for consumption on the premises, which serves or sells horsemeat or any product thereof, shall state on the menu, in prominent letters, or by such other means as is practiced for advising customers of foods available, that horsemeat is served there, and no horsemeat or horsemeat food product shall be served to any customer who is not advised by such means that it is horsemeat. Each individual item of food listed upon the menu, which item is or contains horsemeat or a horsemeat food product, shall be plainly identified by the words "horsemeat" or "a horsemeat food product".

Sec. 8. SALE OF HORSEMEAT TO STATE INSTITUTIONS PROHIBITED. Horse meat shall not be served in or sold to state institutions for human consumption.

Sec. 9. PENALTIES. (a) Any retail butcher or other person who sells any horsemeat unfit for human consumption is guilty of a misdemeanor, and upon conviction for the first offense shall be punished by a fine not exceeding three hundred dollars, or imprisonment not exceeding ninety days, or both. For a second conviction for a violation of this Act the person violating any provision of this Act shall be fined not less than three hundred dollars or more than one thousand dollars, or by imprisonment in the county jail for not less than ninety days or more than one year, or by both such fine and imprisonment.

(b) Any person who violates any provisions of this Act is guilty of a misdemeanor, and upon conviction is punishable as provided in subsection (a).

Sec. 10. APPROPRIATIONS. All fees collected under the provisions of this Act shall be paid to the state treasurer, and placed in a fund to be known as the "horsemeat enforcement fund". The proceeds of such fund are appropriated to the live stock sanitary board for the payment of salaries and expenses of employees required to carry out the purposes of this Act. The board shall have the right to appoint as inspectors a veterinarian or veterinarians licensed to practice in Arizona, and shall fix the compensation of such inspectors. Any money remaining in the fund at the close of any fiscal year exceeding one thousand dollars shall revert to the general fund.

Sec. 11. 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. 12. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared

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

Approved by the Governor, Feb. 16, 1943.

Filed in the Office of the Secretary of State, Feb. 16, 1943.

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## CHAPTER 9

(Senate Bill No. 77)

### AN ACT

#### RELATING TO PUBLIC FINANCES, AND AMENDING SECTION 10-217, ARIZONA CODE OF 1939.

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

Section 1. Sec. 10-217, Arizona Code of 1939, is amended to read:

10-217. IMPREST FUNDS AUTHORIZED; MANNER OF PROCURING. The head official of any state office, or state agency, the activities of which require immediate cash outlays for postage, traveling expenses, or other immediate emergencies, which are proper as ultimate claims for payment from state funds, may apply to the auditor to provide an imprest fund for such cash outlays. Such application shall state the purposes for which required; the amount deemed necessary, not exceeding one thousand dollars (\$1,000.00), except the University of Arizona which shall not exceed ten thousand dollars (\$10,000.00), the Arizona Highway Department which shall not exceed fifty thousand dollars (\$50,000.00), the state tax commission which shall not exceed two thousand five hundred dollars (\$2,500.00), the Arizona State Teachers College at Flagstaff which shall not exceed two thousand five hundred dollars (\$2,500.00), and the Arizona State Teachers College at Tempe which shall not exceed two thousand five hundred dollars (\$2,500.00), and the particular person who shall have custody of and be charged with the handling and accounting for the fund. The auditor shall allow such application, draw a warrant to the order of the appli-

cant officer, and charge the amount thereof against the appropriation made to that office for the class of expenses covered by the application, and the treasurer shall pay such warrant.

Approved by the Governor, Feb. 19, 1943.

Filed in the Office of the Secretary of State, Feb. 20, 1943.

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CHAPTER 10

(House Bill No. 113)

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF  
OF THE CONVENT OF THE GOOD SHEPHERD,  
AND DECLARING AN EMERGENCY.

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

Section 1. \$1,843.76, or so much thereof as may be necessary is hereby appropriated from the general fund to the Board of Directors of State Institutions for Juveniles for the relief of the Convent of the Good Shepherd.

Sec. 2. PURPOSE. This appropriation shall be applied only to and in satisfaction of three Certificates of Indebtedness (Certificate No. 1 in the amount of \$333.71; Certificate No. 2 in the amount of \$100.65; and Certificate No. 3 in the amount of \$1,409.40) of the Convent of the Good Shepherd based upon care for girl juvenile offenders, and for which the appropriation for that purpose for the fiscal year ending June 30, 1942, was insufficient.

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

Approved by the Governor, Feb. 19, 1943.

Filed in the Office of the Secretary of State, Feb. 20, 1943.

## CHAPTER 11

(House Bill No. 18)

## AN ACT

PROVIDING FOR THE TAXATION OF BANKS MEASURED BY THEIR NET INCOME; AND PROVIDING FOR THE TAXATION OF REAL PROPERTY OWNED BY BANKS.

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

Section 1. NATIONAL BANKING ASSOCIATIONS. Every bank located or doing business within this state, including national banking associations, shall annually pay to this state a tax measured by its entire net income received after December 31, 1943, from all sources, including the interest on bonds and other securities issued by or under authority of the United States government and bonds and other securities issued by the state of Arizona or any political or other subdivision, or municipal or other public corporation thereof, and such tax shall be computed at the rate of five per cent of the amount of its net income.

Sec. 2. INCOME TAX 1933. All the provisions of article 15, chapter 73, Arizona Code of 1939, (Income Tax Act of 1933, first special session, as amended), not in conflict with any provision of this Act, are hereby adopted by reference and made applicable to the tax provided herein.

Sec. 3. TAXING NATIONAL BANK ASSOCIATIONS. The state of Arizona is hereby adopting the method of taxing national banking associations, numbered 4, authorized by section 5219, United States Revised Statutes, as amended. The tax imposed by section 1 shall be in lieu of any tax on the shares of stock or on net income of any bank liable to tax hereunder. On and after January 1, 1944, all real property of every bank located or doing business within this state, including national banking associations shall be assessed and taxed as other real estate is taxed in the state of Arizona and in the political subdivisions wherein the real estate is situate.

Sec. 4. BRANCH OFFICE. From the amount of

tax collected under section 1 which would otherwise go to the general fund by application of the provisions of the Income Tax Act of 1933, as amended, the state treasurer shall instead distribute fifty per cent of said amount to the general fund of the state, twenty-five per cent to the county or counties in which the main office or branches of any bank are located, twenty-five per cent to the incorporated city or town or cities or towns in which the main office or branch offices of any bank are located. If a bank maintains branch offices in more than one city or town, the percentage above set forth as going to the cities and towns shall be prorated between said cities and towns in proportion to the ratio of the bank's deposits in said cities and towns to the total deposits of said bank. If the city or town is incorporated its share of said tax shall be paid to it; if the city is unincorporated the share apportioned to it shall be paid to the general fund of the county in which it is located.

Sec. 5. TAX ON REAL ESTATE. The object for which the said tax is imposed by section 1 is to assist in defraying the necessary and ordinary expenses of the state and the counties, cities and towns. The tax on real estate of banks levied and assessed by or for the state and the political subdivisions thereof shall be used by each for the same purposes as taxes levied and assessed on other real estate.

Sec. 6. REPEAL. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

DISAPPROVED by the Governor, February 17, 1943.

Passed the Legislature notwithstanding the Governor's veto and filed in the Office of the Secretary of State, Feb. 26, 1943.

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## CHAPTER 12

(Senate Bill No. 42)

### AN ACT

RELATING TO TRAVEL BY STATE OFFICIALS; AUTHORIZING THE GOVERNOR TO ENTER INTO A

CONTRACT THEREFOR WITH AIRLINES; MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY.

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

Section 1. CONTRACT WITH AIRLINES. (a) The governor, for and on behalf of the state of Arizona, is authorized to enter into a contract, to be approved by the attorney-general, with airlines operating throughout Arizona and the United States, upon such terms and conditions as he may deem to be to the best interest of the state, to enable its officers, departmental and institutional heads, and employees to receive the benefits of reduced rates on air travel.

Sec. 2. APPROPRIATION. (a) The sum of four hundred twenty-five dollars is appropriated to the governor, to be used as a deposit for the contract authorized by the terms of section 1.

(b) No state officer, departmental or institutional head, or employee shall use an airplane for travel in connection with his official duties unless an emergency exists, or unless the cost of the airplane trip, including subsistence per diem for hotel and meals as prescribed by law, is not in excess of that of first-class travel by railroad, including such maximum subsistence per diem.

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

Approved by the Governor, Feb. 26, 1943.

Filed in the Office of the Secretary of State, Feb. 26, 1943.

## CHAPTER 13

(House Bill No. 127)

## AN ACT

RELATING TO TAXATION; PROVIDING FOR THE DISPOSITION OF RECEIPTS OF THE EXCISE REVENUE ACT, AMENDING SECTION 73-1332, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 73-1332, Arizona Code of 1939, is amended to read:

73-1332. LICENSE FEE AND PRIVILEGE TAX ADMINISTRATION FUND; APPROPRIATION. (a) For the purpose of carrying out the provisions of this Act, there is hereby appropriated for the tax commission, out of the taxes collected hereunder, 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. Said fund shall only be paid out in manner and amounts as fixed by the legislature in the biennial general appropriation bill, and any amount remaining unexpended in said special fund at the end of any fiscal year shall be reverted to the general fund.

(b) There is hereby appropriated 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 chapter 69 of the Session Laws of 1937.

Sec. 2. EFFECTIVE DATE. This Act shall become effective July 1, 1943.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be

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

Approved by the Governor, Feb. 26, 1943.

Filed in the office of the Secretary of State, Feb. 26, 1943.

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## CHAPTER 14

(House Bill No. 128)

### AN ACT

RELATING TO TAXATION; PROVIDING FOR THE DISPOSITION OF RECEIPTS OF THE LUXURY TAX ACT, AMENDING SECTION 73-1412, ARIZONA CODE OF 1939, AND REPEALING SECTION 73-1413, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 73-1412, Arizona Code of 1939, is amended to read:

73-1412. DISPOSITION OF REVENUE. The commission shall promptly, and at least daily, remit all moneys received under the provisions of this Act to the state treasurer, through the state auditor.

Sec. 2. REPEAL. Sec. 73-1413, Arizona Code of 1939, is hereby repealed.

Sec. 3. EFFECTIVE DATE. This Act shall become effective July 1, 1943.

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

Approved by the Governor, Feb. 26, 1943.

Filed in the office of the Secretary of State, Feb. 26, 1943.

## CHAPTER 15

(House Bill No. 129)

## AN ACT

RELATING TO TAXATION; PROVIDING FOR THE DISPOSITION OF RECEIPTS OF THE INCOME TAX ACT, AMENDING SECTION 73-1549, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 73-1549, Arizona Code of 1939, is amended to read:

73-1549. RECEIPTS OF INCOME TAX ACT. (a) The tax commission shall promptly, and at least daily, remit all moneys collected under this Act to the state treasurer, through the state auditor, for deposit in the general fund, except as provided by subsections (c) and (d).

(b) Any receipt or acknowledgment delivered by the tax commission to the taxpayer shall serve and be recognized only as a receipt of the amount so tendered and accepted, subject to proper clearance and collection if in the form of a check, draft, or other instrument of exchange except lawful money of the United States, but shall not be evidence of or be construed as an acknowledgment by said commission of the sufficiency of such amount or as to the correctness of the report so filed or of any matter contained therein.

(c) With each remittance of such moneys to the state treasurer the commission shall transmit to him a full statement of all amounts paid under protest. The state treasurer shall set up a fund to be designated "income tax suspense fund", into which he shall pay and carry all amounts so paid under protest until such time as their status is finally determined by appeal to the commission or to the courts, or for a period of three months if no such appeal be prosecuted by the taxpayer. The tax commission shall keep the state treasurer fully advised with respect to the status of all such payments.

(d) The state treasurer shall place in the "income tax

suspense fund" ten per cent of all other income tax receipts until the fund shall contain twenty thousand dollars, including such amount held therein as paid under protest, and thereafter only such amounts as may be necessary to maintain it at that figure. From the "income tax suspense fund" the state treasurer shall pay all refunds to income taxpayers in any amount less than one thousand dollars upon the certificate of the state tax commission, and such refunds as are in excess of one thousand dollars by decree of a court of competent jurisdiction.

Sec. 2. EFFECTIVE DATE. This Act shall become effective July 1, 1943.

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

Approved by the Governor, Feb. 26, 1943.

Filed in the Office of the Secretary of State, Feb. 26, 1943.

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## CHAPTER 16

(House Bill No. 135)

### AN ACT

RELATING TO THE EXCISE REVENUE ACT, AND PROHIBITING THE COLLECTION OF SALES TAX ON CERTAIN MATERIALS SOLD TO CONTRACTORS, AND DECLARING AN EMERGENCY.

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

Section 1. TAX ON MATERIALS PROHIBITED. No excise or sales tax shall be collected on materials heretofore or hereafter sold to a contractor and by him incorporated into work constructed by him under contract, and on which he has paid a tax under the excise revenue Act.

Sec. 2. DECLARATORY. This Act shall be deemed to be declaratory of existing law.

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

DISAPPROVED by the Governor, February 25, 1943.

Passed by the Legislature notwithstanding the Governor's veto and filed in the Office of the Secretary of State, March 1, 1943.

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## CHAPTER 17

(Senate Bill No. 14)

### AN ACT

RELATING TO SPIRITUOUS LIQUORS, AND PROHIBITING THE SALE OF SPIRITUOUS LIQUOR ON CREDIT; AND DECLARING AN EMERGENCY.

**Be it enacted by the legislature of the State of Arizona:**

Section 1. SALE OF LIQUOR ON CREDIT PROHIBITED. It is unlawful for any licensee of the department of liquor licenses and control, or any employee or agent of any such licensee, to sell or offer to sell, directly or indirectly, or to sanction the sale of, on credit, any spirituous liquor, or to give, lend or advance any money or anything of value, to any person, for the purpose of purchasing or bartering for spirituous liquor.

Sec. 2. PENALTY. Violation of any provision of this Act is a misdemeanor, punishable by a fine of not less than one hundred nor more than one thousand dollars.

Sec. 3. EMERGENCY. To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be

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

Approved by the Governor March 2, 1943.

Filed in the Office of the Secretary of State March 2, 1943.

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CHAPTER 18

(Senate Bill No. 27)

AN ACT

RELATING TO DELINQUENT TAXES; PROVIDING FOR THE SALE OF PROPERTY THEREFOR, AND AMENDING SECTION 73-811, ARIZONA CODE OF 1939.

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

Section 1. Sec. 73-811, Arizona Code of 1939, is amended to read:

73-811. PURCHASERS. When any real property is offered for sale for delinquent taxes as provided in this article, it shall be sold to the person who shall pay therefor the whole amount of taxes, interest, penalties, and charges then due thereon, and who in addition shall offer to accept the lowest rate of interest upon the amount so paid in order to redeem from the sale, which rate of interest shall not exceed ten per cent per annum from the date of sale until redeemed. When any real property is sold to the state for taxes, the rate of interest payable on redemption shall in all cases be ten per cent per annum.

Approved by the Governor March 2, 1943.

Filed in the Office of the Secretary of State March 2, 1943.

## CHAPTER 19

(Senate Bill No. 101)

## AN ACT

RELATING TO THE STATE TAX COMMISSION, AND PROVIDING FOR THE REVERSION TO THE GENERAL FUND OF UNEXPENDED BALANCES IN THE LICENSE FEE AND PRIVILEGE TAX ADMINISTRATION FUND AND THE LUXURY TAX ADMINISTRATION FUND; AND DECLARING AN EMERGENCY.

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

Section 1. UNEXPENDED BALANCES. All balances remaining, as of December 31, 1942, in the "license fee and privilege tax administration fund," created by section 73-1332, and in the "luxury tax administration fund," created by section 73-1412, Arizona Code of 1939, shall be immediately transferred to the general fund, and all unexpended and unencumbered balances in such funds remaining at the close of the thirty-first fiscal year shall revert to the general fund.

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

Approved by the Governor March 2, 1943.

Filed in the office of the Secretary of State March 2, 1943.

## CHAPTER 20

(Senate Bill No. 80)

## AN ACT

RELATING TO JUNIOR COLLEGES; PRESCRIBING THE METHOD OF DISBURSING APPROPRIATIONS

FOR STATE AID FOR SUCH COLLEGES, AND AMENDING ARTICLE 7, CHAPTER 54, ARIZONA CODE OF 1939, BY ADDING SECTION 54-712.

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

Section 1. Article 7, chapter 54, Arizona Code of 1939, is amended by adding section 54-712:

54-712. PROCEDURE FOR DISBURSING STATE AID. Appropriations for state aid to junior colleges shall be made to the state superintendent of public instruction. At the beginning of each quarter of the fiscal year the superintendent shall present to the state auditor, on behalf of each college for which an appropriation is made, a claim for one-fourth of the annual amount thereof, assigned to the county treasurer of the county in which the college is maintained. The state auditor shall draw his warrant in payment of the claim and the county treasurer shall place the proceeds thereof to the credit of the fund for the support and maintenance of the junior college, to be expended as provided by law.

Approved by the Governor March 2, 1943.

Filed in the Office of the Secretary of State March 2, 1943.

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## CHAPTER 21

(Senate Bill No. 51)

### AN ACT

EMPOWERING THE STATE OF ARIZONA AND THE SCHOOL DISTRICTS THEREOF TO EXECUTE BONDS AND TO PROCURE AND PAY FOR INSURANCE TO MEET REQUIREMENTS OF AGREEMENTS ENTERED INTO WITH THE GOVERNMENT OF THE UNITED STATES FOR THE USE OF SCHOOL BUILDINGS.

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

Section 1. AUTHORIZATION. Whenever by the provisions of any agreement entered into between the

State of Arizona or any officer or agency thereof, or any school district of said state, and the government of the United States of America, or any agency or officer thereof, for the use of school buildings on Indian reservations, whereby any school district may be required to execute a bond in favor of the government of the United States of America or any officer or agency thereof, or to procure and pay for insurance as may be necessary for the protection of United States government-owned buildings and/or equipment being used for public school purposes, the bond and/or insurance may be executed by the governing body of the district and the district or the governing body thereof may procure and pay for the bond and/or insurance as may be necessary for the protection of the buildings and/or equipment, and premiums paid for the bonds and/or insurance shall be a proper charge against the funds of the school district. The provisions of this law shall apply also to accommodation schools under the jurisdiction of the county school superintendent and payment of premiums for bonds and/or insurance may be paid by the county school superintendent from the county school reserve fund.

Approved by the Governor, March 4, 1943.

Filed in the Office of the Secretary of State, March 4, 1943.

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## CHAPTER 22

(House Bill No. 74)

### AN ACT

RELATING TO BANKS; PRESCRIBING LIMITATIONS OF LOANS OTHER THAN TO OFFICERS, EXCEPTING LOANS SECURED BY GOVERNMENT AGENCIES, AND AMENDING SECTION 51-204, ARIZONA CODE OF 1939.

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

Section 1. Sec. 51-204, Arizona Code of 1939, is amended to read:

51-204. LOANS OTHER THAN TO OFFICERS. (a) The total liability to any bank of any person for money

borrowed directly or indirectly shall at no time exceed fifteen per cent of the amount of the capital stock paid in and of the surplus earned and set aside as a surplus fund of such bank, with the exceptions that:

1. Loans may be made up to twenty-five per cent of the capital stock and surplus when secured by readily marketable non-perishable staple commodities in warehouse or in transit.

2. The portion of any loan which is secured or covered by a guarantee, commitment or agreement to take over or purchase the same, made by a federal reserve bank, or by the United States or any department, bureau, board, commission or establishment of the United States, including any corporation wholly owned, directly or indirectly, by the United States, shall not be subject to any limitations.

(b) The discount of bills of exchange drawn in good faith against existing values, and the discount of commercial or business paper actually owned by the person negotiating the same, shall not be construed as borrowing money. Deposits of commercial or savings banks, with commercial banks, or the commercial department of banks having commercial and savings departments, on open accounts to facilitate business transactions, shall be permitted and shall not be construed as loans.

(c) If the superintendent finds that a bank has allowed loans to be made in excess of the amount provided for in this section, he shall immediately instruct the officers and directors of the bank to charge off enough of said loan or loans to bring the same within the required limitation, and he may, if deemed by him necessary, levy an assessment against the stock-holders of said bank in an amount sufficient to reduce the loans to the required limit, such levy to be made in the manner hereinafter provided for the levying of assessments by him.

(d) All unsecured loans in excess of five hundred dollars shall be supported by a sworn financial statement of the borrower, made not more than six months prior to the date of the note, and if the note is made for longer than six months, a new statement must be required so that at all times the financial statement must give the true standing of the borrower. In a continuing loan, revised statements must be taken at least once a year, and

the old statements retained in the files so that the directors and examiners may note the progress or decline of the borrower and make their classification accordingly.

(e) No commercial bank shall loan or invest more than twenty-five per cent of its total demand deposits, exclusive of public funds on deposit, in real property. Where a loan is secured by mortgage on real property, the borrower shall furnish: 1. a written application for the loan; 2. a financial statement; 3. a written appraisal of the security made by a competent appraiser, and, 4. a complete abstract of title, together with the written opinion of the title by an attorney based upon an examination of the abstract, a title insurance policy, or an unlimited certificate of title. Such papers in connection with the loan shall be on file with the bank and at all times open to inspection of the superintendent. When buildings are included in the mortgage they shall be insured by the mortgagor for the benefit of the bank, or if the mortgagor neglect to do so, then by the bank at the expense of the mortgagor.

(f) No bank, building and loan association or security company shall loan any of its funds and take as security therefor real property located without the United States.

Approved by the Governor, March 4, 1943.

Filed in the Office of the Secretary of State, March 4, 1943.

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## CHAPTER 23

(House Bill No. 111)

### AN ACT

RELATING TO PUBLIC FINANCES AND FIXING TIME  
FOR PAYMENT OF OUTSTANDING OBLIGATIONS  
BY AMENDING SECTION 10-201, ARIZONA CODE,  
1939.

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

Section 1. Sec. 10-201, Arizona Code of 1939, is amended to read:

10-201. BALANCES AT THE END OF YEAR TO BE DISCONTINUED—REPORTS OF OBLIGATIONS AGAINST BALANCES. When a general appropriation shall be made for the ordinary and contingent expenses of the state government, for the several offices and other agencies, all balances, except the balances for roads, and buildings and the University of Arizona, shall be discontinued at the close of the fiscal year next after the adjournment of the legislature, except the portion encumbered, and shall no longer be applicable to the purposes of the original appropriation. Each department head shall on the thirtieth day of June in each year, present to the governor and auditor a detailed report showing outstanding obligations contracted against any balance, payment of which must be made within forty-five days after the close of the fiscal year.

Approved by the Governor, March 4, 1943.

Filed in the Office of the Secretary of State, March 4, 1943.

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## CHAPTER 24

(Senate Bill No. 73)

### AN ACT

RELATING TO PURCHASING AGENT, AND REPEALING SECTION 8-103, ARIZONA CODE OF 1939, AS AMENDED BY SECTION 2, CHAPTER 65, SESSION LAWS OF 1941; AND DECLARING AN EMERGENCY.

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

Section 1. REPEAL. Sec. 8-103, Arizona Code of 1939, as amended by section 2, chapter 65, Session Laws of 1941, is repealed.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be

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

Approved by the Governor March 6, 1943.

Filed in the Office of the Secretary of State March 6, 1943.

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CHAPTER 25

(House Bill No. 26)

AN ACT

RELATING TO THE VENTILATION OF MINES AND THE PREVENTION OF HAZARDOUS DUST AND GAS CONDITIONS THEREIN; REPEALING SECTION 65-218, ARIZONA CODE, 1939, AND DECLARING AN EMERGENCY.

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

Section 1. DEFINITION OF TERMS. As used herein "a hazardous dust condition" shall be deemed to exist where the breathing zone of an employee while engaged in the performance of his work contains in excess of ten million particles of air borne dust, between one micron and five microns in largest dimension, per cubic foot of air; provided, that if the free silica or asbestos content of such air borne dust does not exceed ten percent, a dust hazard shall not be deemed to exist unless such particles exceed one hundred million per cubic foot of air. Dust counts shall be determined in accordance with the United States Public Health service technique, as described in Report No. 1528, from the Public Health Reports, Vol. 47, No. 12, March 18, 1932, entitled "The Impinger Dust Sampling Apparatus", or the equivalent of such technique. For the purpose of determining the existence of a hazardous dust condition the impinger shall be operated continuously for a period of not less than thirty minutes or for three periods of not less than ten minutes each during the course of an hour. "Dust prevention practices" shall include ventilation, suction or exhaust methods of removing dust, wet methods for settling dust, and the use of respirators when the condition or exposure is temporary or intermittent, and such other means of removing

or settling dust from mine air as shall be approved by the state mine dust engineer. "Respirators" shall mean only those respirators approved by the United States Bureau of Mines or which may be approved hereafter by the United States Bureau of Mines and by the State Mine dust engineer. "Mine operator" shall mean the person, association, or corporation in immediate possession of a mine as owner, operator or lessee thereof, and as such responsible for the management and condition thereof. "Mine" shall mean shafts, tunnels, entries, winzes, raises, stopes, and other underground working places.

Sec. 2. STATE MINE DUST ENGINEER. In addition to the deputies provided for in Section 65-202, Arizona Code, 1939, the state mine inspector shall appoint a deputy to be known as the state mine dust engineer, who shall be a mining engineer, graduated from an accredited school of mining or geology, and who has had not less than three years actual experience in mining of which not less than one year shall have been in mine ventilation and dust control work, and who is experienced in the making of mine dust surveys. The state mine dust engineer shall receive a salary of not more than \$3,600.00 per annum, and his necessary traveling expenses, not to exceed the maximum provided by law.

Sec. 3. INSPECTION OF MINES. It shall be the duty of the state mine dust engineer to inspect each mine in the state as frequently as necessary to determine whether any hazardous dust condition exists therein, and to inspect promptly upon request of the state mine inspector any mine in which the state mine inspector or any deputy state mine inspector has reason to believe a hazardous dust condition exists or with respect to which complaint of a hazardous dust condition has been made as provided in Section 65-207, Arizona Code, 1939. He shall make recommendations to mine operators as to methods of reducing dust and whenever he finds a hazardous dust condition he shall notify the mine operator thereof in writing and specify a reasonable time within which it must be remedied, and the mine operator shall install within said time, and thereafter maintain and operate, such dust prevention practices as will remedy the hazardous dust condition. If such dust prevention practices are not installed within the time specified in said notice or are not thereafter maintained, the state mine dust engineer shall forthwith order the cessation of operations, except necessary maintenance and repair work, in all parts of the mine in which hazardous dust

conditions exist or are produced by such operations, until the hazardous dust condition has been remedied. Written notice of such order shall be given the mine operator and any mine operator who shall thereafter fail to obey said order shall be guilty of a misdemeanor.

Sec. 4. COOPERATION OF DEPUTY STATE MINE INSPECTORS. It shall be the duty of each deputy state mine inspector to cooperate with the state mine dust engineer in the prevention and elimination of hazardous dust conditions, and to immediately notify the state mine dust engineer of any hazardous dust condition which he may have reason to believe exists within his district. Each such deputy state mine inspector shall be furnished by the state mine dust engineer with a copy of the notice of the existence of any hazardous dust condition in any mine within his district, and a copy of any order for cessation of operations within such mine, and it shall be the duty of such deputy state mine inspector to ascertain and report to the state mine dust engineer any failure on the part of a mine operator to install, maintain and operate dust control practices to remedy any hazardous dust condition of which such mine operator has been notified or any violation of an order of the state mine dust engineer given or made pursuant to Section 3 of this act.

Sec. 5. VENTILATION. The operator of every mine shall cause fresh air to be circulated through and into the shafts, winzes, levels and other working places of such mine in which employees are present in sufficient quantity to provide adequate oxygen for working and passing therein and to keep the same free from harmful quantities of gases. In dry places when the operation of a power drill will produce dust, all power drills used therein shall be equipped with a spraying device for the purpose of settling dust created. Waste timber in underground workings shall not be piled up and permitted to decay, but shall be removed as soon as practicable. Any person violating this section shall be guilty of a misdemeanor.

Sec. 6. Section 65-218, Arizona Code of 1939 is hereby repealed.

Sec. 7. APPROPRIATION. There is hereby appropriated to the state mine inspector the sum of \$10,000 for the purpose of defraying the salary, travel expenses and other expenses of the state mine dust engineer for

the fiscal years beginning July 1, 1943, and ending June 30, 1945, and the additional sum of \$2,500 for the purchase of equipment to be required by the state mine dust engineer in the performance of his duties under this act.

Sec. 8. EMERGENCY. To preserve public peace, health and safety, it is necessary that this Act shall become immediately operative. It is, therefore, declared to be an emergency measure and shall take effect upon its passage in the manner provided by law.

Approved by the Governor, March 6, 1943.

Filed in the Office of the Secretary of State March 6, 1943.

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## CHAPTER 26

(House Bill No. 25)

### AN ACT

RELATING TO COMPENSATION FOR OCCUPATIONAL DISEASE, PROVIDING FOR THE ADMINISTRATION THEREOF BY THE INDUSTRIAL COMMISSION OF ARIZONA, AND DECLARING AN EMERGENCY.

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

Section 1. KNOWN AS. This act shall be known as the "Arizona Occupational Disease Disability Law."

Sec. 2. ADMINISTERED BY INDUSTRIAL COMMISSION. This act shall be administered by The Industrial Commission of Arizona, as hereinafter provided.

Sec. 3. EXCLUSIVE REMEDY AGAINST EMPLOYER. The right to recover compensation pursuant to the provisions of this act for occupational diseases sustained by an employee and arising out of or in the course of his employment, whether resulting in death, or not, shall be the exclusive remedy therefor against the employer, except as to such employees as shall reject this act as provided herein.

Sec. 4. INDUSTRIAL COMMISSION MAY SUE OR BE SUED — SERVICE OF PROCESS. By its name "The Industrial Commission of Arizona" said commission may sue and be sued. Service of summons or other process on any member of the commission, or on the secretary thereof, shall be deemed service on the commission.

Sec. 5. TO PRESCRIBE RULES AND REGULATIONS. Subject to the provisions of this act, the commission shall adopt and publish rules and regulations governing procedure before it, and shall prescribe forms of notices and the manner of serving the same in all claims for compensation, and may change the same from time to time in its discretion.

Sec. 6. CLAIMS TO BE FILED WITH. Claims filed under this act shall be filed with the commission in triplicate, and immediately after such filing one of such triplicate copies shall be forwarded by mail to the employer and insurance carrier.

Sec. 7. COMMISSION — POWERS. Each of the commissioners, the secretary of the commission, and any referee appointed by the commission, for the purposes mentioned in this act, shall have power to administer oaths, certify to official acts, issue subpoenas, compel attendance of witnesses and the production of papers, books, accounts, documents and evidence. The commission for the purpose of this act may employ actuaries, accountants, inspectors, examiners, experts, clerks, physicians and other assistants, and fix their compensation. Such employment and their compensation shall be first approved by the governor, and together with necessary traveling expenses allowed by the commission, shall be paid out of the state occupational disease compensation fund. The members of the commission and secretary shall receive no additional compensation for administering this act. Their actual and necessary traveling expenses while on the business of the commission under this act shall be paid from the state occupational disease compensation fund.

Sec. 8. DEPOSITIONS. The commission or any party to a proceeding under this act may cause depositions of witnesses to be taken as in civil actions.

Sec. 9. RECORD OF PROCEEDINGS. A full and complete record shall be kept of all proceedings had be-

fore the commission and all testimony shall be recorded by a stenographer appointed by the commission.

Sec. 10. EMPLOYERS INCLUDED — INDEPENDENT CONTRACTOR. The following employers, when the condition and hazards inherent in the occupation involved are such as to expose the employees to any of the hazards of diseases listed in section 36 of this act, shall be subject to the provisions of this article: The state, and each county, city, town, municipal corporation and school district therein; and every person who has in his service three (3) or more workmen or operatives regularly employed in the same business, or establishment, under a contract of hire, except agricultural workers and domestic servants; employers of such agricultural workers and domestic servants or employers of less than three persons may, however, at their election come under the terms hereof by complying with its provisions and the rules and regulations of the commission.

The term "regularly employed," as herein used, includes all employments, whether continuous throughout the year or for only a portion of the year, in the usual trade, business, profession or occupation of an employer. Where an employer procures work to be done for him by a contractor over whose work he retains supervision or control, and such work is a part or process in the trade or business of the employer, then such contractor and the persons employed by him, and his subcontractor and the persons employed by the subcontractor, are, within the meaning of this section, employees of the original employer. A person engaged in work for another, and who, while so engaged, is independent of the employer in the execution of the work, not subject to the rule or control of the person for whom the work is done, but engaged only in the performance of a definite job or piece of work, and subordinate to the employer only in effecting a result in accordance with the employer's design, is an independent contractor and an employer within the meaning hereof. Provided, that an independent contractor who shall subcontract any portion of the work he has contracted to do to a subcontractor, who shall employ less than three employees shall be deemed to be the employer of such subcontractor and his employees while engaged in the performance of the work under such subcontract.

Sec. 11. EMPLOYEE, WORKMEN AND OPERAT-

IVE. The terms "employee," "workmen," and "operative," as used herein, mean:

Every person in the service of the state, and of a county, city, town, municipal corporation, or school district, including the regular members of lawfully constituted police and fire departments of cities and towns.

Every person in the service of any employer subject to this act as defined in the preceding section, or to whom such employer is required to secure compensation under this act, including aliens and minor legally or illegally permitted to work for hire, but not including a person whose employment is casual and is not in the usual course of trade, business or occupation of the employer, and not including agricultural workers and domestic servants unless the employer shall so elect.

Lessees of mining property and their employees and contractors, who are engaged in the performance of work which is a part of the business conducted by the lessor, and over whose work the lessor retains supervision or control, are within the meaning of this section employees of such lessor drawing such wages as employees for similar work, and the lessor may deduct from the proceeds of ores mined by the lessees the premium herein required to be paid for such employees.

Sec. 12. TERMS CONSTRUED — DEFINITIONS.  
The following terms as used in this act shall be construed as follows:

(a) "Disablement" means physical incapacity by reason of an occupational disease as defined in this act to perform any work for remuneration or profit. "Silicosis" or "Asbestosis" as defined in this act, when complicated by active pulmonary tuberculosis, shall be presumed to be total disablement. "Disability," "disabled," "total disability" or "totally disabled" shall be synonymous with "disablement."

(b) "Compensation" shall mean the payments and benefits provided for in this act.

(c) "Award" shall mean the finding or decision of the commission as to the amount of compensation due any disabled employee or the dependents of any deceased employee.

(d) "Commission" shall mean "The Industrial Commission of Arizona."

(e) "Average weekly wage" shall mean the average of the weekly earnings of the employee in the employ of his employer against whom compensation is awarded during the period of one year prior to the termination of his employment with such employer, or during such lesser period in such year as he shall have been in the employ of such employer. In case such employee is absent from employment during said period as a result of the occupational disease for which compensation is claimed, then the week or weeks in which such absence occurs shall not be included in the computation of the average weekly wage. If the period herein provided for computation of the average weekly wage does not include four weeks, then the average weekly wage shall be such as, having regard to the previous wage of the employee, or of other employees of the same or most similar class working in the same or most similar employment in the same or neighboring locality, reasonably represents the weekly earning capacity of the disabled employee in the employment in which he is working at the time of his disablement.

Sec. 13. EMPLOYER LIABILITY FOR COMPENSATION — CONDITIONS WHEN NO PAYMENT TO BE MADE. (a) There is imposed upon every employer a liability for the payment of compensation to every employee who shall not have rejected the provisions of this act as herein provided and who becomes totally disabled by reason of an occupational disease arising out of his employment, subject to the following conditions:

(1) No compensation shall be paid when the last day of injurious exposure of the employee to the hazards of said occupational diseases shall have occurred prior to the passage of this act.

(2) No compensation shall be paid for a disease other than silicosis or asbestosis unless total disability results within one hundred twenty days from the last day upon which the employee actually worked for the employer against whom compensation is claimed.

(3) No compensation shall be paid in case of silicosis or asbestosis unless during the ten years immediately preceding the disablement the injured employee shall have been exposed to harmful quantities of silicon dioxide ( $\text{SiO}_2$ ) dust or asbestos dust for a total period of not less than

five years in this state and unless total disability results within two years from the last day upon which the employee actually worked for the employer against whom compensation is claimed.

(4) No claim shall be maintained nor compensation paid unless the claim has been filed with the commission in writing within the time fixed by the appropriate subdivision of Section 53 of this act.

(b) There is imposed upon every employer a liability for the payment of compensation to the dependents of every employee who shall not have rejected the provisions of this act as provided herein in cases where death results from an occupational disease arising out of his employment, subject to the following conditions:

(1) No compensation shall be paid when the last day of injurious exposure of the employee to the hazards of said occupational disease shall have occurred prior to the passage of this act.

(2) No compensation shall be paid for death from silicosis or asbestosis unless during the ten years immediately preceding the disablement the deceased employee shall have been exposed to harmful quantities of silicon dioxide ( $\text{SiO}_2$ ) dust or asbestos dust for a period of not less than five years in this state.

(3) No compensation shall be paid for death from silicosis or asbestosis unless the death results within two years from the last day upon which the employee actually worked for the employer against whom compensation is claimed, except in those cases where death results during a period of continuous total disability from silicosis or asbestosis for which compensation has been paid or awarded, or for which a claim, compensable but for such death, is on file with the commission, and in such cases compensation shall be paid if such death results within five years from the last day upon which the employee actually worked for the employer against whom compensation is claimed.

(4) No compensation shall be paid for death from an occupational disease other than silicosis or asbestosis unless death results within one year from the last day upon which the employee actually worked for the employer against whom compensation is claimed, except in those cases where death results during a period of continuous total disability from an occupational disease other than

silicosis or asbestosis for which compensation has been paid or awarded, or for which a claim, compensable but for such death, is on file with the commission, and in such cases compensation shall be paid if such death results within three years from the last day upon which the employee actually worked for the employer against whom compensation is claimed.

(5) No claim shall be maintained nor compensation paid unless the claim has been filed with the commission in writing within the time fixed by the appropriate subdivision of Section 53 of this act.

(c) Proof of the exposure to silicon dioxide ( $\text{SiO}_2$ ) dust or asbestos dust for a total period of not less than five years in employment in this state, with proof of total disability from silicosis or asbestosis, shall be prima facie evidence of exposure to harmful quantities of such dust during all of said period.

Sec. 14. LAST EMPLOYER LIABLE—EXCEPTION. Where compensation is payable for an occupational disease the only employer liable shall be the employer in whose employment the employee was last injuriously exposed to the hazards of such disease, provided that in the case of silicosis or asbestosis the only employer liable shall be the employer in whose employment the employee was last exposed to harmful quantities of silicon dioxide ( $\text{SiO}_2$ ) dust during a period of sixty days or more.

Sec. 15. BENEFITS—AMOUNTS. The benefits to which a disabled employee or his dependents shall be entitled under this act are limited to the following:

(a) Where claim is by the employee he shall be entitled to and shall receive compensation during the period of disablement in the amount of two-thirds of his average weekly wage, but not less than \$8.00 per week, or more than \$25.00 per week, provided that in no event shall the total of such payments exceed \$5,000.00.

(b) In case of death the dependents of the deceased employee shall receive weekly death benefits at the rate of \$12.50 per week, plus \$2.50 for each dependent in excess of one up to a maximum of five additional, provided that the aggregate of the weekly death benefits shall not exceed the weekly payment such employee would have been entitled to receive in case of total disability

rather than death and provided that the total amount paid in death benefits shall not exceed the difference between the sums if any theretofore paid for total disability under subdivision 15 (a) and \$5,000.00.

(c) In the event an employee becomes totally disabled from an occupational disease he shall be entitled to receive such medical service, hospitalization and medicines as may be reasonably required not exceeding the value of \$500.00.

(d) In case death results from such occupational disease, the employer shall pay not to exceed \$150.00 burial expenses.

Sec. 16. SECURING COMPENSATION—ALTERNATIVE METHODS—REGULATIONS. Employers, but not including the state or its legal subdivisions, shall secure compensation to their employees in one of the following ways:

1. By insuring and keeping insured the payment of such compensation with the state occupational disease compensation fund;

2. By insuring and keeping insured the payment of such compensation, with a corporation or association authorized to transact the business of occupational disease compensation insurance in the state, and filing with the commission, in form prescribed by it, notice of his insurance, together with a copy of the contract or policy of insurance. Such corporation or association shall carry a risk to the conclusion of the policy period unless cancellation is agreed to by the commission and the employer; any policy shall, however, be subject to cancellation at any time by the commission;

3. By furnishing to the commission satisfactory proof of financial ability to pay direct the compensation in the amount and manner and when due as herein provided. The commission may require from such employer a deposit or other security for the payment of compensation liabilities, in an amount to be fixed by the commission, but not less than one hundred thousand dollars (\$100,000). Such employer shall pay a tax of two (2) per cent of the premiums which would be paid by such employer if insured in the state fund, provided, that such tax shall not be less than two hundred and fifty dollars (\$250) per

annum; said tax to be computed and collected by the commission and paid into the expense reserve of the state occupational disease compensation fund. If such employer shall not fully comply with the provisions hereof relating to the payment of compensation, then the claims for compensation shall be deemed assigned to the commission for the benefit of the state occupational disease compensation fund, and the commission shall pay such compensation, benefits or amounts as may be due under the provisions of this article, and the commission shall then have a cause of action against said employer and upon his bond, if any, for the amount so paid, to be recovered by said commission, together with necessary expenses and a reasonable attorney's fee to be fixed by the court and the commission may revoke the authority of said employer to pay compensation direct.

Corporations or associations transacting the business of occupational disease compensation insurance in the state shall be subject to the rules and regulations of the commission, including rates to be charged, policy forms to be used, and the method of paying compensation. Only corporations having a paid-up capital stock of five hundred thousand dollars (\$500,000) and surplus of one hundred thousand dollars (\$100,000), or an aggregate capital and surplus of six hundred thousand dollars (\$600,000) or mutual associations having net assets over and above all liabilities of six hundred thousand dollars (\$600,000), shall be permitted to transact such business, and their liability shall include a reinsurance reserve which shall equal sixty-five (65) per cent of the gross annual premiums or deposits received by such corporation or association on account of occupational disease compensation insurance, and fifty (50) per cent of the gross annual premiums on all other lines of insurance and a pro rata amount of gross premiums collected for more than one (1) year. No such corporation or association shall transact such business unless it shall deposit, and keep on deposit, with The Industrial Commission of Arizona cash or securities in an amount equal to seventy-six (76) per cent of sixty-five (65) per cent of the gross annual premiums or deposits received by such corporation or association on account of occupational disease compensation insurance collected by it in the state and in addition thereto an amount equal to the reserves set up by such corporation or association against final awards made pursuant to this act plus such amount as may be fixed by the Commission not exceeding \$100,000, such securities to be at all times subject to the approval of the commission; or in lieu of cash or securi-

ties, such corporation or association may, with the approval of the commission, furnish bond of a corporate surety company authorized to transact business in the state. Said bond or securities shall be held by the commission as security for the fulfillment of the obligations of such corporation or association under this act. Such insurance carrier authorized to do business in the state must make and file with the Industrial Commission annually, on or before the first day of March each year, a statement, under oath, giving a true exhibit of the company making such statement during the year ending December thirty-first next preceding. The form shall be prescribed by the Industrial Commission in such manner as seems to the commission best adapted to elicit from such corporation, a true exhibit of its condition. It shall contain the total amount of all premiums under occupational disease compensation insurance policies collected or contracted for by the insurance carrier making such statement during such year, the total amount actually paid for losses, the total reserves for losses incurred, and the total amount paid policy holders on return premiums for the same period, the amount of occupational disease compensation insurance written in this state and reinsured in other companies not admitted, and similarly the amount reinsured in admitted companies; and the amount of such reinsurance accepted from admitted companies and the premiums received for such reinsurance and the names of the companies so reinsured.

Such insurance carrier shall pay to the state treasurer, for the credit of the expense reserve of the state occupational disease compensation fund, in lieu of all other taxes on occupational disease compensation insurance, a tax of two (2) per cent on all premiums collected or contracted for during the year ending December thirty-first next preceding, less deductions from said premiums, also amounts paid to policy holders as return premiums, and the amount paid as premiums to admitted companies for reinsurance on occupational disease compensation insurance in this state.

Sec. 17. STATE OCCUPATIONAL DISEASE COMPENSATION FUND. There is hereby created a fund, to be known as The State Occupational Disease Compensation Fund, for the purpose of insuring employers against liability for compensation, and of assuring to the persons entitled thereto the compensation herein provided. Such fund shall consist of all premiums and penalties received and paid into the fund, or property and securities acquired

by and through the use of money belonging to the fund, and of interest earned upon money belonging to the fund. Such fund shall be administered by the commission without liability of the state beyond the payment of losses sustained on account of such fund, and shall be applied to insurance and to the payment of compensation and of expenses as herein provided. The commission shall have full authority over the fund, and may do all things necessary or convenient in the administration thereof, or in connection with the compensation business to be carried on by it hereunder, and shall adopt rules and regulations for the collection, maintenance and disbursement of the fund.

Sec. 18. CONTRACTS OF INSURANCE TO EMPLOYERS — REINSURANCE.

The commission may, in its name, make contracts of insurance to include and cover the entire underlying liability of employers insured in the state occupational disease compensation fund so that such employers may be fully protected, not only for all compensation claims, but for all liability claims whatsoever for occupational diseases by employees or their dependents or heirs, including the cost of defense of an action. The commission may also reinsure any risk, or any part thereof, and may enter into agreements of reinsurance as other reinsurance carriers.

Sec. 19. POLICY OF INSURANCE—PAYMENT OF PREMIUMS. Every employer insuring in the state occupational disease compensation fund shall receive from the commission a contract or policy of insurance in a form approved by the commission. The premium thereon shall be paid by the employer to the commission at such times as may be prescribed by the commission, and paid over by the commission to the state treasurer to the credit of the occupational disease compensation fund. An employer, not in arrears for premiums and who has given to the commission written notice of his intention to withdraw before the expiration of the period for which he has elected to insure in said fund, may withdraw from the fund by surrendering his policy to the commission for cancellation, upon complying with one of the other alternative methods of securing compensation to his employees in this act prescribed.

Sec. 20. MANNER OF FIXING RATES. The state occupational disease compensation fund shall be neither more nor less than self-supporting. Employments affected

by the provisions hereof shall be divided by the commission for the purpose of the state occupational disease compensation fund into classes whose rates may be readjusted at such times as the commission may determine. The commission may rearrange the classes by withdrawing any employment embraced in one class and transferring it wholly or in part to another class. Separate accounts shall be kept of the amounts collected and expended in each class for determining rates, but for paying compensation and dividends the fund shall be one and indivisible. The commission shall determine the hazards of the different classes of occupations or industries, and fix the rates of premium therefor at the lowest rate consistent with the maintenance of a solvent state occupational disease compensation fund, and the creation of a surplus and reserves, and for such purpose may adopt a system of schedule rating in such a manner as to take account of the peculiar hazard of each individual risk. The commission, in fixing rates, shall provide for the expenses of administering the fund, the disbursements on account of occupational diseases to employees in each class, reserves adequate to meet anticipated and unexpected losses, reserves adequate to carry the class to maturity, and such other necessary reserves and surplus as may be determined by the commission. The amount of such surplus and reserves shall be determined by the commission. However, the commission is authorized in its discretion to endorse on any of its regularly issued policies a self-rating plan, and may apply tentative rates, subject to modification in accordance with the loss experience of such risks, and shall provide for a carrying charge, premium tax and a rate for the creation of reserves to meet anticipated and unexpected losses to be fixed by the commission.

Sec. 21. DIVIDENDS. Annually, within six (6) months after the close of each fiscal year, if there exists in the state occupational disease compensation fund an excess of assets over liabilities and a reasonable surplus, such liabilities to include the necessary reserves, which excess may be divided safely, then the commission shall declare a dividend, in such method or manner as the rules and regulations of the commission may provide, to those employers who are shown to have paid premiums into the state occupational disease compensation fund in excess of liabilities chargeable to them for that year. In determining the amount or proportion of such balance to which employers are entitled as dividends the commission shall give consideration to the prior paid premiums and occupational disease experience of each individual employer during the dividend year.

Sec. 22. PREMIUM BASED ON WAGE EXPENDITURES—ADJUSTMENT. If the amount of premiums collected from an employer at the beginning of a period is based on the estimated expenditure of wages for the ensuing period, an adjustment of the premium shall be made at the end of such period, and the actual amount of such premium determined in accordance with the amount of the actual expenditure of wages for said period. If such wage expenditure for said period was less than the amount estimated, then such employer shall receive a refund, from the fund, of the difference between the amount paid by him and the amount found to be due, or shall have the difference credited on succeeding payments, at his option; should the premium exceed the amount paid at the beginning of such period, such employer shall, upon demand, pay to the commission the difference.

Sec. 23. STATE TREASURER CUSTODIAN OF FUND—DEPOSIT. The state treasurer shall be the custodian of the state occupational disease compensation fund, and all disbursements therefrom shall be paid by him upon the vouchers authorized by the commission and signed by a member of the commission and the secretary thereof; money collected by the commission shall be by it forthwith paid to the treasurer. The treasurer shall give a separate and additional bond in such amount as fixed by the governor, conditioned upon the faithful performance of his duties as such custodian. The treasurer shall, with the consent of the commission, deposit any portion of the fund, not needed for immediate use, as state funds are deposited; provided that the best interest obtainable shall be collected upon such deposits and placed to the credit of such fund. The state auditor shall annually or as often as necessary, audit all books of accounts, records, funds and securities of the commission.

Sec. 24. SURPLUS TO BE INVESTED. The commission may invest the surplus of or reserve of the state occupational disease compensation fund in bonds of the United States or federal land banks, of the state, or of any county, city, town or school district of the state, at current market prices for such bonds, or in registered state warrants, such investment to be authorized by a resolution of the commission. The boards or officers of the several taxing districts of the state, when issuing bonds of their districts, shall offer in writing to the commission, prior to advertising the same for sale, all issues of such bonds; the commission shall, within ten (10) days after the receipt of such written offer, either accept the

same and purchase such bonds or any portion thereof at par, and accrued interest, or reject such offering in writing. All bonds purchased hereunder shall forthwith be deposited with the state treasurer as custodian thereof, who shall collect the interest and principal thereof, and pay the same when collected, into the state occupational disease compensation fund. The state treasurer shall pay all vouchers drawn on said fund for the purchase of such bonds when signed by any two (2) members of the commission upon delivery of said bonds to him. The commission may sell any of said bonds upon like resolution, and the proceeds thereof shall be paid by the purchaser to the state treasurer upon delivery to him of said bonds by the treasurer.

Sec. 25. POLICY TO COVER ENTIRE LIABILITY —TERMS IN POLICY. Every policy of insurance for occupational disease compensation, issued by the commission or by another, shall cover the entire liability of the employer to his employees covered by the policy or contract, and shall contain a provision setting forth the right of the industrial commission, or the state, for the benefit of the state occupational disease compensation fund, to enforce in their own names, either by filing a separate claim or by making the insurance carrier a party to the original claim, the liability of the insurance carrier in whole or in part for the payment of such compensation. Such policy and contract shall also contain a provision that as between the employee and the insurance carrier the notice to, or knowledge on the part of the employer of the occurrence of the disability or death of the employee shall be deemed notice or knowledge of the insurance carrier; that jurisdiction of the employer shall be jurisdiction of the insurance carrier; that the insurance carrier shall be bound by and subject to the orders, findings, decisions and awards rendered against the employer for the payment of compensation, and that the insolvency or bankruptcy of the employer and his discharge therein shall not relieve the insurance carrier from the payment of compensation for disability or death sustained by an employee during the life of such policy or contract.

Sec. 26. EMPLOYER OR CARRIER FAILING TO COMPLY. If the employer or the carrier of insurance named in the preceding section shall not fully comply with the provisions hereof relating to the payment of insurance, and the orders of the commission, then the claims for compensation shall be deemed assigned to the commission for the benefit of the state occupational disease compen-

sation fund, and the commission shall pay such compensation, benefits or amounts as may be due under the provisions of this article, and the commission shall have a cause of action against said employer and against said carrier, and upon its bond, for the amount so paid to be recovered, together with necessary expenses and a reasonable attorney's fee, to be fixed by the court; the commission may certify the fact of such recovery to the corporation commission and the permit of the carrier to write further business in this state of any kind whatsoever shall be revoked by the corporation commission.

**Sec. 27. INSURANCE BY PUBLIC INSTITUTIONS.**

The state and each county, city, town, municipal corporation or school district which is liable to its employees for compensation must insure in the state occupational disease compensation fund. The state auditor, the clerk of the board of supervisors of each county, the clerk of each such political subdivision and the school superintendent of each county shall furnish quarterly to the commission a true payroll showing the total amount paid to employees subject to this act during each month of said quarter, segregated in accordance with the requirements of the commission. Each such clerk and school superintendent shall thereupon prepare and submit to his respective governing body for approval, a claim for the amount of premiums due the commission, and as determined by the commission, for the benefit of the state occupational disease compensation fund, and such premium shall be at once paid to the commission by the proper officer. The state auditor shall draw his warrant for such premiums as may be due from the state in favor of the treasurer for the benefit of the state occupational disease compensation fund and the treasurer shall at once pay said warrant out of the general fund and the appropriation made therefor in the general appropriation bill for the state occupational disease compensation fund.

**Sec. 28. EMPLOYEES COVERED BY STATE FUND TO BE COMPENSATED.** Every employee covered by insurance in the state occupational disease compensation fund, and the dependents of such employee in case of his death, entitled to compensation under this act, shall be paid such compensation out of the state occupational disease compensation fund.

**Sec. 29. PAYMENTS INTO STATE FUND.** Every employer (except the state) who shall have insured in the state occupational disease compensation fund, shall at

such times as fixed by the commission, and at least annually, pay into the state occupational disease compensation fund the amount of premium determined and fixed by the commission for the employment or occupation of such employer. A receipt or certificate, under the seal of the commission, certifying that such payment has been made shall immediately be mailed to such employer by the commission. If any employer fails to pay to the state occupational disease compensation fund or to any insurance company, authorized to do business in this state, the premium when the same becomes due, and action be instituted to recover such premium, the prevailing party shall be entitled to a reasonable attorney's fee to be fixed by the court.

Sec. 30. VIOLATION—PENALTIES—WAIVER OF COMPENSATION VOID. Any employer failing to comply with Section 16 of this act, and any person violating any other provisions of this act, or doing any act herein prohibited, or failing or refusing to perform any duty hereby imposed within the time prescribed by law or by the commission, for which no penalty is specifically provided, or failing, neglecting, or refusing to obey any order of the commission, or any judgment of a court under the provision hereof, shall be guilty of a misdemeanor and punished by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000) for the first offense, and not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) for each subsequent offense.

Any employer who willfully misrepresents to the commission the amount of payroll upon which the premium to be paid to the occupational disease compensation fund is based, shall be liable to the state in ten (10) times the amount of the difference in premium paid and the amount the employer should have paid, to be recovered in a civil action in the name of the state, and paid into the occupational disease compensation fund.

If, to obtain any compensation, benefit or payment under the provisions hereof, either for himself or for another, any person willfully makes a false statement or representation, he shall be guilty of a misdemeanor, and, if a claimant, shall forfeit all right to such compensation, benefit or payment, after the conviction for such offense.

An agreement by an employee to waive his rights to compensation, and, except as in this act otherwise pro-

vided, an agreement by an employee to pay any portion of the premium paid by his employer, shall be void, and an employer who deducts any portion of such premium for the wage or salary of an employee shall be guilty of a misdemeanor, and punished by a fine of not more than one hundred dollars (\$100) for each offense.

Sec. 31. LIABILITY OF EMPLOYER FAILING TO COMPLY. Employers subject to and who fail to comply with the provisions of section 16 shall not be entitled to the benefits of this act during the period of noncompliance, but shall be liable in an action under any other law of the state, and in such action, the defendant shall not avail himself of the defenses of assumption of risk, or of contributory negligence, and in all such actions proof of disability shall constitute prima facie evidence of negligence on the part of the employer and the burden shall be upon the employer to show freedom from negligence resulting in such injury. An employee of such employer, or his dependents in case death ensued, may, in lieu of proceeding against his employer by civil action in the courts, file his application with the commission for compensation in accordance with the terms of this act, and the commission shall hear and determine such application for compensation in like manner as in other claims before the commission; and the compensation so determined shall be paid by such employer to the person entitled thereto within ten (10) days after receiving notice of the amount therein as fixed and determined by the commission. An abstract of the award may be filed in the office of the clerk of the superior court in any county in the state and shall be docketed in the judgment docket thereof, and when so filed and docketed shall be a lien upon the property of the employer situated in the county for a period of eight (8) years from the date of the award; execution may be issued thereon within eight (8) years in the same manner and with like effect as if said award were a judgment of the superior court.

Sec. 32. LIEN FOR PAYMENTS CREATED — PRIORITY AND FORECLOSURE THEREOF—ACTION FOR PAYMENTS DUE COMMISSION. If an employer default in any payment required to be made by him to the state occupational disease compensation fund, the amount due, with interest thereon at twelve (12) per cent per annum, shall be collected by civil action against him in the name of the commission as plaintiff and the same when so collected shall be paid into the state occupational disease compensation fund. Separate and apart from and

in addition to the other provisions of this act, the claims of the state occupational disease compensation fund for payments and penalties due under this act shall be a lien prior to all other liens except taxes, prior recorded realty mortgages and unpaid wage claims, not only against the interests of any employer, but against the interests of all others, in the real estate, plant, works, equipment and buildings improved, operated or constructed by any employer, and also upon any products or articles manufactured by such employer. The lien created by this section shall attach from the date of the commencement of the labor for which such premiums are due. In order to avail itself of the lien hereby created, the commission shall, within three (3) months after such employer shall have reported his payroll and shall have defaulted in the payment of his premiums thereupon, file with the county recorder of the county within which such property then be situate, a statement in writing describing in general terms the property upon which a lien is claimed and stating the amount of the lien claimed by the commission. If any employer shall fail, delay or refuse to report his payroll, the lien hereby created shall continue in full force and effect although the amount thereof be undetermined and the three (3) months' time within which the commission shall file its claim of lien shall not begin to run until the actual receipt by the commission of such payroll report. From and after the filing of such claim of lien, the commission shall be entitled to commence suit to foreclose such lien in the manner provided by law for the foreclosure of other liens on personal or real property.

Sec. 33. DISABILITY OF DEATH PAYMENT DUE TO SILICOSIS OR ASBESTOSIS—AMOUNTS LIMITED. The maximum compensation payable under this act, exclusive of medical and funeral benefits, for disability or death due to silicosis or asbestosis, notwithstanding anything in this act otherwise provided, shall not exceed the following: If disablement or death occurs during the first calendar month in which this act becomes effective, the sum of \$800; if disablement or death occurs during the second calendar month after this act becomes effective, the sum of \$870; thereafter the total maximum compensation payable for disability and death shall increase at the rate of \$70.00 each calendar month; provided, that in no event shall the aggregate amount payable exceed a total of \$5,000.

Sec. 34. COMPENSATION—TIME—EXCEPTIONS. No compensation shall be allowed for the first seven (7)

days of disability unless such disability continues for a period of more than two continuous weeks, except the disbursements authorized for medical services, hospitalization, medicines and funeral expenses.

Sec. 35. OCCUPATIONAL DISEASES—PROXIMATE CAUSATION. The occupational diseases hereinafter defined shall be deemed to arise out of the employment, only if there is a direct causal connection between the conditions under which the work is performed and the occupational disease, and which can be seen to have followed as a natural incident of the work as a result of the exposure occasioned by the nature of the employment, and which can be fairly traced to the employment as the proximate cause, and which does not come from a hazard to which workmen would have been equally exposed outside of the employment. The disease must be incidental to the character of the business and not independent of the relation of employer and employee. The disease need not have been foreseen or expected but after its contraction must appear to have had its origin in a risk connected with the employment, and to have flowed from that source as a natural consequence.

Sec. 36. OCCUPATIONAL DISEASES—LISTED. For the purposes of this act only the diseases enumerated in this section shall be deemed to be occupational diseases:

1. Anthrax, glanders, and tularemia.
2. Poisoning by acetanilide or its compounds.
3. Poisoning by arsenic or its compounds.
4. Poisoning by antimony or its compounds.
5. Chrome ulceration or poisoning.
6. Poisoning by cyanogen or its compounds.
7. Poisoning by chlorine or its compounds.
8. Poisoning by cadmium or its compounds.
9. Poisoning by hydrogen sulphide or carbon bisulphide and their compounds.
10. Poisoning by lead or its compounds.

11. Poisoning by manganese or its compounds.
12. Poisoning by mercury or its compounds.
13. Poisoning by selenium or its compounds.
14. Poisoning by tellurium or its compounds.
15. Poisoning by vanadium or its compounds.
16. Poisoning by phosphorus or its compounds.
17. Poisoning by wood alcohol and its compounds.
18. Poisoning by nitrous fumes.
19. Poisoning by formaldehyde.
20. Poisoning by nickel carbonyl.
21. Poisoning by tetrachlor-methane.
22. Poisoning by methyl chloride.
23. Poisoning by carbon monoxide.
24. Poisoning by benzene or its derivatives.
25. Poisoning by toxic halogenated or nitrated hydrocarbons.
26. Poisoning by benzol or its derivatives, including toluol, xylol, and the nitro, nitroso, and amino derivatives of these substances.
27. Poisoning by sulphuric, hydrochloric or hydrofluoric acid.
28. Epitheliomatous cancer or ulceration of the skin or of the corneal surface of the eye, due to tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any of these substances.
29. Dermatitis caused by direct contact with alkalis, acids or oils, or with brick, cement, lime, concrete mortar or cutting compounds capable of

causing dermatitis affection, with or without specific hypersensitivity on the part of the employee.

30. Synovitis, or tenosynovitis, or bursitis, or cellulitis, of the wrist, elbow, knee, or hand, due to continual pressure or friction or to repeated trauma or vibration of tools.
31. Blisters or abrasions due to use of tools or appliances in employment, provided that no compensation shall be payable unless the employee shall promptly, and not later than the end of the shift during which such blister or abrasion first develops, report the same to his employer, or designated agent of such employer, if either be available, and shall submit to such medical treatment therefor as shall be required and furnished by the employer.
32. Ulceration of the skin or destruction of tissue due to the prolonged exposure to roentgen rays or radium emanations.
33. Impairment or loss of vision due to acetylene or electrical arc welding.
34. Pemphigus and erysipeloid due to handling of meat products.
35. Asbestosis and silicosis. For the purpose of this act "silicosis" or "asbestosis" are defined as chronic diseases of the lungs caused by the prolonged inhalation of silicon dioxide dust ( $\text{SiO}_2$ ) or asbestos dust, respectively, characterized by small discrete nodules of fibrous tissue similarly disseminated throughout both lungs, causing a characteristic X-ray pattern, and by variable clinical manifestations.

Sec. 37. WHEN COMPLICATED WITH OTHER DISEASES—PAYMENTS. In cases of disability or death from silicosis or asbestosis complicated with tuberculosis of the lungs, compensation shall be payable as for disability or death from uncomplicated silicosis or asbestosis. In case of disability or death from silicosis or asbestosis when complicated with any disease other than pulmonary tuber-

culosis, compensation shall be reduced as provided in Section. 55.

Sec. 38. DEPENDENTS—DEFINED—DETERMINATION OF. The following persons shall be presumed to be dependent for support upon a deceased employee. (a) A wife upon a husband with whom she is actually living at the time of his death, provided marriage did not occur subsequent to the date of disablement. (b) Children, including a child legally adopted prior to the disablement, under the age of eighteen years, or over such age if physically or mentally incapacitated, upon the parent with whom they are living at the time of the death of such parent, or who is legally bound for their support. In all other cases, the question of dependency in whole or in part, shall be determined in accordance with the facts in each particular case but no person except a posthumous child, or except a wife provided marriage did not occur subsequent to disablement, shall be considered as a dependent unless actually dependent upon the employee at the time such employee becomes disabled and unless he is a member of the family of the deceased employee, or bears to him the relation of husband or wife, lineal descendant, ancestor, brother, sister or stepchild. Half brothers and half sisters shall be included in the words "brother or sister" as above used.

Sec. 39. ALIEN DEPENDENT—AMOUNT OF PAYMENT TO. When any alien dependent of the deceased resides outside of the United States of America, and any of its dependencies, such dependent shall be paid not to exceed sixty per cent of the amount provided herein.

Sec. 40. BENEFITS—TO WHOM PAID—MANNER—TERMINATION. The benefits in case of death shall be paid to such one or more of the dependents of the decedent for the benefit of all the dependents as may be determined by the commission, which may apportion the benefits from time to time among the dependents in such manner as it deems just and equitable on the basis of relative need. Payment to a dependent subsequent in right may be made if the commission deems it proper, and shall operate to discharge all other claims therefor. The dependents or persons to whom benefits are paid shall apply the same to the use of the several beneficiaries thereof in compliance with the finding and direction of the commission. In all cases of death where the dependents are a widow and one or more minor children, it shall be sufficient for the widow to make application to the commission on behalf

of herself and minor children, and in cases where all the dependents are minors, the application shall be made by the guardian or next friend of such minor dependents. Should any dependent of a deceased employee die or marry during the period covered by such weekly payments, or if a minor attain the age of 18 and not be physically or mentally incapacitated, the right of such dependent to compensation under this act shall cease; provided, that should a widow who is the sole dependent of the deceased employee, and who is receiving the benefits of this act, remarry during the period covered by such weekly payments, she shall be entitled to receive in a lump sum payment one-third of the benefits remaining unpaid at the time of such remarriage.

Sec. 41. TERMINATION OF COMPENSATION—RE-OPENING AWARD—TIME LIMITS. Payment of compensation for disablement shall cease upon the termination of the disablement. An application to terminate compensation awarded may be made to the commission by any person in interest or the termination may be decided by the commission upon its own motion. Notice of decision as to termination shall be given by the commission to all parties in interest. Where the disablement has terminated and within one year thereafter or in case of silicosis or asbestosis within two years, the disablement shall recur as a result of the occupational disease for which an award has been made, the commission may order resumption of compensation if claim therefor be made within sixty days after the recurrence of the disablement.

Sec. 42. CONVERSION TO LUMP-SUM PAYMENT. The commission may allow the conversion of the compensation into a lump-sum payment under such rules and regulations and system of computation as it may devise for obtaining the present value of such compensation.

Sec. 43. COMPENSATION NOT ASSIGNABLE—EXEMPT FROM LEVY—PAYMENT TO NON-RESIDENTS. Compensation, whether determined or not, shall not, prior to the delivery of the warrant therefor, be assignable; it shall be exempt from attachment, garnishment and execution, and shall not pass to another person by operation of law except that the amount of compensation payable to a person at the time of his death pursuant to an award of the commission, where such death is not due to the occupational disease for which the award was granted, shall after his death be paid to his personal representative; however, payment to the consular agent, or his represent-

ative, of the nation of which a dependent is a resident or subject, of compensation due such dependent residing outside of the United States, any power of attorney to receive or receipt for the same to the contrary notwithstanding, shall be a full discharge of the benefits or compensation, as if made directly to the beneficiary.

Sec. 44. APPLICATION FOR REHEARING. Any party to a proceeding before the commission may, and before he can seek a review in the Supreme Court shall, within twenty days after written notice of its decision, file an application before the commission for a rehearing of the matter.

Sec. 45. APPEAL TO SUPREME COURT. Within thirty days after the application for a rehearing is denied, or if the application is granted within thirty days after the rendition of the decision on the rehearing, any party affected thereby may apply to the Supreme Court of the State for a writ of certiorari to review the lawfulness of the award. Such writ shall be made returnable within thirty days, and shall direct the commission to certify its record, proceedings and the evidence to the court. On the return day the cause shall be heard in the court unless for good cause continued, and shall be heard on the record of the commission as certified by it. The review shall be limited to determining whether or not the commission acted without or in excess of its powers; and, if findings of fact were made, whether or not such findings of fact support the award under review. If necessary the court may review the evidence. The commission and each party to the proceeding before the commission may appear in the review. The court shall enter judgment either affirming or setting aside the award. The rules of civil procedure relating to certiorari shall, so far as applicable, and not in conflict herewith, apply.

Sec. 46. COMMISSION TO MAKE AND FILE FINDINGS. Upon rehearing, when requested by any party in interest, it shall be the duty of the commission to make findings of fact and conclusions in writing, and file the same as a part of the record.

Sec. 47. COMMISSION TO FIX ATTORNEY'S FEES. In all cases coming before the commission in which attorneys have been employed by the claimant, the commission is vested with full power to regulate and fix the fees of such attorneys, and may provide for the payment thereof out of the compensation awarded.

Sec. 48. LATITUDE OF COMMISSION IN PROCEDURE. The commission shall not be bound by the rules of evidence, or by any technical or formal rules of procedure, other than as herein provided; but may make the investigation in such manner as in its judgment is best calculated to ascertain the substantial rights of the parties and to carry out the spirit of this act.

Sec. 49. MINOR DEEMED SUI JURIS. A minor working at an age and at an occupation legally permitted shall be deemed of the age of majority for the purpose of this act, and no other person shall have any cause of action or right to compensation for an injury to such minor workmen, but in the event of the award of a lump sum of compensation to such minor employee, such sum shall be paid only to the legally appointed guardian of such minor.

Sec. 50. MEDICAL EXAMINATIONS — REFUSAL TO SUBMIT TO TREATMENT—FALSE REPRESENTATIONS—PENALTY. A workman entitled to compensation shall submit himself for medical examination from time to time at a place reasonably convenient for the workman, if, and when requested by the commission. The request shall fix a time and place, having regard to the convenience of the employee, his physical condition and ability to attend. The employee and any other party in interest may have a physician, provided and paid for by himself, present at such examination. If the employee refuses to submit to any such examination, or obstructs the same, his right to compensation shall be suspended until such examination has taken place, and no compensation shall be payable during or for such period. A physician who makes or is present at such examination may be required to testify as to the result thereof. The commission may reduce or suspend the compensation of an employee who persists in unsanitary or injurious practices tending to imperil or retard his recovery, or who refuses to submit to such medical or surgical treatment as is reasonably essential to promote his recovery.

Sec. 51. AUTOPSY IN DEATH CLAIMS. On the filing of a claim for compensation for death from an occupational disease where in the opinion of the commission it is necessary to accurately and scientifically ascertain the cause of death, an autopsy may be ordered by the commission and shall be made by a qualified pathologist designated by the commission. Any person interested may designate a duly licensed physician to attend such

autopsy, and the findings of the pathologist performing the autopsy shall be filed with the commission and shall be a public record. All proceedings for compensation shall be suspended upon refusal of a claimant or claimants to permit such autopsy when so ordered. Where an autopsy has been performed pursuant to any order of the commission no cause of action shall lie against any person, firm or corporation for participating in or requesting such autopsy.

Sec. 52. ABSENCE—DISABLED EMPLOYEE TO GIVE NOTICES OF. Any disabled employee who desires to leave the locality in which he has been employed, or the state, shall report to his attending physician for examination, notifying the commission in writing of such intention, accompanying such notice with a certificate from the attending physician setting forth the exact nature of the disability, the condition of the employee, with a statement of the probable length of time that disability will continue. The commission may after the receipt of such request and certificate consent that the employee leave such locality and give notice thereof to the employer. Otherwise, no compensation shall be allowed during such absence. The commission shall have the authority to order any such disabled employee to return for treatment or further examination to the locality in which he had been so employed, and in the event of non-compliance with such order, no further payments of compensation shall be made by the employer.

Sec. 53. LIMITATION—RIGHTS BARRED IF NOT FILED WITHIN LIMITS. The right to compensation under this act for disability or death from an occupational disease shall be forever barred unless written claim is filed with the commission within the time as is in this section hereinafter provided: (a) If the claim is made by an employee and based upon silicosis or asbestosis it must be filed within one year after the employee first becomes disabled. (b) If the claim is made by an employee and based upon a disease other than silicosis or asbestosis it must be filed within sixty days after the employee first becomes disabled, except in case of poisoning by benzol or its derivatives, when it must be filed within ninety days. (c) If the claim is made by a dependent of an employee and based upon death resulting from an occupational disease it must be filed within six months after the death of such employee.

Sec. 54. DUTY OF ATTORNEY GENERAL AND

COUNTY ATTORNEYS. Upon the request of the commission the attorney general, or, under his direction, any county attorney of any county, shall institute and prosecute the necessary actions or proceedings for the enforcement of any of the provisions hereof or for the recovery of any money due the state occupational disease compensation fund, or any penalty provided for, arising within the county in which he was elected, and shall prosecute or defend in like manner all actions or proceedings brought by or against the commission, or the members thereof in their official capacity. The commission may compromise any action brought under this act.

Sec. 55. WHEN OCCUPATIONAL DISEASE AGGRAVATED BY OTHER DISEASES. Where an occupational disease is aggravated by any other disease or infirmity not itself compensable, or where disability or death from any other cause not itself compensable is aggravated, prolonged, accelerated or in any wise contributed to by an occupational disease, the compensation payable under this act shall be reduced and limited to such proportion only of the compensation that would be payable if the occupational disease were the sole cause of the disability or death, as such occupational disease as a causative factor bears to all the causes of such disability or death.

Sec. 56. NO LIABILITY PRIOR TO EFFECTIVE DATE. Nothing in this act shall create any liability on the part of any employer where disability or death occurred prior to the date on which this act becomes effective, nor for death or injury by accident arising out of and in the course of employment.

Sec. 57. EMPLOYEES WILLFUL MISCONDUCT, WILLFUL SELF-EXPOSURE — DEFINED. Notwithstanding anything herein contained no employee or dependent of any employee shall be entitled to receive compensation for disability from an occupational disease when such disability, wholly or in part, was caused by the willful misconduct, willful self-exposure or disobedience to such reasonable rules and regulations as may be adopted by the employer and which rules and regulations have been and are kept posted in conspicuous places in and about the premises of the employer, or otherwise brought to the attention of such employee. As used in this section the term "willful self-exposure" shall include: (a) Failure or omission on the part of an employee or applicant for employment truthfully to state in writing to the

best of his knowledge in answer to any inquiry made by the employer, the place, duration and nature of previous employment. (b) Failure or omission on the part of an applicant for employment to truthfully state in writing to the best of his knowledge in answer to any inquiry made by the employer, whether or not he had previously been disabled, laid off or compensated in damages, or otherwise, because of any physical disability. (c) Failure or omission on the part of an employee or applicant for employment truthfully to give in writing to the best of his knowledge in answer to any inquiry made by the employer, full information about the previous status of his health, previous medical and hospital attention and direct and continuous exposure to active pulmonary tuberculosis.

Sec. 58. INCREASED COMPENSATION — WHEN. Where disability resulting from an occupational disease, as defined in this act, is caused by the willful failure of an employer against whom the compensation is awarded to comply with the law or any lawful order of the commission, compensation as provided for in this act shall be increased 15% except in case of an occupational disease resulting in death, which penalty when awarded may be recovered by the insurance carrier from such employer, in a civil action.

Sec. 59. MEDICAL BOARDS. There shall be appointed by the industrial commission, as a committee of expert consultants on dust diseases, three licensed physicians in good professional standing, each of whom shall have had, at the time of his appointment and immediately prior thereto, at least five years of practice in the diagnosis, care and treatment of diseases of the pulmonary tract, along with the interpretation of X-ray films thereof. The Arizona State Medical Association may, at least annually, certify to the commission the names of all licensed physicians within the State of Arizona having the qualifications herein specified, and if such certification be made, then such appointment shall be made from the list so certified by the Arizona State Medical Association. After the filing of a claim for compensation hereunder for silicosis or asbestosis, the commission may, and if any medical fact be controverted, shall direct an examination of and report upon the claimant by the committee of expert consultants, or one of them, including such X-ray and other pathological examinations and tests as in their opinion may be necessary for the purpose of determining diagnosis, disablement, causal relation to the employment, and the nature and type of medical treatment, hospitaliza-

tion and other care required. In the event the claim is not controverted as to any medical fact the examination and report of one member of the committee shall be deemed the examination and report of the committee. If the claim is controverted as to any medical fact, the report shall be made by the full committee after a physical examination by at least one member of the committee. The findings and opinions of a majority of the committee shall constitute the findings and opinion of the committee. The contents of such report of the committee, when placed in the record, shall constitute prima facie evidence of fact as to the matter contained therein. Any of the makers of such report shall be subject to examination upon demand of any interested party. Copies of the report shall be sent to all parties interested. The committee, or any member thereof, to assist in reaching a conclusion shall have the right to require the attending physician or the director of any hospital or sanitarium or other place in which treatment or care is being given, or has been given, to attend at a convenient time and place to consult with the committee or any member and to describe the nature and type of care and treatment and to furnish any other evidence which the committee or any member may desire. In the event of a claim for death benefits the committee shall examine all available evidence pertaining to such claim and shall render its findings and report thereon, which report shall constitute prima facie evidence of fact as to the matters contained therein. The industrial commission may, and upon the application of an interested party shall, direct such committee, or a member thereof, to make examinations of claimants, review the findings of special medical examiners, read and review the files of compensation cases when necessary, and inform the commission of their opinion as to findings in such cases. The commission may, by rule, provide for the creation of boards of expert medical consultants with the same powers as are hereinabove granted to the committee of Expert Consultants on dust diseases and such duties as shall be prescribed by the commission in connection with any other occupational disease covered hereby, except silicosis and asbestosis. The commission shall fix the compensation of the members of the committee and boards herein provided for, for services rendered, and the same shall be a charge upon and paid out of the occupational disease compensation fund.

Sec. 60. OPTION OF EMPLOYEES—NOTICE BY EMPLOYER AND EMPLOYEE. It shall be optional with employees to accept the provisions of this act or to reject

the same and retain the right to sue said employer as otherwise provided by law. An employee's election to reject this act shall be made by a notice in writing signed and dated by him and given to his employer in duplicate in substantially the following form: "To (Name of employer): 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 Arizona Occupational Disease Disability Law and any acts amendatory thereto." Such notice must be filed with the employer by the employee within ten (10) days after the commencement of the period of rejection herein provided. The period of rejection shall be the period of ten (10) days from the date of first employment of the employee by the employer, or from the date of the first posting of the notices by the employer as hereinafter provided, whichever date shall be later, provided that the period of rejection shall not be deemed to have existed unless after the commencement of the employment or the subsequent posting of the notices if later, such notices shall have remained posted for a period of ten (10) successive days thereafter. All employees who shall fail to reject the provisions of this act as herein provided shall be conclusively presumed to have elected to take compensation and be subject to this act in accordance with its terms. An employee who shall not have rejected the act and who shall have become disabled prior to the expiration of the period of rejection, shall not be deemed to have accepted the provisions of this act, but it shall be optional for such employee, if disabled, or for his dependents if death shall occur due to occupational disease and prior to his death the employee has not exercised such option, to accept compensation hereunder or maintain any other action against the employer as though this act had not been passed. Every employer subject to this act shall post and keep posted in a conspicuous place upon his premises, in such languages, including English, as shall from time to time be designated by the commission, and available for inspection by all of his employees, 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 Arizona Occupational Disease Disability 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 within ten (10) days after entering the employ of this employer or after the first posting of this notice, whichever shall be the later."

Sec. 61. CLAIMS TRANSFERABLE. The filing of a claim for compensation under Article 9 of Chapter 56, Arizona Code 1939 and any amendments thereto, which otherwise complies with the provisions of this act, shall be treated as the filing of a claim for the benefits of this act as of the date of the original filing with the commission if it be determined that such claim is not one compensable under the provisions of said Article 9 of said Chapter 56 and if the claimant so elects by notice in writing filed with the Commission within twenty (20) days after such determination becomes final.

Sec. 62. APPROPRIATION. The sum of \$50,000.00 is hereby appropriated out of any money in the state treasury not otherwise appropriated, and the same is hereby set aside for The State Occupational Disease Compensation Fund, to be administered by the commission as provided in this act, provided that the commission shall from time to time, at the discretion of the commission, return the amount so advanced in installments to the general fund of the state treasury, however the whole sum shall be returned within a period of not exceeding ten years, and the further sum of \$7,500.00, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the payment of employees' salaries and all expenses of the commission in making preparations and obtaining supplies for the purpose of placing this act in operation on its effective date, which last named appropriation shall lapse at the close of the fiscal year ending June 30, 1943.

Sec. 63. SEVERABILITY. If any provision of this act be held invalid except the provisions of Sections 3 and 60, 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, except said Sections 3 and 60, are declared to be severable.

Sec. 64. EFFECTIVE DATE. This act shall become effective July 1, 1943.

Sec. 65. REPEAL OR INVALIDITY OF LAWRIGHTS OF PARTIES. If the provisions of this act relative to compensation for disability or death of workmen shall become invalid because of any final adjudication by the Supreme Court of this State, or shall be repealed, all money which is in The State Occupational Disease Compensation fund at such time shall be subject to disposition by the legislature. In case of such invalidity or repeal, the

period intervening between the occurrence of a disability or death and such repeal, or the rendition of the final adjudication of invalidity, shall not be computed as a part of the time limited by law for the commencement of any action relating to the disablement or death of any employee in all cases where a final award of compensation for such disability or death has been made under this act to such employee or his dependents and such award has not been fully discharged by the payment of a lump sum or the completion of payments thereunder, provided that any such action shall be commenced within one year after such repeal or adjudication, and any judgment or verdict rendered against the employee in such action shall be considered paid and satisfied in the amount of the aggregate payment made to the employee or his dependent in his said award.

Sec. 66. 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 by the Governor, March 6, 1943.

Filed in the office of the Secretary of State, March 6, 1943

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## CHAPTER 27

(House Bill No. 61)

### AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA COMMISSION OF AGRICULTURE AND HORTICULTURE FOR THE CONTROL OF GRASSHOPPERS, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of forty thousand dollars is appropriated to the Arizona commission of agriculture and horticulture.

Sec. 2. PURPOSE. The purpose of this appropriation is to control such infestations of grasshoppers in the agricultural and grazing areas of the state as shall be deemed

serious to the welfare of the state by the Arizona commission of agriculture and horticulture.

Sec. 3. CONTINGENCY. The appropriation made under the terms of section 1 is contingent upon the matching of the same by the United States or an agency thereof, with money, or by the supplying of poison and other materials, paying the wages or salaries of personnel, or any combination of such contributions, for use in carrying out the purposes of this Act. The unexpended balance remaining in this fund on December 31, 1944, shall revert to the general fund.

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

Approved by the Governor, March 9, 1943.

Filed in the Office of the Secretary of State, March 10, 1943.

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## CHAPTER 28

(Sub. House Bill No. 70)

### AN ACT

RELATING TO STATE LAND AND WATER; CREATING THE STATE LAND DEPARTMENT; TRANSFERRING THE DUTIES OF THE STATE WATER COMMISSIONER AND ARIZONA LAND SETTLEMENT COMMISSION TO THE STATE LAND COMMISSIONER; AMENDING SECTIONS 11-102, 11-103, 11-1501, 75-103 AND 75-104; REPEALING SECTIONS 11-104 AND 11-105, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 11-102, Arizona Code of 1939, is amended to read:

11-102. CREATION OF DEPARTMENT; TRANSFER OF POWERS AND DUTIES; COMMISSIONER. (a) There shall be a department of the state, to be known as

the state land department, which shall administer all laws relating to lands owned by, belonging to and under the control of the state, and shall administer all laws relating to the control and supervision of the waters of the state. The jurisdiction, authority and duties heretofore by law vested in and imposed upon the state land department and state land commissioner, and upon the Arizona land settlement commission, and upon the state water commissioner are transferred to, vested in, and imposed upon the state land department. The executive officer of the department shall be the state land commissioner, who shall be appointed by the governor, subject to confirmation by the senate, for a term ending on third Monday in January, 1949, or until his successor is appointed and qualified, and thereafter for a term of six years. An appointment to fill a vacancy resulting otherwise than from expiration of term shall be for the unexpired portion of the term.

(b) The commissioner shall be removable by the governor for cause, after public hearing, and shall be entitled to representation by counsel, to a written statement of the charges, and to confront witnesses appearing against him. He shall receive a salary of five thousand dollars per annum, and shall execute a surety bond in such sum as the governor may deem necessary.

Sec. 2. Sec. 11-103, Arizona Code of 1939, is amended to read:

11-103. POWERS AND DUTIES OF COMMISSIONER. (a) The commissioner shall: 1. exercise and perform all powers and duties vested in or imposed upon the state land department; 2. exercise the powers of surveyor-general; 3. sell and lease all land owned or held in trust by the state, in the manner provided by law; 4. except as otherwise provided, determine all disputes, grievances or other questions pertaining to the administration of state lands; 5. succeed to, be invested with, execute and perform the powers and duties vested in or imposed upon the state water commissioner; and upon the Arizona land settlement commission; 6. appoint a deputy commissioner and such other assistants and employees as shall be necessary to perform the work of the department, fix their salaries and assign their duties, and require of them such surety bonds as he may deem proper, and, 7. make a written report to the governor annually, not later than September 1, showing in detail the activities of the department for the preceding fiscal year, and publish the same for distribution.

(b) Appeal may be taken from any final decision of the commissioner to the superior court of the county in which the land is situated, or any portion thereof, which appeal shall be heard by the court without a jury. A party appealing shall give notice thereof in writing to the commissioner and to the adverse claimants or applicants, if any, within twenty days from the rendition of the decision. Thereafter the proceedings shall be as prescribed by section 11-210, insofar as such provisions are applicable.

(c) Neither the commissioner, deputy commissioner, nor any employee of the department shall have, own or acquire, directly or indirectly, any state lands or the products thereof, nor any interest in or to such lands or products, or improvements on leased state lands, or be interested in any state irrigation project affecting state lands.

Sec. 3. TRANSFER OF RECORDS AND EQUIPMENT. Upon this Act taking effect all books, records, equipment and materials pertaining to the state water commissioner and the Arizona land settlement commission shall be transferred to the state land department, and all moneys standing to the credit of the state water commissioner and of the land settlement commission on the books of the state auditor and the state treasurer shall be transferred to the state land department, and be used for the purposes for which the appropriations were made.

Sec. 4. Sec. 11-1501, Arizona Code of 1939, is amended to read:

11-1501. PURPOSES; COMMISSION CREATED; SUPERVISION; DESIGNATION. For the purposes of providing employment and rural homes for honorably discharged soldiers, sailors, marines, and others who served with the armed forces of the United States in time of war and who were residents of the state of Arizona at the time of enlistment, and for American citizens who served in allied armies in the World War and have been repatriated, and promoting the agricultural interest of the state, the Arizona land settlement commission is created, which shall consist of the state land commissioner. The commissioner of the state land department and his employees shall perform their duties under similar designations, respectively, as in the land department, in like manner and with like authority, but without additional compensation. Said commission shall constitute a body corporate and may on behalf of the state hold property, and have all other rights belonging to bodies corporate, not herein other-

wise provided; and may cooperate with the agencies of the United States in work of similar character.

Sec. 5. Sec. 75-103, Arizona Code of 1939, is amended to read:

75-103. SUPERVISION OF WATERS. The state land commissioner shall have general control and supervision of the waters of the state and of the appropriation and of the distribution thereof, excepting in distribution reserved to water commissioners appointed by the courts under existing decrees.

Sec. 6. Sec. 75-104, Arizona Code of 1939, is amended to read:

75-104. SURVEY OF WATER RESOURCES; RECORD; RULES AND REGULATIONS. The commissioner may make surveys, investigations and compilations of the water resources in the state, and their potential development, and may cooperate for such purposes with the United States; he shall maintain a permanent public depository for existing and future records of stream flow, and other data relating to the water resources of the state; he may formulate and prescribe rules and regulations governing the appropriation and distribution of water.

Sec. 7. REPEAL. Sections 11-104 and 11-105, Arizona Code of 1939, are repealed. This section does not negative an implied repeal of any statute which conflicts with this Act.

Sec. 8. EMERGENCY. To preserve the public peace, health, and safety, it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor, March 9, 1943.

Filed in the office of the Secretary of State, March 10, 1943.

## CHAPTER 29

(House Bill No. 76)

## AN ACT

MAKING AN APPROPRIATION TO THE STATE DEPARTMENT OF HEALTH FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF DR. HERBERT L. STAHNKE IN CARRYING ON RESEARCH FOR THE ELIMINATION OF SCORPIONS IN HUMAN DWELLINGS AND RESEARCH FOR A CHEMICAL OR SEROLOGICAL ANTIDOTE FOR SCORPION POISONING.

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

Section 1. APPROPRIATION. Two thousand dollars (\$2,000.00) is hereby appropriated from the general fund to the Arizona State Department of Health. This appropriation is not subject to the provisions in the financial code in that it does not revert at the end of the fiscal year.

Sec. 2. PURPOSE. The purpose of this appropriation is to defray the expenses of Dr. Herbert L. Stahnke in scorpion research to eliminate the scorpion in dwelling houses and to carry on his preliminary research for a chemical or serological antidote for scorpion poisoning; to build and equip testing cages and boxes and other equipment; to pay student help; to purchase chemicals and experimental animals and to obtain specimens from various communities, and to pay all general expenses in furthering this work.

Approved by the Governor, March 9, 1943

Filed in the Office of the Secretary of State, March 10, 1943

## CHAPTER 30

(House Bill No. 122)

## AN ACT

RELATING TO COUNTIES; FIXING THE SALARY OF

CLERKS OF BOARDS OF SUPERVISORS; AMENDING ARTICLE 7 OF CHAPTER 12, ARIZONA CODE OF 1939, BY ADDING SECTION 12-703a; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

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

Section 1. Article 7, chapter 12, Arizona Code of 1939, is amended by adding section 12-703a:

12-703a. SALARY OF CLERKS OF BOARDS OF SUPERVISORS. The board of supervisors in counties of the first class shall appoint a clerk to receive an annual salary not to exceed thirty-six hundred dollars. The board of supervisors in counties of the second class shall appoint a clerk of said board at a salary not to exceed two hundred sixty dollars per month; the board of supervisors in counties of the third class shall appoint a clerk of said board at a salary not to exceed two hundred dollars per month; and the board of supervisors in counties of the fourth class shall appoint one clerk of said board at a salary not to exceed two hundred dollars per month. No clerk of any board of supervisors shall be paid any compensation other than the salary herein fixed, provided, however, that said clerk may be reimbursed for his actual necessary expenses incurred under the order of the board of supervisors in the performance of his duties.

Sec. 2. REPEAL. All laws or parts of laws in conflict herewith are hereby repealed.

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

Approved by the Governor, March 9, 1943

Filed in the Office of the Secretary of State, March 10, 1943

## CHAPTER 31

(House Bill No. 149)

## AN ACT

RELATING TO MUNICIPALITIES; EMPOWERING CITIES AND TOWNS TO ISSUE BONDS FOR UTILITY UNDERTAKINGS, AND REPEALING CHAPTER 4, SESSION LAWS OF 1940, FIRST SPECIAL SESSION, AND CHAPTER 107, SESSION LAWS OF 1941, REGULAR SESSION, AND DECLARING AN EMERGENCY.

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

Section 1. SHORT TITLE. This Act may be cited as the "municipal revenue bond act of 1943".

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

"municipality" means any incorporated city or town;

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

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

"utility undertaking" means any one or combination of the following: electric light or power, water, sewer, gas, garbage, or rubbish plant or system, together with all parts thereof and appurtenances thereto, including, but not limited to, disposal, treatment, and reduction plants, buildings, incinerators, dams, and reservoirs.

Sec. 3. POWERS OF MUNICIPALITIES. In addition to any powers it may now have, a municipality shall have power: 1. subject to the requirements and restrictions of sections 16-604 and 16-605, Arizona Code of 1939, within or without its corporate limits, to construct, improve, reconstruct, extend, operate, maintain, and acquire, by gift, purchase, or the exercise of the right of eminent domain, any utility undertaking or part thereof, and acquire in like manner land, rights in land, or water rights in connection therewith; 2. to issue its bonds to finance the cost thereof, and, 3. to pledge to the punctual payment of the bonds and interest thereon an amount of the revenue of the utility undertaking, including improvements or extensions there-

after constructed or acquired, sufficient to pay the bonds and interest as the same shall become due, and to create and maintain reasonable reserves therefor. The amount pledged may consist of all or any part of such revenue. The governing body of the municipality, in determining the cost of the utility undertaking for which bonds are to be issued, may include all costs and estimated costs of the issuance of the bonds, all engineering, inspection, fiscal, and legal expenses allowed by law, and interest which it is estimated will accrue on money borrowed or which will be borrowed during the construction period and for six months thereafter.

Sec. 4. VOTE ON BOND ISSUES. Questions of bond issues under this Act shall be submitted to the real property taxpayers who are in all other respects qualified electors of the municipality. No bonds shall be issued without the assent of a majority of such qualified electors voting at an election held for that purpose, as provided in this Act.

Sec. 5. ELECTION RESOLUTION. (a) The governing body shall adopt an election resolution calling an election upon the question of the issuance of bonds. Such resolution shall state in substance: 1. the maximum amount of bonds to be issued; 2. the purpose for which the bonds are to be issued; 3. the maximum rate of interest which the bonds are to bear; 4. a brief, concise statement (which need not include any detail other than the mere statement of the fact) showing that the bonds will be payable solely from revenues; 5. the date on which the election is to be held; 6. the places where votes may be cast; and, 7. the hours between which polling places will be open.

(b) The election resolution shall be published in full at least once, not less than fifteen days nor more than thirty days prior to the date of the election, in a newspaper published in the county and of general circulation in the municipality; or if there be no such newspaper, the resolution shall be printed in full and posted in five conspicuous places in the municipality not less than fifteen days nor more than thirty days prior to the date of the election.

Sec 6. REGISTRATION. The governing body may require the registration of all persons desiring to vote at the election, in which case the election resolution shall state the dates, times and places when and where such persons may register. Registration shall begin not less than ten

days, and shall close not less than five days, prior to the date of the election.

Sec. 7. **BALLOTS.** At the election the ballot shall contain the phrases "For the Bonds" and "Against the Bonds". To the right of and opposite each of said phrases shall be placed a square, approximately the size of the squares placed opposite the names of candidates on ballots. The voter shall indicate his vote "For the Bonds" or "Against the Bonds" by inserting the mark "X" in the square opposite such phrase. No other question, word, or figure need be printed on any ballot. The ballot need not be any particular size, nor need sample ballots be printed, posted, or distributed. A number of ballots, exceeding by not less than ten per cent the number of registered voters whose names appear on the precinct register of the precinct, town, or city for which printed, shall be printed for and furnished to each polling place. Voting machines shall not be used at any election held under this Act.

Sec. 8. **CANVASS OF RETURNS.** The governing body shall canvass the returns and determine and declare the result of the election. If it shall appear to the governing body that a majority of the qualified real property taxpayers voting thereon assent to the issuance of the bonds, the governing body shall provide for the issuance of such bonds. The determination of the governing body that a majority of the qualified real property taxpayers voting thereon have assented to the issuance of the bonds shall be conclusive in any suit, action, or proceeding involving the validity of such election or the determination or declaration of the result thereof instituted after the date of the delivery of and payment for such bonds.

Sec. 9. **APPLICATION OF ELECTION LAWS.** Except as otherwise provided in this Act, the manner of conducting the registration and election, keeping the poll lists, the returns, declaring the results, and doing all acts relating to such election shall conform to the procedure provided by law for the registration and qualification of electors and the holding of special elections wherein the question of the issuance of the bonds of municipal corporations is submitted to an election.

Sec. 10. **FORM OF BONDS.** Bonds issued under this Act shall be fully negotiable within the meaning of and for all purposes of chapter 52, Arizona Code of 1939. They shall bear interest at such rates not exceeding five per cent per annum, payable semi-annually, may be in one or more

series, may bear such dates, may mature at such times not exceeding thirty years from their respective dates, may be payable in such medium or payment, at such places, may carry such registration privileges, may be subject to such terms of redemption, may be executed in such manner, may contain such terms, covenants, and conditions, and may be in such form, either coupon or registered, as the governing body may by resolution prescribe. Said bonds shall be sold at not less than par. Pending the preparation of the definitive bonds, interim receipts or certificates may be issued to the purchasers of said bonds in such form and with such provisions as the governing body may determine.

#### Sec. 11. CHARGES FOR UTILITY UNDERTAKING.

The governing body of the municipality issuing the bonds shall prescribe charges, and shall revise the same whenever necessary, so that any utility undertaking for which the bonds were issued shall always remain self-supporting with revenue sufficient: 1. to pay when due all bonds, and interest thereon, for the payment of which the revenue shall have been pledged, encumbered, or charged; 2. to provide for all expenses of operation and maintenance, and, 3. to provide reasonable reserves for said purposes.

Sec. 12. COVENANTS IN RESOLUTION. Any resolution pertaining to the issuance of bonds under this Act may contain covenants as to: 1. the purpose to which the proceeds of sale of the bonds may be applied and to the use and disposition thereof; 2. the use and disposition of the revenue of the utility undertaking for which the bonds are to be issued; 3. the issuance of other or additional bonds, payable from the revenue of the utility undertaking; 4. the operation and maintenance of the utility undertaking; 5. the insurance to be carried thereon and the use and disposition of insurance moneys; 6. books of account and the inspection and audit thereof, and, 7. the terms and conditions upon which the holders of the bonds, or any proportion of them or any trustee therefor, shall be entitled to the appointment of a receiver, who may enter and take possession of the utility undertaking, operate and maintain the same, prescribe charges, and collect, receive, and apply all revenue thereafter arising therefrom in the same manner as the municipality itself might do. The provisions of this Act and any such resolution shall be deemed a contract with the holders of the bonds, and the duties of the municipality and of its governing body and officers under this Act and any such resolution shall be enforceable by mandamus or other appropriate action in any court of competent jurisdiction.

Sec. 13. DISPOSITION OF PROCEEDS. All proceeds received from the sale of the bonds, all fees, rents, tolls, or other charges received by the municipality from any utility undertaking financed by the bonds, and all moneys received from any source in connection therewith shall be paid to the financial officer of the municipality whom the governing body thereof shall designate for such purposes. The financial officer shall not commingle any money received under the terms of this Act with any other moneys, but the moneys received under the terms of this Act shall be deposited in a separate bank account in the name of the municipality. The governing body may by resolution provide that all deposits of such proceeds, fees, rents, tolls, or other charges, and such moneys received under the terms of this Act, shall be secured by obligations of the United States or of this state of a market value equal at all times to the amount of the deposits hereunder, and all banks and trust companies are authorized to give such security for the deposits.

Sec. 14. VALIDITY OF BONDS. Bonds issued under this Act and bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor any or all of the persons whose signatures appear thereon shall have ceased to be officers of the municipality issuing the same. The validity of the bonds shall not be dependent on nor affected by the validity or regularity of any proceedings relating to the construction, acquisition, improvement, reconstruction, or extension of the utility undertaking financed by the bonds or taken in connection therewith.

Sec. 15. CERTIFICATION BY ATTORNEY GENERAL. Any municipality may submit to the attorney general any bonds to be issued under this Act after all proceedings for their issuance have been taken. Upon such submission, it shall be the duty of the attorney general to examine into and pass upon the validity of the bonds and the regularity of all proceedings in connection therewith. If such proceedings conform to the provisions of this Act, and such bonds when delivered and paid for will constitute binding and legal obligations of the municipality according to the terms thereof, the attorney general shall certify in substance upon the back of each of said bonds that it is issued in accordance with the constitution and laws of this state.

Sec. 16. PRIOR LIEN OF BONDS. All bonds of the

same issue under this Act shall have a prior and paramount lien on the revenue of the utility undertaking for which the bonds have been issued over and ahead of all bonds of any issue payable from that revenue which may be subsequently authorized, and over and ahead of any claims or other obligations of any nature against that revenue subsequently arising or subsequently incurred. All bonds of the same issue under this Act shall be equally and ratably secured, without priority by reason of number, date of bonds, sale, execution, or delivery, by a lien on the revenue in accordance with the terms of the resolution authorizing the bonds.

Sec. 17. BONDS NOT DEBT OF MUNICIPALITY. No holder of any bonds issued under this Act shall have the right to compel any exercise of the taxing power of the municipality to pay said bonds or the interest thereon. Each bond issued under this Act shall recite in substance that the payment of said bond and the interest thereon is enforceable exclusively from the revenue pledged to its payment. Bonds issued under this Act by any 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.

Sec. 18. SUPPLEMENTAL NATURE OF ACT. In so far as the provisions of this Act are inconsistent with any other provision of law, the provisions of this Act shall be controlling. The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law. Except as herein expressly provided, the utility undertaking may be constructed, improved, reconstructed, extended, and acquired, notwithstanding that any other law may provide for the construction, improvement, reconstruction, extension, or acquisition of a like utility undertaking and without regard to the requirements, restrictions, or other provisions contained in any law, including, but not limited to, sections 16-602 and 16-603, Arizona Code of 1939. Bonds may be issued under this Act for any utility undertaking, notwithstanding that any other law may provide for the issuance of bonds for a like purpose and without regard to the requirements, restrictions, or other provisions contained in any other law.

Sec. 19. BONDS VALIDATED. All bonds lawfully issued under the provisions of chapter 4, Session Laws of 1940, first special session, and chapter 107, Session Laws of 1941, regular session, are validated and confirmed.

Sec. 20. REPEAL. Chapter 4, Session Laws of 1940, first special session, and chapter 107, Session Laws of 1941, regular session, are repealed. This section does not negative an implied repeal of any statute which conflicts with this Act.

Sec. 21. EMERGENCY. To preserve the public peace, health and safety, it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect upon its passage as provided by law.

Approved by the Governor, March 9, 1943.

Filed in the Office of the Secretary of State, March 10, 1943.

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## CHAPTER 32

(House Bill No. 156)

### AN ACT

RELATING TO ESTATE TAX; PROVIDING THAT NO TAX SHALL BE IMPOSED ON INTANGIBLES OF PERSONS NOT DOMICILED IN ARIZONA; AND AMENDING SECTION 40-113, ARIZONA CODE OF 1939.

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

Section 1. Sec. 40-113, Arizona Code of 1939, is amended to read:

40-113. INTANGIBLES OF PERSONS NOT DOMICILED IN STATE. (a) Nothing in this Act shall be construed as imposing a tax upon any transfer, as defined in this Act, of intangibles, however used or held, whether in trust or otherwise, by a person, or by reason of the death of a person, who was not domiciled in this state at the time of his death.

(b) Application for consent to transfer or for tax waiver may be made to the estate tax commissioner, and

a fee of one dollar shall be paid for each such consent or waiver issued.

Approved by the Governor, March 9, 1943.

Filed in the office of the Secretary of State, March 10, 1943.

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CHAPTER 33

(House Bill No. 197)

AN ACT

RELATING TO VITAL STATISTICS; PROVIDING FOR RECORDS TO BE KEPT OF BURIALS IN PUBLIC CEMETERIES OR POTTER'S FIELDS, AND AMENDING ARTICLE 6, CHAPTER 68, ARIZONA CODE OF 1939, BY ADDING SECTION 68-608A.

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

Section 1. Article 6, chapter 68, Arizona Code of 1939, is amended by adding section 68-608a:

68-608a. RECORDS TO BE KEPT OF PUBLIC CEMETERIES. It shall be the duty of the clerk of the board of supervisors to keep an accurate and permanent record of the full name, date of death, last known residence, and the exact location of the grave within the place of interment, of every person buried at public expense in any public cemetery or potter's field within the county, together with the name and address of the nearest relative of the deceased, if known.

Approved by the Governor, March 9, 1943.

Filed in the Office of the Secretary of State, March 10, 1943.

## CHAPTER 34

(House Bill No. 199)

## AN ACT

MAKING AN APPROPRIATION TO THE STATE SCHOOL FOR THE DEAF AND THE BLIND, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. There is appropriated to the state school for the deaf and the blind the sum of four thousand dollars.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 shall be expended for the following purposes: the purchase of baking and shoe shop equipment, three thousand seven hundred fifty dollars; farm equipment consisting of plow and harrow, two hundred fifty dollars.

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

Approved by the Governor, March 9, 1943.

Filed in the Office of the Secretary of State, March 10, 1943.

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CHAPTER 35

(House Bill No. 192)

## AN ACT

RELATING TO MORTGAGE LOANS AND CERTIFICATES OF PURCHASE ISSUED BY THE STATE LOAN BOARD OR THE STATE TREASURER, AND AUTHORIZING THE REDUCTION OF THE RATE OF INTEREST THEREON, AND AMENDING CHAPTER

20 OF THE SESSION LAWS OF 1941, REGULAR SESSION.

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

Section 1. Chapter 20, Session Laws of 1941, regular session, is amended to read:

Section 1. REDUCTION OF INTEREST RATE ON FARM LOANS. Immediately upon payment of all arrearages of interest and payments due and of all taxes due on such lands covered by an outstanding mortgage held by the state of Arizona (acquired pursuant to sections 108, 109, 110, chapter 5, Laws of 1915, as amended; section 2640, Revised Code of Arizona, 1928, and chapter 94, Session Laws of 1929) the state treasurer with the approval of the governor and the secretary of state or their successors, shall have the power to reduce the future rate of interest thereon to not less than three per cent per annum. Any reduction of interest allowed pursuant to this Act shall take effect as of the date of approval by the governor and secretary of state of the state treasurer's act in reducing such interest or the act of their successors and shall not be retroactive.

Any holder of a certificate of purchase of state lands, which certificate of purchase was issued by the state loan board or the state treasurer as above set forth, on which one or more installments of principal or interest or any taxes are due and unpaid, who not later than December 31, 1943 shall pay all such delinquent installments together with interest as prescribed in the said certificate of purchase and all delinquent taxes, and any holder of a certificate of purchase of state lands who is not delinquent in the payment of installments of principal or interest on December 31, 1943, shall be entitled to the benefits of this Act and thereafter, upon compliance with the provisions of this section, the rate of interest on such certificate of purchase shall be deemed to be three per cent per annum.

Sec. 2. REPEAL. All acts or parts of acts in conflict herewith are hereby repealed.

Approved by the Governor, March 11, 1943.

Filed in the Office of the Secretary of State, March 11, 1943.

## CHAPTER 36

(House Bill No. 88)

## AN ACT

RELATING TO INSURANCE, FRATERNAL BENEFIT SOCIETIES, ADDING A BENEFICIARY, AMENDING 61-903 ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

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

Section 61-903, Arizona Code of 1939 is amended to read as follows:

Section 61-903, BENEFICIARIES, RESTRICTIONS ON—CHANGING: The payment of death benefits shall be confined to wife, husband, relative by blood to the fourth degree ascending or descending, father-in-law, mother-in-law, son-in-law, daughter-in-law, step-father, step-mother, step-children, children by legal adoption, to a person dependent upon the member, or to the member's estate. If after the issuance of the original certificate the member becomes dependent upon a home maintained by the society for the dependent members or upon a subordinate lodge or society of the order of which he is a member, or upon an incorporated charitable institution he shall have the privilege with the consent of the society, of making such home, lodge, society or institution his beneficiary. Within the above restrictions each member may designate his beneficiary, and, have the same changed in accordance with the laws, rules or regulations of the society, and no beneficiary shall have or obtain any vested interest in the said benefits until the same becomes due and payable upon the death of the said member; provided, that the society, may, by its laws, limit the beneficiaries within the above classes.

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

Approved by the Governor, March 11, 1943.

Filed in the Office of the Secretary of State, March 12, 1943.

## CHAPTER 37

(House Bill No. 90)

## AN ACT

RELATING TO POSTWAR PLANNING, PROVIDING FOR THE ESTABLISHMENT OF POSTWAR PUBLIC WORKS RESERVE FUNDS BY CITIES AND COUNTIES, AND DECLARING AN EMERGENCY.

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

Section 1. ESTABLISHMENT AND MAINTENANCE OF LOCAL POSTWAR PUBLIC WORKS RESERVE FUNDS. Notwithstanding any inconsistent provision of any general, special or local law, each city and county is authorized to establish and maintain a postwar public works reserve fund to provide funds for paying all or part of the cost of a long-range, postwar program of local public improvements and betterments, for execution by such city or county or by any public agency which such city or county is authorized to assist by any law, including capital acquisition, replacement, additions, improvements, construction, reconstruction, deferred maintenance, administrative and other expenses of local planning and development agencies and such other purposes as are authorized by law. The creation and maintenance of such fund shall be deemed a proper public purpose for which the moneys of the political subdivision may be expended and appropriated. There may be included in the annual tax levy of the political subdivision such sum as it may deem necessary for the uses and purposes of the fund. The fund shall consist of all moneys appropriated, transferred or credited thereto by budgetary provision or otherwise. All unexpended balances of appropriations from the fund remaining after the appropriations lapse according to law shall revert to the fund.

Sec. 2. MAINTENANCE AND INVESTMENT. A fund established pursuant to this Act shall be kept entirely separate and apart from all other funds. The city or county treasurer, with the approval of the governing body of the city or county, shall invest all moneys belonging to the fund in such securities as are legal for the investment of other funds of the city or county. The interest and income from the investments shall be a part of the fund.

Sec. 3. LOCAL POSTWAR PLANNING BOARDS.

Notwithstanding any inconsistent provision of any general, special or local law, each city and county is authorized to create a planning board, or to authorize an existing department or agency thereof, to formulate, develop and annually revise a capital budget and schedule and make preliminary plans and surveys for a long-range, postwar program of local public works projects for execution and construction, by such city or county or by any public agency which it is authorized to assist by any other law, during a ten-year period following the termination of the war; to prepare and maintain current progress information on all local capital projects previously authorized or for which funds have been or may be made available, and to maintain liaison with state and federal officials and agencies having duties and responsibilities related to planning.

Sec. 4. CALL FOR BIDS. All construction under this Act shall be done by contract after a call for bids.

Sec. 5. TERMINATION. This Act shall become inoperative two years after the termination of a state of war between the United States and all foreign nations.

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

Approved by the Governor, March 12, 1943.

Filed in the Office of the Secretary of State, March 12, 1943.

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## CHAPTER 38

(House Bill No. 188)

### AN ACT

RELATING TO TAXATION; PROVIDING BUDGETS FOR COUNTIES AND INCORPORATED CITIES AND TOWNS, AND FIXING THE LIMITS OF EXPENDITURES; AMENDING SECTION 73-503, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Section 73-503, Arizona Code of 1939, is amended to read:

73-503. HEARING ON ESTIMATES AND ADOPTION THEREOF. The Boards of Supervisors and governing bodies of incorporated cities and towns shall meet one (1) week previous to the day on which they levy taxes, as designated in said notice, and any taxpayer may appear and be heard in favor of or against any proposed expenditure or proposed tax levies. When such hearing has been concluded, the estimate as finally determined upon shall be adopted, and shall constitute the budget of the county or city for the fiscal year, but the total of amounts in such budget proposed for expenditure shall not exceed by ten (10) per cent the aggregate of actual expenditures for the previous year exclusive of expenditures for school, bond, special assessment and district levy purposes. No expenditure shall be made for a purpose not included in such budget, and no debt, obligation, or liability shall be incurred or created in any fiscal year in excess of the amounts specified for each purpose in the budget for such fiscal year as finally adopted, except when authorized under and pursuant to the provisions of section 73-504, Arizona Code of 1939, irrespective of whether the county or city at any time has received or has on hand funds or revenues in excess of those required to meet debts, obligations and liabilities incurred under such budget.

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 to take effect as provided by law.

Approved by the Governor, March 12, 1943.

Filed in the office of the Secretary of State March 12, 1943.

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## CHAPTER 39

(House Bill No. 102)

### AN ACT

RELATING TO LEGAL INVESTMENTS FOR FIDU-

CIARIES; AMENDING SECTION 1, CHAPTER 92, SESSION LAWS OF 1941, REGULAR SESSION.

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

Section 1. Section 1, chapter 92, Session Laws of 1941, is amended to read:

1. LEGAL INVESTMENTS FOR FUNDS OF FIDUCIARIES. The obligations issued pursuant to the provisions of the Federal Home Loan Bank Act, approved July 22, 1932, as now or hereafter amended, and the obligations issued pursuant to Title IV of the National Housing Act, approved June 27, 1934, as now or hereafter amended, shall be legal investments for the funds of executors, administrators, guardians, trustees and fiduciaries of every kind and nature.

Approved by the Governor, March 12, 1943.

Filed in the Office of the Secretary of State, March 13, 1943.

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## CHAPTER 40

(House Bill No. 103)

### AN ACT

RELATING TO SAVINGS BANKS LOANS AND INVESTMENTS; AMENDING SECTION 51-214, ARIZONA CODE OF 1939, AS AMENDED.

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

Section 1. Sec. 51-214, Arizona Code of 1939, as amended, is amended to read:

51-214. SAVINGS BANKS LOANS AND INVESTMENTS. 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; bond, debentures, or notes issued by any 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; 2a. or obligations issued pursuant to the provisions of the Federal Home Loan Bank Act, approved July 22, 1932, as now or hereafter amended; in obligations issued pursuant to Title IV of the National Housing Act, approved June 27, 1934, as now or hereafter amended; and in the shares, share accounts, investment certificates or accounts of any building and loan association, savings and loan association or other institution wherever located, including any federal savings and loan association, which has the insurance protection provided by Title IV of the National Housing Act, approved June 27, 1934, as now or hereafter amended, up to the amount such shares, share accounts, investment certificates or accounts are insured by the Federal Savings and Loan Insurance Corporation.

Approved by the Governor, March 12, 1943.

Filed in the Office of the Secretary of State, March 13, 1943.

## CHAPTER 41

(House Bill No. 104)

## AN ACT

RELATING TO BANKS AND OTHER FINANCIAL INSTITUTIONS; PROVIDING FOR JOINT EXAMINATIONS AND EXCHANGE OF EXAMINATIONS AND OTHER INFORMATION BETWEEN SUPERINTENDENT OF BANKS AND FEDERAL HOME LOAN BANK BOARD AND OTHER FEDERAL AGENCIES, AND FOR ACCEPTANCE BY SUPERINTENDENT OF BANKS OF EXAMINATIONS MADE BY SUCH AGENCIES, AND AMENDING ARTICLE 1, CHAPTER 51, ARIZONA CODE OF 1939, BY ADDING SECTION 51-113.

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

Section 1. Article 1, chapter 51, Arizona Code of 1939, is amended by adding section 51-113.

51-113. EXAMINATION OF FEDERAL HOME LOAN BANK MEMBERS OR INSTITUTION INSURED BY THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION. The superintendent of banks may, in lieu of making an examination of any institution which is a member of a Federal Home Loan Bank or which is insured by the Federal Savings and Loan Insurance Corporation, accept any examination of any such institution made by the Federal Home Loan Bank Board, Federal Home Loan Bank Administration, a Federal Home Loan Bank or the Federal Savings and Loan Insurance Corporation, or may examine any such institution in conjunction with the Federal Home Loan Bank Board, Federal Home Loan Bank Administration, a Federal Home Loan Bank, or the Federal Savings and Loan Insurance Corporation.

The superintendent of banks may make available to any regulatory or other public authority or officer, and to the Federal Home Loan Bank Board, Federal Home Loan Bank Administration, any Federal Home Loan Bank, Federal Savings and Loan Insurance Corporation, and Home Owners' Loan Corporation any information furnish-

ed to or obtained by him, and all or any part of any report of any examination of any such institution made by him.

Approved by the Governor, March 12, 1943.

Filed in the Office of the Secretary of State, March 13, 1943.

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CHAPTER 42

(Senate Bill No. 114)

AN ACT

RELATING TO WAR PROJECTS, AND AUTHORIZING THE SALE OR RENTAL OF EQUIPMENT BELONGING TO THE STATE OR ANY PUBLIC CORPORATION THEREOF; AND DECLARING AN EMERGENCY.

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

Section 1. AUTHORIZATION TO SELL OR LEASE EQUIPMENT. (a) Any department or agency of the state, with the consent of the governor, and any county, municipality, or other public corporation of the state, with the consent of the governing body thereof, may sell or lease any equipment owned by it and under its control, to the government of the United States or to any person, firm, or corporation designated by the war production board of the United States or its successor in authority, upon the certification of the war production board or its successor in authority, to the selling or lending department, agency, or public corporation, that the tools or equipment or the rental thereof are required for use on a project essential in the prosecution of the war.

(b) Notwithstanding any provision of law or ordinance, rule or regulation to the contrary, such sales or leases may be made on an informal basis without the taking of bids.

Sec. 2. POWERS NOT LIMITED BY ACT. Nothing contained in this Act shall restrict or limit any existing power or authority of any department or agency of the state, or other public corporation thereof.

Sec. 3. TERMINATION OF ACT. The authority conferred by this Act shall be effective until the termination of the existing war, as determined by the proclamation of the President of the United States.

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

Approved by the Governor, March 12, 1943.

Filed in the Office of the Secretary of State, March, 13, 1943.

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## CHAPTER 43

(House Bill No. 126)

### AN ACT

RELATING TO MOTOR VEHICLE FUEL TAX; AMENDING SECTION 66-301, 66-304, 66-306 AND 66-308 OF THE ARIZONA CODE, 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Section 66-301 of the Arizona Code of 1939 is amended to read:

66-301. AMOUNT OF TAX—WHEN PAYABLE—DISTRIBUTION. Every distributor shall pay to the state, in addition to all other taxes provided by law, a license tax of five cents (5c) for each gallon of motor vehicle fuel possessed, refined, manufactured, produced, blended or compounded in this state by such distributor, or imported by such distributor, whether in the original package or container in which it was imported, or otherwise. The payment of the tax herein imposed shall not be required on any motor vehicle fuel possessed at the time this law becomes effective, and upon which a tax has been paid to the state under the provisions of chapter 31, Revised Code of 1928, and amendments thereto. In the computation of such tax, one (1) per cent of the tax otherwise due shall be deducted before payment for shrinkage. Such license

tax accrued in any calendar month shall be paid on or before the twenty-fifth day of the next succeeding calendar month to the vehicle superintendent, who shall promptly pay six tenths of all such money to the state treasurer, who shall deposit the same in the state highway fund, and three tenths of all such money to the several county treasurers of the state, in the proportion that the sales of motor vehicle fuel in such county shall bear to the total sales of motor vehicle fuel throughout the state, and one tenth of all such money, during the ensuing two (2) years, to a reconstruction finance corporation fund to be expended under the governor's direction, and thereafter to the state highway fund; provided, however, that prior to July 1, 1933, the proportion of said tax distributed to the state shall be three-fifths thereof, and the proportion of said tax distributed to the counties shall be two-fifths thereof. Such tax accruing to the counties shall be used by the counties as may be determined by the boards of supervisors thereof, for the construction, improvement or maintenance of county highways or bridges, or for the retirement of outstanding county highway bonds, or the payment of interest thereon. The vehicle superintendent shall deduct all exemptions and refunds from said tax before making the division between the state and counties.

Sec. 2. Section 66-304 of the Arizona Code of 1939 is amended to read:

66-304. REPORTS OF DISTRIBUTORS. On or before the twenty-fifth day of each and every month, every distributor shall file with the vehicle superintendent, on forms prescribed and furnished by said superintendent, a true and verified statement showing the total number of gallons of motor vehicle fuel refined, manufactured, produced, blended, compounded, imported or acquired during the preceding calendar month, the number of gallons of motor vehicle fuel sold or otherwise disposed of by him for use in each of the several counties of this state, and such other and further data or information as said superintendent may require.

Every distributor shall, in addition to making the foregoing report, forthwith, upon receipt of any interstate shipment of motor vehicle fuel, report to the vehicle superintendent, on forms prescribed and furnished by him, the quantity and particular description of such fuel received, the name of the consignor, the date shipped, the date received, how shipped, and such other information in respect thereto as the vehicle superintendent may require.

Sec. 3. Section 66-306 of the Arizona Code of 1939 is amended to read:

66-306. PENALTY FOR FAILURE TO REPORT OR PAY TAXES PROMPTLY. TRANSMITTAL THROUGH UNITED STATES MAIL. EFFECTIVE DATE. (a) When any distributor shall fail to submit his monthly report to the vehicle superintendent on or before the twenty-fifth of the month or when such distributor fails to submit the data or information required under the provisions of this article in such monthly report, or when such distributor shall fail to pay the amount of taxes due this state when the same shall be payable, a penalty of twenty-five per cent (25%) shall be added to the amount of the tax due and said penalty of 25% shall immediately accrue, and thereafter said tax and penalty shall bear interest at the rate of seven per cent (7%) per annum until the same is paid.

(b) If a report or remittance to cover a payment required by law to be filed with or made to the vehicle superintendent under this Article 3 is transmitted through the United States mail and is not received by the vehicle superintendent until after the date upon which such report is required to be filed or such payment was required to be made, and if the envelope in which such report or remittance is enclosed bears a post office cancellation mark dated on or prior to the date upon which such report was required to be filed or such payment was required to be made, the vehicle superintendent, upon receipt thereof, shall treat the report or remittance as if it had been received on the date upon which such report was required to be filed or such payment was required to be made.

Sec. 4. Section 66-308 of the Arizona Code of 1939 is amended to read:

66-308. REPORT FROM PERSONS NOT DISTRIBUTORS—CONTENTS—PENALTY FOR FAILURE TO SUBMIT REPORT. Every person purchasing or otherwise acquiring motor vehicle fuel in tank car or cargo lots and selling, using or otherwise disposing of the same for delivery in this state not required by the provisions of this article to be licensed as a distributor in motor vehicle fuel, shall file a statement with the vehicle superintendent setting forth the name under which such person is transacting business within this state, the location with street number address of such person's principal office or place of business within this state, the name and address

of the owner, or the names and addresses of the partners if such person is a partnership, or the names and addresses of the principal officers if such person is a corporation or association, and, on or before the twenty-fifth day of each calendar month, such person shall, on forms prescribed by the vehicle superintendent, report to said superintendent all purchases or other acquisition and sales or other disposition of motor vehicle fuel during the next preceding calendar month, giving a record of each tank car or cargo lot delivered to a point within this state. Such report shall set forth from whom each tank car or cargo lot was purchased or otherwise acquired, point of shipment, to whom sold or shipped, point of delivery, date of shipment, the name of the carrier, the initials and number of the car, and the number of gallons contained in such tank car, if shipped by rail, and if shipped by truck, the motor number, serial number and license number of said truck, together with the number of gallons, and shall contain any other additional information the superintendent may require relative to such motor vehicle fuel.

Every person hereinabove referred to shall, in addition to making the foregoing monthly report, forthwith, upon receipt of any interstate shipment of motor vehicle fuel, report such shipment to the vehicle superintendent upon forms prescribed and furnished by him showing the quantity and particular description of such fuel received, the name of the consignor, the name and address of the consignee, how transported and the name of the carrier, the destination of such shipment, the date received and such other information as the vehicle superintendent may require.

When any person, not required by the provisions of this article to register as a distributor of motor vehicle fuel, purchasing or otherwise acquiring motor vehicle fuel in tank car or cargo lots and selling or otherwise disposing of the same for delivery in this state, shall fail to submit his monthly report to the vehicle superintendent on or before the twenty-fifth of the month following the month for which the report is made, or when such person shall fail to submit in such monthly report the data required by this article, or forthwith report the receipt of each interstate shipment of motor vehicle fuel as required by this section, such person shall be guilty of a misdemeanor and shall be fined an amount not greater than one hundred dollars (\$100) for the first offense nor more than one thousand dollars (\$1,000) for each subsequent offense.

Sec. 5. EMERGENCY. To preserve the public peace,

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

Approved by the Governor, March 12, 1943.

Filed in the Office of the Secretary of State, March 13, 1943.

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## CHAPTER 44

(House Bill No. 151)

### AN ACT

RELATING TO THE MOTOR VEHICLE FUEL TAX;  
AMENDING SECTION 66-320, ARIZONA CODE, 1939,  
AS AMENDED; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 66-320, Arizona Code of 1939, as amended by Chapter 109, Session Laws of 1941, is amended to read:

66-320. REFUND ON FUEL EXPORTED OR NOT USED IN VEHICLE. (a) When motor vehicle fuel is sold to a person who claims that he will be entitled to a refund of the tax hereunder, by reason of the fact that the motor vehicle fuel is not for use in a motor vehicle, the seller shall make out in triplicate, on a form prescribed by the superintendent, an invoice setting forth the name and address of the purchaser, the number of gallons of motor vehicle fuel so sold, and such other information as the superintendent shall require. He shall give the original of the invoice to the purchaser, at the time of sale, and shall mail the duplicate to the superintendent not later than Tuesday of the week next succeeding the sale. Any person entitled to a refund of the motor vehicle fuel tax shall be reimbursed under the following conditions:

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

2. The application shall be in the form prescribed and furnished by the superintendent, shall be sworn to, and shall state the quantity of motor vehicle fuel with respect to which refund is claimed, the purpose for which used, the date of purchase, and from whom purchased, and shall contain such other information as the superintendent shall require. No fee shall be charged or collected for taking the acknowledgment of an applicant for refund of the license tax on any motor vehicle fuel. The original invoice or an acceptable duplicate showing the purchase shall accompany the application.

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

4. Any person or distributor at the time he delivers motor vehicle fuel which will not be used on the highways, shall color such fuel so delivered with a coloring matter to be prescribed and furnished by the superintendent in the manner prescribed by the superintendent. No charge shall be made for such coloring matter. The seller and buyer shall at the time of delivery of such fuel sign the invoice provided for in this Act certifying that the fuel covered by such invoice has been colored. Provided, however, the superintendent may in his discretion in writing exempt the coloring of any fuel which coloring may detract from its use and provided further that motor vehicle fuel to be exported shall be exempt from coloring. It shall be unlawful for any person to operate a motor vehicle on the highways using motor vehicle fuel which has been colored as provided and the superintendent or his authorized agents shall have the right to take samples of fuel from fuel tanks of motor vehicles in the enforcement of these provisions. Any person who violates any of these provisions, in addition to other penalties prescribed by law, shall not be allowed any refund on any motor vehicle fuel purchased during the six months succeeding the date the superintendent advises such person by mail of the superintendent's discovery of such offense. Any person whose right to refunds is so suspended may institute an action in the superior court of Maricopa County to set aside such suspension.

(b) The conditions set forth in subsection (a) having

been fully complied with, the superintendent shall determine the amount of refund due and shall certify and refund that amount.

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

Approved by the Governor, March 12, 1943.

Filed in the Office of the Secretary of State, March 13, 1943.

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## CHAPTER 45

(House Bill No. 43)

### AN ACT

RELATING TO PUBLIC HOUSING; DECLARING HOUSING BONDS TO BE NEGOTIABLE, AND CONSTITUTING THEM AUTHORIZED SECURITY FOR PUBLIC DEPOSITS, AND A LEGAL INVESTMENT FOR PUBLIC OR PRIVATE FUNDS; AND DECLARING AN EMERGENCY.

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

Section 1. HOUSING BONDS. (a) The bonds or other obligations of a city town or county, issued for a housing project under the authority of the municipal housing law of 1939 or other law of this state, or issued by any public housing authority or agency in the United States, and secured by a pledge of annual contributions to be paid by the United States government or any agency thereof, shall constitute: 1. authorized security for the deposit of public moneys; 2. authorized security for use in compliance with any law requiring deposits of securities to be made with any public agency; 3. legal investments for moneys subject to investment, held by or under the control of any officer or public body of the state or of any political subdivision or municipal corporation thereof, and, 4. legal investments for the sinking funds, trust funds, or other moneys belonging to or under the control of: 4a. banks, savings banks, and other persons carrying on a bank-

ing business; 4b. insurance companies and other persons carrying on an insurance business, and 4c. executors, administrators, guardians, trustees or other fiduciaries.

(b) This Act shall not be construed to relieve any public officer, corporation, fiduciary, or other person from the duty of exercising reasonable care in the selection of securities.

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

Approved by the Governor, March 18, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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## CHAPTER 46

(House Bill No. 44)

### AN ACT

RELATING TO PUBLIC HOUSING; AUTHORIZING COUNTIES TO OPERATE UNDER THE MUNICIPAL HOUSING LAW OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. HOUSING LAW EXTENDED TO COUNTIES. (a) The powers, rights, privileges, duties, immunities and limitations granted to, vested in, and imposed upon cities and towns by the municipal housing law of 1939 (chapter 82, Session Laws of 1939), are extended to, vested in, and imposed upon counties, within the area of the county as limited by subsection (b). The board of supervisors of a county shall be deemed to have the same authority and powers, and be subject to the same conditions and limitations as to housing authorities and projects, as those by said municipal housing law vested in and imposed upon the mayor or the governing body of cities and towns, and the term "city or town" as used therein shall be con-

strued as meaning county, unless a different meaning clearly appears from the context.

(b) No county shall undertake a housing project within the boundaries of any city or town unless authorized by the governing body of the city or town, by resolution.

Sec. 2. COOPERATION BETWEEN CITIES, TOWNS AND COUNTIES. (a) Two or more cities, towns or counties may join or cooperate in the exercise, jointly or otherwise, of any or all of their powers under the municipal housing law for the purpose of financing, planning, owning, constructing, operating or contracting with respect to a housing project located within the area of operation of one or more of such cities, towns or counties. For such purpose the governing body of a city, town or county may authorize one or more of the cities, towns or counties so joining or cooperating with it, to act in its behalf with respect to any or all of such powers.

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

Approved by the Governor, March 18, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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## CHAPTER 47

(House Bill No. 45)

### AN ACT

RELATING TO PUBLIC HOUSING; VALIDATING ACTIONS TAKEN UNDER PROVISIONS OF THE "MUNICIPAL HOUSING LAW"; AUTHORIZING HOUSING AUTHORITIES TO MAKE PAYMENTS IN LIEU OF TAXES; PROVIDING FOR THE DISTRIBUTION OF FUNDS COLLECTED; AND DECLARING AN EMERGENCY.

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

Section 1. CREATION OF HOUSING AUTHORITIES

VALIDATED. The creation, establishment and organization, by any city or town, of housing authorities under the provisions of the "municipal housing law" (chapter 82, Session Laws of 1939), together with all proceedings, acts and things heretofore done or undertaken with reference thereto, are validated and declared legal.

Sec. 2. AGREEMENTS AND ACTIONS VALIDATED. All agreements and undertakings relating to financing or aiding in the development or operation of housing projects, including agency and lease agreements with the federal government or any agency or instrumentality thereof, and all resolutions or other actions with respect to or in connection with the financing of such projects, relating to cooperation or aid to housing projects, payments to public bodies, furnishing municipal services and facilities, elimination of unsafe and unsanitary dwellings, or the construction of housing projects, heretofore entered into or adopted by any city, town, or housing authority, together with all proceedings, acts and things heretofore undertaken or done with reference to any such agreements, undertakings, resolutions or other actions, are validated and declared legal.

Sec. 3. BONDS VALIDATED. All proceedings, acts and things heretofore undertaken or done in connection with or for the authorization, issuance, execution and delivery of notes or bonds by any city or town, for the purpose of financing or aiding in the development or construction of a housing project, and all such notes or bonds heretofore issued by any city or town, are validated and declared legal.

Sec. 4. AUTHORIZING PAYMENTS IN LIEU OF TAXES. In each instance where a housing project is owned and administered by a housing authority under this Act such payments in lieu of taxes as may be agreed upon may be made to the city or county in which the project is located. Taxing authorities are hereby authorized and directed to accept such payments and funds so collected in the same manner as other taxes are distributed.

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

Approved by the Governor, March 18, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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CHAPTER 48

(House Bill No. 46)

AN ACT

RELATING TO PUBLIC HOUSING; EMPOWERING CITIES, TOWNS AND COUNTIES TO PROVIDE HOUSING FACILITIES FOR PERSONS ENGAGED IN WAR INDUSTRIES OR ACTIVITIES; AND DECLARING AN EMERGENCY.

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

Section 1. HOUSING PROJECTS FOR WAR WORKERS. (a) When an acute shortage of housing for persons engaged or to be engaged in war industries or activities is found to exist in its area of operation, a city, town or county may undertake the development or administration of housing projects for such persons, and except as otherwise provided in this Act the provisions of the municipal housing law of 1939 shall apply to such housing projects.

(b) A project developed or administered under this Act shall not be subject to the limitations as to rentals to be charged for dwellings nor as to the selection of tenants, as prescribed by sections 9 and 10 of the municipal housing law of 1939.

(c) With respect to any project owned and administered by it under the provisions of this Act, a city, town or county may make and agree to make such payments for services and facilities furnished for the project by it and other political subdivisions or public bodies in which the project is located as may be agreed upon.

Sec. 2. INCLUSION OF OTHER CITY, TOWN OR COUNTY. A city, town or county may operate within the territorial boundaries of another city, town or county if no housing authority has been created by such other city, town or county and the governing body thereof consents to such inclusion by resolution.

Sec. 3. POWERS. (a) A city, town or county may: 1. exercise any or all of its powers to aid and cooperate with the federal government in making housing available for persons, including the families thereof, engaged or to be engaged in war industries or activities; 2. act as agent for the federal government in developing and administering projects undertaken by the federal government to provide such housing; 3. lease such projects from the federal government, and, 4. arrange with public bodies and private agencies for services and facilities needed for such projects. For the purposes of this Act the term "federal government" includes any department, agency or instrumentality thereof.

(b) In acting under the provisions of this Act a city, town or county shall not be subject to any limitations, restrictions or requirements of other laws, except those relating to land acquisitions, prescribing or limiting the procedure or action to be taken in the development or administration of any buildings, property or public works.

Sec. 4. TERMINATION OF ACT. The authority granted under this Act shall become inoperative one year after the termination of a state of war between the United States and all foreign nations.

Sec. 5. DELEGATION OF AUTHORITY. A city, town or county may delegate to a housing authority created by it pursuant to the municipal housing law any or all of the powers conferred by this Act, except the power to borrow money, issue bonds or other obligations, and acquire real property.

Sec. 6. FINDINGS. It is important to the war effort that cities, towns and counties be authorized to develop and administer projects to provide housing for persons engaged or to be engaged in war industries or activities, and to aid and cooperate with the federal government in making housing available for such persons. In each instance where a housing project is established under the provisions of this Act and the provisions of the Lanham Act passed by the Congress of the United States and approved by the President on the 21st day of January, 1942, direct cash payments in lieu of taxes will be paid to each taxing unit in which such project is located to the end that such project will bear approximately the same share of the cost of government and municipal improvement as though such project were subject to assessment and taxation in the same manner as privately owned property.

Taxing authorities are hereby authorized and directed to accept such payments and distribute funds so collected in the same manner as other taxes are distributed.

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

Approved by the Governor, March 18, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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## CHAPTER 49

(House Bill No. 54)

### AN ACT

RELATING TO WORKMEN'S COMPENSATION; PROVIDING FOR THE APPOINTMENT OF EMPLOYEES OF THE INDUSTRIAL COMMISSION OF ARIZONA AND PAYMENT OF COMPENSATION AND TRAVELING EXPENSES; AMENDING SECTION 56-905, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Sec. 1. Sec. 56-905, Arizona Code of 1939, is amended to read:

56-905. APPOINTMENT OF ASSISTANTS AND PAYMENT OF EXPENSES. The commission may employ a secretary, actuaries, accountants, inspectors, examiners, experts, clerks, physicians, and other assistants, and fix their compensation. Such employment and compensation shall be first approved by the Governor, and together with necessary traveling expenses allowed by the commission, shall be paid out of the state compensation fund.

(b) The salaries of members of the commission shall be paid by the state, but their actual and necessary traveling expenses while on the business of the commission shall

be paid out of the state compensation fund. The members of the commission may confer and meet with officers of other states and officers of the United States on matters pertaining to their official duties.

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

Approved by the Governor, March 18, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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## CHAPTER 50

(Senate Bill No. 54)

### AN ACT

RELATING TO COOPERATIVE NATIONAL DEFENSE AGREEMENTS, AND AUTHORIZING THE STATE ENGINEER TO ENTER INTO SUCH AGREEMENTS WITH THE UNITED STATES GOVERNMENT; AND DECLARING AN EMERGENCY.

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

Section 1. COOPERATIVE NATIONAL DEFENSE AGREEMENTS. The state engineer, with the approval of the state highway commission, is authorized and empowered to enter into cooperative agreements with the United States secretary of war, United States secretary of the navy, the commissioner of public roads of the United States or any other authorized officer or agency of the United States, for the construction, acquisition, maintenance or improvement of roads and other projects necessary to national defense, inclusive of, but not limited to: 1. extensions of the "strategic network of highways" heretofore designated and approved by the United States secretary of war; 2. secondary or feeder roads, including bridges thereon; 3. the replacement and reconstruction of critically deficient bridges and other structures in the "strategic network of highways"; 4. access roads, including bridges, tubes and tunnels thereon, to military and naval

reservations; 5. defense industries, defense industry sites and sources of raw materials; 6. flight strips; 7. engineering surveys and plans; 8. emergency repairs upon highways of the state or its subdivisions substantially damaged by the army or navy; 9. off-street parking facilities; 10. costs of rights of way on the "strategic network of highways," grade crossing eliminations, and all projects included in such cooperative agreements, and, 11. for the acquisition of lands, structures, rights and other property or interests therein necessary to the carrying out of the provisions of this Act. Such projects may be constructed, maintained or improved, and property acquired therefor, whether the projects be on or off the state highway system.

Sec. 2. PROVISIONS OF COOPERATIVE AGREEMENTS. (a) Any cooperative agreement entered into under the provisions of this Act shall provide that all funds advanced by the state in pursuance of such project shall be promptly reimbursed by the United States agency entering into the agreement, to the extent of the agency's participation in the cost of the same. Where the agreed participation of the United States agency is one hundred per cent of the cost, or under such other conditions as the state engineer shall determine, the agreement may contain a further provision that the whole of the agency's participation cost shall be deposited in advance in a special trust account with the state treasurer, to be disbursed solely as provided by section 7 of the "defense highway Act of 1941," approved November, 1941 (Public Law 295, 77th Congress, chapter 474, first session).

(b) Cooperative agreements authorized by this Act shall, whenever feasible, enumerate as closely as possible all items of costs and expenditures for which the United States agency is obligated to reimburse the state highway department.

Sec. 3. STATE ENGINEER AUTHORIZED TO ADVANCE FUNDS. (a) When the state engineer shall determine that it is necessary for the expeditious completion of any cooperative agreement undertaken pursuant to this Act, he is authorized to pay from the state highway fund or any account within the state highway fund, all costs of construction, including the acquisition of lands or property necessary to the project, engineering costs, operational expense, equipment rentals, and all such other costs as may have the prior approval of the United States department or agency with which the cooperative agreement has been made.

(b) The state engineer shall have power to set up proper budget items within or without the state highway fund or special accounts with such fund, and to make and certify transfers of funds among or between such accounts and the special trust account referred to in section 2, or any other trust account that may be established by the United States government or by the state highway department, for the carrying out of cooperative agreements as provided by this Act.

Sec. 4. REIMBURSEMENT BY FEDERAL AGENCY. The United States agency with which a cooperative agreement is entered into shall promptly reimburse the state highway fund or account within such fund for all expenditures made by the state engineer under the agreement, chargeable to such agency, at reasonably regular intervals, as the work progresses.

Sec. 5. EFFECTIVE DATE. This Act shall be effective retroactively as of July 13, 1942, and shall continue in force and effect during the continuance of the existing war and for a period of one year thereafter.

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

Approved by the Governor, March 18, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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## CHAPTER 51

(Senate Bill No. 133)

### AN ACT

AUTHORIZING SCHOOL DISTRICT NO. 28, OF YAVAPAI COUNTY, TO PAY THE EXPENSE OF HOSPITALIZATION AND MEDICAL ATTENTION IN THE CASE OF LA GENE MINTER; AND DECLARING AN EMERGENCY.

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

Section 1. **AUTHORITY TO PAY EXPENSE OF HOSPITALIZATION AND DOCTOR'S BILLS.** The board of trustees of school district No. 28, of Yavapai county, is authorized to pay, out of the funds of the district, to the amount of not to exceed twelve hundred dollars, the cost of hospitalization and medical attendance in the case of La Gene Minter, aged twelve years, who was seriously burned while rehearsing for a school entertainment at the grade school of the district, on December 17, 1942.

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

Approved by the Governor, March 19, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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## CHAPTER 52

(Senate Bill No. 131)

### AN ACT

RELATING TO PRIVATE CORPORATIONS NOT FOR PECUNIARY PROFIT; AND AMENDING SECTIONS 53-401 AND 53-402, ARIZONA CODE OF 1939.

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

Section 1. Sec. 53-401, Arizona Code of 1939, is amended to read:

53-401. **RELIGIOUS, CHARITABLE, AND SCIENTIFIC CORPORATIONS.** Corporations may be formed to acquire, hold and dispose of church or religious society property, for the benefit of religion, for works of charity and for public worship, and of property of scientific research institutions maintained solely for pure research and without hope of pecuniary gain or profit, in the manner hereinafter provided in this article.

Sec. 2. Sec. 53-402, Arizona Code of 1939, is amended to read:

53-402. CORPORATION SALE. Any person in whom shall be vested the legal title to the property of any church or religious society, in conformity with its constitution, canons, rites or regulations, and of any scientific research institution maintained solely for pure research and without hope of pecuniary gain or profit, may make and subscribe written articles of incorporation, and acknowledge the same, and file a duplicate of such articles for record in the office of the county recorder of each county in which any real property of such corporation is situated, together with an impression of the seal which it shall adopt.

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

Approved by the Governor, March 19, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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## CHAPTER 53

(Senate Bill No. 127)

### AN ACT

RELATING TO SPIRITUOUS LIQUOR LICENSES, AND PROVIDING FOR THE WAIVING OF ANNUAL LICENSE FEES OF LICENSEES WHO HAVE ENTERED THE GOVERNMENT SERVICE OR DEFENSE WORK; AND DECLARING AN EMERGENCY.

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

Section 1. ANNUAL LICENSE FEE WAIVED. (a) Any person holding a spirituous liquor license in good standing on December 31, 1942, and who, after that date has entered or may hereafter enter, of his own volition or by operation of any law of the United States, any branch of the nation's armed forces, or any government service or defense work deemed essential to the successful prosecution of the war effort, and whose business for which

the license was issued is by reason thereof temporarily discontinued, may be granted a waiver of the payment of annual license fees.

(b) Upon receiving notice that any spirituous liquor licensee is serving in any of the capacities referred to in this Act the superintendent of liquor licenses and control shall cause an investigation to be made and if he finds the licensee is entitled to the benefits of this Act he shall issue a certificate waiving the payment of annual license fees, and the license issued to such licensee shall be deemed to have been renewed in like manner as if the annual license fee had been paid. The annual license fee of any such licensee which was due and payable on December 31, 1942, shall be deemed to have been waived as provided in this Act.

Sec. 2. TERMINATION OF ACT. This Act shall terminate six months after the close of the existing war, as determined by proclamation of the President of the United States.

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

Approved by the Governor, March 19, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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## CHAPTER 54

(Senate Bill No. 98)

### AN ACT

RELATING TO SLAUGHTER OF ANIMALS; PRESCRIBING SLAUGHTER HOUSE REGULATIONS; PRESCRIBING FEES FOR SLAUGHTERING ANIMALS AND FOR SELLING FRESH MEAT, AND AMENDING SECTIONS 50-803 AND 50-804, ARIZONA CODE OF 1939.

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

Section 1. Sec. 50-803, Arizona Code of 1939, is amended to read:

50-803. SLAUGHTERHOUSE REGULATIONS. (a) Every person licensed to engage in the slaughtering of neat animals, horses, mules, asses, sheep and goats for sale shall slaughter all such animals in a fixed and definite slaughterhouse or slaughter pen, to be kept by such person for that purpose, or in a slaughterhouse established by the authorities of an incorporated city or town.

(b) Before any person shall begin or carry on the business of slaughtering he shall make written application for and procure a license from the livestock sanitary board, and shall execute upon a form furnished by the board a surety bond to the state in the penal sum of one thousand dollars, to be approved by the board, conditioned that such person will comply with the law and will not slaughter any animals, or sell or expose for sale the meat thereof, except in conformity with the law relating thereto and the rules and regulations of the board. A violation of any of these conditions may be prosecuted by the board in the name of the state in the full sum of the bond.

(c) If any person, firm or corporation having valid license issued under the provisions of this Act shall sell or dispose of his slaughtering business, together with the good will thereof, and the purchaser continues the business at the same location, substantially in the same manner and under the same firm name as it was theretofore conducted, the license of the original licensee may be transferred to the new owner without payment of license fee, upon the new owner filing with the livestock sanitary board a surety bond in the penal sum of one thousand dollars, payable to the state of Arizona and conditioned as provided in this Act.

Sec. 2. Sec. 50-804, Arizona Code of 1939, is amended to read:

50-804. LICENSES. (a) The board may grant an applicant, upon payment of the fees and presentation of proof of good moral character, a license to slaughter neat animals, horses, mules, asses, sheep or goats, as set forth in such license. The following fee shall be paid for a license to slaughter in any one calendar year: 1. not to exceed forty-five head of neat animals, horses, mules or asses, and not to exceed fifty-five head of sheep or goats, five dollars; more than forty-five and not to exceed one

hundred fifty head of neat animals, horses, mules or asses and more than fifty-five and not to exceed one hundred sixty head of sheep or goats, fifteen dollars; more than one hundred fifty head of neat animals, horses, mules or asses and more than one hundred sixty head of sheep or goats in any one calendar year, eighty dollars.

(b) For good cause shown the board may, after a hearing, and after notice to the holder of such license of its intention so to do, revoke any license issued hereunder.

(c) It shall be a misdemeanor for any person, other than a producer slaughtering under special permit, to slaughter any neat animals, horses, mules, asses, sheep or goats for sale or exchange, or to offer for sale or exchange any portion thereof, without first procuring a license.

(d) Every peddler or retailer of fresh meat of any neat animals, horses, mules, asses, sheep or goats, shall, before offering such meat for sale or exchange, procure a license therefor from the livestock sanitary board, for which he shall pay an annual license fee of ten dollars for each place of business, store, stand, market or vehicle wherein or wherefrom such meat is to be sold or exchanged, and he shall enter in a book kept by him for that purpose the name and address of each person from whom the purchaser obtained such meat, the date of purchase, quantity purchased, and time and place of purchase, and upon the request of an inspector or peace officer he shall exhibit the same to such inspector or peace officer.

(e) If any person acquires a business licensed as provided herein to retail fresh meat, with the good will thereof, and continues to operate the business in substantially the same manner, in the same location and under the same firm name, the board may transfer the license to the new owner, on written application therefor, without payment of license fee. All licenses issued hereunder shall expire on December 31 of the year in which issued.

(f) Any person failing to comply with the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense by a fine of not less than twenty nor more than one hundred dollars, imprisonment for not less than twenty or more than one hundred days, or both.

Approved by the Governor, March 19, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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CHAPTER 55

(Senate Bill No. 76)

AN ACT

RELATING TO FIREMEN'S RELIEF AND PENSION FUND; PROVIDING FOR AND CLARIFYING THE STATUTES APPERTAINING TO THE FIREMEN'S RELIEF AND PENSION FUND AND AMENDING SECTION 16-1912, ARIZONA CODE OF 1939, AS AMENDED.

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

Section 1. Sec. 16-1912, Arizona Code of 1939, as amended, is amended to read:

16-1912. FIREMEN'S RELIEF AND PENSION FUND. (a) The annual tax of two per cent provided by law on the gross amount of all premiums received on policies and contracts of fire insurance covering property within this state, after deducting cancellations, return premiums, dividends and the amount received as reinsurance on business in this state, is appropriated and set aside for the firemen's relief and pension fund. The corporation commission shall embody in its annual statement, as provided in section 61-328, Arizona Code of 1939, as amended, a blank form with the names thereon of the incorporated cities and towns and the legally organized fire companies who are entitled to share in said tax, and it shall require insurance companies to report at the time of making their annual statements the amount of premiums received during the year ended December 31 on insured properties located in each of the respective incorporated cities and towns and areas served by legally organized fire companies, as named in said blank. Thereafter and not later than April 30, following, the corporation commission shall certify to the state treasurer the incorporated cities and towns having organized fire departments and the areas served by legally organized fire companies, the respective amounts of premiums received by fire insurance companies for insurance upon properties located in each incorporated city and town and

in each area served by a legally organized fire company, and the amount of tax paid for the preceding year by the fire insurance companies upon such premiums. The corporation commission at the same time shall certify to the state treasurer the amount of premiums received by fire insurance companies for all insurance written in areas other than incorporated cities and towns or areas served by legally organized fire departments, and the amount of tax paid for the preceding year by fire insurance companies upon such premiums, and that amount of tax shall then be prorated among the several incorporated cities and towns and legally organized fire companies in proportion to the amount of fire insurance tax collected from insurance on property therein, and shall be paid in to the firemen's pension and relief fund for each such city, town, or fire company.

(b) Each incorporated city or town and each legally organized volunteer fire company shall deduct from the stipulated salaries or compensation of its firemen three and one-half per cent thereof, and shall add the same amount from its own general revenues, and shall pay the total of the two amounts each month into the firemen's pension and relief fund. The treasurer of each board shall keep a record of all salary deductions; and should a fireman die under circumstances not entitling his dependents to any benefits from the firemen's relief and pension fund, or should he become separated from the service voluntarily or involuntarily without having become eligible to retirement benefits thereunder, then all deductions theretofore made from his salary under this article shall become payable, without interest, in the event of his death to his beneficiaries, or otherwise to the fireman.

(c) All pay roll deductions made under subsection (b), and in the discretion of the board of trustees such additional sums as it may deem proper, shall be set aside in a permanent reserve fund, and the income from the same, but no part of the principal, shall be used to meet retirement expenses, except that the portion of the principal which accrued from salary deductions may be drawn upon when necessary in order to meet the refunds provided for in subsection (b).

Approved by the Governor, March 19, 1943

Filed in the Office of the Secretary of State, March 19, 1943

## CHAPTER 56

(Senate Bill No. 70)

## AN ACT

RELATING TO STOCK TRANSFER, AND TO MAKE  
UNIFORM THE LAW RELATING THERETO.

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

Section 1. SHORT TITLE. This Act may be cited as the uniform stock transfer Act.

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

“certificate” means a certificate of stock in a corporation organized under the laws of this state or of another state whose laws are consistent with this Act;

“delivery” means voluntary transfer of possession from one person to another;

“person” includes a corporation or partnership or two or more persons having a joint or common interest;

“to purchase” includes to take as mortgagee or as pledgee;

“purchaser” includes mortgagee and pledgee;

“shares” means a share or shares of stock in a corporation organized under the laws of this state or of another state whose laws are consistent with this Act;

“state” includes state, territory, district and insular possession of the United States;

“transfer” means transfer of legal title;

“title” means legal title and does not include a merely equitable or beneficial ownership or interest;

“value” is any consideration sufficient to support a simple contract; an antecedent or pre-existing obligation, whether for money or not, constitutes value where a cer-

tificate is taken either in satisfaction thereof or as security therefor;

“in good faith” means an act done honestly, whether done negligently or not;

“endorsement” means a certificate is endorsed, even though it has not been delivered: 1. when an assignment or a power of attorney to sell, assign or transfer the certificate or the shares represented thereby is written on the certificate and signed by the person appearing by the certificate to be the owner of the shares represented thereby, or, 2. when the signature of such person is written without more upon the back of the certificate;

“person appearing to be the owner of the certificate” means the person to whom a certificate was originally issued, until and unless he endorses the certificate to another specified person, whereupon such other or a subsequent specified person is the person appearing by the certificate to be the owner thereof until and unless he also endorses the certificate to another specified person.

Sec. 3. TRANSFER OF CERTIFICATES AND SHARES. (a) Title to a certificate and to the shares represented thereby can be transferred only: 1. by delivery of the certificate endorsed either in blank or to a specified person by the person appearing by the certificate to be the owner of the shares represented thereby, or, 2. by delivery of the certificate and a separate document containing a written assignment of the certificate or a power of attorney to sell, assign or transfer the same or the shares represented thereby, signed by the person appearing by the certificate to be the owner of the shares represented thereby. Such assignment or power of attorney may be either in blank or to a specified person.

(b) The provisions of this section shall be applicable although the charter or articles of incorporation or code of regulations or by-laws of the corporation issuing the certificate and the certificate itself provide that the shares represented thereby shall be transferable only on the books of the corporation or shall be registered by a registrar or transferred by a transfer agent.

Sec. 4. POWERS OF REPRESENTATIVES. Nothing in this Act shall be construed as enlarging or diminishing the powers of an infant or other person lacking full legal capacity, or of a trustee, executor, administrator,

or other fiduciary, to make a valid endorsement, assignment or power of attorney.

Sec. 5. CORPORATION NOT FORBIDDEN TO TREAT REGISTERED HOLDER AS OWNER. Nothing in this Act shall be construed as forbidding a corporation: 1. to recognize the exclusive right of a person registered on its books as the owner of shares to receive dividends, and to vote as such owner, or, 2. to hold liable for calls and assessments a person registered on its books as the owner of shares.

Sec. 6. EFFECT OF TITLE DERIVED FROM CERTIFICATE. The title of a transferee of a certificate under a power of attorney or assignment not written upon the certificate, and the title of any person claiming under such transferee, shall cease and determine if, at any time prior to the surrender of the certificate to the corporation issuing it, another person, for value in good faith, and without notice of the prior transfer, shall purchase and obtain delivery of the certificate with the endorsement of the person appearing by the certificate to be the owner thereof, or shall purchase and obtain delivery of the certificate and the written assignment or power of attorney of such person, though contained in a separate document.

Sec. 7. WHO MAY DELIVER A CERTIFICATE. The delivery of a certificate to transfer title in accordance with the provisions of section 3 is effectual, except as provided in section 9, though made by one having no right of possession and having no authority from the owner of the certificate or from the person purporting to transfer the title.

Sec. 8. EFFECT OF ENDORSEMENT. The endorsement of a certificate by the person appearing by the certificate to be the owner of the shares represented thereby is effectual, except as provided in section 9, though the endorser or transferor: 1. was induced by fraud, duress or mistake to make the endorsement or delivery; 2. has revoked the delivery of the certificate, or the authority given by the endorsement or delivery of the certificate; 3. has died or become legally incapacitated after the endorsement, whether before or after the delivery of the certificate, or, 4. has received no consideration.

Sec. 9. RESCISSION OF TRANSFER. (a) The possession of the certificate may be reclaimed and the transfer thereof rescinded in the event: 1. the endorsement or delivery of a certificate was: 1a. procured by fraud or duress,

or, 1b. made under such mistake as to make the endorsement or delivery inequitable, or, 2. the delivery of a certificate was made: 2a. without authority from the owner, or, 2b. after the owner's death or legal incapacity, unless the certificate has been transferred to a purchaser for value in good faith without notice of any facts making the transfer wrongful, or the injured person has elected to waive the injury, or has been guilty of laches in endeavoring to enforce his rights.

(b) Any court of appropriate jurisdiction may enforce specifically such right to reclaim the possession of the certificate or to rescind the transfer thereof, and, pending litigation, may enjoin the further transfer of the certificate or impound it.

Sec. 10. EFFECT OF RESCISSION ON SUBSEQUENT TRANSFER. Although the transfer of a certificate or of shares represented thereby has been rescinded or set aside, nevertheless, if the transferee has possession of the certificate or of a new certificate representing part or the whole of the same shares of stock, a subsequent transfer of such certificate by the transferee, mediately or immediately, to a purchaser for value in good faith, without notice of any facts making the transfer wrongful, shall give such purchaser an indefeasible right to the certificate and the shares represented thereby.

Sec. 11. EFFECT OF DELIVERY OF UNENDORSED CERTIFICATE. The delivery of a certificate by the person appearing by the certificate to be the owner thereof without the endorsement requisite for the transfer of the certificate and the shares represented thereby but with intent to transfer such certificate or shares, shall impose an obligation, in the absence of an agreement to the contrary, upon the person so delivering, to complete the transfer by making the necessary endorsement. The transfer shall take effect as of the time when the endorsement is actually made. This obligation may be specifically enforced.

Sec. 12. INEFFECTUAL TRANSFER. An attempted transfer of title to a certificate or to the shares represented thereby without delivery of the certificate shall have the effect of a promise to transfer and the obligation, if any, imposed by such promise shall be determined by the law governing the formation and the performance of contracts.

Sec. 13. WARRANTIES ON SALE OF CERTIFI-

CATE. (a) A person who for value transfers a certificate, including one who assigns for value a claim secured by a certificate, unless a contrary intention appears, warrants: 1. that the certificate is genuine; 2. that he has a legal right to transfer it, and, 3. that he has no knowledge of any fact which would impair the validity of the certificate.

(b) In the case of an assignment of a claim secured by a certificate, the liability of the assignor upon such warranty shall not exceed the amount of the claim.

Sec. 14. NO WARRANTY IMPLIED FROM ACCEPTING PAYMENT OF A DEBT. A mortgagee, pledgee or other holder for security of a certificate who in good faith demands or receives payment of the debt for which the certificate is security, whether from a party to a draft drawn for such debt, or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of the certificate, or the value of the shares represented thereby.

Sec. 15. ATTACHMENT OR LEVY UPON SHARES. (a) No attachment or levy upon shares of stock for which a certificate is outstanding shall be valid until the certificate be actually seized by the officer making the attachment or levy, or be surrendered to the corporation which issued it, or its transfer by the holder be enjoined.

(b) Except where a certificate is lost or destroyed, the corporation which issued it shall not be compelled to issue a new certificate for the stock until the old certificate is surrendered to it.

Sec. 16. CREDITORS' REMEDIES. A creditor whose debtor is the owner of a certificate shall be entitled to such aid from the courts, by injunction and otherwise, in attaching the certificate or in satisfying the claim by means thereof as is allowed at law or inequity in regard to property which cannot readily be attached or levied upon by ordinary legal process.

Sec. 17. LIENS OR RESTRICTIONS. There shall be no lien in favor of a corporation upon the shares represented by a certificate issued by the corporation and there shall be no restriction upon the transfer of shares so represented by virtue of any by-law of the corporation, or otherwise, unless the right of the corporation to the lien or the restriction is stated upon the certificate.

Sec. 18. ALTERATION OF CERTIFICATE. The alteration of a certificate, whether fraudulent or not and by whomsoever made, shall not deprive the owner of his title to the certificate and the shares originally represented thereby, and the transfer of an altered certificate shall convey to the transferee a good title to the certificate and to the shares originally represented thereby.

Sec. 19. LOST OR DESTROYED CERTIFICATE. In the event a certificate has been lost or destroyed, the superior court may order the issuance of a new certificate therefor after service of process upon the corporation and reasonable notice by publication, and in any other way which the court may direct, to all persons interested, and upon satisfactory proof of such loss or destruction, and upon the giving of a bond with sufficient surety, to be approved by the court, to protect the corporation or any person injured by the issuance of a new certificate, from any liability or expense incurred by reason of the original certificate remaining outstanding. The court may also in its discretion order the payment of the corporation's reasonable costs and counsel fees. The issuance of a new certificate under an order of the court shall not relieve the corporation from liability in damages to a person to whom the original certificate has been or shall be transferred for value without notice of the proceedings or of the issuance of the new certificate.

Sec. 20. RULE FOR CASES NOT PROVIDED FOR BY THIS ACT. In any case not provided for by this Act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent, executors, administrators and trustees, and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy or other invalidating cause, shall govern.

Sec. 21. EXISTING CERTIFICATES. The provisions of this Act apply only to certificates issued after the taking effect of this Act.

Sec. 22. UNIFORMITY. 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.

Approved by the Governor, March 19, 1943

Filed in the Office of the Secretary of State, March 19, 1943

## CHAPTER 57

(Senate Bill No. 60)

## AN ACT

RELATING TO COUNTIES, AND PROVIDING FOR THE APPOINTMENT AND FIXING OF SALARIES OF DEPUTY COUNTY OFFICIALS; AND DECLARING AN EMERGENCY.

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

Section 1. DEPUTY OFFICIALS. In any county the clerk of the superior court, the sheriff, the recorder, the treasurer, the county attorney, the assessor, and the county school superintendent, may each appoint one chief deputy, at such salaries respectively as the board of supervisors may determine and fix, not to exceed twenty-five per cent above nor more than twenty-five per cent below the maximum salaries now permitted by law for such deputies.

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

Approved by the Governor, March 19, 1943

Filed in the Office of the Secretary of State, March 19, 1943

## CHAPTER 58

(Senate Bill No. 59)

## AN ACT

RELATING TO PUBLIC HEALTH; DECLARING MAINTENANCE OF PREMISES IN AN UNSANITARY CONDITION A MISDEMEANOR, AND PRESCRIBING A PENALTY; AMENDING CHAPTER 68, ARIZONA CODE OF 1939, BY ADDING SECTION 68-206; AND DECLARING AN EMERGENCY.

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

Section 1. Chapter 68, Arizona Code of 1939, is amended by adding Section 68-206, to read:

68-206. MAINTAINING UNSANITARY PREMISES. Any person who maintains in an unsanitary condition, any premises located without the corporate limits of any city or town, and who refuses or fails to place the same in a sanitary condition within three days after being ordered to do so by the county superintendent of health, the county sanitary officer, or any county peace officer acting under the direction and authority of the county superintendent of health, or thereafter refuses or fails to maintain such premises in a sanitary condition, is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, imprisonment in the county jail not less than ten nor more than thirty days, or both.

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

Approved by the Governor, March 19, 1943

Filed in the Office of the Secretary of State, March 19, 1943

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## CHAPTER 59

(Senate Bill No. 38)

### AN ACT

RELATING TO THE REAL ESTATE BUSINESS; PROVIDING FOR THE REGULATION THEREOF, AND AMENDING SECTIONS 67-1702, 67-1707, 67-1711, 67-1714, AND 67-1732, ARIZONA CODE OF 1939.

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

Section 1. Sec. 67-1702, Arizona Code of 1939, is amended to read:

67-1702. DEFINITIONS. In this article, unless the context otherwise requires:

“department” means state real estate department;

“commissioner” means state real estate commissioner;

“real estate broker” or “broker” means a person, other than a salesman who, for another, for compensation or other valuable consideration, or with the intent, in the expectation, or upon the promise of receiving or collecting compensation or other valuable consideration: 1. lists for sale, sells, buys, exchanges, rents, or leases, or offers, attempts, or agrees to negotiate a sale, exchange, purchase, or rental of, any estate or interest in real estate; 2. collects, or offers, attempts, or agrees to collect, rent for the use of real estate; 3. negotiates, or offers, attempts, or agrees to negotiate, a loan secured or to be secured by a mortgage or other encumbrance upon or transfer of real estate; 4. auctions, or offers, attempts, or agrees to auction, any real estate; 5. advertises or holds himself out as engaged in the business of selling, exchanging, buying, renting, or leasing real estate; 6. assists in or directs the procuring of prospects or the negotiation or closing of any transaction which results or is calculated to result in the sale, exchange, leasing, or renting of any real estate; or, 7. buys, offers to buy, sells, offers to sell, or otherwise deals in options on real estate or improvements thereon; and the term includes: 8. any person employed by or on behalf of the owner of any real estate, at a stated salary, upon a commission, upon a salary and commission, or otherwise, to sell the real estate or any part thereof, in lots or other parcels, and who sells or exchanges, or offers, attempts, or agrees to negotiate the sale or exchange of, any such lot or parcel of real estate, but if the owner of real estate is engaged in the business of buying, selling, exchanging, leasing, or renting real estate and holds himself out as a full or part time dealer in real estate, then a person employed by that owner may be licensed as a salesman if the owner is licensed as a broker, and, 9. any person engaged in the business of buying, selling, exchanging, leasing, or renting of real estate on his own account and holding himself out as a full or part time dealer in real estate;

“real estate salesman” or “salesman” means a person engaged by or on behalf of a licensed real estate broker

to perform any act or transaction included in the definition of real estate broker;

“lease” or “leasing” includes any lease, whether it be the sole, the principal, or an incidental part of a transaction;

“person” includes corporation, partnership, company, and 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. 2. Sec. 67-1707, Arizona Code of 1939, is amended to read:

67-1707. EMPLOYEES. The commissioner shall appoint and fix the compensation of a secretary and such deputies, assistants, and clerks as may be necessary. The compensation of the secretary shall not exceed two thousand four hundred dollars per annum.

Sec. 3. Sec. 67-1711, Arizona Code of 1939, is amended to read:

67-1711. DISPOSITION OF RECEIPTS AND FINANCIAL REPORTS. (a) All receipts of the department, under the provisions of this article shall, accompanied by a detailed statement thereof, be paid at least once each month, through the state auditor, to the state treasurer, who shall place the same in the general fund.

(b) Not later than September 1 of each year, the commissioner shall make to the governor a report of the receipts and expenditures of the department for the preceding fiscal year.

to read:

Sec. 4. Sec. 67-1714, Arizona Code of 1939, is amended 67-1714. QUALIFICATIONS OF LICENSEES. (a) Except as otherwise provided in this article, the com-

missioner shall require such 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 the applicant has: 1. adequate knowledge of the English language, reading, writing, spelling, and elementary arithmetic; 2. a fair understanding of the rudimentary principles of real estate conveyancing, and, 3. sufficient understanding of the obligations between principal and agent, of the principles of real estate practice and the canons of business ethics pertaining thereto, of the provisions of the real estate laws of this state, and of such other regulations as the commissioner may deem necessary.

(b) The commissioner shall waive the examination of: 1. Any applicant for a broker's license who held an unrevoked and unsuspended broker's license on December 31 of the preceding year or an unrevoked and unsuspended salesman's license for three years next preceding the application for a broker's license; 2. any applicant for a salesman's license who held an unrevoked and unsuspended broker's or salesman's license on December 31 of the preceding year, or, 3. Any applicant for a broker's or salesman's license holding an honorable discharge from the armed forces of the United States who, at the time of entering such service held an unrevoked and unsuspended license of the kind applied for.

(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 two thousand five hundred dollars. The bond shall be conditioned: 1. upon the faithful compliance of the broker so licensed with the provisions of this Act, and, 2. that he will conduct the business of real estate broker in a reliable and dependable manner. The bond shall run to the state, for the benefit of any person injured by the wrongful act, default, fraud, or misrepresentation of the broker in his capacity as such, and any person so injured may bring suit on the bond in his own name. No additional bond shall be required from officers of a corporation or members of a partnership licensed to act as broker while in the employment of the corporation or partnership.

Sec. 5. Sec. 67-1732, Arizona Code of 1939, is amended to read:

67-1732. INVESTIGATION OF SUBDIVISION. The

commissioner shall investigate any subdivision offered for sale or lease, and shall make public his finds with respect thereto. The total cost of the investigation shall be borne by the owner of the subdivision or his agent, or the subdivider of the project, on the basis of actual cost to the department. An initial fee of twenty-five dollars shall accompany the written notification required in section 67-1731.

Sec. 6. EFFECTIVE DATE. This Act shall become effective July 1, 1943.

Approved by the Governor, March 19, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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## CHAPTER 60

(Senate Bill No. 32)

### AN ACT

RELATING TO LIMITED PARTNERSHIP, AND TO  
MAKE UNIFORM THE LAW RELATING THERETO.

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

Section 1. LIMITED PARTNERSHIP DEFINED. A limited partnership is a partnership formed by two or more persons under the provisions of section 2, having as members one or more general partners and one or more limited partners. The limited partners as such shall not be bound by the obligations of the partnership.

Sec. 2. FORMATION. (1) Two or more persons desiring to form a limited partnership shall

(a) Sign and swear to a certificate, which shall state:

- I. The name of partnership,
- II. The character of the business,
- III. The location of the principal place of business,

IV. The name and place of residence of each member; general and limited partners being respectively designated,

V. The term for which the partnership is to exist,

VI. The amount of cash and a description of and the agreed value of the other property contributed by each limited partner,

VII. The additional contributions, if any, agreed to be made by each limited partner and the times at which or events on the happening of which they shall be made,

VIII. The time, if agreed upon, when the contribution of each limited partner is to be returned,

IX. The share of the profits or the other compensation by way of income which each limited partner shall receive by reason of his contribution,

X. The right, if given, of a limited partner to substitute an assignee as contributor in his place, and the terms and conditions of the substitution,

XI. The right, if given, of the partners to admit additional limited partners,

XII. The right, if given, of one or more of the limited partners to priority over other limited partners, as to contributions or as to compensation by way of income, and the nature of such priority,

XIII. The right, if given, of the remaining general partner or partners to continue the business on the death, retirement or insanity of a general partner, and

XIV. The right, if given, of a limited partner to demand and receive property other than cash in return for his contribution.

(b) File for record the certificate in the office of the county recorder of the county in which the principal place of business is situated.

(2) A limited partnership is formed if there has been substantial compliance in good faith with the requirements of paragraph (1).

Sec. 3. BUSINESS WHICH MAY BE CARRIED ON. A limited partnership may carry on any business which a partnership without limited partners may carry on, except banking and insurance.

Sec. 4. CHARACTER OF LIMITED PARTNER'S CONTRIBUTION. The contributions of a limited partner may be cash or other property, but not services.

Sec. 5. A NAME NOT TO CONTAIN SURNAME OF LIMITED PARTNER; EXCEPTIONS. (1) The surname of a limited partner shall not appear in the partnership name, unless

(a) It is also the surname of a general partner, or

(b) Prior to the time when the limited partner became such the business had been carried on under a name in which his surname appeared.

(2) A limited partner whose name appears in a partnership name contrary to the provisions of paragraph (1) is liable as a general partner to partnership creditors who extend credit to the partnership without actual knowledge that he is not a general partner.

Sec. 6. LIABILITY FOR FALSE STATEMENTS IN CERTIFICATE. If the certificate contains a false statement, one who suffers loss by reliance on such statement may hold liable any party to the certificate who knew the statement to be false.

(a) At the time he signed the certificate, or

(b) Subsequently, but within a sufficient time before the statement was relied upon to enable him to cancel or amend the certificate, or to file a petition for its cancellation or amendment as provided in section 25 (3).

Sec. 7. LIMITED PARTNER NOT LIABLE TO CREDITORS. A limited partner shall not become liable as a general partner unless, in addition to the exercise of his rights and powers as a limited partner, he takes part in the control of the business.

Sec. 8. ADMISSION OF ADDITIONAL LIMITED PARTNERS. After the formation of a limited partnership, additional limited partners may be admitted upon

filing an amendment to the original certificate in accordance with the requirements of section 25.

Sec. 9. RIGHTS, POWERS AND LIABILITIES OF A GENERAL PARTNER. (1) A general partner shall have all the rights and powers and be subject to all the restrictions and liabilities of a partner in a partnership without limited partners, except that without the written consent or ratification of the specific act by all the limited partners, a general partner or all of the general partners have no authority to

- (a) Do any act in contravention of the certificate,
- (b) Do any act which would make it impossible to carry on the ordinary business of the partnership,
- (c) Confess a judgment against the partnership,
- (d) Possess partnership property, or assign their rights in specific partnership property, for other than a partnership purpose,
- (e) Admit a person as a general partner,
- (f) Admit a person as a limited partner, unless the right so to do is given in the certificate,
- (g) Continue the business with partnership property on the death, retirement or insanity of a general partner, unless the right so to do is given in the certificate.

Sec. 10. RIGHTS OF A LIMITED PARTNER. (1) A limited partner shall have the same rights as a general partner to

- (a) Have the partnership books kept at the principal place of business of the partnership, and at all times to inspect and copy any of them,
- (b) Have on demand true and full information of all things affecting the partnership, and a formal account of partnership affairs whenever circumstances render it just and reasonable, and
- (c) Have dissolution and winding up by decree of court.

(2) A limited partner shall have the right to receive a share of the profits or other compensation by way of income, and to the return of his contribution as provided in sections 15 and 16.

Sec. 11. STATUS OF PERSON ERRONEOUSLY BELIEVING HIMSELF A LIMITED PARTNER. A person who has contributed to the capital of a business conducted by a person or partnership erroneously believing that he has become a limited partner in a limited partnership, is not, by reason of his exercise of the rights of a limited partner, a general partner with the person or in the partnership carrying on the business, or bound by the obligations of such person or partnership; provided that on ascertaining the mistake he promptly renounces his interest in the profits of the business, or other compensation by way of income.

Sec. 12. ONE PERSON BOTH GENERAL AND LIMITED PARTNER. (1) A person may be a general partner and a limited partner in the same partnership at the same time.

(2) A person who is a general, and also at the same time a limited partner, shall have all the rights and powers and be subject to all the restrictions of a general partner; except that, in respect to his contribution, he shall have the rights against the other members which he would have had if he were not also a general partner.

Sec. 13. LOANS AND OTHER BUSINESS TRANSACTIONS WITH LIMITED PARTNER. (1) A limited partner also may loan money to and transact other business with the partnership, and, unless he is also a general partner, receive on account of resulting claims against the partnership, with general creditors, a pro rata share of the assets. No limited partner shall in respect to any such claim

(a) Receive or hold as collateral security any partnership property, or

(b) Receive from a general partner or the partnership any payment, conveyance, or release from liability, if at the time the assets of the partnership are not sufficient to discharge partnership liabilities to persons not claiming as general or limited partners,

(2) The receiving of collateral security, or a payment, conveyance, or release in violation of the provisions of paragraph (1) is a fraud on the creditors of the partnership.

Sec. 14. RELATION OF LIMITED PARTNERS INTER SE. Where there are several limited partners the members may agree that one or more of the limited partners shall have a priority over other limited partners as to the return of their contributions, as to their compensation by way of income, or as to any other matter. If such an agreement is made it shall be stated in the certificate, and in the absence of such a statement all the limited partners shall stand upon equal footing.

Sec. 15. COMPENSATION OF LIMITED PARTNER. A limited partner may receive from the partnership the share of the profits or the compensation by way of income stipulated for in the certificate; provided, that after such payment is made, whether from the property of the partnership or that of a general partner, the partnership assets are in excess of all liabilities of the partnership except liabilities to limited partners on account of their contributions and to general partners.

Sec. 16. WITHDRAWAL OR REDUCTION OF LIMITED PARTNER'S CONTRIBUTION. (1) A limited partner shall not receive from a general partner or out of partnership property any part of his contribution until

(a) All liabilities of the partnership, except liabilities to general partners and to limited partners on account of their contributions, have been paid or there remains property of the partnership sufficient to pay them,

(b) The consent of all members is had, unless the return of the contribution may be rightfully demanded under the provisions of paragraph (2), and

(c) The certificate is cancelled or so amended as to set forth the withdrawal or reduction.

(2) Subject to the provisions of paragraph (1) a limited partner may rightfully demand the return of his contribution.

(a) On the dissolution of a partnership, or

(b) When the date specified in the certificate for its return has arrived, or

(c) After he has given six months' notice in writing to all other members, if no time is specified in the certificate either for the return of the contribution or for the dissolution of the partnership,

(3) In the absence of any statement in the certificate to the contrary or the consent of all members, a limited partner, irrespective of the nature of his contribution, has only the right to demand and receive cash in return for his contribution.

(4) A limited partner may have the partnership dissolved and its affairs wound up when

(a) He rightfully but unsuccessfully demands the return of his contribution, or

(b) The other liabilities of the partnership have not been paid, or the partnership property is insufficient for their payment as required by paragraph (1a) and the limited partner would otherwise be entitled to the return of his contribution.

Sec. 17. LIABILITY OF LIMITED PARTNER TO PARTNERSHIP. (1) A limited partner is liable to the partnership

(a) For the difference between his contribution as actually made and that stated in the certificate as having been made, and

(b) For any unpaid contribution which he agreed in the certificate to make in the future at the time and on the conditions stated in the certificate.

(2) A limited partner holds as trustee for the partnership

(a) Specific property stated in the certificate as contributed by him, but which was not contributed or which has been wrongfully returned, and

(b) Money or other property wrongfully paid or conveyed to him on account of his contribution.

(3) The liabilities of a limited partner as set forth in this section can be waived or compromised only by the consent of all members; but a waiver or compromise shall not affect the right of a creditor of a partnership who extended credit or whose claim arose after the filing and before a cancellation or amendment of the certificate, to enforce such liabilities.

(4) When a contributor has rightfully received the return in whole or in part of the capital of his contribution, he is nevertheless liable to the partnership for any sum, not in excess of such return with interest, necessary to discharge its liabilities to all creditors who extended credit or whose claims arose before such return

Sec. 18. NATURE OF LIMITED PARTNER'S INTEREST IN PARTNERSHIP. A limited partner's interest in the partnership is personal property.

Sec. 19. ASSIGNMENT OF LIMITED PARTNER'S INTEREST. (1) A limited partner's interest is assignable.

(2) A substituted limited partner is a person admitted to all the rights of a limited partner who has died or has assigned his interest in a partnership.

(3) An assignee, who does not become a substituted limited partner, has no right to require any information or account of the partnership transactions or to inspect the partnership books; he is only entitled to receive the share of the profits or other compensation by way of income, or the return of his contribution, to which his assignor would otherwise be entitled.

(4) An assignee shall have the right to become a substituted limited partner if all the members (except the assignor) consent thereto or if the assignor, being thereunto empowered by the certificate, gives the assignee that right.

(5) An assignee becomes a substituted limited partner when the certificate is appropriately amended in accordance with section 25.

(6) The substituted limited partner has all the rights and powers, and is subject to all the restrictions and liabilities of his assignor, except those liabilities of which he

was ignorant at the time he became a limited partner and which could not be ascertained from the certificate.

(7) The substitution of the assignee as a limited partner does not release the assignor from liability to the partnership under sections 6 and 17.

Sec. 20. EFFECT OF RETIREMENT, DEATH OR INSANITY OF A GENERAL PARTNER. The retirement, death or insanity of a general partner dissolves the partnership, unless the business is continued by the remaining general partners

- (a) Under a right so to do stated in the certificate, or
- (b) With the consent of all members.

Sec. 21. DEATH OF LIMITED PARTNER. (1) On the death of a limited partner his executor or administrator shall have all the rights of a limited partner for the purpose of settling his estate, and such power as the deceased had to constitute his assignee a substituted limited partner.

(2) The estate of a deceased limited partner shall be liable for all his liabilities as a limited partner.

Sec. 22. RIGHTS OF CREDITORS OF LIMITED PARTNER. (1) On due application to the superior court by any judgment creditor of a limited partner, the court may charge the interest of the indebted limited partner with payment of the unsatisfied amount of the judgment debt; and may appoint a receiver, and make all other orders, directions, and inquiries which the circumstances of the case may require.

(2) The interest may be redeemed with the separate property of any general partner, but may not be redeemed with partnership property.

(3) The remedies conferred by paragraph (1) shall not be deemed exclusive of others which may exist.

(4) Nothing in this Act shall be held to deprive a limited partner of his statutory exemption.

Sec. 23. DISTRIBUTION OF ASSETS. (1) In settling accounts after dissolution the liabilities of the part-

nership shall be entitled to payment in the following order:

(a) Those to creditors, in the order of priority as provided by law, except those to limited partners on account of their contributions, and to general partners,

(b) Those to limited partners in respect to their share of the profits and other compensation by way of income on their contributions,

(c) Those to limited partners in respect to the capital of their contributions,

(d) Those to general partners other than for capital and profits,

(e) Those to general partners in respect to profits,

(f) Those to general partners in respect to capital.

(2) Subject to any statement in the certificate or to subsequent agreement, limited partners share in the partnership assets in respect to their claims for capital, and in respect to their claims for profits or for compensation by way of income on their contributions respectively, in proportion to the respective amounts of such claims.

Sec. 24. WHEN CERTIFICATE SHALL BE CANCELLED OR AMENDED. (1) The certificate shall be cancelled when the partnership is dissolved or all limited partners cease to be such.

(2) A certificate shall be amended when

(a) There is a change in the name of the partnership or in the amount or character of the contribution of any limited partner,

(b) A person is substituted as a limited partner,

(c) An additional limited partner is admitted,

(d) A person is admitted as a general partner,

(e) A general partner retires, dies or becomes insane, and the business is continued under section 20,

(f) There is a change in the character of the business of the partnership,

(g) There is a false or erroneous statement in the certificate,

(h) There is a change in the time as stated in the certificate for the dissolution of the partnership or for the return of a contribution,

(i) A time is fixed for the dissolution of the partnership, or the return of a contribution, no time having been specified in the certificate, or

(j) The members desire to make a change in any other statement in the certificate in order that it shall accurately represent the agreement between them.

Sec. 25. REQUIREMENTS FOR AMENDMENT AND FOR CANCELLATION OF CERTIFICATE. (1) The writing to amend a certificate shall

(a) Conform to the requirements of section 2 (1a) as far as necessary to set forth clearly the change in the certificate which it is desired to make, and

(b) Be signed and sworn to by all members, and an amendment substituting a limited partner or adding a limited or general partner shall be signed also by the member to be substituted or added, and when a limited partner is to be substituted, the amendment shall also be signed by the assigning limited partner.

(2) The writing to cancel a certificate shall be signed by all members.

(3) A person desiring the cancellation or amendment of a certificate, if any person designated in paragraphs (1) and (2) as a person who must execute the writing refuses to do so, may petition the superior court of the county in which the certificate is filed to direct a cancellation or amendment thereof.

(4) If the court finds that the petitioner has a right to have the writing executed by a person who refuses to do so, it shall order the county recorder of the county where the certificate is recorded to record the cancellation or amendment of the certificate; and where the certificate

is to be amended, the court shall also cause to be filed for record in said office a certified copy of its decree setting forth the amendment.

(5) A certificate is amended or cancelled when there is filed for record in the office of the county recorder of the county where the certificate is recorded

(a) A writing in accordance with the provisions of paragraph (1), or (2) or

(b) A certified copy of the order of court in accordance with the provisions of paragraph (4).

(6) After the certificate is duly amended in accordance with this section, the amended certificate shall thereafter be for all purposes the certificate provided for by this Act.

Sec. 26. PARTIES TO ACTIONS. A contributor, unless he is a general partner, is not a proper party to proceedings by or against a partnership, except where the object is to enforce a limited partner's right against or liability to the partnership.

Sec. 27. NAME OF ACT. This Act may be cited as the "Uniform Limited Partnership Act".

Sec. 28. RULES OF CONSTRUCTION. (1) The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this Act.

(2) This Act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

(3) This Act shall not be so construed as to impair the obligations of any contract existing when the Act goes into effect, nor to affect any action or proceedings begun or right accrued before this Act takes effect.

Sec. 29. RULES FOR CASES NOT PROVIDED FOR IN THIS ACT. In any case not provided for in this Act the rules of law and equity, including the law merchant, shall govern.

Approved by the Governor, March 19, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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CHAPTER 61

(Senate Bill No. 33)

AN ACT

RELATING TO EDUCATION; PROVIDING FOR THE RETIREMENT OF TEACHERS IN THE EDUCATIONAL SYSTEM AND ESTABLISHING THE ARIZONA TEACHERS' RETIREMENT SYSTEM; MAKING APPROPRIATION THEREFOR, AND REPEALING SECTION 54-1008, ARIZONA CODE OF 1939.

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

Section 1. SHORT TITLE. This Act may be cited as the teachers' retirement Act of 1943.

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

“retirement system” or “system” means Arizona teachers' retirement system;

“teacher” means any person holding an active teachers' certificate and engaged in instructional work, directly as classroom, laboratory, or other teacher, or indirectly as supervisory teacher, principal, superintendent, or administrative officer, in any school or educational institution or agency supported by the state or any political subdivision thereof, other than the university of Arizona;

“employee” means any teacher employed on an annual or monthly salary basis;

“employer” means the state, or any county, school district, municipal corporation, institution, or other agency by which an employee is paid;

“member” means a member of the retirement system;

“board of trustees” or “board” means the board of trustees of the Arizona teachers’ retirement system;

“medical board” means the board of physicians provided for in section 26;

“actuary” means the actuary employed by the board to compute rates and make valuations;

“executive secretary” means the executive secretary of the board;

“service” means service as an employee whose compensation is paid by an employer;

“prior service” means service rendered prior to July 1, 1943, for which credit is allowable under section 5;

“membership service” means service rendered subsequent to June 30, 1943, or since last becoming a member;

“creditable service” means prior service plus membership service for which credit is allowable as provided in sections 5 and 6;

“beneficiary” means any person in receipt of a pension, annuity, retirement allowance, or other benefit provided in this Act;

“regular interest” means such rate of interest compounded annually, as may be fixed by the board on the basis of the earnings of the retirement system for the preceding year and of the probable earnings in the immediate future, but in no case shall the rate be more than three and one-half per cent;

“accumulated contributions” means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the annuity savings fund, together with regular interest thereon;

“earnable compensation” means the amount of compensation which would be payable to an employee if he worked the full normal working time, except that earnable compensation in excess of two thousand eight hundred dollars per annum shall be deemed to be two thousand eight hundred dollars for the purposes of this Act, and in cases where compensation includes maintenance, the board

of trustees shall fix the value of that part not paid in money; any member who receives a decrease in compensation after the attainment of age fifty may continue to contribute on the basis of his compensation prior to the decrease, and such compensation shall, during the time of the added contribution, be treated as his earnable compensation;

“average final compensation” means the average annual earnable compensation of an employee during his last ten years of service or during his total period of service if less than ten years;

“annuity” means annual payments for life, payable in equal monthly installments, derived from accumulated contributions;

“pension” means annual payments for life, payable in equal monthly installments, derived from contributions by employers;

“normal pension” means the pension payable to a member as provided in this Act except the pension for service certified on his prior service certificate;

“retirement allowance” means the sum of the annuity and the pension, or any optional benefit in lieu thereof;

“retirement” means withdrawal from active service with a retirement allowance;

“retirement for service” means retirement because of age or years of service, other than on a disability retirement allowance;

“retirement for disability” means retirement because of physical or mental inability to perform service, other than disability resulting from injuries by accident received in the course of employment, covered by the workmen’s compensation Act and other than on a service retirement allowance;

“annuity reserve” means the present value of all payments to be made on account of any annuity or benefit in lieu thereof, computed on the basis of regular interest and mortality tables adopted by the board;

“pension reserve” means the present value of all pay-

ments to be made on account of any pension or benefit in lieu thereof, computed upon the basis of regular interest and mortality tables adopted by the board;

“actuarial equivalent” means benefit of equal value, computed upon the basis of regular interest and mortality tables adopted by the board.

Sec. 3. RETIREMENT SYSTEM. The Arizona teachers' retirement system shall be established as of July 1, 1943, and shall be maintained, under the management of the board of trustees, for the purpose of providing retirement allowances under the provisions of this Act, for the teachers of the educational system.

Sec. 4. MEMBERSHIP. (a) Any person who becomes an employee after July 1, 1943, shall become a member of the retirement system within one year after the date of his first employment, as a condition of further employment.

(b) Any person who is an employee as of the effective date of this Act shall become a member of the retirement system as of July 1, 1943, unless, prior to July 1, 1943, he files with the board of trustees, on a form prescribed by it: 1. notice of election not to be covered into the membership of the system, and, 2. a waiver of all present and prospective benefits which would otherwise inure to him under this Act. An employee who elects not to become a member may thereafter be admitted to membership, but in order to receive prior service credit shall become a member within one year after the establishment of the retirement system.

(c) In the event any member in any period of six consecutive years after last becoming a member, is absent from service for more than five years, except in compulsory military service or in the military service of the United States in time of war, withdraws his accumulated contributions, or becomes a beneficiary or dies, he shall cease to be a member.

Sec. 5. PRIOR SERVICE CREDIT. (a) Each member who was an employee at any time during the year immediately preceding the establishment of the retirement system, and who becomes a member during the first year thereafter, shall file a statement of prior service, setting forth in detail all service rendered by him for which he claims credit, within the state, and as teacher without

the state. Subject to the restrictions contained in subsection (b), the board shall verify the service claimed as soon as practicable after the statement is filed.

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

(c) A prior service certificate shall become void upon cessation of membership. In the event the holder thereof again becomes a member, he shall enter the system as an employee not entitled to prior service credit, except as provided in subsection (d), section 10.

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

Sec. 6. CREDITABLE SERVICE. (a) Creditable service at retirement on which the retirement allowance of a member is based shall consist of the membership service rendered by him since he last became a member, plus the service certified in his prior service certificate, if any.

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

Sec. 7. RETIREMENT FOR SERVICE. (a) Any member in service, who desires to be retired for service, shall file a written application with the board of trustees, setting forth the date, not less than thirty nor more than ninety days thereafter, on which he desires to be retired. If he has attained the age of sixty prior to the date

specified, he shall be retired, whether or not he separates from service during the period of notification.

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

Sec. 8. RETIREMENT FOR DISABILITY. Upon the application of a member or his employer, not less than thirty days nor more than ninety days after filing the same, any member in service who has not less than fifteen years of membership service and prior service within the state of Arizona may be retired for disability by the board, in the event the medical board, after a medical examination, certifies that he is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that he should be retired.

Sec. 9. SERVICE RETIREMENT ALLOWANCE. Upon retirement for service a member shall receive a service retirement allowance payable throughout life, consisting of: 1. an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement, but in the event the annuity reserve fund is determined by the board of trustees to be inadequate to pay all such annuities, then the amount of each annuity shall be reduced in the proportion that the annuity reserve fund bears to the total annuities payable therefrom; 2. a pension equal to the sum of six dollars plus one two-hundred-eightieth of his average final compensation multiplied by the number of years of membership service since he last became a member, but in the event the normal pension reserve fund is determined by the board of trustees to be inadequate to pay all of such pensions, then said sum shall be reduced in the proportion that the normal pension reserve fund bears to the total pensions payable therefrom, and, 3. if a member has served as a teacher in public schools for thirty years or more in the aggregate, fifteen years of which were in the public schools of Arizona, a pension equal to twenty dollars multiplied by the number of years of service certified on his prior service certificate not to exceed thirty years.

Sec. 10. DISABILITY RETIREMENT ALLOWANCE.

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

(b) A member having less than twenty years of creditable service shall receive a pension sufficient to make the total disability retirement allowance equal to the total disability retirement allowance which would have been payable had he twenty years of creditable service. In computing the pension provided in this subsection, any member who would have had less than twenty years of creditable service upon retirement for service at the age of sixty shall receive an allowance on account of membership service of not more than ninety percent of the allowance he would have received on account of membership service had he remained in service without change in average final compensation and retired on a service retirement allowance at age sixty.

(c) Not less than once each year for five years after his retirement for disability, and once in every three year period thereafter, the board of trustees may, and upon his application shall, require any disability beneficiary under the age of sixty to undergo a medical examination by a physician designated by the board, at the residence of the beneficiary or at a place mutually agreed upon. In the event any disability beneficiary under the age of

sixty refuses to submit to the required examination, his allowance shall be discontinued until withdrawal of his refusal, and should his refusal continue for one year, all rights to his pension shall be revoked by the board.

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

(e) The disability retirement allowance of a disability beneficiary under age sixty who is restored to active service, at a compensation not less than his average final compensation, shall cease, and he shall be reinstated as a member and contribute at the same rate he paid prior to disability. If he be restored to service before he attains the age of fifty-five, his prior service certificate, if any, shall be restored to full force, and he shall be credited with all his membership service upon his subsequent retirement. If he be restored on or after the attainment of age fifty-five he shall, upon his subsequent retirement, be credited with all his service as a member subsequent to his last restoration to membership, and shall receive: 1. a pension therefor as if he were a new entrant, and, 2. the pension which he received immediately prior to his last restoration.

Sec. 11. DEATH BENEFITS. Upon receipt of satisfactory proof of the death of a member in service, his accumulated contributions shall be paid to his estate, or to such person having an insurable interest in his life as he may have nominated by written designation acknowledged and filed with the board of trustees. However, the board of trustees may deduct from the accumulated contributions payable by reason of the death of a member

in service, an amount sufficient to cover costs in excess of his expense contributions incident to maintaining or administering the account of the deceased member.

Sec. 12. OPTIONAL BENEFITS. Subject to the condition that no optional selection shall be effective in case a beneficiary dies within thirty days after retirement, and that such beneficiary shall be considered an active member as of the date of death, any member, prior to the time the first payment on account of any benefit normally becomes due, may elect to receive, in lieu of the normal retirement allowance payable throughout life the actuarial equivalent thereof at the time of retirement, in a reduced retirement allowance payable throughout life under any one of the following optional plans:

(1). If he dies before he has received in annuity payments the amount of his accumulated contributions at the time of his retirement, the balance thereof shall be paid to his legal representative or to such person as he may nominate by written designation acknowledged and filed with the board.

(2). Upon his death, his reduced retirement allowance shall be paid throughout life to such persons as he may nominate by written designation acknowledged and filed with the board at the time of retirement.

(3). Upon his death, one-half of his reduced retirement allowance shall be paid throughout life to such person as he may nominate by written designation acknowledged and filed with the board at the time of retirement.

Sec. 13. RETURN OF ACCUMULATED CONTRIBUTIONS. Should a member cease to be an employee, other than by death or retirement under the provisions of this Act, he shall be paid on his request the amount of the accumulated contributions standing to the credit of his individual account in the annuity savings fund. In lieu of withdrawing his accumulated contributions, any member in service who has had not less than thirty years of service, has attained age fifty-five, and loses his position in the service and fails to secure employment therein prior to age sixty, such loss of position and failure to secure re-employment being involuntary on his part, may elect prior to the cessation of his membership to have his accumulated contributions used to provide a deferred annuity beginning at age sixty, in which case he shall also be entitled to a service retirement pension beginning

at age sixty on the basis of his years of creditable service and average final compensation.

Sec. 14. CONTRIBUTIONS BY MEMBERS. (a) Upon the basis of such tables and regular interest as are adopted by the board of trustees immediately after making each valuation required by this Act, the actuary shall determine for each member his contribution rate, which shall be that proportion of his compensation which, when deducted from each payment of his prospective annual earnable compensation prior to his attainment of age sixty and accumulated at regular interest until his attainment of that age, will provide at that time an annuity equal to one one-hundred-fortieth of his average final compensation multiplied by the number of years of membership service. The rate so computed for a member fifty-nine years of age shall be applied to a member who has attained a greater age before becoming a member. The board shall estimate annually the amount of money, not in excess of three-tenths of one per cent of the earnable compensation of all members for the ensuing fiscal year, necessary to provide for the expenses of operating the system for the ensuing fiscal year and such rate shall be in addition to the contribution for annuity provided for above.

(b) The board of trustees shall certify to each employer the combined annuity and expense contribution rates payable by the members compensated by that employer, and the employer shall cause to be deducted from the salary of each member for each pay roll period the proportion of earnable compensation so computed. No deduction shall be made for annuity purposes from the compensation of any member who elects not to contribute if he has attained age sixty and has completed thirty-five years of creditable service. In determining the compensation earnable by a member in any pay roll period, the rate of annual compensation payable to the member on the first day of the period may be treated as continuing throughout the period. The board may omit deduction from compensation for any period less than a full pay roll period if the employee was not a member on the first day of the pay roll period, and to facilitate the making of deductions it may modify the deduction required of any member by an amount not exceeding one-tenth of one per cent of the annual compensation upon the basis of which the deduction is made. No deduction shall be made from any member's salary on account of which no contribution is made as provided in section 15.

(c) Each employer shall certify to the board of trustees on each pay roll, or in such other manner as the board may prescribe, the amounts deducted pursuant to this section. Such deductions shall be paid by the county school superintendent, state auditor, or other officer by whom warrants are drawn in payment of employees' salaries to the board, and the board after making proper record thereof, shall transmit the same to the state treasurer. The board may modify, in any manner not in conflict with law, the method of collecting members' contributions. The board shall maintain an individual account for each employee from whose compensation deductions are made, and shall credit the same with all deductions for annuities plus regular interest thereon.

(d) The minimum compensation provided by law for any member shall not be construed to be reduced on account of any deduction provided for in this Act. Every member shall be deemed to consent and agree to the deductions and shall receipt for his full salary or compensation, and payment thereof less the deductions shall be deemed full and complete discharge of all claims and demands for the services rendered during the period covered by the payment, except as to the annuity benefits provided in this Act.

(e) In addition to the contributions required to be deducted from his compensation, and subject to the approval of the board, any member may deposit in the annuity savings fund, by a single payment, or by an increased rate of contribution: 1. an amount equal to the total amount which he may have previously withdrawn therefrom, or any part thereof, or, 2. an amount for the purpose of providing an additional annuity; but such additional payments shall not exceed the amounts computed to be necessary to provide an additional annuity of one-half his average final compensation at age sixty, and the benefits to be derived therefrom shall include only the amount of such payment or payments plus their actual earnings in interest, minus the cost of administering such funds as determined by the board of trustees. The additional amounts so deposited shall become a part of the member's accumulated contributions, except that in case of death or retirement for disability they shall be treated as excess contributions, and after deductions have been made for cost of administration, shall be returnable in cash to the member, or his estate or designated beneficiary, or, at the option of a member retired for disability, as an annuity of equivalent actuarial value.

Sec. 15. CONTRIBUTIONS BY STATE AND COUNTIES. (a) For the thirty-fourth fiscal year, and for each fiscal year thereafter, there shall be paid semi-annually into the normal pension accumulation fund, on account of each member, an amount equal to a certain percentage of his earnable compensation to be known as the normal contribution, and there shall be paid semi-annually into the accrued liability fund an amount equal to a certain percentage of his earnable compensation to be known as the accrued liability contribution. The percentage rates thereof shall be fixed on the basis of the liabilities of the retirement system as shown by actuarial valuation.

(b) For each of the thirty-second and thirty-third fiscal years, the normal contributions shall be two and fifty-six hundredths per cent of the employee pay roll for the thirty-first and thirty-second fiscal years, respectively.

(c) On the basis of regular interest and of such mortality and other tables as are adopted by the board of trustees, the actuary, immediately after making each valuation required by this Act, shall determine the normal contribution rate, but in no case shall the rate be more than two and fifty-six hundredths per cent of the employee pay roll for the year for which such rate is fixed. The normal contribution rate shall be the constant percentage of the earnable compensation of the average new entrant which, if contributed on the basis of his compensation throughout his entire period of service, would be sufficient to provide for the payment of any pension on his account.

(d) On the basis of regular interest and of such mortality and other tables as are adopted by the board of trustees, the actuary, immediately succeeding the first valuation, shall compute the accrued liability contribution rate, which shall be that percentage of the annual employee pay roll of the members having prior service certificates which when applied to each prospective annual pay roll will, when added to the contributions provided for in section 30 to the accrued liability fund, provide for the payment of all pensions payable from said fund.

(e) The accrued liability contribution shall be discontinued when the accumulated reserve in the accrued liability fund equals the present value of the total liability of the fund.

(f) Not later than January 1 next preceding each regular session of the legislature, the board of trustees shall certify to the superintendent of public instruction an estimate of the amounts which will become due and payable on account of the accrued liability contribution to the accrued liability fund during the following biennium. The amount so certified within the sums authorized by the legislature shall be included in the budget of the superintendent of public instruction, and shall be paid from the state school fund.

(g) Not later than January 1 next preceding each regular session of the legislature, the board of trustees shall certify to the superintendent of public instruction, the boards of education of the state teachers' colleges, and the board of directors of the Arizona state school for the deaf and blind, an estimate of the amounts which will become due and payable on the earnable compensation of employees of the state department of education and the institutions named during the following biennium on account of the normal contribution to the pension accumulation fund. The amounts so certified shall be included in the respective budgets of such department and institutions, and appropriated and paid in the manner provided by law.

(h) The superintendent of public instruction, the boards of education of the state teachers' colleges, and the board of directors of the Arizona state school for the deaf and the blind shall certify to the state auditor, not later than the second Monday in December and June of each fiscal year, one-half of the amounts ascertained as provided in subsections (f) and (g) for each year of the biennium. Upon receipt thereof the state auditor shall draw his warrants on the state treasurer for the respective amounts due the retirement system, payable to the board of trustees, who, after making proper record thereof, shall transmit the amounts due to the state treasurer for credit to the respective funds.

(i) Not later than July 1 of each year the board of trustees shall certify to each county school superintendent the amount which will become due and payable from the county on the earnable compensation of all employees within the county as hereinafter defined to the normal pension accumulation fund, on account of normal contributions during the succeeding fiscal year. The amount so certified shall be included in the estimate of the county school superintendent to the board of supervisors, who

shall levy a county tax sufficient to raise the same. Upon collection by the county treasurer such moneys shall be segregated into the teachers' retirement fund, payments from which shall be made only upon the county school superintendent's warrant drawn upon the order of the board of trustees.

(j) Upon the order of the board of trustees the county school superintendent shall draw his warrant on the county treasurer, payable to the board of trustees, for one-half of the amount certified as provided in subsection (i), not later than the second Monday in December and June of each fiscal year. The county school superintendent shall transmit the warrant to the board of trustees, who, after recording the same, shall transmit it to the state treasurer. Upon presentation the county treasurer shall pay the warrant and the state treasurer shall credit the proceeds to the pension accumulation fund.

Sec. 16. SEGREGATION OF FUNDS. (a) The assets of the retirement system shall be credited, as provided in this Act, to the annuity savings fund, the annuity reserve fund, the normal pension accumulation fund, the normal pension reserve fund, the accrued liability fund, the accrued liability reserve fund, or the expense fund.

(b) The annuity savings fund shall consist of the accumulated contributions from the compensation of members to provide for their annuities, as provided in section 14. The accumulated contributions withdrawn by a member, or paid to his estate or to his designated beneficiary in the event of his death, shall be paid from the annuity savings fund.

(c) The annuity reserve fund shall consist of the reserves on all annuities in force, and all annuities and benefits in lieu of annuities shall be paid therefrom. Upon the retirement of a member his accumulated contributions shall be transferred from the annuity savings fund to the annuity reserve fund. In the event a disability beneficiary is restored to active service with compensation not less than his average final compensation at the time of his last retirement, his annuity reserve shall be transferred from the annuity reserve fund to the annuity savings fund and credited to his individual account therein.

(d) The normal pension accumulation fund shall consist of all normal contributions for the payment of normal pensions on account of retirement for service or for dis-

ability. All interest and dividends earned on the funds of the retirement system shall be credited to the normal pension accumulation fund, and annually the board of trustees shall allow regular interest on the annuity savings fund, the annuity reserve fund, the normal pension reserve fund, the accrued liability fund and the accrued liability reserve fund. The amounts of such interest shall be transferred to the respective funds from the normal pension accumulation fund.

(e) The normal pension reserve fund shall consist of the reserves on all normal pensions granted to members, and such pensions and benefits in lieu thereof shall be paid therefrom. Upon the retirement of a member an amount equal to his normal pension reserve shall be transferred from the normal pension accumulation fund to the normal pension reserve fund. In the event a beneficiary retired for disability is restored to active service with a compensation not less than his average final compensation at the time of his last retirement, the pension reserve thereon shall be transferred from the normal pension reserve fund to the normal pension accumulation fund. If the pension of such disability beneficiary is reduced as a result of an increase of his earning capacity, the amount of annual reduction shall be paid annually into the normal pension accumulation fund from the normal pension reserve fund during the period of such reduction.

(f) The accrued liability fund shall consist of all contributions made by the employer, as provided in section 15 (d), and the contributions made by the state, as provided in section 30, with the exception of the appropriation provided for in subsection (b), 1, 1b thereof.

(g) The accrued liability reserve fund shall consist of the reserves on all pensions granted to a member by reason of service certified on his prior service certificate, and such pensions and benefits in lieu thereof shall be paid therefrom. Upon the retirement of a member entitled to credit for prior service, an amount equal to such pension reserve shall be transferred from the accrued liability fund to the accrued liability reserve fund. In the event a beneficiary retired for disability is restored to active service with a compensation not less than his average final compensation at the time of his last retirement, the pension reserve thereon shall be transferred from the accrued liability reserve fund to the accrued liability fund. If the pension of such disability beneficiary is reduced as a result of an increase in his earning

capacity the amount of annual reduction shall be paid annually into the accrued liability fund from the accrued liability reserve fund during the period of such reduction.

(h) The expense fund shall consist of all moneys provided to pay the administration expenses of the retirement system, and all expenses of administration and operation of the system shall be paid therefrom.

Sec. 17. BOARD OF TRUSTEES. (a) The board of trustees of the Arizona teachers' retirement system shall consist of five trustees appointed by the governor in the manner provided in subsection (b). One trustee shall be appointed pursuant to paragraph (1), subsection (b), for a term ending June 30, 1944, and one each pursuant to paragraphs (2), (3), (4) and (5), subsection (b), for terms ending respectively one, two, three and four years thereafter. Upon the expiration of any term a successor shall be appointed for a full term of five years. Appointment to fill a vacancy resulting otherwise than from expiration of term shall be for the unexpired portion of the term only.

(b) The five appointive trustees of the board shall be appointed and qualified as follows:

(1). One citizen of the state, not an employee, to be appointed from a list of three nominees certified as qualified and willing to accept the appointment by the state board of education.

(2). One member of the retirement system who shall be a classroom teacher, to be appointed from a list of three nominees certified as qualified and willing to accept the appointment by the state board of education.

(3). One person who shall be a school administrative officer, or a member of the faculty of an institution of higher learning within the state, to be appointed from a list of three nominees certified as qualified and willing to accept the appointment by the state board of education.

(4). One citizen of the state, not an employee, who shall have had not less than five years' experience in the life insurance or investment business, to be appointed from a list of three nominees certified as qualified and willing to accept the appointment by the state board of education.

(5). One citizen of the state, not an employee, who shall have had not less than five years' experience as a responsible officer of a bank or trust company, to be appointed from a list of three nominees certified as qualified and willing to accept the appointment by the state board of education.

(c) A trustee shall be removable by the governor only for cause, after being given a copy of the charges against him and a public hearing thereon before the governor. A copy of the charges and a transcript of the record of the hearing shall be filed with the secretary of state.

(d) Each trustee shall receive ten dollars per day while the board is in session, or otherwise engaged in work authorized by the board and for the performance of which the trustee seeking compensation has been designated, plus necessary traveling expense and subsistence while away from home on business of the board, not to exceed five dollars per day, to be paid from the expense fund. In no event shall any trustee be paid the per diem for more than thirty days in any fiscal year.

Sec. 18. ORGANIZATION AND MEETINGS. (a) Immediately after the full board shall have been appointed and qualified, the board of trustees shall organize and select its officers. It shall elect from its membership a chairman and a vice-chairman, and the executive secretary shall serve as its secretary. A majority of the trustees shall constitute a quorum for the transaction of business.

(b) The attorney-general shall be the legal advisor of the board, but the board may employ the services of a special attorney in connection with individual and specific matters when in its judgment the need exists.

Sec. 19. OATH AND BOND OF TRUSTEES. (a) Within ten days after his appointment, each trustee shall take the oath prescribed for state officers, shall subscribe and file the same with the secretary of state, and shall furnish a surety bond payable to the state of Arizona conditioned for the faithful performance of his duties in the sum of twenty-five thousand dollars to be approved by the governor and attorney-general and filed with the secretary of state. Premiums for such bond shall be paid from the expense fund.

Sec. 20. **POWERS AND DUTIES OF BOARD.** The board of trustees of the Arizona teachers' retirement system shall have the powers and privileges of a corporation and shall in the name "Arizona teachers' retirement system" transact all business, invest all funds, and hold in trust for the purposes for which received, all cash, securities, and other property of the system, and in that name it may sue and be sued. The general administration and responsibility for the proper operation of the system and the provisions of this Act shall be vested in the board. The board shall establish such rules and regulations as may be lawful and necessary for the administration of the funds of the system and to carry out the provisions of this Act, and shall perform or direct the performance of all acts necessary to carry out the provisions of this Act.

Sec. 21. **EXECUTIVE SECRETARY.** The board of trustees, by a majority vote of all of its members, shall employ the executive secretary, who shall not be a member of the board, and who shall be thoroughly qualified in accounting and office management. The salary of the executive secretary shall not exceed three thousand dollars (\$3,000.00) per year, to be paid from the "expense fund". He shall take and subscribe an oath of office and file the same with the secretary of state, and shall furnish a surety bond payable to the state of Arizona in an amount prescribed by the board, not less than one hundred thousand dollars, and approved by the governor and attorney-general, and file it with the secretary of state. Premiums for the bond shall be paid from the expense fund.

Sec. 22. **DUTIES OF EXECUTIVE SECRETARY.** The board shall determine the powers and duties of the executive secretary, which shall include the keeping in convenient form of such data as may be necessary for actuarial valuation of the several funds of the system and for checking expenditures. He shall keep a record of all proceedings of the board, which shall be open to public inspection.

Sec. 23. **ANNUAL REPORT OF EXECUTIVE SECRETARY.** The executive secretary shall publish annually, not later than December 31, a report certified by a certified public accountant showing: 1. the fiscal transactions of the retirement system for the preceding fiscal year; 2. a fund balance sheet; 3. the amount of accumulated cash and securities of the system, and, 4. the last balance sheet showing the financial condition of the system by means of actuarial valuation of assets and liabilities.

Sec. 24. ACTUARY. The board shall employ an actuary, who shall be the technical advisor of the board on matters relating to the operation of the funds created by this Act, and shall perform such other duties as are required in connection therewith.

Sec. 25. VALUATIONS BY ACTUARY. (a) Immediately after the establishment of the retirement system the actuary shall make such investigation of the mortality service and compensation experience of the members as he may recommend and the board may authorize, and on the basis thereof shall recommend for adoption by the board the tables and rates required by subsection (b). As soon as practicable after adoption of the tables and rates, the actuary shall make a valuation based thereon of the assets and liabilities of the several funds of the system.

(b) In the year 1946 and not less than once in each five year period thereafter, the actuary shall make an actuarial investigation into the mortality, service and compensation experience of members and beneficiaries, and shall make a valuation of the assets and liabilities of the funds of the system. Taking into account the result of such investigation and valuation, the board of trustees shall: 1. adopt for the retirement system such mortality, service, and other tables as may be deemed necessary; 2. certify the rates of contribution payable by members; 3. certify the rates for the normal contributions payable on account of new entrants at various ages, and, 4. certify the rates for the accrued liability contributions payable on account of members having prior service certificates.

(c) On the basis of the tables adopted by the board, the actuary shall make an annual valuation of the assets and liabilities of the several funds of the system.

Sec. 26. MEDICAL BOARD. The medical board shall consist of three physicians not eligible to participate in the retirement system, who shall be appointed by the board of trustees. Other physicians may be employed by the board of trustees in its discretion to report on specific cases when deemed by it necessary. The members of the medical board shall be appointed for such terms and receive such fees as the board of trustees may prescribe.

Sec. 27. DUTIES OF MEDICAL BOARD. The medical board shall: 1. arrange for and pass upon all medical examinations required by this Act; 2. investigate

all essential statements and certificates in connection with an application for retirement for disability, and, 3. report in writing to the board of trustees its conclusions and recommendations upon all matters referred to it.

Sec. 28. OTHER EMPLOYEES. The board shall employ such actuarial and other assistants as may be required to transact the business of the system. Their compensation, and the amount of all other expenses necessary for the operation of the system, shall be fixed by the board, unless otherwise provided by law.

Sec. 29. FISCAL MANAGEMENT. (a) The board of trustees shall be the trustee of the several funds of the retirement system. It shall have power to invest and re-invest such funds in bonds of the United States of America; federal housing insured mortgage bonds of the United States of America; federal land bank bonds; general obligation bonds of the state of Arizona or of the counties, incorporated cities or towns, or school districts thereof; revenue bonds of incorporated cities or towns of the state of Arizona and of the board of regents of the university of Arizona, the Arizona state teachers' college at Tempe, and the Arizona state teachers' college at Flagstaff, if such revenue bonds authorized to be purchased for investment of said funds shall be limited to first closed lien revenue bonds wherein the revenues available for debt service payments shall have been, in each of the four years immediately prior to the purchase, equal to more than three times the debt service requirement in any year that the said bonds may be outstanding; or bonds of agricultural improvement districts and agricultural improvement and power districts organized under the laws of Arizona, when issued or guaranteed, with the approval of the secretary of the interior, by corporations operating a United States reclamation project within the state of Arizona. Subject to like conditions, limitations, and restrictions, the board shall have power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds of the system are invested, and upon such sale the proceeds thereof shall be deposited with the state treasurer to the credit of the proper fund, subject to reinvestment and payment therefrom by order of the board of trustees as in this Act provided.

(b) The state treasurer shall be the custodian of the several funds of the system. All moneys therein shall be kept on deposit in one or more banks or trust companies

organized under the laws of the state of Arizona or of the United States, and shall not be mingled with any other moneys belonging to the state or of which the state treasurer is the custodian. The sum on deposit in any bank or trust company shall not exceed twenty-five per cent of the paid up capital and surplus of such bank or trust company, and shall be secured by collateral in the same manner as are state funds. For the purpose of meeting the immediate needs of the retirement system for the payment of pensions, annuities, and other benefits, there shall be kept on deposit, subject to payment on demand, an amount of money not exceeding ten per cent of the total assets of the several funds. All securities and investments belonging to the several funds shall be in the joint custody of the state treasurer and the executive secretary, and the executive secretary shall keep a complete and detailed record thereof.

(c) Payments from the funds of the system shall be made by the state treasurer only upon warrants drawn by the state auditor in payment of duly executed vouchers signed by two persons designated by the board of trustees. An attested copy of a resolution of the board designating such persons, and bearing on its face their specimen signatures, shall be filed with the state auditor as his authority for drawing such warrants.

(d) Except as otherwise provided in this Act, no trustee or employee of the board of trustees shall: 1. have any direct interest in the gains or profits of any investment made by the board; 2. as a result of such interest receive any emolument for his service; 3. in any manner use any investment or money of the system, directly or indirectly, for himself or as agent, except to make current and necessary payments authorized by the board, nor, 4. become an endorser or surety, or in any manner an obligor, for moneys loaned by or borrowed from the board.

Sec. 30. APPROPRIATION. (a) To cover the payment of pensions in force on the date the retirement system is established, and to supplement the state's contribution to the retirement system, there is transferred to the accrued liability fund for use of the board of trustees of the Arizona teachers' retirement system the unexpended balance of the sums appropriated for teachers' pensions by subdivision 4, section 1, chapter 122, Session Laws of 1941, regular session.

(b) To cover the state's contribution to the retirement system for the biennium ending June 30, 1945, and thereafter, there shall be transferred from the state school fund to the Arizona teachers' retirement system for the purpose of carrying out the provisions of this Act: 1. for the thirty-second fiscal year: 1a. for the accrued liability fund the sum of one hundred thousand dollars, and, 1b. for the expense fund the sum of two thousand five hundred dollars; 2. for the thirty-third fiscal year, for the accrued liability fund the sum of one hundred thousand dollars, and, 3. for each fiscal year thereafter, unless otherwise provided by law, the sum of one hundred thousand dollars.

(c) The amounts appropriated and transferred in subsections (a) and (b) shall be paid to the respective funds in the manner provided in subsection (h), section 15.

Sec. 31. EXEMPTION FROM TAXATION AND EXECUTION. The pensions, annuities, and other benefits, the accumulated deductions and contributions, and the cash and securities in the several funds provided for in this Act, shall be exempt from all state, county and municipal taxes, and shall not be subject to execution or attachment, by trustee process, in law or in equity, or under any other process, and shall be non-assignable except as specifically provided in this Act.

Sec. 32. ERRORS. In the event any change or error in the records of the system results in any member or beneficiary receiving from the system more or less than he would have been entitled to had the records been correct, the board shall correct such error, and, as far as practicable, shall adjust the subsequent payments in such manner that the actuarial equivalent of the benefits to which the member or beneficiary was correctly entitled shall be paid. In the event of an overpayment to any member or beneficiary, the board may take legal action not in conflict with subsection (b), section 18, to recover such overpayment.

Sec. 33. TEACHERS RETIRED UNDER EXISTING LAW. All pensions in force on the date the retirement system is established, payable to teachers retired under the provisions of section 54-1008, Arizona Code of 1939, shall be continued and paid thereafter from the accrued liability fund.

Sec. 34. APPLICATION OF OTHER LAWS. No

provision of law in force on the date this Act takes effect, other than the provisions of this Act, which provides for pensions or other retirement benefits for teachers or their dependents, at the expense of the state or any employer, as defined in section 2, in whole or in part, shall apply to members or beneficiaries, or their dependents, of the retirement system established by this Act.

Sec. 35. FALSE STATEMENTS AND RECORDS. Any person who knowingly makes any false statement, or who falsifies or permits to be falsified any record of the retirement system, in any attempt to defraud the system, shall be guilty of a misdemeanor.

Sec. 36. RESERVATION TO LEGISLATURE. The right to modify, amend or repeal this Act or any provisions thereof is hereby reserved to the legislature.

Sec. 37. CONDITIONAL TERMINATION OF ACT. In the event the Congress of the United States of America extends the old age and survivor's insurance benefit payments provided for in the Act of August 14, 1935 (49 Stat. 622) as amended, to cover teachers under state retirement systems, then the provisions of this Act shall terminate and each member shall be paid on his request the amount of the accumulated contributions standing to the credit of his individual account in the annuity savings fund.

Sec. 38. REPEAL. Sec. 54-1008, Arizona Code of 1939, is repealed. This section does not negative an implied repeal of any statute which conflicts with this Act.

Approved by the Governor, March 19, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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## CHAPTER 62

(House Bill No. 22)

### AN ACT

RELATING TO EDUCATION; REQUIRING THE TEACH-

ING AND KNOWLEDGE OF THE FEDERAL AND STATE CONSTITUTIONS AND AMERICAN CITIZENSHIP, AMENDING SECTIONS 54-803, 54-804, AND 54-805, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 54-803, Arizona Code of 1939, is amended to read:

54-803. TEACHING OF CITIZENSHIP AND STATE AND FEDERAL CONSTITUTIONS. All public schools shall give instruction in the essentials, sources, and history of the constitution of the United States and of Arizona, and in American institutions and ideals. The instruction shall be given, in accordance with the state course of study, for at least one year of the grammar and high school grades respectively. The state Board of Education shall prescribe suitable books therefor.

Sec. 2. Sec. 54-804, Arizona Code of 1939, is amended to read:

54-804. EXAMINATION OF TEACHERS. Every person applying for a certificate authorizing him to become superintendent, principal, or teacher in any public school or college shall, in addition to other requirements, successfully complete a course in and pass a satisfactory examination upon the provisions and principles of the constitution of the United States and of Arizona. A person who has not met the requirements of this section at the time application for a certificate is made, but has met all other requirements, may be granted a certificate for not to exceed one year. No additional certificate may be granted until all requirements have been fulfilled as provided by the regulations of the state Board of Education governing certification of teachers.

Sec. 3. Sec. 54-805, Arizona Code of 1939, is amended to read:

54-805. DISMISSAL FOR NONCOMPLIANCE. Willful neglect or failure on the part of any public school superintendent, principal, or teacher, or other officer of any public school, or college, to observe and carry out the requirements of sections 54-803 and 54-804 shall be sufficient cause for dismissal or removal of that person from his position, and the superintendent of public in-

struction shall make the necessary arrangements for carrying out the provisions thereof.

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

Approved by the Governor, March 19, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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## CHAPTER 63

(House Bill No. 49)

### AN ACT

FOR THE RELIEF OF THE INDUSTRIAL COMMISSION OF ARIZONA; AUTHORIZING THE TRANSFER OF FUNDS TO CORRECT A CLERICAL ERROR; AND DECLARING AN EMERGENCY.

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

Section 1. TRANSFER OF FUNDS. The industrial commission of Arizona is empowered and authorized, notwithstanding the provisions of section 56-924, Arizona Code of 1939, to transfer from the surplus account of the workmen's compensation Act to the dividend account thereof the sum of forty-six thousand eight hundred seventy-two dollars seventy-six cents, and for such purpose to adopt a resolution nunc pro tunc as of June 30, 1942, to be spread upon the minutes of the commission, directing such transfer.

Sec. 2. PURPOSE. The authority extended under the provisions of section 1 is for the purpose of enabling the correction of a clerical error, made without improper intent or injurious effect, in calculating the disbursement of a policyholders' dividend declared by the commission under the terms of a resolution adopted June 30, 1942.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become

immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor, March 19, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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CHAPTER 64

(House Bill No. 51)

AN ACT

RELATING TO WORKMEN'S COMPENSATION; PROVIDING FOR THE INVESTMENT AND ADMINISTRATION OF THE ACCIDENT BENEFIT FUND; AMENDING SECTION 56-942, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 56-942, Arizona Code of 1939, is amended to read:

56-942. ACCIDENT BENEFIT FUND. The commission shall invest and administer the accident benefit fund in the same manner and with the same power that it invests and administers the state compensation fund. The state treasurer shall be the custodian of the fund, and deposits therein and disbursements therefrom shall be made in the manner prescribed by law for the state compensation fund.

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

Approved by the Governor, March 19, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

## CHAPTER 65

(House Bill No. 56)

## AN ACT

RELATING TO WORKMEN'S COMPENSATION; DEFINING THE TERMS "EMPLOYEE", "WORKMAN", AND "OPERATIVE"; AMENDING SECTION 56-929, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 56-929, Arizona Code of 1939, is amended to read:

Sec. 56-929. "EMPLOYEE", "WORKMAN", "OPERATIVE". (a) In this article, unless the context otherwise requires, the terms "employee", "workman", and "operative" mean: 1. every person in the service of the state, or of a county, city, town, municipal corporation, or school district, including regular members of lawfully constituted police and fire departments of cities and towns, under appointment or contract of hire, except the elective officials and except officials receiving more than three thousand six hundred dollars (\$3,600) per year salary, and, 2. every person in the service of any employer subject to the provisions of this article, including aliens and minors legally or illegally permitted to work for hire, but not including a person whose employment is casual and is not in the usual course of trade, business or occupation of the employer.

(b) Lessees of mining property and their employees and contractors, engaged in the performance of work which is a part of the business conducted by the lessor and over which the lessor retains supervision or control, are within the meaning of this section employees of the lessor, and deemed to be drawing such wages as are usually paid employees for similar work, and the lessor may deduct from the proceeds of ores mined by the lessees the premium required by this article to be paid for such employees.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become

immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor, March 19, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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CHAPTER 66

(House Bill No. 58)

AN ACT

RELATING TO EDUCATION, AND PROVIDING FOR INSTRUCTION ON THE NATURE OF ALCOHOL AND NARCOTICS, AND THEIR EFFECTS UPON THE HUMAN SYSTEM.

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

Section 1. INSTRUCTION ON ALCOHOL AND NARCOTICS. (a) Instruction on the nature of alcohol and narcotics, and their effects upon the human system, shall be included in the courses of study in grade and high schools. The instruction may be combined with health, science, citizenship or similar studies.

(b) The state board of education may arrange for carrying out the provisions of this Act by lecture or educational films.

Sec. 2. EFFECTIVE DATE. This Act shall take effect September 1, 1943.

Approved by the Governor, March 19, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

## CHAPTER 67

(House Bill No. 64)

## AN ACT

RELATING TO STATE LAND; PROVIDING FOR PAYMENT TO THE STATE OF MONEY RECEIVED FOR NATURAL PRODUCTS BY THE HOLDER OF A CERTIFICATE OF PURCHASE, AND AMENDING ARTICLE 4, CHAPTER 11, ARIZONA CODE OF 1939, BY ADDING SECTION 11-416a.

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

Section 1. Article 4, chapter 11, Arizona Code of 1939, is amended by adding section 11-416a:

11-416a. SALE OF NATURAL PRODUCTS BY HOLDER OF CERTIFICATE. (a) In the event a purchaser of state land under a certificate of purchase sells or contracts to sell, directly or indirectly, any sand, gravel, stone, or other natural product from the land described in the certificate, he shall file with the commissioner, within ten days after the sale or the making of the contract, as the case may be, a statement, under oath, on a form furnished by the commissioner, of the kind and quantity of natural product sold, the terms of the sale, and the amount received or to be received therefor.

(b) Upon receipt of any money from a sale or contract described in subsection (a), the holder of the certificate shall promptly pay the same to the commissioner. The commissioner shall apply the money, first, to payment of the interest accrued under the certificate, and the remainder, if any, to payment of the principal sum owing on the land described in the certificate. In the event the payment is sufficient to discharge the total debt owing under the certificate, with accrued interest thereon, the commissioner shall issue a patent as provided in this article.

(c) The commissioner shall cancel the certificate of purchase of a purchaser of state land who fails or refuses to make, or knowingly makes any false statement in, any statement required by subsection (a), or who fails or refuses to pay to the commissioner any money required to be paid by subsection (b). The land described

in the certificate, together with all improvements thereon, shall revert to the state, and all sums theretofore paid for the land by the purchaser shall be forfeited to the state.

(d) Any person who violates any provision of this Section is guilty of a misdemeanor, and shall be imprisoned in the county jail not less than six months nor more than one year.

Approved by the Governor, March 19, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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## CHAPTER 68

(House Bill No. 83)

### AN ACT

FOR THE RELIEF OF RAY J. R. MARTIN AND MARY-LOU MARTIN, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. (a) The sum of fifteen hundred, fifty-three dollars and thirty-three cents is hereby appropriated out of the general fund for the relief of Ray J. R. Martin and Mary-Lou Martin, as payment in full, representing the sum of eleven hundred, eighty-two dollars sixty-eight cents as principal, plus three hundred seventy dollars sixty-five cents as interest.

Sec. 2. BASIS OF CLAIM. Payment of the sum appropriated shall be in full satisfaction of the interest of Ray J. R. Martin and Mary-Lou Martin in a judgment issued out of the superior court of Maricopa county, on October 6, 1941, in which Ray J. R. Martin and Mary-Lou Martin were awarded the return of moneys by them paid on the purchase of lands sold by the state, which judgment was affirmed by the supreme court on October 13, 1942.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become

immediately operative. It is therefore declared to be an emergency measure to take effect as provided by law.

Approved by the Governor, March 19, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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## CHAPTER 69

(House Bill No. 97)

### AN ACT

RELATING TO STATE BOARD OF SOCIAL SECURITY AND WELFARE; PROVIDING FOR COMPENSATION AND EXPENSES TO THE MEMBERS THEREOF; AMENDING SECTION 70-102, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 70-103, Arizona Code of 1939, is amended to read:

70-103. 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.

**COMPENSATION AND EXPENSES OF BOARD MEMBERS.** For services rendered while attending general or special meetings of the board, or while performing official duties for the board, each member of the state board of social security and welfare shall, in addition to receiving the usual mileage and traveling expenses, be paid the sum of ten dollars (\$10.00) per day; provided, that no board member shall receive compensation for more than a total of one hundred days (100) of service during any 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 by the Governor, March 19, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

(This Bill carrying the Emergency Clause was passed by the following vote: House—36 ayes, 20 nays, 0 absent, 2 excused. Senate—18 ayes, 1 nay, 0 not voting.)

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## CHAPTER 70

(House Bill No. 101)

### AN ACT

RELATING TO AUTHORIZED INVESTMENTS AND LOANS FOR INSURANCE COMPANIES; AMENDING SECTION 61-325, ARIZONA CODE OF 1939, AS AMENDED.

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

Section 1. Sec. 61-325, Arizona Code of 1939, as amended, is amended to read:

61-325. AUTHORIZED INVESTMENTS; REPORTS; LOANS ON REAL PROPERTY; SALE. Domestic companies may invest their capital and accumulations in the following named securities only: 1. in the purchase of or loans upon interest bearing bonds of the United States government, or of a state of the United States not in default for interest on such bonds; or of any of the counties and incorporated cities and towns and duly organized school districts of any state or territory of the United States not in default for interest on such bonds; 1a. in obligations issued pursuant to the provisions of the Federal Home Loan Bank Act, approved July 22, 1932, as now or hereafter amended; in obligations issued pursuant to Title IV of the National Housing Act, approved June 27, 1934, as now or hereafter amended; and in the shares, share accounts, investment certificates or accounts of any building and loan association, savings and loan association or other institution wherever located, including any federal savings and loan association, which has the insurance protection provided by Title IV of the National Housing Act, approved June 27, 1934, as now or hereafter amended, up to the amount such shares, share accounts, investment certificates or accounts are insured by the Federal Savings and Loan Insurance Corporation; 2. in loans upon unincumbered real property, worth fifty per cent more than the amount loaned thereon, exclusive of buildings unless such buildings are insured and the policies transferred to the company; 3. companies engaged in insuring titles to real property may, after the investment of fifty thousand dollars in the above securities, invest an amount not exceeding fifty per cent of their subscribed capital stock, in the preparation and purchase of material or plant necessary to enable them to engage in such business; and such materials or plant shall be an asset valued at the actual cost thereof; and, 4. companies having invested in securities named in subsections one and two an amount equal to the paid up capital stock required of stock companies engaged in such kinds of insurance business, may invest the balance of their capital and accumulations in purchase of, or loans upon, interest bearing bonds (not in default of interest) of any corporation of any state of the United States, or of the District of Columbia, upon approval of the commission, and upon a majority vote of all the directors of such corporation or a unanimous vote of a committee thereof charged with the duty of investing or loaning the funds of the company and, provided, such bonds be secured by collateral worth at least fifty per cent more than their par value and not more than one-third of the total value of the collateral security be shares of stock. The officers of such corpor-

ation shall report quarterly during the months of January, April, July, and October of each year to the commission a list of such investments so made by them, and the commission may, if such investments or any of them seem injudicious, require the sale of same. But no investment in the securities named in subsections one or four of this section may be made in an amount exceeding the market value of such securities, at the date of such investment. Every domestic company doing business in other states or in foreign countries, may invest the funds required to meet its obligations incurred in such other state or foreign country, and in conformity to the laws thereof, in the same kind of securities of such other state or foreign country that such company is by law allowed to invest in this state. A life insurance company may lend a sum not exceeding the legal reserve which it maintains upon a policy upon the pledge to it of said policy and its accumulations as collateral security, but this section shall not authorize one insurance company to obtain by purchase or otherwise, the control of any other insurance company. A domestic company may invest in such real property as is necessary for the home offices of its business and may rent space therein not immediately required for its own use, provided, that such investment shall not reduce the surplus assets, exclusive of such investment, to less than fifty per cent of the minimum capital required by law of such company; provided, further, that such investment shall not be made by a domestic mutual insurance company that will reduce the surplus assets, exclusive of such investment, of such company to less than fifty thousand dollars. All investments, loans and deposits of the funds and securities of each domestic company and all purchases on behalf of every such company and all sales made of the property and effects of such company shall be made in its corporate name, and no officer or other person having any authority in the investment or disposition of its funds, shall accept or receive, except for the company, or be the beneficiary of, either directly or remotely, any fee, gift or other consideration for or on account of any loan, deposit, purchase, sale, payment or exchange made by or on behalf of such company, or be pecuniarily interested therein either as borrower, principal, co-principal, agent, attorney or beneficiary. No investment, sale or loan, except loans upon its own policies, shall be made which has not first been authorized by the board of directors, or by a committee thereof charged with the duty of investing or loaning the funds of the company, nor shall any deposit be made in a banking institution unless such bank has first been approved as a bank of deposit by the board of directors

or said committee thereof, and unless a vote authorizing such investment, sale or loan, or approval of the place of deposit, has been recorded in the books of the company. Every domestic company may acquire title to any property under the conditions of any mortgage owned by it, or by the purchase or set-off on execution upon judgment for debts, due it previously contracted in the course of its business, or by purchase in settlement for debts; and such company shall dispose of all such personal property within one year and real property within three years from the time of acquiring same, but the commission, upon proper showing and application may extend such period a reasonable time, not exceeding two years.

Approved by the Governor, March 19, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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## CHAPTER 71

(House Bill No. 107)

### AN ACT

RELATING TO EXPENDITURES OF CANDIDATES  
FOR NOMINATION AT PRIMARY ELECTIONS AND  
AMENDING SECTION 55-1018, ARIZONA CODE,  
1939.

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

Section 1. That section 55-1018, Arizona Code, 1939 is amended to read as follows:

Section 55-1018. LIMITATION ON EXPENDITURES. Candidates for nomination at any primary election shall be limited in amount of expenditures, for the said primary election to the following amounts respectively, exclusive of any sums of money expended for stationery, postage, printing and advertisements in newspapers and picture shows, and radio broadcasts, and necessary personal, traveling or subsistence expenses: For United States Senator, not exceeding thirty-five hundred dollars; for member of Congress or Governor, not exceeding twenty-five hundred dollars; for Supreme Court Judge, not exceeding one

thousand dollars; for any other office, for which the electors of the entire state shall vote, not exceeding fifteen hundred dollars; for Superior Court Judge or State Senator, not exceeding two hundred and fifty dollars; for any other office for which the electors of an entire county shall vote, not exceeding five hundred dollars; for State Representative, not exceeding two hundred and fifty dollars, provided, that in counties electing more than one representative, each representative shall not expend more than one hundred and fifty dollars; for any office for which the electors of a district, or a subdivision of the county, shall vote, other than State Representatives, not exceeding one hundred and fifty dollars; for Mayor, in cities having a population of five thousand or over, not exceeding three hundred and fifty dollars; for any other office for which the electors of an entire city having a population of five thousand or over shall vote, not exceeding two hundred and fifty dollars, for any office for which the electors of a city ward, or subdivision of a city, shall vote, not exceeding two hundred dollars; for Mayor in cities having a population of less than five thousand, not exceeding two hundred and fifty dollars; for any other office for which the electors of an entire city having a population of less than five thousand, shall vote, not exceeding two hundred dollars.

Approved by the Governor, March 19, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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## CHAPTER 72

(House Bill No. 108)

### AN ACT

RELATING TO WEIGHTS AND MEASURES, AND FIXING THE COMPENSATION OF THE INSPECTOR OF WEIGHTS AND MEASURES.

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

Section 1. STATE INSPECTOR OF WEIGHTS AND MEASURES. The state inspector of weights and measures shall be appointed by the governor, with the consent

of the senate, for a term ending February 1, 1945, and thereafter for terms of two years. He shall receive a salary of three thousand dollars per year, and necessary expenses of operation and travel, within the limits of appropriations therefor.

Sec. 2. EFFECTIVE DATE. This Act shall take effect July 1, 1943.

Approved by the Governor, March 19, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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### CHAPTER 73

(House Bill No. 109)

#### AN ACT

RELATING TO THE STATE AUDITOR; AUTHORIZING THE EMPLOYMENT OF A SPECIAL ATTORNEY; AMENDING ARTICLE 3, CHAPTER 4, ARIZONA CODE OF 1939, BY ADDING SECTION 4-301a; MAKING AN APPROPRIATION; AND DECLARING AN EMERGENCY.

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

Section 1. Article 3, chapter 4, Arizona Code of 1939, is amended by adding section 4-301a:

4-301a. SPECIAL ATTORNEY. (a) Whenever he shall deem it necessary, the auditor may secure the services of a special attorney.

(b) For the purpose stated in subsection (a), the sum of five hundred dollars is appropriated for the remainder of the thirty-first fiscal year.

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

Approved by the Governor, March 19, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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## CHAPTER 74

(House Bill No. 132)

## AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF R. H. MARTIN.

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

Section 1. APPROPRIATION. The sum of one thousand, two hundred ten dollars and sixty-six cents, (\$1,210.66), is hereby appropriated for the relief of R. H. Martin and this appropriation is directed to be paid out of the Arizona State Highway Department funds.

Sec. 2. BASIS OF CLAIM. The money appropriated by the provisions of Section 1 of this Act when paid to R. H. Martin shall be in full satisfaction of any and all claims against the State of Arizona for the construction of that certain concrete culvert box at Engineer's Station No. 949-plus-35 on that portion of the Globe-Safford Highway known as Federal Aid Project 87-B, Schedule 3, and which was completed on March 31st, 1929.

Approved by the Governor, March 19, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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## CHAPTER 75

(House Bill No. 139)

## AN ACT

MAKING AN APPROPRIATION FOR THE STATE PRISON, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of twelve thousand two hundred twenty dollars is appropriated to the state prison.

Sec. 2. PURPOSE. The appropriation made under the terms of Section 1 is for the purpose of purchasing, for the use of the state prison, the following equipment: 1. diesel tractor and attachments; 2. combine harvester; 3. dehydrating plant; 4. cold storage plant; 5. one flat rack truck, 1½ ton; 6. one pick-up truck, ½ ton; 7. one mail truck, ½ ton.

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

Approved by the Governor, March 19, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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## CHAPTER 76

(House Bill No. 176)

### AN ACT

RELATING TO MOTOR VEHICLES, AND GRANTING A LIMITED EXEMPTION TO VEHICLES FROM OTHER STATES USED IN HAULING ORES TO GOVERNMENT STOCKPILES IN ARIZONA, AND DECLARING AN EMERGENCY.

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

Section 1. VEHICLES EXEMPT FROM REGISTRATION. (a) No owner or operator of a motor vehicle registered or licensed in another state, which is being used, while within this state, exclusively in hauling ores or concentrates of strategic metals from without the state to a government stockpile in this state, for sale to the Metals Reserve Company or other agency of the United States, shall be required to pay the motor vehicle registration fee prescribed by section 66-204, nor be subject to the tax regulations imposed upon motor carriers

for hire by article 5, chapter 66, nor be required to pay the unladen weight fee prescribed by section 66-256, Arizona Code of 1939, provided the distance traveled by such vehicle shall not exceed five mile limit from the Arizona state border.

(b) Any owner seeking exemption as provided in subsection (a) shall apply to the motor vehicle division for a special permit, setting forth that the vehicle is being used within the state exclusively as provided in this Act, and giving such other information as the division may require, and shall make affidavit to the same. If satisfied that the applicant is entitled to the same the motor vehicle division shall issue the permit.

(c) It is unlawful for a motor vehicle operated on a special permit, as provided in this Act, to be used in the hauling of a back-load, or for any purpose other than as provided in this Act.

(d) Any person violating the provisions of this Act, shall be guilty of a misdemeanor.

Sec. 2. TERMINATION OF ACT. This Act shall terminate when a state of war no longer exists between the United States and any foreign nation.

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 by the Governor, March 19, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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## CHAPTER 77

(Senate Bill No. 16)

### AN ACT

RELATING TO TAXATION; PROVIDING FOR THE  
COLLECTION OF TAXES ON PERSONAL

PROPERTY, AND REPEALING SECTION 73-410,  
Arizona Code of 1939.

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

Section 1. SHORT TITLE. This Act may be cited as the "personal property tax Act of 1943".

Sec. 2. PERSONAL PROPERTY TAX COLLECTORS. The county assessor is constituted ex-officio personal property tax collector.

Sec. 3. DUTIES OF THE COUNTY ASSESSOR. The county assessor shall: 1. prepare a form suitable for binding into personal property tax rolls; 2. list each assessment of personal property not secured by real estate on such form in duplicate; 3. make the original of such lists a part of the assessor's personal property tax roll, and forthwith furnish the county treasurer with the duplicate list; 4. collect the tax on personal property not secured by real estate that is temporarily within the county, and any other personal property tax that may be in jeopardy at the time of assessment; 5. perform all other duties for the enforcement of this Act not delegated to others.

Sec. 4. WHEN TAX DUE; COLLECTION. Except as otherwise provided in this Act the tax on personal property not secured by real estate shall be due and payable when the property is assessed. Upon the assessment of any such property, the personal property tax collector shall notify the owner by personal service, or by mail to his last known address of the amount of the taxes and the liability of the property to seizure. No further notice of seizure and sale need be given except as provided in the Act. The personal property tax collector shall be governed in the amount of taxes to be collected by rates in effect when he collects the same. Upon collection he shall give the owner a receipt for the amount paid and shall enter the receipt number and the amount paid opposite the name of the owner on the assessment roll. In the event the owner fails or refuses to pay the taxes upon demand, the personal property tax collector shall seize and sell the property assessed as prescribed in this Act.

Sec. 5. PRIOR LIEN OF TAX. The tax on personal property not secured by real estate shall be a lien prior and superior to all other liens and encumbrances, ex-

cept such as may be held by the state, upon all of the personal property assessed to the person from whom the tax is due.

Sec. 6. TAX DEBT AGAINST OWNER. The tax on personal property not secured by real estate shall become a debt against the owner to whom the property is assessed and against his successors and assigns, should such owner, successors, or assigns, or the duly authorized agent thereof, prevent the collection of any of the taxes, interest, penalties, and costs assessed against the property by removing, concealing, sequestering, wrecking, or destroying any of said property upon which the taxes have not been paid.

Sec. 7. REMOVAL OR DESTRUCTION OF PROPERTY. Any person who willfully and with intent to defraud removes or attempts to remove, conceals, sequesters, wrecks, or destroys personal property during the life of a tax lien against such property shall be guilty of a misdemeanor.

Sec. 8. COLLECTION OF BACK TAXES. In the event the taxes on personal property not secured by real estate have not been paid for any preceding year, the personal property tax collector shall collect the taxes for each such year, but no sale for unpaid taxes may be commenced more than five years from the date of delinquency.

Sec. 9. DISTRAINT AND SALE. (a) In the event the personal property tax collector does not collect the taxes on personal property otherwise, he may collect the same by distraint and sale. Such sale shall be at public auction after seven days' notice of the time and place thereof, given by posting in three public places in the county, one of which shall be in the precinct where the property is seized, and by mail to any city assessor in whose jurisdiction the property may be. The tax collector shall sell a sufficient amount of the property to pay the taxes, interest, penalties, and costs incurred and shall issue to the purchaser a certificate of sale. If no bid be received sufficient to pay the taxes, interest, penalties, and costs, the tax collector shall strike the property off to the state for such amount and issue a certificate of sale thereof to the state as in other cases. Any unsold property may be left at the place of sale at the owner's risk.

(b) Before issuing a certificate of sale the tax collector shall require the payment of any unsecured city personal property taxes which may be due.

Sec. 10. RELEASE OF PROPERTY ON BOND. In the event the owner of personal property not secured by real estate shall give sufficient bond to the personal property tax collector conditioned upon payment of all taxes and costs incidental to seizure, the tax collector may extend the time for payment not to exceed ninety days, at the expiration of which, in the event of failure to pay, he may bring suit on the bond or collect by distraint and sale. If the property has been seized before execution and delivery of a bond it shall be released to the owner should bond be given before the date of sale.

Sec. 11. ACTION TO COLLECT TAX. (a) In the event the personal property tax collector is unable to find sufficient personal property to pay the taxes and costs assessed to the owner thereof, and the person, or his successors or assigns, whose property has been assessed refuses or fails to pay the same, or to surrender property sufficient for such purpose, the tax collector shall bring an action in the superior court against such person, and his successors and assigns, or any of them, for the collection of such taxes and costs. Personal judgment may be rendered by the court against any or all such persons. Except as otherwise provided in this Act the proceedings shall be as in other civil actions, including proceedings supplemental to execution. Should the taxes not be collected by such process no liability shall attach to the collector.

(b) This section shall not apply in the event property on which taxes have not been collected is destroyed through no fault of the owner.

Sec. 12. EXCESS PROCEEDS. All proceeds derived from any sale or action for the collection of personal property taxes, in excess of the taxes, interest, penalties, and costs, shall be placed in the hands of the county treasurer subject to the order of the owner.

Sec. 13. DUTIES OF SHERIFF. The sheriff shall: 1. serve all process and notices required by this Act at the time and in the manner prescribed; 2. receipt the tax collector for notice of seizure and sale; 3. forthwith take into his possession all property set forth in such notice that he may find, and notify the tax collector in writing

if any thereof is missing; 4. employ watchmen, if necessary, and take all other measures necessary to safeguard the property; 5. surrender the property to its owner if released by the tax collector, or to its purchaser if purchased at sale; and, 6. perform all other duties for the enforcement of this Act not delegated to others.

Sec. 14. LIABILITY OF OFFICERS. Except for negligence or misconduct, the sheriff shall not be liable for wrongfully seizing any property under the authority of this Act. The personal property tax collector shall be liable to the owner, or his successors or assigns, for all damages which may accrue for wrongfully seizing or selling any property if the same be due to negligence or misconduct.

Sec. 15. EXPENSES. The personal property tax collector and the sheriff shall be allowed actual expenses incurred in the enforcement of this Act, and such fees and mileage as are allowed by law, which shall be paid from the county general fund, and shall not be charged against the budget of either of said officers.

Sec. 16. IMPROVEMENTS ON UNPATENTED LANDS OR MINING CLAIMS. (a) Improvements, appurtenances, and any other fixed property located on any unpatented land or mining claim not secured by patented real estate shall be assessed as personal property, and a description sufficient to identify such property shall be entered on the assessment and tax rolls of the county. If of sufficient value, such property may become security for taxes assessed upon other personal property of the owner. Except as provided in subsection (b), the taxes on such property shall be due, payable, and delinquent at the same time as taxes on real estate. When such taxes are due the county treasurer shall make collection in the manner prescribed for the collection of personal property taxes, but except as provided in subsection (b) no collection by distraint and sale shall be made prior to the expiration of six months after the second payment of taxes becomes due.

(b) In the event any owner, or his agent or assigns, removes or attempts to remove, conceals, sequesters, wrecks, or destroys any property assessed pursuant to this section, for the purpose of evading the payment of taxes thereon, such taxes shall become due, payable, and delinquent at the time of commission of any such act,

and the county treasurer shall forthwith seize such property and collect the taxes and costs by distraint and sale.

Sec. 17. PROPERTY IN TRANSIT. Taxes on personal property in transit through a county shall be collected where the owner is domiciled. This section shall not apply to transient livestock as defined in section 73-408, Arizona Code of 1939 (section 3080, Revised Code of 1928, as amended).

Sec. 18. SETTLEMENT BY ASSESSOR. On the first Monday of each month the county assessor shall pay to the county treasurer all moneys collected pursuant to this Act during the previous month.

Sec. 19. APPEAL. (a) No injunction, writ, or other legal or equitable process shall issue in any suit, action, or proceeding in any court against the state or any of its subdivisions, or against any officer thereof, to prevent the collection of any personal property tax sought to be collected under the provisions of this Act. After payment of such tax under protest, setting forth the grounds of objection, the owner may, within ninety days after such payment, appeal to the board of supervisors for the recovery of such tax. Failure to begin action within said ninety days shall constitute waiver of all demands against the state or any of its subdivisions, or against any officer thereof, on account of alleged overpayment or illegal collection of taxes.

(b) The board of supervisors shall have power, at any regular meeting, to adjust and equalize the assessment of unsecured personal property and to order the refund of any tax wrongfully or illegally collected.

(c) Any person who is dissatisfied with his assessment as fixed by the board of supervisors may appeal to the superior court, and the proceedings shall be as proceedings in appeals from the county board of equalization, but in no event shall any ground of illegality of a personal property tax be considered by the board or the court other than as set forth in the protest at the time of payment of the tax.

Sec. 20. REPEAL. Sec. 73-410, Arizona Code of 1939, (section 3081, Revised Code of 1928), is repealed. This section does not negative an implied repeal of any statute which conflicts with this Act.

Approved by the Governor, March 22, 1943.

Filed in the Office of the Secretary of State, March 23, 1943.

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CHAPTER 78 .

(Senate Bill No. 129)

AN ACT

RELATING TO INSURANCE; PROVIDING THAT FEES RECEIVED UNDER THE PROVISIONS OF ARTICLE 4, CHAPTER 61, ARIZONA CODE OF 1939, SHALL BE PLACED IN THE GENERAL FUND, AND AMENDING SECTION 61-416.

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

Section 1. Sec. 61-416, Arizona Code of 1939, is amended to read:

61-416. DISPOSITION OF FUNDS. All revenue collected by the corporation commission under the provisions of this Act shall be promptly and at least daily paid to the state treasurer, through the state auditor, and placed in the general fund.

Sec. 2. EFFECTIVE DATE. This Act shall become effective July 1, 1943.

Approved by the Governor, March 22, 1943.

Filed in the Office of the Secretary of State, March 23, 1943.

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CHAPTER 79

(Senate Bill No. 138)

AN ACT

RELATING TO DELINQUENT TAXES, AND EXEMPTING FROM SALE DURING THE PERIOD OF THE WAR, THE PROPERTY OF MEMBERS OF COMBAT

FORCES AND AUXILIARY SERVICES OF THE UNITED STATES ARMY AND NAVY; AND DECLARING AN EMERGENCY.

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

Section 1. EXEMPTION FROM SALE FOR DELINQUENT TAXES. In recognition of the services to the nation of members of the combat forces and of the auxiliary services of the army and the navy of the United States, and in order that they may be relieved of anxiety while so engaged, the real or personal property belonging to and which at the time of induction is assessed in the name of any such member of the combat forces or auxiliary services shall not be subject to sale for delinquent taxes during the period of the existing war and for one year thereafter, as determined by the proclamation of the President of the United States. As to such persons during said period the provisions of section 73-804, Arizona Code of 1939, are suspended.

Sec. 2. NOTIFICATION TO COUNTY ASSESSOR OR TREASURER. (a) Any person entitled thereto, desiring to avail himself of the benefits of this Act, shall file with the county assessor or county treasurer of the county in which the property of such person is situate, an affidavit acknowledged before any officer authorized by the laws of this state or by the articles of war of the United States to administer oaths, stating his qualifications to receive such benefits, sufficiently describing for purposes of identification the property on which he desires the collection of taxes to be deferred, and in the case of real property, the time of its acquisition and from whom acquired. The county assessor or treasurer may, in his discretion, require additional proof of ownership of property for which deferment of the payment of taxes is claimed.

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

Approved by the Governor, March 22, 1943.

Filed in the Office of the Secretary of State, March 23, 1943.

## CHAPTER 80

(House Bill No. 84)

## AN ACT

RELATING TO THE ACKNOWLEDGMENT OF WRITTEN INSTRUMENTS, AND TO MAKE UNIFORM THE LAW RELATING THERETO; AND DECLARING AN EMERGENCY.

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

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

Sec. 2. ACKNOWLEDGMENT OF INSTRUMENTS. Any instrument may be acknowledged in the manner and form otherwise provided by law, or as provided in this Act.

Sec. 3. ACKNOWLEDGMENT WITHIN THE STATE. The acknowledgment of any instrument may be made in this state before: 1. a judge of a court of record; 2. a clerk or deputy clerk of a court having a seal; 3. a commissioner or recorder of deeds; 4. a notary public; 5. a justice of the peace, or, 6. a master in chancery.

Sec. 4. ACKNOWLEDGMENT WITHIN THE UNITED STATES. The acknowledgment of any instrument may be made without the state but within the United States, a territory or insular possession of the United States, the District of Columbia, or in the Philippine Islands, and within the jurisdiction of the officer, before: 1. a clerk or deputy clerk of any federal court; 2. a clerk or deputy clerk of any court of record of any state or other jurisdiction; 3. a notary public, or, 4. a commissioner of deeds.

Sec. 5. ACKNOWLEDGMENT WITHOUT THE UNITED STATES. The acknowledgment of any instrument may be made without the United States before: 1. an ambassador, minister, charge d'affaires, counselor to or secretary of legation, consul general, consul, vice-consul, commercial attache, or consular agent of the United States accredited to the country where the acknowledgment is made; 2. a notary public of the country where the acknowledgment is made, or 3. a judge or clerk of a

court of record of the country where the acknowledgment is made.

Sec. 6. REQUISITES OF ACKNOWLEDGMENT. The officer taking the acknowledgment shall know or have satisfactory evidence that the person making the acknowledgment is the person described in and who executed the instrument.

Sec. 7. ACKNOWLEDGMENT BY MARRIED WOMAN. The acknowledgment of a married woman may be made in the same form as though she were unmarried.

Sec. 8. FORMS OF CERTIFICATES. An officer taking the acknowledgment shall endorse thereon or attach thereto a certificate substantially in one of the following forms:

- 1. By individuals:

State of .....

County of .....

On this the.....day of....., 19.....,

before me,....., the undersigned officer, personally appeared.....,

known to me (or satisfactorily proven) to be the person.....whose name.....subscribed to

the within instrument and that.....he.....

executed the same for the purpose therein contained.

In witness whereof I hereunto set my hand and official seal.

.....  
Title of Officer

- 2. By a corporation:

State of.....

County of.....

On this the.....day of..... 19....., before me,....., the undersigned officer, personally appeared....., who acknowledged himself to be the..... of....., a corporation, and that he, as such.....being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as.....

In witness whereof I hereunto set my hand and official seal.

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Title of Officer.

3. By an attorney in fact:

State of.....

County of.....

On this the.....day of..... 19....., before me....., the undersigned officer, personally appeared....., known to me (or satisfactorily proven) to be the person whose name is subscribed as attorney in fact for....., and acknowledged that

he executed the same as the act of his principal for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

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Title of Officer.

4. By any public officer or deputy thereof, or by any trustee, administrator, guardian, or executor:

State of.....

County of.....

On this the.....day of....., 19.....,  
before me,....., the undersigned  
officer, personally appeared.....,  
of the state (county or city, as the case may be)  
of....., known to me (or satisfac-  
torily proven) to be the person described in the  
foregoing instrument, and acknowledged that he ex-  
ecuted the same in the capacity therein stated and  
for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

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Title of Officer

Sec. 9. EXECUTION OF CERTIFICATE. The certificate of the acknowledging officer shall be completed by his signature, his official seal, if any, the title of his office, and, if a notary public, the date his commission expires.

Sec. 10. AUTHENTICATION. (a) If the acknow-

ledgment is taken within this state or is made without the United States by an officer of the United States no authentication is necessary.

(b) If the acknowledgment is taken without this state, but in the United States, a territory or insular possession of the United States, the District of Columbia, or the Philippine Islands, the certificate shall be authenticated by a certificate as to the official character of the acknowledging officer, executed, if the acknowledgment is taken by a clerk or deputy clerk of a court, by the presiding judge of the court, or, if the acknowledgment is taken by a notary public, by a clerk of a court of record of the county, parish, or district in which the acknowledgment is taken.

(c) If the acknowledgment is taken without the United States and by a notary public or a judge or clerk of a court of record of the country where the acknowledgment is made, the certificate shall be authenticated by a certificate under the great seal of the state of the country, affixed by the custodian thereof, or by a certificate of a diplomatic, consular, or commercial officer of the United States accredited to that country, certifying as to the official character of the acknowledging officer.

Sec 11. ACKNOWLEDGMENT UNDER LAW OF ANOTHER STATE. Notwithstanding any other provision of this Act, the acknowledgment of any instrument without this state in compliance with the manner and form prescribed by the laws of the place of its execution, if in a state, a territory or insular possession of the United States, the District of Columbia, or the Philippine Islands, verified by the official seal of the officer before whom it is acknowledged, and authenticated as prescribed in subsection (b), section 10, shall have the same effect as an acknowledgment in the manner and form prescribed by the laws of this state for instruments executed within the state.

Sec. 12. ACKNOWLEDGMENTS AUTHORIZED AS PROVIDED BY ACT OF CONGRESS. Such acknowledgment may be made, whether made within this state, within any other state, or without the United States, before any person or officer authorized by an Act of Congress to exercise the general powers of a notary public. The fact that such acknowledgment appears to be executed pursuant to such Congressional authority shall be prima facie evidence of full compliance with all

of the statutory requirements of the Acts of Congress which grant such power.

Sec. 13. ACKNOWLEDGMENTS NOT AFFECTED. No acknowledgments heretofore taken shall be affected by any provision of this Act, except as provided by section 12 thereof.

Sec. 14. TERMINATION OF NOTARY REQUIREMENTS. Until the termination of the existing war and for a period of one year thereafter, as determined by proclamation of the President of the United States, the acknowledgment of an instrument, notwithstanding the provisions of section 14-101, Arizona Code of 1939, may be made in any county of the state, although the commission of the notary is for another county.

Sec. 15. INTERPRETATION. This Act shall be so construed as to effectuate its general purpose to make uniform the law of the states which enact it.

Sec. 16. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor, March 22, 1943.

Filed in the Office of the Secretary of State, March 23, 1943.

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## CHAPTER 81

(House Bill No. 110)

### AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF DIRECTORS OF STATE INSTITUTIONS FOR JUVENILES, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of eight

thousand five hundred thirty-five dollars is appropriated to the board of directors of state institutions for juveniles.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the purpose of purchasing, for the state industrial school, the following equipment and supplies: 1. dehydrating plant; 2. Bu-gas system; 3. canning supplies; 4. for reinstating certain insurance policies; 5. covering two water tanks; 6. sixty mattresses at seven dollars, clothing, dishes, silverware and cooking utensils, blankets and sheets; and, 7. four additional supervisors from March 15 to June 30, 1943, at one hundred dollars a month.

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

Approved by the Governor, March 22, 1943.

Filed in the Office of the Secretary of State, March 23, 1943.

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## CHAPTER 82

(House Bill No. 160)

### AN ACT

RELATING TO PUBLIC FINANCE; AUTHORIZING THE STATE TREASURER WITH THE APPROVAL OF THE GOVERNOR AND THE SECRETARY OF STATE TO MAKE LOANS FROM THE SALE OR LEASE OF THE UNIVERSITY TIMBER LANDS OR THEIR PRODUCTS; DESIGNATING SECURITY; FIXING RATE OF INTEREST; RESTRAINING AMOUNT OF LOAN; AND DECLARING AN EMERGENCY.

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

Section 1. LOANS TO FRATERNITIES. In order to save and protect the investment of certain fraternities at the University of Arizona that own their own real estate, but whose resident membership has been reduced

more than fifty per cent by induction and enlistment in the armed forces of the United States so that said fraternities are in danger of losing said real estate by foreclosure of mortgages thereon, the state treasurer with the approval of the governor and the secretary of state is hereby authorized and directed to loan from funds received from the sale or lease of University timber lands and their products and carried by the state treasurer under the title "University timber fund" to fraternities owning their own real estate, at the University of Arizona, a sufficient sum of money to retire the mortgages of said real estate; the loans so made shall be secured by first mortgages on said real estate bearing three per cent interest, and said loans shall be repaid on or before 1970. In no event is the total of said loans to exceed one hundred fifteen thousand dollars.

Sec. 2. WRITTEN APPROVAL OF BOARD OF REGENTS REQUIRED. No agreement affecting the property securing the loans made under the provisions of section 1 of this Act, shall be made without the prior written approval of the Board of Regents of the University of Arizona.

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 by the Governor, March 22, 1943.

Filed in the Office of the Secretary of State, March 23, 1943.

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## CHAPTER 83

(Senate Bill No. 71)

### AN ACT

MAKING AN APPROPRIATION FOR THE PURCHASE OF SUPPLEMENTS TO THE ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

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

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

Sec. 2. PURPOSE. The appropriation made in section 1 is for the purchase, from the Bobbs-Merrill Company, of Indianapolis, Indiana, of five hundred copies of the 1943 supplement to the Arizona Code of 1939.

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

Approved by the Governor, March 23, 1943.

Filed in the Office of the Secretary of State, March 24, 1943.

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## CHAPTER 84

(Senate Bill No. 107)

### AN ACT

RELATING TO TAXATION; PROVIDING FOR THE PAYMENT OF LUXURY AND PRIVILEGE TAXES ON SPIRITUOUS, VINOUS AND MALT LIQUORS BY WHOLESALERS; FIXING BOND TO GUARANTEE PAYMENT OF THE TAX; PROVIDING METHOD OF PAYMENT OF TAX; PROVIDING FOR FILING INVOICES; AMENDING SECTIONS 73-1402 AND 73-1403, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 73-1402, Arizona Code of 1939, is amended to read:

73-1402. IMPOSITION AND RATE OF TAX ON CERTAIN LUXURIES; PAYMENT. (a) In addition to all other taxes there is levied and imposed, and shall be collected and paid to the state treasurer in the manner provided in this Act, upon; 1. all malt extracts, or derivatives or combinations thereof; 2. all spirituous, vinous, and malt liquors, and, 3. all cigarettes, cigars, smoking

tobacco, plug tobacco, snuff, and other forms of tobacco, for the purpose of raising public money to provide public unemployment and welfare relief, the following tax:

1. On each pound of sixteen ounces or fraction thereof, of all malt extracts, or derivatives or combinations thereof, except malt used in the manufacture of bread, and dextrines of malt used for the feeding of infants and invalids, ten cents. The license tax imposed in this paragraph shall be refunded when the amount thereof has been paid, and when proof is made to the state treasurer that such malt extract, or derivative or combination thereof, has been used for other than the preparation of a beverage.

2. On each sealed container of spirituous liquor containing eight ounces or less, five cents, and at the rate of five cents for each eight ounces for containers containing more than eight ounces.

3. On each container of vinous liquor, of which the alcoholic content is not greater than twenty-four per cent by volume, containing sixteen ounces or less, three cents and at the rate of three cents for each sixteen ounces for containers containing more than sixteen ounces.

4. On each container of vinous liquor of which the alcoholic content is greater than twenty-four per cent by volume containing eight ounces or less, five cents, and at the rate of five cents for each eight ounces for containers containing more than eight ounces.

5. On each gallon of malt liquor, five cents.

6. On each twenty cigarettes or fractional part thereof, two cents.

7. On smoking tobacco, snuff, fine cut chewing tobacco, all cut and granulated tobacco, all shorts and refuse of fine cut chewing tobacco, and all refuse, scraps, clippings, cuttings, and sweepings of tobacco, excluding tobacco powder or tobacco products used exclusively for agricultural or horticultural purposes and unfit for human consumption, at the rate of one cent per ounce, or major fraction thereof.

8. All cavendish, plug, or twist tobacco, one-fourth cent per ounce, or fractional part thereof.

9. On each twenty small cigars or fractional part thereof weighing not more than three pounds per thousand, two cents.

10. On cigars of all descriptions except those included in paragraph 9, made of tobacco or any substitute therefor, if manufactured to retail at not more than five cents each, one cent on each three cigars. If manufactured to retail at more than five cents each, one cent on each cigar.

(b) All malt extracts, or derivatives or combinations thereof, all cigarettes, cigars, smoking tobacco, snuff, plug tobacco, fine cut chewing tobacco, and all other forms of tobacco, excluding tobacco powder or tobacco products used exclusively for agricultural and horticultural purposes and unfit for human consumption, shall be put up in packages or containers and on each of said packages or containers shall be affixed an official stamp denoting the classification of the luxury, as classified in subsection (a), and the tax thereon.

(c) Every stamp required under the provisions of this Act shall be securely affixed to some visible part of the package or container to which it will firmly adhere during the possession of the consumer, except as otherwise provided.

(d) Every distiller or manufacturer of distilled spirits and vinous and malt liquors who sells any of such products to wholesalers within the state, shall at the time of making such sale, file with the state tax commission a copy of the invoice of such sale, showing in detail the kind of liquor or beverage sold, the quantities of each, the size of the container and the weight of the contents, the alcoholic content where required by this Act, and the name of the person, firm or corporation to whom sold.

(e) The effective date of this Act shall be the first day of the calendar month next following the date that this Act becomes a law, and said Act and all provisions thereof shall be in full force and effect from and after said effective date.

(f) Every wholesaler of vinous or malt liquors purchasing the same for resale within the state of Arizona shall pay the luxury and privilege tax on all such liquors so purchased and add the amount of such tax to the sales

price. Every such wholesaler shall pay such tax to the state tax commission monthly in the following manner: On or before the tenth day of the second month following the effective date of this Act, and on or before the tenth day of each and every month thereafter, such wholesaler shall make out a sworn return for the preceding month in such form as may be prescribed by the state tax commission, showing the amount of vinous and/or malt liquors purchased during the preceding month, the amount of tax for the period covered by the return, and such other information as the state tax commission may deem necessary for the proper administration of this Act. The taxpayer shall deliver the return, together with a remittance of the amount of the tax due, to the office of the state tax commission.

(g) Every wholesaler of spirituous liquors selling the same within the state of Arizona shall pay the luxury and privilege tax on all such liquor sold within the state and add the amount of such tax to the sales price. Every such wholesaler shall pay such tax to the state tax commission monthly in the following manner: On or before the tenth day of the second month following the effective date of this Act, and on or before the tenth day of each and every month thereafter, such wholesaler shall make out a sworn return for the preceding month in such form as may be prescribed by the state tax commission, showing the amount of spirituous liquors sold in this state during the preceding month, the amount of tax for the period covered by the return, and such other information as the state tax commission may deem necessary for the proper administration of this Act. Such wholesaler shall deliver the return, together with a remittance of the amount of the tax due, to the office of the state tax commission.

(h) Every wholesaler of spirituous, vinous, and malt liquors, as defined in this Act, is required by the state tax commission to file with said state tax commission, in such form as it prescribes, a bond or bonds, duly executed by such wholesaler, as principal, and a corporation duly authorized to execute and write bonds within the state of Arizona, as surety, payable to the state of Arizona, conditioned upon the payment of all excise taxes, penalties and other obligations of the wholesaler arising under this Act.

The state tax commission shall fix the total amount of the bond or bonds required of any such wholesaler

and may increase or reduce the amount at any time. In fixing the total amount, the state tax commission shall require a bond or bonds equivalent in total amount to twice such wholesaler's estimated monthly excise tax, ascertained in such manner as the state tax commission may deem proper. The total amount of the bond or bonds required of any wholesaler shall never be less than two thousand dollars.

Sec. 2. Sec. 73-1403, Arizona Code of 1939, is amended to read:

73-1403. REVENUE STAMPS. The state tax commission shall prepare and have on hand official adhesive stamps of various types according to the classifications, as contained in section 1 (73-1402), of luxuries upon which a tax is imposed by this article, and a stamp required to be affixed to the article sold; said stamps shall be of a character that they cannot be removed when once attached to an article without destroying them. Such official stamps shall be printed on durable material, and shall set forth plainly on the face of each such stamp the denomination thereof, the facsimile signature of the chairman of the state tax commission at the time of the printing thereof, and the classification of the luxury upon which such stamp is to be affixed. Such official stamps shall be obtainable by wholesalers or retailers by purchase at the face price thereof from the state tax commission at Phoenix, Arizona.

Sec. 3. REPEAL. All acts or parts of acts in conflict herewith are hereby repealed.

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

Approved by the Governor, March 23, 1943.

Filed in the Office of the Secretary of State, March 24, 1943.

## CHAPTER 85

(Senate Bill No. 137)

## AN ACT

FOR THE RELIEF OF VARIOUS CLAIMANTS, AND  
DECLARING AN EMERGENCY.**Be it enacted by the Legislature of the State of Arizona:**

Section 1. APPROPRIATION. The sum of one thousand five hundred seventy-eight dollars fifty cents is appropriated to the state auditor for the relief of the claimants named in section 2, in the several amounts set opposite their names, and payable out of the funds specified therein.

Sec. 2. CLAIMANTS AND FUNDS. Payment of the several sums shall be in full satisfaction of the enumerated claims, for expenses incurred by state agencies, and unpaid by reason of limitations of law prohibiting allowance. The state auditor shall draw his warrant against the funds, in favor of the claimants, in the amounts following, on claims bearing the approval of the respective state departments or agencies which incurred the several obligations:

1. From the general fund: 1a. Capins Department Store, Nogales (incurred by the state industrial school), one hundred seventy-six dollars forty cents; 1b. Pater & Company, Los Angeles (state prison), fifty-five dollars eighty-three cents; 1c. Lederle Laboratories, New York (state laboratory), fifty-nine dollars eight cents; 1d. Ryan-Evans Drug Company (board of directors of state institutions for juvenile offenders, for Florence Crittenden Home), thirteen dollars twelve cents; 1e. Carlos G. Robles (superior court of Pima county, services as court commissioner), five dollars; 1f. Emmet Smith Insurance Company (state treasurer), seventy-five dollars; 1g. Central Arizona Light & Power Company (civilian defense council), two dollars forty-four cents; 1h. George Bideaux (civilian defense council), nineteen dollars sixty-seven cents; 1i. Phoenix Title and Trust Company (civilian defense council), twenty-two dollars fifty-eight cents; 1j. The Independent-News, St. Johns (civilian defense council), fifteen dollars.

2. From the state highway fund: 2a. Flagstaff Auto

Supply Company (state highway department), eighty-eight dollars seventy-two cents; 2b. Shell Oil Company (state highway department), one hundred thirteen dollars seventy-six cents; 2c. Richfield Oil Company (state highway department), seventy dollars forty-seven cents; 2d. D. A. Lubricant Company (state highway department), seventy-one dollars twenty-three cents; 2e. R. J. Hock Motor Company (state highway department), fifty-eight dollars sixty cents; 2f. C. W. Gardner of Tucson, two hundred dollars.

3. From state fair fund: 3a. Aetna Investment Company (state fair commission), four hundred seventy-three dollars seventy cents.

4. From the state social security and welfare fund: 4a. W. M. Killen (department of social security and welfare), one hundred fifty dollars; 4b. The Great Atlantic & Pacific Tea Co. (department of social security and welfare), ninety-nine dollars fifty cents; 4c. Mountain States Telephone & Telegraph Company (department of social security and welfare), eight dollars forty cents.

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

Approved by the Governor, March 23, 1943.

Filed in the Office of the Secretary of State, March 24, 1943.

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## CHAPTER 86

(House Bill No. 69)

### AN ACT

RELATING TO STATE FINANCES, BUDGETING AND ACCOUNTING, AND REPEALING ARTICLES 1 AND 2 OF CHAPTER 10, ARIZONA CODE OF 1939, AND ALL OTHER ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH, AND ALL CONTINUING OR RECURRING APPROPRIATIONS.

**Be it enacted by the Legislature of the State of Arizona:****ARTICLE 1. SHORT TITLE AND DEFINITIONS.**

Section 1. **SHORT TITLE.** This Act shall be known, and may be referred to, as the budget and financial administration Act of 1943.

Sec. 2. **DEFINITIONS.** In this Act, unless otherwise required by the context:

“allotment” means the breaking up and dividing of an appropriation into fiscal year quarters and crediting the portions thereof to the classified objects or purposes on the records of the state auditor as requested by a budget unit, but the fiscal year of the University of Arizona shall not be divided.

“budget class” means one of the kinds of expenditure denoting a class of services or commodities purchased or properties acquired as specified in the classification of expenditures prescribed as provided herein, for use in expenditure accounting, in the making of budget estimates, and in the budget reports and budgets.

“budget estimates” means statements with accompanying explanations, as provided herein, in which a budget unit states its financial requirements and request appropriations.

“budget unit” means a department, commission, board, institution, or other agency of the state organization receiving or expending or disbursing state funds or incurring obligations against the state.

“capital outlay” means the expenditures which result in the acquisition of fixed properties such as land, buildings, equipment, development or permanent improvements to land or construction of buildings or highways and bridges.

“current expenses” means those expenditures that are authorized for carrying on the current activities of the state, other than fixed charges, and which do not result in the acquisition of capital assets or permanent improvements.

“fixed charges” means those expenditures for interest,

pensions, public assistance, other than administrative expense thereof, rehabilitation, and apportionments to political subdivisions of the state to which administrative authorities have no choice or control.

“redemption of debt” means all expenditures made by the state for the retirement of bonds.

#### ARTICLE 2. BUDGETING.

Section 1. BIENNIAL BUDGET REPORT. The governor, by and with the assistance of the state auditor, shall biennially prepare and submit, to each and every regular session of the legislature, a budget report presenting a complete financial plan for each fiscal year of the ensuing biennium. Said budget report shall contain a certificate or certificates of the state auditor as to the accuracy of the statements of the financial condition, or income and expenditures which shall be prepared as set forth in this Act.

Sec. 2. STATE AUDITOR TO PRESCRIBE AND FURNISH FORMS TO BUDGET UNITS. It shall be the duty of the state auditor to prescribe the forms to be used by the budget units in submitting their budget estimates and requests for appropriations in accordance with the provisions of this Act, with the necessary instructions for guidance of officials in preparing such budget estimates and requests. On or before the first day of July of each year, immediately preceding the year in which the legislature convenes in regular session, the state auditor shall transmit to the administrative head of each budget unit at least three complete sets of prescribed forms on which budget estimates and requests for appropriations for the next two ensuing fiscal years are to be submitted.

Sec. 3. HEADS OF BUDGET UNITS TO SUBMIT BUDGET ESTIMATES. The head of each budget unit, not later than the first day of September of each even numbered year, shall submit to the governor through the state auditor, in duplicate, estimates of the financial requirements and of the receipts of each budget unit for the next two fiscal years, on the forms and in the manner prescribed by the state auditor, with such explanatory data as may be required, together with such additional information as the head of the budget unit may wish to submit. The estimates so submitted shall bear the approval of the head officer of said budget unit.

Sec. 4. CONTINUOUS FINANCIAL PLANNING. The state auditor shall have in continuous process of preparation and revision, a tentative budget report for the next ensuing biennium for which a budget report is required to be prepared. Upon receipt of the estimates of the several budget units he shall check these estimates with his own information, and shall make such further inquiries and investigations and recommend changes in the tentative budget report as he deems warranted. Such tentative budget report, when completed by the state auditor, shall be submitted to the governor, together with a copy of the budget estimates provided in section 3 of this article.

Sec. 5. CONTENTS OF THE BIENNIAL BUDGET REPORT. Each biennial budget report shall include the following:

(a) Summary statements of the financial condition of the state, to include: (1) a consolidated balance sheet showing all current assets and liabilities of the state as at the close of the fiscal year last concluded; (2) summary statements of the actual income and expenditures of the fiscal year last concluded; (3) similar summary statements of estimated fund balances for the current fiscal year.

(b) Schedules showing in detail actual income from each source for the preceding fiscal year and the estimated income of the current fiscal year and of each of the two ensuing fiscal years. The statements of income and estimated income shall be itemized by source, by organization units and sources, and by funds and shall show separately revenue from non-revenue, all detailed by sources.

(c) Detailed comparative statements of expenditures and request for appropriations by funds, budget units and budget classes, showing the expenditures for the fiscal year last concluded, and the estimated expenditures for the current year, and the request of each budget unit and the governor's recommendations for appropriations for each of the two ensuing fiscal years, all distributed according to budget classes in terms of "current expenses", "fixed charges", "capital outlay", and "redemption of debt". In connection with each budget class of capital outlays, involving construction projects to be completed in two or more fiscal years, there shall be shown the total estimated cost of each such project and the amount

thereof recommended to be appropriated and expended in each ensuing fiscal year until completion of the project.

(d) A summary statement for each fund of the cash resources estimated to be available at the beginning of the next fiscal year and the estimated cash receipts for each of the two ensuing fiscal years, as compared with the total recommended amounts for appropriations for all budget classes for each of the two ensuing fiscal years, and if the total of the recommended expenditures exceeds the total of the estimated resources, recommendations as to how the deficiency is to be met and estimates of receipts from any proposed additional revenues.

(e) A draft of a proposed general appropriation Act embodying the governor's recommendations for appropriations for the ensuing two fiscal years and drafts of such revenue and other acts as may be recommended for putting into effect the proposed financial plan. Recommended appropriations shall be itemized in the appropriation Act by budget classes and the title of each budget class shall be supplemented by such wording as is needed to limit each appropriation to the specific use or purpose intended.

Sec. 6. DUTIES OF THE GOVERNOR IN PREPARING THE BUDGET REPORT. Prior to the submission of the budget report to the legislature, the governor shall examine the statements and estimates and shall make or cause to be made such further investigations by the state auditor, with such hearings before the governor, and shall direct such changes or revisions in appropriations requested as he may deem advisable.

Sec. 7. MEANS OF INFORMING GOVERNOR-ELECT AS TO BUDGET PROPOSALS. The governor-elect shall be entitled to participate in all budget hearings and shall be furnished a copy of the budget report as approved by the governor.

Sec. 8. BUDGET REPORT TO BE PRINTED AND TRANSMITTED TO LEGISLATURE. The governor shall have the budget report prepared in such number of copies as he may deem necessary, and copies thereof shall be transmitted to the legislature not later than five days after beginning of the regular session of the legislature.

Sec. 9. STATE AUDITOR TO SERVE APPROPRIATION COMMITTEES. From the time of the transmission

of the budget report to the legislature until the appropriation bill or bills shall have been finally disposed of, the state auditor, in person or by an assistant, shall be at the disposal of the legislature and the appropriation committees thereof, and shall devote so much of his time as may be required to the work of the appropriation committees, under the direction of the respective chairmen.

### ARTICLE 3. CONTROL OF PUBLIC FINANCES.

Section 1. GENERAL FUND AND SEPARATE FUNDS. All funds received for and belonging to the state shall be paid into the state treasury and credited to the general fund except the following, which shall be placed and retained in separate funds: (a) the unexpendable principal of moneys received from federal land grants shall be placed in separate funds and the account of each such separate fund shall bear a title indicating the source and the institution or purpose to which such fund belongs. (b) The interest, rentals and other expendable money received as income from federal land grants shall be placed in separate accounts, each account bearing a title indicating the source and the institution or purpose to which the fund belongs. Such expendable funds shall be expended only as authorized, regulated and controlled by the general appropriation bill or other Act of the legislature. (c) All federal funds granted and paid to the state by the federal government for specific purposes shall be placed in separate accounts, each account bearing a title indicating the source and purpose of the fund and all state appropriations for matching such federal funds shall be transferred from the general fund to such separate funds as needed, except as otherwise required by the federal government. (d) All private or quasi private funds authorized by law to be paid to or held by the state treasurer shall be placed in separate accounts, each account bearing a title indicating the source and purpose of such fund. (e) All funds legally pledged to the retirement of building indebtedness or bonds issued by those institutions authorized to incur such indebtedness or to issue such bonds shall be placed in separate accounts. (f) All monies collected by the state game and fish department shall be deposited in a special fund to be known as the "state game and fish protection fund", for the use of the state game and fish commission in carrying out the provisions of chapter 57, Arizona Code, 1939.

No money shall be received or held by the state

treasurer except as authorized by law and in every instance he shall issue his receipt for money received and deliver a duplicate of such receipt to the state auditor and no money shall be withdrawn from the treasury except upon the auditor's warrant.

Sec. 2. COLLECTION OF FEES AND OTHER AMOUNTS DUE THE STATE THROUGH THE BUDGET UNITS. Fees for licenses, permits, certificates of any kind and other amounts due any budget unit shall be collected at the time such licenses, permits or certificates are issued, by the budget units issuing them. All other moneys accruing to the various budget units or to the state through the various budget units shall also be collected at the time services are rendered, or at the time of accrual by the budget units rendering the services or assessing the charges, or otherwise giving rise to the claims in favor of the state. Any person or officer who shall neglect the collection of such fees or moneys shall be liable to the state, both personally and on his bond.

Sec. 3. CONTROL OF BUDGET UNIT RECEIVABLES. On or before the fifth day of each month the head of each budget unit shall transmit to the state auditor, a statement showing: (1) the amount of the receivables of such unit as of the beginning of the previous month; (2) the total income accruing to such unit during said month, whether collected or not; (3) the amount of money collected and deposited in the treasury during said month, and (4) the total receivables as of the end of said month. To each such statement there shall be appended a certificate by the head of the budget unit, to the effect that the statement is correct in every detail and that all amounts due said budget unit, as of the end of the previous month, have been collected or have been billed and included in the amount of the receivables as of the end of the previous month, as shown by the statement. The monthly statements herein required shall be supported in the months of July and January of each fiscal year by detailed lists of receivables prepared by the heads of the budget units to show: (a) the name and address of each debtor; (b) the nature of the item; (c) the amount of the item; (d) the date the item was due and receivable, and (e) the total of all receivables so listed, which total shall be in agreement with the total receivables as shown on the relative monthly statement.

Sec. 4. CONTROL OF TAXES RECEIVABLE FROM

THE COUNTIES. The treasurer of each county shall remit to the state treasurer, on or before the fifteenth day of each month during each fiscal year, the portion of tax money belonging to the state, which was collected during the previous month, and transmit to the state auditor, a statement showing: (1) the amount of taxes receivable as of the beginning of the previous month by each tax levy; (2) the amount of additions during said month by each tax levy; (3) the amount of deductions for cancellations or abatements during said month by each tax levy; (4) the amount of collections made during said month by each tax levy; (5) the amount remitted by each tax levy; (6) the amount of taxes receivable as of the end of said month by each tax levy. Each such statement shall be in form prescribed by the state auditor, and sworn to by the county treasurer. Any county which fails or refuses to comply with this section, or refuses to pay any obligations due the state from said county, shall be notified in writing by the state auditor and any county which persists in such failure or refusal for a period of ten days after the mailing of notice thereof shall be disqualified from receiving any portion of the excise tax moneys, until said county shall comply with this section and pay the state such obligations. The provisions of this section shall not bar nor suspend the state's right to institute court action for the purpose of compelling the collection or remitting of any moneys due the state.

Sec. 5. RECEIPTS OF THE BUDGET UNITS TO BE DEPOSITED DIRECTLY IN THE TREASURY. All moneys received by any officer or employee of any budget unit shall be promptly remitted to the account of the state treasurer and no moneys shall be held, or used, or deposited in any personal or special bank account temporarily or otherwise, by any agent or employee except as expressly provided herein.

Sec. 6. PAY-IN VOUCHERS TO ACCOMPANY REMITTANCES TO STATE TREASURER, COPY TO STATE AUDITOR. The head of the budget unit or his authorized agent in remitting money to the account of the state treasurer shall prepare a pay-in voucher which shall be the only form used in remitting money to the account of the state treasurer. Such pay-in voucher shall be prepared in triplicate, or more copies if necessary, the original shall be delivered to the state treasurer together with the remittance, the duplicate shall be delivered to the state auditor by the budget unit at the time of said remittance and the triplicate shall be re-

tained by the issuing office. Such pay-in voucher shall show the amount, the source from which the money accrued, and the fund into which it is paid. The pay-in voucher forms shall be numbered consecutively and issued to the budget units by the state auditor who shall record the numbers issued to each budget unit and the administrative head thereof shall be held accountable for each form so issued and recorded.

Sec. 7. PRIVATE FUNDS, CONTRIBUTIONS, AND SUSPENSE FUNDS. Every department, institution, board, or commission receiving private funds or contributions available for its support or for the purpose of defraying the expenses of any work done under its direction or other receipts which may be subject to refund or return to the sender or receipts which have not yet accrued to the state, shall in depositing such moneys with the state treasurer, as provided in this Act, certify to the state auditor: (1) the source from which such funds were received; (2) the terms and conditions under which, and the purpose for which they were received; (3) the names of the trustees or administrators of the funds or contributions, and (4) the name of the person authorized to approve expenditures from each fund. The state treasurer shall keep an accounting of each such fund or contribution entirely separate and distinct from all other funds. All disbursements from such funds and contributions shall be made by the state treasurer on warrants of the state auditor, who shall issue such warrants only upon adequate vouchers approved by the person or persons authorized to approve the disbursements. Separate sets of accounts with each of the said funds and contributions, and the receipts and disbursements thereof, shall be maintained by the state auditor. The provisions of this Act shall not apply to moneys received by the university and teachers' colleges for the subsistence of their dining halls, dormitories, bookstores, student activities, or to federal funds or private funds of students received by state educational institutions; or to private funds of patients or inmates of state institutions, when such funds are deposited with an officer of such institutions which are declared not to be state moneys.

Sec. 8. STATE AUDITOR TO KEEP RECORD OF COLLECTION OF REVENUES. It shall be the duty of the state auditor to keep up to date, a completely detailed list of all sources from which moneys accrue to the state, classified according to the budget units and other agencies responsible for the collection of public

funds, so as to show for each of the various budget units and each of the other revenue-collecting agencies of the state, the various kinds of taxes, fees, permits and other public moneys collected or to be collected. The state auditor is empowered to take such steps as may be deemed necessary, including court action, to enforce the provisions of this Act with respect to the collecting and depositing of public moneys.

Sec. 9. OBLIGATIONS TO BE EVIDENCED BY ENCUMBRANCE DOCUMENTS. Encumbrance documents shall be issued by the budget units to cover all obligations, actual or anticipated. Copies of these documents shall be submitted forthwith to the office of the state auditor, and shall proceed through complete pre-audit and posting operations setting aside the amount of the encumbrance to be used exclusively for the payment of the claim when presented.

Sec. 10. DUTY OF THE AUDITOR WITH RESPECT TO PRE-AUDIT OF PROPOSED EXPENDITURES. Every encumbrance document submitted to the office of the state auditor shall immediately be stamped with the date of its receipt, and the state auditor shall examine or cause to be examined under his direction, each such document to determine if the proposed expenditure is authorized by appropriation and allotment, and that the amount involved does not exceed the unencumbered balance of such allotment. If any proposed expenditure is found to be contrary to the provisions of this Act the state auditor shall notify the head of the budget unit concerned that such proposed expenditure is disallowed.

Sec. 11. ENCUMBRANCE IN EXCESS OF ALLOTMENTS NOT TO BE APPROVED. In no event shall any budget unit approve any encumbrance document which will involve an expenditure of any sum in excess of the unencumbered balance of the allotment to which the resulting expenditure will be chargeable.

Sec. 12. UNAUTHORIZED OBLIGATION. No person shall incur, order or vote for the incurrence of any obligation against the state or for any expenditure not authorized by an appropriation and an allotment. Any obligation so raised in contravention of this Act shall not be binding against the state but shall be null and void and incapable of ratification by any executive authority to give effect thereto against the state. But every person incurring, or ordering or voting for the incurrence of

such obligations, and his bondsmen, shall be jointly and severally liable therefor. Every payment made in violation of the provisions of this Act shall be deemed illegal, and every official authorizing or approving such payment, or taking part therein, and every person receiving such payment, or any part thereof, shall be jointly and severally liable to the state for the full amount so paid or received.

#### ARTICLE 4. ACCOUNTING, AUDITING AND REPORTING.

Section 1. OBJECTS AND PURPOSE OF APPROPRIATIONS CLASSIFIED AND STANDARDIZED. For the purpose of accounting, budgeting, allotting and reporting, all expenditures authorized by either the general appropriation Act or by any separate or special Act, shall be classed as one or more of the following general classes: 1. "Current expenditures", 2. "Fixed charges", 3. "Capital outlay", and 4. "Redemption of debt". Expenditures under these general classes shall be subdivided by the state auditor in accordance with the objects and character of the expenditures and in such manner that the true and actual cost of each object will reflect perpetually on his books.

"Current expenditures" shall be subdivided into: (a) personal services; (b) contractual services, including communication and travel; (c) supplies, materials and parts, and (d) current charges.

"Fixed charges" shall be subdivided into: (a) interest; (b) pensions, public assistance and rehabilitation, and (c) apportionments to political subdivisions of the state.

"Capital outlay" shall be subdivided into: (a) equipment; (b) buildings and improvements; (c) land; (d) livestock, and (e) highways and bridges.

"Redemption of debt" shall include only the payment of bonded indebtedness.

The auditor may further subdivide the allotments into such subclasses as may be necessary to effect a proper and comprehensive system of accounting.

When, in any Act authorizing the expenditure of public money, the object or purpose is stated in such terms as "salaries and wages", "operations", "travel", "capital

investment", or "repairs and replacements", such terms shall import their respective popular and ordinary meaning and the appropriation so authorized shall be allotted on the records of the auditor to the corresponding objects as classified and standardized in this section or to such further subclassification as the auditor may adopt, provided that the actual purpose shall not be defeated.

Sec. 2. ALLOTING APPROPRIATIONS TO CLASSES AND OBJECTS. Immediately after an appropriation is authorized, and before any obligations are incurred thereon, the head of the budget unit to which the appropriation is made shall fill out an allotment request furnished by the auditor thereby subdividing his appropriation to coincide with the classes and subclasses of expenditures employed in the accounts of the auditor. Such allotment requests shall then be returned to the auditor who shall allot the appropriation on his books accordingly, provided that no allotment or expenditure shall be made for an object which is not within the purpose of the appropriation, and nothing in this Act is intended to authorize any person or officer to expend any funds for a purpose other than for which it was appropriated. No allotment or expenditure in excess of one fourth of the annual appropriation, for any purpose other than capital outlay and fixed charges, shall be made in any fiscal quarter, except that upon sufficient representation of necessity by the head of the budget unit together with prior and written approval of the governor, there may be allotted an additional amount not in excess of the ensuing fiscal quarter's portion of the annual appropriation. Appropriations for capital outlay and appropriations other than for fiscal years shall be allotted as needed. The provisions of this section shall not apply to the University of Arizona.

Sec. 3. PRESENTATION, APPROVAL AND PAYMENT OF CLAIMS. All claims against the state for obligations authorized, required or permitted to be incurred by any state officer or agency, shall be paid only in the following manner: The claimant shall present an itemized claim, sworn to by him and approved by the head official of each office or state agency under which the obligation was incurred, or by some other person thereof, if expressly authorized to approve; then presented to the state auditor and, if approved by him, he shall draw his warrant therefor on the state treasurer, who shall pay the same when countersigned by the governor

and only out of the appropriation made therefor. The head of each budget unit shall prepare and present payrolls to the state auditor. The budget head shall certify on each payroll claim that the persons whose names appear have worked and/or performed the services required by law, and the amount opposite the name is due and unpaid. Each employee shall sign a payroll claim which signature will acknowledge the amount opposite his name is due for services rendered and the employee shall certify that he is a citizen of the United States of America.

Sec. 4. DISBURSEMENT OF FUNDS BY STATE TREASURER. All warrants of the state auditor, issued in accordance with the provisions of this Act, shall constitute full and sufficient authority to the state treasurer for the disbursement of public moneys in the amount set forth, and the state treasurer shall accept all such warrants and issue his check on a state depository bank in payment therefor, or if no funds are available for payment of such warrants he shall issue, in lieu thereof, a treasurer's warrant note or notes equal to the face value of the warrant or for the combined face value of any number of state warrants so presented for payment; provided, that treasurer's warrant notes be issued for the general fund only. Each treasurer's warrant note shall be dated the date of the presentation of warrants to the state treasurer and interest shall be allowed from said date, and paid out of the general fund, in addition to the principal thereof; provided, that the state loan commissioners shall fix and change, from time to time, the rate of interest to be paid on said warrants as provided by law, and provided that such note shall be countersigned and registered by the state auditor and shall be substantially in the following form, to wit:

TREASURER'S WARRANT NOTE

Number.....

Phoenix, Arizona.....19.....

The treasurer of the state of Arizona will pay to  
 the order of.....\$.....

with interest at.....per annum from the date of issue  
 to date of call.

(Countersigned)  
State Auditor

State Treasurer

The state auditor shall credit the state treasurer with the amount of all warrants retired or paid by him and shall charge the state treasurer with the amount of all treasurer's warrant notes issued, and no money shall be withdrawn from the treasury for any purpose unless for the payment of warrants issued by the state auditor or for the payment of treasurer's warrant notes. Treasurer's warrant notes may be issued for the combined face value of any number of treasurer's warrant notes previously issued. Except for those notes issued to redeem treasurer's warrant notes previously issued, no treasurer's warrant note shall be issued except in payment of a warrant or warrants presented for payment as provided in this section. When the state treasurer pays treasurer's warrant notes he shall mark on the face of such treasurer's warrant notes the word "cancelled" indicating the date of such cancellation, he shall promptly present such notes to the state auditor who shall give the state treasurer a receipt for the same. Provisions of this Act shall not be construed to apply to withdrawals of funds from state depository banks for immediate redeposit in other state depository banks.

Sec. 5. DUPLICATE WARRANTS; WHEN AND HOW ISSUED. Whenever it is made to appear to the satisfaction of the state auditor, by affidavit or otherwise, that any auditor's warrant has been lost or destroyed prior to payment, and there is no reasonable probability of its being found or presented, the state auditor may issue to the owner a duplicate of such lost or destroyed warrant, provided that before issuing such duplicate the state auditor shall send a written stop payment notice to the state treasurer giving the number, amount, and date of warrant, the payee, and the fund on which drawn, and require of such owner a bond double the amount of such lost warrant, approved as to form by the attorney general, payable to the state of Arizona, with surety to the approval of the state auditor and conditioned to make good any loss or damage sustained by the state or any person or persons on account of the issuance of said duplicate. The duplicate warrant issued shall be plainly stamped or marked so that its character may be readily and easily ascertained, and such duplicate warrant issued under authority of this section shall constitute full and sufficient authority to the state treasurer for the disbursement of public moneys in the amount set forth on

said duplicate warrants, and the state treasurer shall not pay any warrant on which a stop payment notice has been made, unless the state auditor has released the stop payment in writing.

Sec. 6. WARRANTS BARRED; WHEN. No warrant upon the state treasury shall be paid unless presented to the state treasurer for payment before the close of the second fiscal year next after the fiscal year in which it shall have been issued. All warrants not so presented within such time shall be deemed to have been paid, and any moneys held at the expiration of such time in any fund or account for the payment of such warrants shall thereupon be transferred or reverted to the general fund. All treasurer's warrant notes must be presented before the close of the second fiscal year after call for payment, otherwise they shall be deemed paid and the corresponding fund shall revert to the general fund.

Sec. 7. LAPSING APPROPRIATIONS. No officer or other agency of the state shall, after the close of any fiscal year, incur or order or approve the incurring of any obligation or expenditure under any appropriation made by the legislature for such fiscal year, and no expenditure shall be made from or be charged to any appropriation made by the legislature for any fiscal year that shall have expired at the time the obligation for such expenditure was incurred. The state auditor is authorized to draw warrants, against the available balances of appropriations made for a fiscal year, for a period of one month after the close of such fiscal year, for the payment of obligations incurred during the fiscal year for which such appropriations were made or in fulfillment of contracts properly made during such year and for no other purpose whatsoever, provided that such goods were received or services rendered prior to the close of such fiscal year. After the expiration of such period of one month from the beginning of each fiscal year, all balances of appropriations for the prior fiscal year shall lapse and no further payments shall be made on any claim on account of expenditures of such prior fiscal year. Appropriations for construction or other permanent improvements shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned unless such appropriation has stood during the entire fiscal biennium without an expenditure therefrom or encumbrance thereon. Nothing in this section shall be construed to require the reversion to the general fund of any balance derived wholly or partly from

federal grants, earnings or other sources, and remaining in any special revenue, endowment, interest, redemption, or suspense agency fund at the close of the fiscal year unless expressly so provided by law, nor to require the reversion to the general fund of any balance of fiscal year or biennium appropriations made for the University of Arizona.

Sec. 8. EMERGENCY EXPENDING. The governor may authorize the incurring of liabilities and expenses to be paid as other claims against the state, from the general fund, in the amount necessary, provided, the aggregate amount of the debt so incurred shall not exceed the sum of twenty-five thousand dollars, to meet contingencies and emergencies arising from invasions, riots or insurrections, epidemics of disease, acts of God resulting in damage or disaster to the works, buildings, or property of the state or which menace the health, lives, or property of any considerable number of persons in any community of the state, and for which no other funds are appropriated, or for which the appropriation was insufficient to meet the emergency.

Sec. 9. REVOLVING FUNDS AUTHORIZED; PURPOSE AND MANNER OF PROCURING. The head official of any budget unit, the activities of which require immediate cash outlays for postage, C.O.D. packages, travel or other minor disbursements, which are proper as ultimate claims for payment from state funds, may apply to the state auditor to provide a revolving fund in an amount not to exceed one thousand dollars, for any department excepting the University of Arizona which shall not exceed ten thousand dollars, and the Arizona Highway Department which shall not exceed fifty thousand dollars. Such application shall state the purposes for which required; the amount deemed necessary, and the particular person who shall have custody of and be charged with the handling and accounting for the fund. The state auditor shall allow such application, draw a warrant to the order of the applicant officer, and charge the amount thereof against the appropriation made to that budget unit, provided, that no such revolving fund shall be established unless the applicant therefor is bonded for an amount equal to twice the amount of such revolving fund. The manner of accounting of any revolving fund shall be determined by the state auditor and the applicant officer shall return the full amount of the revolving fund to the state treasurer on or before the close of the fiscal year in which the said fund was established.

Any time during the fiscal year, at the request of the state auditor, the applicant shall return to the state treasurer the full amount of the revolving fund or amount requested and no claims for services of the applicant officer or the head of the budget unit shall be audited until such request has been complied with.

Sec. 10. STATE AUDITOR TO PRESCRIBE AND INSTALL A UNIFIED AND INTEGRATED SYSTEM OF ACCOUNTING. The state auditor shall prescribe and install a unified and integrated system of accounting for the state which shall include:

(a) A system of uniform records, accounts, statements, expenditure and income classifications, estimates, claim forms, receipt forms, pay-in vouchers and such other forms and devices as the state auditor may deem necessary for the production of needed information respecting financial condition, financial operations and costs to the state, with suitable instructions governing the installation and use thereof. The accounting system and forms so prescribed shall be adopted and employed by all officials, departments, boards, commissions, and institutions of the state government, and the state auditor shall exercise constant supervision and control over the same.

(b) A set of double entry control accounts, which shall be maintained in the office of the state auditor, consisting of the budgetary and proprietary accounts of the state and subsidiary ledgers showing in detail the actual expenditures, actual income, appropriations, and additions to appropriations, allotments from appropriations, unallotted balances of appropriations, encumbrances outstanding, unencumbered balances, estimated income, current assets, current liabilities, fixed assets, and the current surplus or deficit as the case may be and such other accounts and records which will enable the state auditor to maintain a continuous internal audit of the financial transactions of the state and its budget units, and for the reporting thereof.

Sec. 11. COPIES OF ACTIVE ACCOUNTS FURNISHED BUDGET UNITS BY STATE AUDITOR. The state auditor shall within ten days after the close of each month furnish each budget unit with copies of his active accounts with the appropriation allotments in favor of such budget unit, showing all the transactions recorded in the previous month, the amount of outstanding en-

cumbrances, the total allotments for the year to date, and the unencumbered balance as at the end of that month.

Sec. 12. THE STATE AUDITOR TO PREPARE AND SUBMIT REPORTS TO GOVERNOR. The state auditor shall prepare and submit to the governor: (a) a report within ten days after the close of each month embodying: (1) a statement of the financial condition of the general fund and of each other fund or fund grouping as at the close of the previous month; (2) a statement of operations for the general fund and for each other fund or fund grouping for the current fiscal year to the close of the month; (3) a statement showing for each appropriation allotment, the amount of authorized disbursements for previous month and for the current fiscal year to the close of the month, the total appropriation allotment credits for the fiscal year to the close of the month, the unexpended balance, the outstanding encumbrances, and the unencumbered balance as at the close of that month; (4) a statement showing for each special revenue fund the amount of authorized disbursements for the previous month and for the current fiscal year to the close of the month, the total credits for the current fiscal year to the close of the month, the unexpended balance, the outstanding encumbrances, and the unencumbered balance as at the close of that month; (5) a statement of the reconciliation of the unexpended allotment balance, the unallotted appropriation balance, and the outstanding warrants as shown by the state auditor for each appropriation with the balance in each appropriation as shown by the state treasurer; (6) a statement of the reconciliation of the unexpended balance and outstanding warrants as shown by the state auditor for each fund with the balance in each fund as shown by the state treasurer; (7) a consolidated statement of operations of all funds together with such other statements and explanations as the governor may require or as the state auditor may deem necessary for informing the governor of the financial transactions and condition of the state and each of the budget units.

(b) On or before the first day of December in each fiscal year a complete report of the financial transactions of the preceding fiscal year and of the financial condition of the state as at the end of that year, with such comments, and supplementary data as he may deem necessary to make his report complete and easy to understand.

Sec. 13. STATE AUDITOR EMPOWERED TO AUDIT

**REVENUE ACCRUING TO THE STATE.** The state auditor is hereby empowered to audit the state's portion of taxes collected by the various counties, and the collection of revenues of all kinds accruing to the state, to ascertain whether the revenue due and owing the state is being properly and completely collected.

Sec. 14. **CIVIL LIABILITY.** Any state officer or employee who illegally withholds, expends or otherwise converts any state money to an unauthorized purpose shall be liable, either individually, or on his bond for the amount of such money, plus a penal sum of twenty per cent thereof, and an action may be instituted by the state auditor or the attorney general immediately upon the discovery thereof.

Sec. 15. **PENALTY FOR VIOLATING LAW.** Any officer, agent or employee of the state who shall wilfully fail or refuse to comply with any of the provisions of this Act shall be deemed guilty of a misdemeanor and be fined not less than one hundred dollars, nor more than one thousand dollars, or imprisoned not less than ninety days nor more than one year, or both such fine and imprisonment.

Sec. 16. **SEVERABILITY.** If any provision of this Act shall be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the Act are declared to be severable.

Sec. 17. **CONTINUING AND RECURRING APPROPRIATIONS REPEALED.** Effective July 1, 1943, all continuing or recurring appropriations heretofore made for the use of any state departments or agency from or consisting of any specified source of revenue or a percentage of the receipts and collections of specified revenue, or a percentage of, or amounts equal to a stated percentage of specified expenditures are hereby abolished and repealed, and the total amount of all receipts and collections from any and all sources except those separate funds provided for in this Act, shall be paid into the general fund of the state without any deductions whatsoever to be applied to the purpose and objects for which they were levied or assessed, but always subject to the regulation and control of this Act and of any appropriation Act dealing therewith. Articles 1 and 2 of chapter 10, Arizona Code of 1939, (Articles 1 and 2, chapter 60, Revised

Code of 1928), and all Acts and parts of Acts in conflict herewith are hereby repealed.

Approved by the Governor, March 23, 1943.

Filed in the Office of the Secretary of State, March 24, 1943.

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## CHAPTER 87

(House Bill No. 87)

### AN ACT

RELATING TO RAILROADS; REQUIRING THE EQUIPMENT OF LOCOMOTIVES WITH BELLS, AND PROVIDING FOR WARNING AT PUBLIC CROSSINGS, AMENDING SECTIONS 43-4802 AND 69-116 ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 43-4802 Arizona Code of 1939 is amended to read:

43-4802. WARNING AT PUBLIC CROSSING. Every person in charge of a locomotive engine who before crossing any traveled public way omits to cause the bell to ring or a whistle, siren or other sounding device to sound at a distance of at least eighty (80) rods from a crossing and up to it, is guilty of a misdemeanor.

Sec. 2. Sec. 69-116 Arizona Code of 1939 is amended to read:

69-116. BELL ON LOCOMOTIVES. Every railroad corporation shall cause a bell of at least twenty (20) pounds weight to be attached to each of their locomotives, or shall suffer a penalty of \$100.00, to be recovered by action in the name of the State, one-half of which shall be paid to the informer; and such corporation shall also be liable for all damages which may be sustained by any person by reason of non-compliance.

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

Approved by the Governor, March 23, 1943.

Filed in the Office of the Secretary of State, March 24, 1943.

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## CHAPTER 88

(House Bill No. 154)

### AN ACT

RELATING TO THE ARIZONA CHILDREN'S COLONY; AUTHORIZING THE BOARD OF DIRECTORS OF STATE INSTITUTIONS FOR JUVENILES TO SELL CERTAIN LAND AND TO PURCHASE OTHER LAND FOR THE USE OF THE INSTITUTION; MAKING APPROPRIATIONS, AND REPEALING SECTION 5, CHAPTER 61, SESSION LAWS OF 1941, REGULAR SESSION.

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

Section 1. AUTHORIZATION. The board of directors of state institutions for juveniles is authorized, subject to approval by the governor:

1. To sell to the highest bidder that certain tract of land belonging to the State of Arizona, for the use and benefit of the Arizona children's colony, described as the north half of the southeast quarter of section 34, township 1 north, range 5 east, Gila and Salt river base and meridian, for a net price of not less than fifteen thousand dollars.

2. To purchase or acquire for the use and benefit of the Arizona children's colony, a tract containing not less than twenty acres of good agricultural land, situated suitably for the purposes of the Arizona children's colony, and containing buildings capable of accommodating, or susceptible of such alteration and repair as to render them capable of accommodating forty or more mentally

retarded children. Not to exceed sixteen thousand five hundred dollars may be paid for such tract of land and improvements thereon.

3. To sell such buildings or equipment situated on the land authorized to be purchased under the provisions of paragraph 2, section 1, as may be determined to be unsuitable for the purposes of the colony.

4. The sale of that certain parcel of State land, set aside for a children's colony, shall be consummated only upon the purchase of the new site or sites under consideration for a children's colony.

Sec. 2. APPROPRIATION. (a) All receipts from the sale of land authorized by paragraph 1, section 1, is hereby appropriated to the board of directors of state institutions for juveniles; for the use of the Arizona children's colony.

(b) The sum of twenty thousand dollars is appropriated from the general fund to the board of directors of state institutions for juveniles for the use of the Arizona children's colony to be used in making the purchase of land authorized by paragraph 2, section 1, and for altering, repairing, equipping, and furnishing the buildings thereon.

(c) The receipts accruing under provisions of (section 4, chapter 61, session laws of 1941, regular session) and of Sec. 2, subsection (a) of this Act are appropriated to the board of directors of state institutions for juveniles for the use of the Arizona children's colony, for salaries, operation, maintenance, repairs and replacements, and capital investment, shall be available during the thirty-second and thirty-third fiscal years.

(d) All moneys accruing from the rental of any portion of the land the purchase of which is authorized by paragraph 2, section 1, or from products grown thereon, or from the sale of buildings or equipment thereon, deemed to be unsuitable for the purposes of the Arizona children's colony, are appropriated to the board of directors of state institutions for juveniles, for the purposes stated in subsection c.

Sec. 3. REPEAL. Sec. 5, chapter 61, Session Laws of 1941, regular session, is repealed.

Approved by the Governor, March 23, 1943.

Filed in the Office of the Secretary of State, March 24, 1943.

CHAPTER 89

(House Bill No. 187)

AN ACT

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RELATING TO DEALINGS WITH PERSONS WHOSE MOVEMENTS ARE RESTRICTED; PRESENTING CONDITIONS UNDER WHICH SUCH DEALINGS MAY BE HAD; AND DECLARING AN EMERGENCY.

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

Section 1. NOTICE OF BUSINESS RELATIONS WITH RESTRICTED PERSON. Any person who: 1. enters into any contract, agreement, or understanding, written or verbal, involving business relations; 2. purchases, sells, trades or exchanges any real or personal property, commodity or thing, except goods, wares and merchandise for personal consumption, from a person whose movements are restricted by operation of law or by any executive or other order authorized by law, or from a person who is not eligible to citizenship, shall give notice of the transaction or business relationship, by publication not less than three times in a newspaper of general circulation published in the county in which the principal place of business of such person is located. Upon the completion of notice and at least ten days prior to the consummation of the proposed transaction, he shall file in the office of the secretary of state a copy of the notice, accompanied by detailed information regarding the transaction, and a report thereon not later than the fifth day of each month. A separate notice and report shall be required for each separate transaction.

Sec. 2. PENALTY. Failure to comply with any provision of this Act is a misdemeanor, punishable by a fine of not less than one hundred nor more than one thousand dollars, imprisonment of not less than thirty days nor more than six months, or both. The making of any false statement, in either the notice or the report prescribed

by this Act is a felony, punishable by not less than one nor more than three years imprisonment.

Sec. 3. EXCEPTIONS. This Act shall not be construed to apply to any person: 1. acting on behalf of an agency of the United States; 2. dealing with or on behalf of Indian wards of the government, or, 3. dealing at wholesale or retail in wearing apparel, food supplies, medicines or spirituous liquors.

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

Approved by the Governor, March 23, 1943.

Filed in the Office of the Secretary of State, March 24, 1943.

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## CHAPTER 90

(House Bill No. 67)

### AN ACT

RELATING TO ELECTIONS; FIXING THE TIME FOR REGISTRATION OF VOTERS; PROVIDING FOR THE CANCELLATION FOR FAILURE TO VOTE; AND AMENDING SECTIONS 55-202, AND 55-215, ARIZONA CODE OF 1939.

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

Section 1. Section 55-202 Arizona Code of 1939 is amended to read:

55-202. REGISTRATION BY COUNTY RECORDER AND JUSTICES OF THE PEACE. On and after July 1, 1933, and continuously thereafter, the county recorder of each county shall register without charge, and in accordance with the provisions of this article, any qualified elector who presents himself for such purpose. Qualified electors may in like manner register before any justice of the peace, who shall promptly return each completed

registration to the county recorder of the county in which the elector so registered resides provided, that no elector shall be registered between five o'clock p.m. of the sixth Monday preceding any primary or general election and six o'clock p.m. of the day thereof. All necessary expenses incurred by the county recorder in carrying out the provisions of this act, including all books, blanks and other supplies, shall be a county charge. County recorders shall supply the necessary blanks to justices of the peace in their respective counties. The registration of electors required by the charter or ordinances of any city or town are not precluded hereby.

Sec. 2. Section 55-215, Arizona Code of 1939 is amended to read:

55-215. CANCELLATION FOR FAILURE TO VOTE: Following the general election in each even numbered year the recorder shall procure from the board of supervisors the poll lists containing the names of all electors who voted at such general election and also the names of all electors who voted at the preceding primary election. An elector must vote at either the primary or general election or his registration shall be cancelled and removed from the general county register. The recorder shall indicate on the face of a cancelled registration the date of cancellation and the fact that it was for failure to vote, after which he shall file the cancelled registration in its proper place in the cancellation binder.

Approved by the Governor, March 24, 1943.

Filed in the Office of the Secretary of State, March 24, 1943.

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## CHAPTER 91

(House Bill No. 68)

### AN ACT

RELATING TO ELECTIONS; PROVIDING FOR THE BALLOT FOR ABSENTEE VOTERS, AND AMENDING SEC. 55-1303, ARIZONA CODE OF 1939.

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

Section 1. Section 55-1303, Arizona Code of 1939 is amended to read:

55-1303. THE BALLOT. The ballot for absent and disabled voters shall be identical with the regular official ballots, except that it shall have printed or stamped on the stub thereof the words, "Official Absent or Disabled Voter's Ballot." The officer charged by law with the duty of preparing the ballots at the election, shall prepare the official absent or disabled voter's ballot, and deliver a sufficient number to the recorder, not less than thirty (30) days prior to a primary election and not less than thirty (30) days prior to a general election.

Approved by the Governor, March 24, 1943.

Filed in the Office of the Secretary of State, March 24, 1943.

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## CHAPTER 92

(House Bill No. 71)

### AN ACT

RELATING TO PRIMARY ELECTIONS; PRESCRIBING THE NUMBER OF SIGNATURES TO NOMINATING PETITIONS; PROVIDING FOR PARTY GOVERNMENT, AND AMENDING SECTIONS 55-1005 AND 55-1024, ARIZONA CODE OF 1939.

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

Section 1. Sec. 55-1005, Arizona Code of 1939, is amended to read:

55-1005. NUMBER OF SIGNATURES REQUIRED.  
(a) Nomination papers shall be signed:

1. If for a candidate for the office of presidential elector, United States senator, representative in congress, or for any state office, excepting members of the legislature and superior court judges, by a number of qualified electors equal to at least one per cent of the votes of the party of such candidate in at least three counties in the

state, but not less than one per cent nor more than ten per cent of the total vote of his party in the state.

2. If for a candidate for a county office, member of the legislature or superior judge, by at least three per cent of the party vote in such county or district, but not more than ten per cent of the total vote of the party designated in such county or district.

3. If for a candidate for county or city precinct committeeman by at least three per cent of the party vote in such precinct.

4. If for a candidate for justice of the peace or constable, by at least five per cent of the party vote in the precinct.

5. If for a candidate for mayor or other office nominated by a city at large, by at least five per cent and not more than ten per cent of the designated party vote in said city.

6. If for an office nominated by ward, precinct, or other district of a city, by at least five per cent and not more than ten per cent of the designated party vote in such ward, precinct, or other district.

7. If for a candidate for an office nominated by a town at large, by at least five per cent and not more than ten per cent of the vote in said town.

(b) The basis of percentage in each case referred to in subsection (a), except in cities and towns, shall be the vote of the party for governor at the last preceding general election at which a governor was elected. In cities the basis of percentage shall be the vote of the party for mayor at the last preceding election at which a mayor was elected. In towns the basis of percentage shall be the highest vote cast for an elected official of the town at the last preceding election at which an official of the town was elected.

Sec. 2. Sec. 55-1024, Arizona Code of 1939, is amended to read:

55-1024. PARTY ORGANIZATION AND GOVERNMENT. (a) At the primary election the members of a political party residing in each precinct shall choose one

of their number as county precinct committeeman, and in addition thereto, in any precinct in which more than seventy-five votes were cast at the last preceding general election for the nominee of the party for governor, one precinct committeeman for each seventy-five votes or major fraction thereof.

(b) The whole number of county precinct committeemen of a political party shall constitute the county committee of such party. The county committee shall meet on the Friday next preceding the last Monday of the month in which the primary election for state and county officers is held and organize by electing from its membership a chairman, a secretary, and a treasurer. The latter two offices may be filled by the same person. The chairman of the county committee shall be ex-officio a member of the state committee.

(c) The state committee of each party shall consist, in addition to the chairmen of the several county committees, of one member of the county committee for each two hundred votes or major fraction thereof cast for the party's nominee for governor at the last preceding general election, which state committeemen shall be chosen at the first meeting of the county committee, from the committee's elected membership.

(d) The state committee shall meet at the state capitol at twelve o'clock noon on the last Monday of the month in which the primary election for state and county offices is held, and organize by electing from its membership a chairman, a secretary, and a treasurer.

(e) The executive committee of the state committee shall consist of one member of the state committee from each county, and one member for each one thousand votes or major fraction thereof cast for the party's candidate for governor in the last preceding general election, elected by the members of the state committee from the respective counties. The chairman of the state committee shall be ex-officio chairman of the executive committee.

(f) At the primary election of a city or town the members of the party residing in each precinct or ward shall choose one of their number as city or town precinct committeeman, and in addition thereto, in any precinct in which more than twenty-five votes were cast at the last preceding election for the nominee of the party for Mayor,

one committeeman for each fifty votes or major fraction thereof.

(g) The party committee of a city or town shall be composed of the precinct committeemen chosen at the regular primary election at which candidates for Mayor are nominated, and shall organize by electing from its membership a chairman, a secretary, and a treasurer.

(h) No proxy shall be given by a member of the state committee for use at a meeting of the state committee, nor by a member of the county committee for use at a meeting of the county committee, except to a qualified elector of his county. No proxy shall be given by a member of a city or town committee except to a qualified elector of the same city or town, who shall be an elector of the same ward or precinct as the person giving the proxy. Every proxy shall be attested by a notary public or two witnesses.

(i) The party council of each party shall consist of the candidates of the party for United States senator, representative in congress, any state office, state senator and state representative nominated at the last primary election, the national committeeman, the chairman and the members of the state executive committee.

(j) All members of the party council, except the members of the state committee, shall be notified by the Secretary of State at least one week prior to the party council meeting. The party council shall meet at the capitol at twelve o'clock noon on the Tuesday following the last Monday of the month in which any primary election is held prior to a general election. It shall be called to order by the Secretary of State, who shall read the roll of members, and shall organize by electing from its membership a chairman and a secretary. It shall formulate the state platform of its party and perform such other business as may properly be brought before the meeting. The platform of each party shall be made public not later than six o'clock p.m. of the day following the council's adjournment. The party council may call special meetings and perform any business consistent with this Act.

Approved by the Governor, March 24, 1943.

Filed in the Office of the Secretary of State, March 24, 1943.

## CHAPTER 93

(House Bill No. 105)

## AN ACT

RELATING TO BUILDING AND LOAN ASSOCIATIONS AND SAVINGS AND LOANS ASSOCIATIONS; PROVIDING FOR INVESTMENTS BY MINORS; AND AMENDING SECTION 51-615, ARIZONA CODE OF 1939.

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

Section 1. Sec. 51-615, Arizona Code of 1939, is amended to read:

51-615. MINOR MAY HOLD SHARES. Any minor may purchase, and hold shares, share accounts or investment certificates of any building and loan association, or savings and loan association, operating in this state, including a federal savings and loan association, up to the amount such shares, share accounts or investment certificates are insured by the federal savings and loan insurance corporation and such shares, share accounts or investment certificates may be held for the exclusive right and benefit of such minor, free from the control or lien of all other persons. The receipt or acquittance of any such minor shall be a valid and sufficient release and discharge of the association for any payment or delivery to such minor of, or on account of, any such share, share account or investment certificate. No minor shall be eligible to hold office in such associations.

Approved March 24, 1943.

Filed in the Office of the Secretary of State, March 25, 1943.

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CHAPTER 94

(Senate Bill No. 72)

## AN ACT

RELATING TO THE COLORADO RIVER; PROVIDING

FOR A CONTRACT BETWEEN THE UNITED STATES OF AMERICA AND THE STATE OF ARIZONA, AND FOR THE CONDITIONAL APPROVAL OF THE COLORADO RIVER COMPACT; AND DECLARING AN EMERGENCY.

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

Section 1. AUTHORIZATION TO NEGOTIATE AND SIGN CONTRACT ON BEHALF OF THE STATE OF ARIZONA. The Colorado River Commission of Arizona, or, in the event of its inability to act, any other state agency of this state designated for such purpose by the Governor of this state, who is hereby empowered to designate for such purpose any state agency now existing or hereafter created, is hereby authorized to negotiate and sign a contract between the United States of America acting through the Secretary of the Interior, and the state of Arizona, acting through the Colorado River Commission, or such other state agency as may be designated for such purpose by the Governor for the delivery for use in this state of all such waters of the Colorado River as are available for use in this state, consistent with the provisions of the Boulder Canyon Project Act. Such contract shall be submitted to the Legislature of the state of Arizona, on or before July 1, 1944, and shall not become binding upon the state of Arizona until ratified by the Legislature and approved by the Governor.

Sec. 2. CONDITIONAL APPROVAL. Upon and only upon ratification by the Legislature and approval by the Governor of the contract authorized in section 1 of this Act, the Colorado River Compact signed at Santa Fe, New Mexico, on the 24th day of November, 1922, shall be and become by the terms of this Act ratified for and on behalf of the state of Arizona.

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 by the Governor, March 25, 1943.

Filed in the Office of the Secretary of State, March 25, 1943.

(This bill carrying the Emergency clause was passed by the following vote: House, without enacting the emergency, 36 ayes, 19 nays, 0 absent, 3 excused. Senate: 17 ayes, 2 nays, 0 not voting).

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EXECUTIVE OFFICE

State House

Phoenix, Arizona

March  
Twenty-fifth  
1943

Honorable Dan E. Garvey  
Secretary of State  
State House  
Phoenix, Arizona

My dear Mr. Secretary:

I herewith hand you Senate Bill No. 72 "An Act relating to the Colorado River, providing for a contract between the United States of America and the State of Arizona, and for the conditional approval of the Colorado River Compact; and declaring an emergency", which I have this day approved.

This measure is one of the most important ever passed by an Arizona legislature. It has been the cause of bitter controversy for more than twenty years. In it is involved the fate of Arizona's agricultural and industrial development. The people of Arizona are entitled to know just what my reasons are for approving this measure.

Use of all water available to us from the Colorado River is the key to Arizona's development. Senate Bill No. 72 provides the means by which the present obstacles to the use of that water can be removed.

This measure does not ratify the Colorado River Compact. It authorizes the signing of a contract with the Secretary of the Interior for all the water from the Colorado River to which Arizona is entitled under the law of the land.

It provides that when a satisfactory contract has been signed with the Secretary of the Interior, guaranteeing to Arizona the maximum amount of water available under the law, such contract is to be submitted to the legislature. When and if the legislature approves it and the Governor signs it, the Colorado River Compact will be ratified. "Conditional approval" of the Compact means approval only on those conditions.

The questions naturally arise: Just what is the Colorado River Compact and why must it be ratified in order for Arizona to get all the water she can obtain under the law of the land? These questions demand clear answers.

Why must we ratify the Compact? Why can we not simply take from the river all the water we can use?

There was a time when we could have done just that. Prior to the passage of the Boulder Canyon Project Act, Arizona, acting under the doctrine of prior appropriation, could have taken from the river all of the water we could use and which we were able to finance. The Boulder Canyon Project Act changed that irrevocably. It prevents Arizona from taking any water out of the river except by contract with the Secretary of the Interior under the terms of the Colorado River Compact. No irrigation or power project can be built on the river and no transmission lines constructed from it without crossing federal land, and Arizona cannot avoid the condition attached to the use of that federal land, which is that the water and power are subject to the terms of the Boulder Canyon Project Act and the Colorado River Compact.

Despite Arizona's vigorous opposition to the Boulder Canyon Project Act, it passed Congress, was signed by the President in December 1928, and upheld by the United States Supreme Court. Since that time the Boulder Canyon Project Act has been the law of the land and the Colorado River Compact has been the law of the river, Arizona's refusal to sign notwithstanding.

It is time for us to face the facts. All the Don Quixotes in Arizona cannot bring back to this state the rights we could have exercised prior to the passage of the Boulder Canyon Project Act.

Instead, while we have continued to fight among ourselves we have succeeded only in denying to ourselves the benefits in the use of irrigation and power which we can

confidently expect if we simply sign a contract with the Secretary of the Interior under the law of the river and the law of the land.

That is why the compact must be ratified, but before ratifying it we are determined to have a signed contract guaranteeing to us the maximum water that is available to us under it.

Just what is the maximum available? What do the Colorado River Compact and the Boulder Canyon Project Act provide?

The Compact itself does not divide the water between the states but only between the upper and lower basins. It allocates 7,500,000 acre feet annually to the upper basin states—Colorado, New Mexico, Utah and Wyoming—and 8,500,000 annually to the lower basin states—Arizona, Nevada and California. In addition it permits the lower basin to annually use all of the surplus water, subject to further apportionment in 1963, which means all the water in addition to that which is thus allocated. California is limited by law to one half of that surplus.

The Boulder Canyon Project Act recognized this Compact as the law of the river. It also authorized a further agreement between the three lower basin states to give California 4,400,000 of that 8,500,000 acre feet, Nevada 300,000 and Arizona 2,800,000 plus all the waters of the Gila River within Arizona, which includes the Salt River and its tributaries.

Nevada and California have already secured to themselves the full amount of their allocations. This they have done by signing the Compact and obtaining contracts with the Secretary of the Interior. From the surplus waters California has also obtained a contract for 962,000 additional acre feet.

Arizona, having failed to sign the compact and obtain a contract, has received nothing from the main stream of the Colorado River. When we do that, Arizona will be entitled to the same amount of surplus water per year as California, plus 2,800,000 acre feet from the main stream and all the water from the Gila.

This amount due Arizona cannot be increased because all the rest of the water has been allocated to other states.

The amount due Arizona, however, can conceivably be reduced as long as we do not sign a contract for it. And as long as we do not take it, it continues to go down stream to Mexico, helping Mexico to irrigate her lands and build up, by beneficial use, her claims to permanent use of this water. The more water Mexico uses the more valid claim she will have before an international tribunal for continued use.

Now, of course, we would like to take from California some of that 4,400,000 acre feet of water. But neither unrecognized filings against it, nor wishful thinking on our part can accomplish that. Nothing can accomplish it. The Federal Government, having expended tens of millions of dollars of the people's money to provide irrigation and power facilities for the use of this water in one state, will not wipe out that investment and divert that water to another state. Arizona cannot compel that any more than we can turn back the pages of history. The time has long since passed when Arizona could obtain the water which California has already put to beneficial use. If we delay further because we cannot have all, we endanger our present opportunity to contract for that which remains. There are reasons to believe that out-of-state interests desire that we do just that. We in Arizona know that the division of water between the lower basin states is unfair and unjust, but we also know that it is the law and we must operate under it if we are to operate at all.

As a matter of fact, we have already recognized that the Boulder Canyon Dam Act is the law of the land and the Colorado River Compact the law of the river. We had to do that in order to build the Yuma Mesa project on the Gila River. The contract for that project comes under the terms of the Compact. Accepting those terms as we have in order to build certain projects, we are ratifying the Compact piece meal, but we are not preserving for Arizona, for future use, the full amount of water allocated to us by the law of the land.

If we are to provide for the further agricultural and industrial expansion of this state, we need a contract with the Secretary of the Interior to accomplish that, and we need it now. Senate Bill No. 72 authorizes negotiations for water contracts with the Secretary of the Interior. This water, when secured to us, on the terms set forth here, can be used by us for development of both irrigation and power in the maximum amount available under

the law of the land. Having obtained a satisfactory contract, we can then ratify the Colorado River Compact and obtain these benefits under the law of the river. It is imperative that this measure become law in order that the obstacles to the development of Arizona may be removed.

For the above-mentioned reasons, I have today approved Senate Bill No. 72.

Sincerely,

(SIGNED) SIDNEY P. OSBORN

Governor

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CHAPTER 95

(H. B. No. 131)

AN ACT

RELATING TO BENEFIT INSURANCE CORPORATIONS; PRESCRIBING CONDITIONS UNDER WHICH THEY MAY OPERATE; PRESCRIBING THE PROCEDURE FOR CHARTERING OF BENEFIT INSURANCE CORPORATIONS; AND REPEALING ARTICLE 6, CHAPTER 53, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:**

Section 1. SHORT TITLE. This Act may be cited as "the benefit insurance corporation law of 1943."

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

"commission" means the Arizona corporation commission;

“benefit certificate” means a policy of insurance issued by a benefit insurance corporation;

“benefit insurance corporation” means a corporation, not for pecuniary profit, formed to provide personal health and accident insurance, dividends and cash benefits for beneficiaries of deceased members, and includes all corporations, societies and associations, except those specifically exempted, operating an insurance business in which funds are provided by premiums and assessments;

“corporation” means “benefit insurance corporation”;

“insolvent” means inability to pay claims and debts in the usual course of business.

Sec. 3. FORMATION. (a) Five hundred or more citizens of the United States, residents of this state for not less than one year, may form a benefit insurance 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 its affairs are to be conducted for the first three (3) months, who shall serve until the election and qualification of their successors, the corporation's name, which shall indicate its general character of business and shall not closely resemble the name of any association, insurance company, or corporation now incorporated in or licensed to do business in this state, and that private property is to be exempted from liability for the corporate debts.

(b) When the articles of incorporation have been filed with the commission 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 each member of the commission its attorney upon whom all lawful process in any action or proceeding against the corporation may be served, the commission shall issue a certificate of incorporation to the corporation.

(c) Benefit corporations, organized in this state or admitted from another state after the effective date of this act, shall be granted a certificate of authority to transact a benefit insurance business upon presenting evidence to the commission that it has deposited with the state treasurer, five thousand dollars (\$5,000.00) in cash

or approved securities for the protection of its certificate holders.

Sec. 4. CERTIFICATE OF AUTHORITY. (a) No benefit insurance corporation shall transact business within this state without a valid certificate of authority therefor, issued by the corporation commission, certifying that the corporation has complied with the law and is authorized to transact the business of benefit insurance. The certificate of authority shall be renewed not later than April 1 of each year.

(b) Any corporation operating under the benefit corporation law of 1939 shall be given a certificate of authority upon: 1. filing with the commission, within thirty days after this Act takes effect, an application therefor and an agreement to conform to the provisions of this Act, and, 2. appointing, in writing filed with the commission, each member of the commission its attorney upon whom all lawful processes in any action or proceeding against the corporation may be served.

Sec. 5. SERVICE OF SUMMONS; NOTIFICATION. Service of summons in any civil action upon a member of the commission shall be deemed personal service upon the company within the county where the action is brought. Immediately upon service of any process, the corporation commission shall notify the corporation by registered mail of such service.

Sec. 6. FIDELITY BOND. The treasurer or other officer or officers of the corporation responsible for the corporation assets shall furnish a fidelity bond payable to the corporation, executed by a company authorized to transact business in this state in an amount equal to the mortuary fund of the corporation, as of December 31st of the preceding year, exclusive of the deposit with the state treasurer herein referred to, but in no case shall the bond be less than five thousand nor more than fifty thousand dollars.

Sec. 7. DEPOSIT FOR PROTECTION OF MEMBERS. (a) Each benefit insurance corporation shall at all times have on deposit with the state treasurer, to be by him held in trust for the benefit and protection of the corporation's members, not less than five thousand dollars, plus two per cent of the gross premiums collected during the preceding year ended December 31st, which shall be

deposited not later than February 1st next following, until the deposit reaches a total of ten thousand dollars.

(b) The deposit prescribed by this section shall be subject to withdrawal in whole or in part only on the order of and as directed by the commission, but may, with the commission's approval, be invested in bonds of the United States or of the state of Arizona, or any political subdivision thereof, or state warrants, which shall be assigned to the state treasurer and held by him as provided for original deposits. The securities may, with the commission's approval, be exchanged for similar securities or cash of equal amount. Interest on securities so deposited shall be payable to the corporation depositing the same.

(c) An unsettled final judgment, arising upon a certificate or policy of insurance, against a benefit insurance corporation shall be a lien on the deposit prescribed by this section, subject to execution after thirty days from entry of final judgment. If the deposit is reduced thereby it shall be replenished within ninety days.

(d) Upon the liquidation or dissolution of a benefit insurance corporation and the satisfaction of all its liabilities, any balance remaining in the deposit in the hands of the state treasurer and any other assets of the corporation shall be distributed to the holders of benefit certificates in good standing at the time proceedings for the liquidation or dissolution of the corporation have been commenced, prorated according to the gross amount of premiums which have been paid on such certificates up to the time such proceedings were commenced.

Sec. 8. NO VESTED PROPERTY RIGHTS. No member of a benefit insurance corporation shall have any vested property right or title in any deposit or reserve during the lifetime of the member, other than as provided in the benefit certificate.

Sec. 9. FUNDS. (a) Each corporation shall create and maintain a mortuary fund by setting aside out of each premium and assessment collected by it, the sum of: 1. On all life insurance certificates after the third month from the date of issue, fifteen per cent of all premiums collected on each certificate during its first policy year, and not less than sixty per cent of all premiums collected during the second and each succeeding policy year, which shall include all premiums upon reinstatements except on premiums upon reinstatement there may be excluded one

month's premium for agent's commission; 2. On all health or accident certificates after the third month from the date of issue, not less than twenty-five per cent of all premiums collected on each certificate during its first policy year, and not less than sixty per cent of all premiums collected during the second and each succeeding policy year thereafter, which shall include all premiums upon reinstatements except on premiums upon reinstatement there may be excluded one month's premium for agent's commission; 3. Interest earned on the mortuary fund; 4. The total of every assessment levied and collected; and, 5. Such other amounts of each premium collected as the corporation may deem necessary for the protection of its members. The residue of all stipulated premiums collected, after setting aside the mortuary fund as provided herein may be used for the general operating expenses of the corporation.

(b) The mortuary fund shall be used exclusively for the fulfillment of the policy contract and for no other purpose, but any part thereof may be deposited with the state treasurer and be invested as provided herein. Any part of the mortuary fund not deposited with the state treasurer may be invested in securities as provided herein.

(c) During any calendar year should the contributions to the mortuary fund exceed the amount required to pay all benefit claims arising during the same calendar year, the company may, in accordance with a provision in the certificate, make a refund to the certificate holders not to exceed fifty per cent of the amount contributed by the certificate holder to the fund.

Sec. 10. POWERS OF CORPORATION. A benefit insurance corporation shall have power:

1. To contract, sue and be sued in its own name.
2. To own sufficient real property for business purposes and such other real property as it may purchase upon foreclosure of its mortgages; but 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, extend the time for such sale and conveyance.
3. To make and amend by-laws, rules and regulations not contrary to law. The by-laws or the certificate shall

provide for: 1. qualification of members; 2. mode of acceptance; 3. fees of admission; 4. expulsion of members for non-payment of any premium or assessment; 5. restoration to membership; 6. employment and compensation of agents; 7. annual meetings of members, and, 8. any other lawful regulation. Members may vote at annual meetings in person or by proxy, but no proxy shall be valid unless given on a form approved by the commission, nor unless it specifies the meeting for which given.

Sec. 11. MEMBERSHIP FEE. A membership fee of not more than six dollars nor less than one dollar may be charged for each application for membership in a benefit insurance corporation.

Sec. 12. OFFICERS. (a) Each corporation shall be governed by not less than three nor more than seven directors and such other officers as may be provided for in the by-laws. All directors shall be residents of the state and shall be elected by the members present in person or by proxy, for a period not exceeding three years, as the by-laws may prescribe. As nearly as practicable, an equal number of directors shall be chosen at each election.

(b) Not less than thirty days notice of each annual meeting shall be given by mail to the members.

(c) After each annual meeting a certificate under the seal of the association shall be filed with the commission, stating the names of the officers elected.

(d) Vacancies in the board of directors shall be filled as prescribed in the by-laws.

Sec. 13. MINIMUM MEMBERSHIP. Each corporation shall maintain a membership of not less than five hundred members in good standing. Should the membership at any time fall below the minimum, the corporation shall immediately notify the commission. Within ninety days thereafter, or such further time not to exceed ninety days as the commission may allow, the corporation shall increase its membership to the minimum. Upon failure to do so within the time fixed, the commission shall revoke its certificate of authority.

Sec. 14. CONSOLIDATION OF BENEFIT INSURANCE CORPORATIONS. A benefit insurance corpora-

tion may consolidate with another such corporation, or any other benefit insurance organization, upon such terms and conditions as may be approved by the commission and upon the affirmative vote of not less than fifty-one per cent of the then membership, either in person or by proxy. Notice of the proposed consolidation, together with the plan and terms of the same, shall be mailed to the members of the corporation to be merged not less than thirty days prior to the membership meeting to be held for the purpose of voting on such consolidation. Upon not less than fifty-one per cent affirmative vote of the then membership of the corporations to be consolidated, the assuming corporation may have the assets of the corporation to be assumed transferred to it, and it shall issue such form of assumption contract as may have been submitted to and approved by the members as aforesaid, to each member of the assumed corporation. The assuming corporation shall also assume the liabilities of the corporation to be assumed. Upon such a consolidation no profit shall inure to the benefit of the officers of either company by reason thereof.

Sec. 15. LIMITED LIABILITY. The private property of the officers, directors, members, beneficiaries, or employees of a benefit insurance corporation shall not be liable for payment of debts of the corporation.

Sec. 16. APPROVAL OF CERTIFICATE AND OTHER FORMS. (a) No benefit certificate, application for membership, or proof of death or loss shall be used by any benefit insurance corporation unless the form thereof is approved in writing by the commission, provided that where said forms are in accordance with the law they shall be approved.

(b) Every health and accident certificate form submitted to the commission shall have attached to it the written opinion of the commission's consulting actuary as to whether: 1. its provisions are conducive to the protection of the insured; 2. the rates prescribed are sufficient to pay claims and operating expenses of the corporation. The actuary's fee, not to exceed fifty dollars for each policy form, shall be paid by the corporation. A policy form when rewritten with minor changes may be approved by the commission without the certificate of the actuary.

(c) Every certificate form submitted to the commission shall be submitted by the commission to the attorney

general and shall have attached to it the written opinion of the attorney general that its provisions are in conformity with the law.

(d) The forms required to be approved shall be approved within a reasonable time and in no event for a longer period than thirty days from the date said forms are submitted to the corporation commission.

(e) Benefit certificates in force at the time this Act takes effect shall not be subject to its terms, but shall remain in full force and effect according to their provisions.

Sec. 17. BENEFIT CERTIFICATE REQUIREMENTS.

(a) Each benefit certificate shall provide that:

1. The insured is entitled to a grace period of fifteen days, following the due date of any premium or assessment, during which time the certificate shall not be forfeited.

2. Upon written application, the submission of acceptable evidence of insurability, and payment of all arrearages, made within one year from the date of lapse or after notice of lapse, whichever is longer, a lapsed certificate may be reinstated. As a result of such reinstatement no benefits provided by such certificate shall be reduced, and the benefits accrued shall remain in effect as if no lapse occurred.

3. The certificate, including any written amendment thereto, and, at the option of the corporation, the application therefor when attached to the policy at the time of issuance, constitute the entire contract between the parties and is incontestable after two years from the date of issuance or two years from the date of last reinstatement, except for non-payment of premiums or assessments.

4. If the age of the insured has been misstated, the amount payable under the certificate shall be such as the premium would have purchased at the correct age.

5. When, by the death of the insured, or loss under any accident or health certificate, a certificate shall become a valid claim, settlement shall be made within

sixty days from the receipt of acceptable proof of loss and of the interest of the claim.

6. In the event the premiums stated in the certificate are found to be inadequate to pay claims and general operating expenses, the corporation may, with the written approval of the commission, increase the premiums.

7. In the event of any unexpected number of deaths the corporation may, with the written consent or at the direction of the commission, levy assessments on members, which shall be placed in the mortuary fund.

(b) Such provisions of the certificate as the commission shall direct shall be printed in bold-face type.

(c) Each benefit certificate shall specify the maximum amount, not exceeding three thousand dollars, to be paid to the designated beneficiary on the death of the insured, and no more than the maximum amount of three thousand dollars of insurance shall be issued to the same person.

(d) Each accident and health certificate shall specify the maximum amount not exceeding five thousand dollars (\$5,000.00) to be paid to the designated beneficiary in case of loss, provided however that the total amount of liability assumed on a single individual shall not exceed five thousand dollars (\$5,000.00).

Sec. 18. PROHIBITED PROVISIONS. No corporation shall:

1. Limit the time within which proof of death or loss shall be furnished to a period less than ninety days from the date of death or loss.

2. Authorize the deduction of any premium or assessment from any benefit payable under the terms of the certificate, except such premiums or assessments as may be due or covered by written order or note at the time of payment of the benefit.

3. Limit the amount of the benefit to be paid to a sum less than the benefit as stated in the certificate and for which the premium has been paid.

4. Provide for cash surrender values, cash loan values, paid-up insurance, or extended insurance.

5. Issue any certificate known as a "dual pay policy," that is, which provides that upon the death of a member, a like amount shall also be paid to a living member as a result of or in connection with the deceased member.

6. Issue any certificate containing a prorate clause, that is, a provision by which the corporation may within any given period of time, compute the total unpaid policy claims and prorate the amount of money in the mortuary and reserve fund at the time, or that is collected for such period, to said claims, and pay the prorated sum to the beneficiaries or members, as full payment of their claims.

7. Issue any certificate known as a graded policy, that is, a policy providing for a period of time in which only a portion of the maximum benefit will be paid with periodical increases until the maximum amount under the certificate is attained, and then, in case the certificate lapses, if reinstated, any loss occurring after any reinstatement thereof shall be computed from the date of reinstatement, thereby forfeiting the accumulated benefits thereunder until such time as the periodical increases restores such certificate to its maximum amount; but a corporation shall not be prohibited from issuing a graded policy if, after it has attained its maximum amount, the amount thereafter shall remain unchanged.

Sec. 19. CERTIFICATE FORMS THAT MAY BE ISSUED; AGE LIMITS; PAYMENT OF PREMIUMS. Benefit insurance corporations may issue single life or family group certificates or accident and health certificates to persons not over seventy years of age. Premiums may be paid weekly, monthly, quarterly, semi-annually, or annually.

Sec. 20. APPLICATION FOR MEMBERSHIP. (a) The application for membership and application for reinstatement in a benefit insurance corporation shall be in the form of clear and direct interrogatories, permitting answers only in the form of direct statements of known facts.

(b) Statements contained in any application shall, in the absence of fraud, be deemed representations.

Sec. 21. FAMILY GROUP CERTIFICATES. A family group benefit certificate shall:

1. On the first page, in figures opposite or immediately below the name of each insured member of the group, state the amount of insurance on the life of each member and the premium charged therefor.

2. Not require the use of any process of division after the first year, or any confusing method of calculation, in order to determine the amount of insurance in force on an insured member.

3. Not contain any representation that a greater amount than that for which the member is insured will be paid on account of the death of any member.

4. Require one application only for the entire group, listing the names of each applicant thereon and otherwise detailing the individual record, and shall be executed by either or both parents where applicants, otherwise by a legal guardian or applicant of legal age.

Sec. 22. BENEFITS EXEMPT FROM ATTACHMENT. No benefit shall be liable to attachment, garnishment, or other process, or be seized, taken, appropriated or applied by any legal or equitable process or operation of law to pay any debt or liability of a member or beneficiary, either before or after payment.

Sec. 23. REVOCATION OF AUTHORITY. The commission may revoke the certificate of authority of a benefit insurance corporation in the event:

1. An undisputed claim arising out of the death of a member or other loss is not paid within sixty days after the filing of a valid claim, pursuant to the provisions of the policy, of satisfactory proof of death or loss, and available assets of the corporation are not sufficient to pay the claim.

2. The deposit prescribed by section 3 is not replenished within ninety days after being reduced.

3. Membership in good standing falls below five hundred, and is not replaced within the time prescribed by law.

4. Failure to comply with any provisions of this Act.

Sec. 24. EXAMINATION. Whenever the commission

shall determine it to be prudent for the protection of members or policyholders of any corporation doing business under this Act, and at least once each year, it shall appoint a competent person or persons to visit the home office of the corporation applying for a license to transact business, or which may be transacting business in this state, whether domestic or foreign, to ascertain its true financial condition, its ability to meet and fulfill its policy obligations, whether it is complying with the provisions of this Act, and all other facts which the commission may require relating to its business methods, management, or dealings with its policyholders. The commission may cause a complete audit of the books and accounts of the corporation to be made, and for the purpose of such examination it shall have free access to all books, records, accounts, vouchers and files of the corporation relating to its business. The commission shall require each such corporation to keep its books, records, accounts and vouchers in such manner that the commission may readily verify its annual statement and ascertain whether the corporation is solvent and is complying with this Act. The commission shall grant a hearing to the corporation examined before filing a report of the investigation, and may withhold the same from public inspection if it deems it to be in the interest of the corporation and its members.

(b) The compensation of certified public accountants shall not exceed the sum of twenty-five dollars per day for a senior accountant and not more than fifteen dollars per day for a junior accountant and the necessary traveling expenses of the person or persons engaged in an examination authorized by the commission, and shall be paid by the corporation directly to such person or persons.

(c) The person or persons making such examinations shall also examine each and every claim made on or paid by the corporation under its certificates, and shall verify the amount of each claim paid or to be paid, since the date of the last examination.

Sec. 25. LIQUIDATION. (a) If after a hearing before a superior court of this state, the court orders the liquidation of the business of a benefit insurance corporation, such liquidation shall be made by the commission, under orders of the court, which shall deal with the property, records, effects and business of the corporation in the name of the corporation.

(b) The commission shall not have the power to

employ clerks, counsel or other assistants, or to compensate any of them, or to incur any expense whatever in such liquidation except upon the approval and order of the court. The cost of such liquidation, approved by the court, shall be paid out of the assets of the corporation which shall include the deposit with the state treasurer. At any time after the order of liquidation issues, the commission may apply to the court for dissolution of the corporation, and the same, upon approval of the court, may be granted.

Sec. 26. AGENT'S LICENSE. Annually on or before April 1 each agent representing a benefit insurance corporation shall procure an agent's license from the commission.

Sec. 27. FEES. Fees for the filing of instruments and documents pursuant to the provisions of this Act or for furnishing copies thereof shall be the same as the fees prescribed by law for filing or furnishing copies of like instruments and documents with the commission.

Sec. 28. ANNUAL REPORTS. Annually on or before March 15, or at such other times as the commission may require, and on forms prescribed by the commission, each benefit insurance corporation shall file with the commission a statement showing the condition of the corporation.

Sec. 29. EXEMPTIONS. The provisions of this Act shall not apply to: 1. secret or fraternal societies, lodges, or councils which conduct their business and secure members on the lodge system exclusively, and have a ritualistic work and ceremonies; 2. mutual or benefit associations composed exclusively of members of: 2a. a fraternal society, lodge, or council; 2b. a church or religious society, or 2c. an association of employees employed by one and the same concern or its subsidiary; 3. labor unions; 4. life insurance companies organized or operating under chapter 61, Arizona Code of 1939, or, 5. foreign assessment companies operating under the general insurance laws of this state or, 6. plans provided by an employer for the payment of benefits to employees.

Sec. 30. FAILURE TO PAY BENEFITS. In the event of the failure of a benefit insurance corporation to pay a benefit, for which the corporation is liable, after demand therefor, within the time specified in the certificate, it shall be liable to pay the claimant, upon final judgment, in addition to the benefit, fifteen per cent dam-

ages upon the amount thereof, together with reasonable attorney's fees and court costs.

When a corporation contests the validity of a certificate or denies liability thereon, it shall immediately notify the commission by letter.

Sec. 31. LAWS APPLICABLE. A benefit insurance corporation shall not be subject to the provisions of the general insurance laws, and no law hereafter enacted shall apply to benefit corporations unless expressly provided therein.

Sec. 32. RULES AND REGULATIONS. The commission may make such reasonable rules and regulations in writing, not in conflict with the provisions of this Act, as may be necessary for the effective administration of this Act and the protection of the insuring public.

Sec. 33. PENALTIES. It is a misdemeanor, punishable by a fine of not more than five hundred dollars, imprisonment in the county jail not more than six months, or both: 1. for an agent, examining physician, or other person to make any false or fraudulent statement or misrepresentation in or with reference to any application for membership, or for purpose of obtaining any money from, or benefit in, any benefit insurance corporation; 2. for an agent to wilfully misrepresent the provisions of a certificate to the purchaser or prospective purchaser; 3. for an officer of a benefit insurance corporation to refuse to permit the commission to examine and audit the business, books or records of a corporation, or, 4. for any person to wilfully violate any of the provisions of this Act.

Sec. 34. REPEAL. Article 6, Chapter 53, Arizona Code of 1939, is repealed. This section shall not negative an implied repeal of any statute which conflicts with this Act.

Sec. 35. INTENT. It is hereby declared to be the intent of the legislature that if any particular portion of this Act shall be held to be unconstitutional, the remainder of the Act shall be in full force and effect notwithstanding.

Sec. 36. EFFECTIVE DATE. This Act is to take effect July 1, 1943.

Sec. 37. EMERGENCY. To preserve the public peace,

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

Approved by the Governor, March 25, 1943.

Filed in the Office of the Secretary of State, March 25, 1943.

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## CHAPTER 96

(House Bill No. 225)

### 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: 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, 1943, AND ENDING JUNE 30, 1944, HERINAFTER DESIGNATED AS THE 32nd FISCAL YEAR, AND BEGINNING JULY 1, 1944, AND ENDING JUNE 30, 1945, HERINAFTER DESIGNATED AS THE 33rd 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 year beginning July 1, 1943, and ending June 30, 1944, hereinafter designated as the 32nd Fiscal Year, and beginning July 1, 1944, and ending June 30, 1945, hereinafter designated as the 33rd 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. ATTORNEY GENERAL

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries and Wages:		
Salary—Attorney General .....	\$ 5,500.00	\$ 5,500.00
Chief Asst. Attorney General....	4,200.00	4,200.00
Assistant Attorney Generals—		
(3 @ \$3,000.00 each per an-		
num) .....	9,000.00	9,000.00
Stenographers (4 @ \$1,800.00		
each per annum) .....	7,200.00	7,200.00
	<hr/>	<hr/>
Total Salaries and Wages.....	\$ 25,900.00	\$ 25,900.00
Operation .....	3,000.00	3,000.00
Travel .....	1,000.00	1,000.00
Capital Investment .....	750.00	750.00
	<hr/>	<hr/>
Total Appropriation .....	\$ 30,650.00	\$ 30,650.00
		<u>\$61,300.00</u>

Suddivision 2. STATE AUDITOR.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salary—Auditor .....	\$ 4,500.00	\$ 4,500.00
Other Salaries:		
Deputy Auditor .....	\$ 3,300.00	\$ 3,300.00
Accountants—Senior (2 @		
\$3,000.00 each per annum)	6,000.00	6,000.00

Accountants — Junior (4 @ \$2,100.00 each per annum)	8,400.00	8,400.00
Social Security Auditor .....	2,400.00	2,400.00
Claim Auditors (3 @ \$1,800.00 each per annum)	5,400.00	5,400.00
Accountant .....	1,800.00	1,800.00
Claim Examiner .....	2,400.00	2,400.00
Addressograph Operator .....	2,400.00	2,400.00
Assistant Addressograph Operator .....	1,800.00	1,800.00
Statistician .....	2,400.00	2,400.00
Burroughs Machine Operat- ors (4 @ \$1,800.00 each per annum) .....	7,200.00	7,200.00
Burroughs Machine Operat- ors (2 @ \$1,620.00 each per annum) .....	3,240.00	3,240.00
Warrant Registrar .....	1,800.00	1,800.00
Warrant Writers (2 @ \$1,560.00 each per annum)	3,120.00	3,120.00
Receptionist .....	1,800.00	1,800.00
Record Clerk .....	1,800.00	1,800.00
Certification Clerks (2 @ \$1,560.00 each per annum)	3,120.00	3,120.00
Personnel Clerk .....	1,560.00	1,560.00
Stenographers (2 @ \$1,560.00 each per annum) .....	3,120.00	3,120.00
Readers (3 @ \$1,560.00 each per annum) .....	4,680.00	4,680.00

Typists (2 @ \$1,560.00 each per annum) .....	3,120.00	3,120.00
Inventory Clerk .....	2,700.00	2,700.00
Periodic Attorney .....	1,500.00	1,500.00
Total Salaries and Wages....	\$ 79,560.00	\$ 79,560.00
Operation .....	11,850.00	11,850.00
Travel .....	1,500.00	1,500.00
Total Appropriation .....	\$ 92,910.00	\$ 92,910.00
		<u>\$185,820.00</u>

## Subdivision 3. CAPITOL BUILDINGS AND GROUNDS.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
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## Salaries and Wages:

Custodian .....	\$ 2,400.00	\$ 2,400.00
Watchmen (3 @ \$1,500.00 each)	4,500.00	4,500.00
Plant Engineer .....	2,100.00	2,100.00
Assistant Engineer .....	1,800.00	1,800.00
Porter and Elevator Operator ....	1,200.00	1,200.00
Elevator Operator .....	1,200.00	1,200.00
Maid .....	1,080.00	1,080.00
Head Gardner .....	1,800.00	1,800.00
Janitors (9 @ \$1,200.00 each)....	10,800.00	10,800.00
Laborers (3 @ \$1,260.00 each)..	3,780.00	3,780.00
Total Salaries and Wages .....	\$ 30,660.00	\$ 30,660.00

Operation .....	3,900.00	3,900.00
Capital Investment .....	250.00	250.00
Repairs and Replacements .....	1,800.00	1,800.00
Fire Insurance .....	1,750.00	1,750.00
Light, Fuel, Water and Power.....	10,500.00	10,500.00
Total Appropriation .....	\$ 48,860.00	\$ 48,860.00
		<u>\$ 97,720.00</u>

Subdivision 4. DEPARTMENT OF LIBRARY AND ARCHIVES.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries:		
Director .....	\$ 5,000.00	\$ 5,000.00
Other Salaries and Wages, including janitor; operation; for capital investment; for repairs and replacements; for miscellaneous requirements:		
Lump sum appropriation .....	\$ 16,100.00	\$ 16,100.00
Total Appropriation .....	\$ 21,100.00	\$ 21,100.00
		<u>\$ 42,200.00</u>

Subdivision 5. GOVERNOR.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salary—Governor .....	\$ 7,500.00	\$ 7,500.00
Other Salaries:		
Executive Secretary .....	4,800.00	4,800.00

Assistant Secretaries (2 @ \$2,400.00 each per annum)....	4,800.00	4,800.00
Stenographers (5 @ \$1,800.00 each per annum) .....	9,000.00	9,000.00
Bookkeeper .....	1,800.00	1,800.00
Total Salaries .....	\$ 27,900.00	\$ 27,900.00

For operation; travel, capital investment; official entertainment; periodic employment; contingent fund; rewards and miscellaneous, including salaries and traveling expenses to take care of representatives attending state business outside the State of Arizona:

Lump sum appropriation .....\$ 16,600.00 \$ 16,600.00

Insurance:

Autos and trucks .....	500.00	500.00
Fire insurance—State Hospital..	4,750.00	4,750.00
Boiler Insurance (Inspection)....		2,700.00
Bonds of officials and employees	500.00	500.00
Total insurance .....	\$ 5,750.00	\$ 8,450.00
Total Appropriation .....	\$ 50,250.00	\$ 52,950.00

\$103,200.00

Subdivision 6. SECRETARY OF STATE.

For the 32nd Fiscal Year    For the 33d Fiscal Year

Salaries:

Secretary .....

	\$ 5,000.00	\$ 5,000.00
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Other salaries and wages .....	14,400.00	14,400.00
Total salaries .....	<u>\$ 19,400.00</u>	<u>\$ 19,400.00</u>
Operation .....	2,500.00	2,500.00
Expense of preparing, printing and distributing First Special Session Laws of 1942, and Regular Session Laws of 1943, 16th Legislature: .....	5,000.00	
Expense of preparing, printing and distributing initiative and referendum publicity pamph- lets: .....		6,000.00
Total Appropriation .....	<u>\$ 26,900.00</u>	<u>\$ 27,900.00</u>
		<u>\$ 54,800.00</u>

## Subdivision 7. STATE EXAMINER.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries:		
State Examiner .....	\$ 2,500.00	\$ 2,500.00
Other Salaries and Wages .....	7,060.00	7,060.00
Total salaries .....	<u>\$ 9,560.00</u>	<u>\$ 9,560.00</u>
Operation .....	750.00	750.00
Travel .....	3,000.00	3,000.00
Printing Treasurer's monthly report forms .....	100.00	100.00
Total Appropriation .....	<u>\$ 13,410.00</u>	<u>\$ 13,410.00</u>
		<u>\$ 26,820.00</u>

## Subdivision 8. SUPERIOR COURT.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries—Judges .....	\$ 47,000.00	\$ 47,000.00
Court Commissioners (Periodic) ..	500.00	500.00
	<u>                    </u>	<u>                    </u>
Total Appropriation .....	\$ 47,500.00	\$ 47,500.00
		<u><u>\$ 95,000.00</u></u>

Subdivision 9. SUPREME COURT.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries:		
Judges (3 @ \$8,500.00 each).....	\$ 25,500.00	\$ 25,500.00
Secretaries (3 @ \$2,100.00 each) .....	6,300.00	6,300.00
Clerk .....	3,600.00	3,600.00
Reporter of Decisions .....	1,200.00	1,200.00
	<u>                    </u>	<u>                    </u>
Total salaries .....	\$ 36,600.00	\$ 36,600.00
Operation .....	1,200.00	1,200.00
Travel:		
Expense—Superior Judges in attendance .....	150.00	150.00
Capital Investment .....	300.00	
Miscellaneous Requirements:		
Printing reports—regular .....	2,000.00	2,000.00
	<u>                    </u>	<u>                    </u>
Total Appropriation .....	\$ 40,250.00	\$ 39,950.00
		<u><u>\$ 80,200.00</u></u>

## Subdivision 10. STATE TAX COMMISSION.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
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## PROPERTY TAX DIVISION:

## Salaries:

Commissioners (3 @ \$4,500.00) .....	\$ 13,500.00	\$ 13,500.00
Secretary and Statistician .....	2,700.00	2,700.00
Comptroller .....	2,400.00	2,400.00
Stenographers (2 @ \$1,560.00) .....	3,120.00	3,120.00
Switchboard Operator .....	1,560.00	1,560.00
Total salaries .....	\$ 23,280.00	\$ 23,280.00
Operation .....	500.00	500.00
Printing Biennial Report .....		1,000.00
Travel .....	750.00	750.00
Valuation Expenses:		
Per diem, travel and subsistence	3,500.00	3,500.00
Office rental .....	2,600.00	2,600.00
Total Property Tax Division..	\$ 30,630.00	\$ 31,630.00

## Subdivision 11. INCOME TAX DIVISION.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
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## Salaries and Wages:

Director .....	\$ 3,900.00	\$ 3,900.00
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Other Salaries and Wages .....	62,100.00	62,100.00
	<u>          </u>	<u>          </u>
Total Salaries and Wages .....	\$ 66,000.00	\$ 66,000.00
Operation .....	6,000.00	6,000.00
Travel .....	8,000.00	8,000.00
Capital Investment .....	1,500.00	1,500.00
	<u>          </u>	<u>          </u>
Total Income Tax Division .....	\$ 81,500.00	\$ 81,500.00

## Subdivision 12. LUXURY TAX DIVISION:

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries:		
Director .....	\$ 3,600.00	\$ 3,600.00
Other Salaries and Wages .....	25,400.00	25,400.00
	<u>          </u>	<u>          </u>
Total Salaries .....	\$ 29,000.00	\$ 29,000.00
Operation .....	14,000.00	14,000.00
Insurance Premiums .....	400.00	400.00
Travel .....	6,000.00	6,000.00
Capital Investment .....	500.00	500.00
	<u>          </u>	<u>          </u>
Total Luxury Tax Division .....	\$ 49,900.00	\$ 49,900.00

## Subdivision 13. SALES TAX DIVISION:

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries and Wages:		
Director .....	\$ 3,600.00	\$ 3,600.00
Other Salaries and Wages .....	131,400.00	131,400.00
	<u>          </u>	<u>          </u>
Total Salaries .....	\$135,000.00	\$135,000.00

Operation .....	\$ 23,000.00	\$ 23,000.00
Travel .....	20,000.00	20,000.00
Capital Investment .....	1,500.00	1,500.00
Total Sales Tax Division .....	<u>\$179,500.00</u>	<u>\$179,500.00</u>
TOTAL APPROPRIATION .....	<u>\$341,530.00</u>	<u>\$342,530.00</u>
		<u>\$684,060.00</u>

## Subdivision 14. STATE TREASURER.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries:		
State Treasurer .....	\$ 4,500.00	\$ 4,500.00
Deputy Treasurer .....	3,300.00	3,300.00
Chief Clerk and Securities Clerk .....	2,000.00	2,000.00
Bookkeeper .....	2,400.00	2,400.00
Assistant Bookkeeper .....	1,800.00	1,800.00
Stenographer .....	1,560.00	1,560.00
Total Salaries .....	<u>\$ 15,560.00</u>	<u>\$ 15,560.00</u>
Operation .....	2,500.00	2,500.00
Capital Investment .....	100.00	100.00
Repairs and Replacements .....	150.00	150.00
Armored Car Service .....	600.00	600.00
To pay for the printing and issuing of tax anticipation bonds .....	200.00	200.00
Total Appropriation .....	<u>\$ 19,110.00</u>	<u>\$ 19,110.00</u>
		<u>\$ 38,220.00</u>

## Subdivision 15. FRUIT AND VEGETABLE STANDARDIZATION ACT.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries and Wages:		
Supervisor .....	\$ 3,000.00	\$ 3,000.00
Office Clerk .....	1,560.00	1,560.00
Total Salaries and Wages .....	<u>\$ 4,560.00</u>	<u>\$ 4,560.00</u>
	<u>\$ 9,120.00</u>	

## Subdivision 16. 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; 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 17. 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 18. BOARD OF CHIROPRACTIC EXAMINERS.

The amount of ninety per cent of all fees and receipts from whatever source received by the Board of Chiropractic Examiners, during each of said fiscal years, when paid into the State Treasury, is hereby appropriated for the payment of salaries and wages; operation; travel; capital investment; and repairs and replacements. The

amount of ten per cent of all such fees and receipts shall be retained by the State Treasurer and credited to the general fund.

Subdivision 19. BOARD OF DENTAL EXAMINERS.

The amount of ninety per cent of all fees and receipts from whatever source received by the Board of Dental Examiners, during each of said fiscal years, when paid into the State Treasury, is hereby appropriated for the payment of salaries and wages; operation; travel; capital investment; and repairs and replacements. The amount of ten per cent of all such fees and receipts shall be retained by the State Treasurer and credited to the general fund.

Subdivision 20. BOARD OF EMBALMING EXAMINERS.

The amount of ninety per cent of all fees and receipts from whatever source received by the Board of Embalming Examiners, during each of said fiscal years, when paid into the State Treasury, is hereby appropriated for the payment of salaries and wages; operation; travel; capital investment; and repairs and replacements. The amount of ten per cent of all such fees and receipts shall be retained by the State Treasurer and credited to the general fund.

Subdivision 21. ARIZONA STATE DEPARTMENT OF HEALTH.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries and Wages:		
Lump sum appropriation .....	\$ 40,000.00	\$ 40,000.00
Operation .....	6,000.00	6,000.00
Travel .....	900.00	900.00
Capital Investment .....	250.00	250.00
Repairs and Replacements .....	250.00	250.00
Miscellaneous Requirements:		

Venereal Disease Control .....	2,000.00	2,000.00
Tuberculosis Control .....	7,500.00	7,500.00
Cooperating Health Units .....	6,000.00	6,000.00
Total Miscellaneous Require- ments .....	15,500.00	15,500.00
Total Appropriation .....	\$ 62,900.00	\$ 62,900.00
		<u>\$125,800.00</u>

In addition to the above appropriation there is hereby appropriated to the Arizona State Department of Health, to be available for salaries and wages; operation; repairs and replacements; capital investment; and travel, all fees collected by said Department of Health.

#### Subdivision 22. BOARD OF MEDICAL EXAMINERS.

The amount of ninety per cent of all fees and receipts from whatever source received by the Board of Medical Examiners, during each of said fiscal years, when paid into the State Treasury, is hereby appropriated for the payment of salaries and wages; operation; travel; capital investment; and repairs and replacements. The amount of ten per cent of all such fees and receipts shall be retained by the State Treasurer and credited to the general fund.

#### Subdivision 23. BOARD OF 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 24. 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 25. 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 is subject to Section 12-713, Arizona Code of 1939, or as amended. The remaining ten per cent is hereby made part of the general fund.

Subdivision 26. BOARD OF PHARMACY.

The amount of ninety per cent of all fees and receipts from whatever source received by the Board of Pharmacy, during each of said fiscal years, when paid into the State Treasury, is hereby appropriated for the payment of Salaries and wages; operation; travel; capital investment; and repairs and replacements. The amount of ten per cent of all such fees and receipts shall be retained by the State Treasurer and credited to the general fund.

Subdivision 27. BOARD OF CHIROPODY EXAMINERS.

The amount of ninety per cent of all fees and receipts from whatever source received by the Board of Chiropractic Examiners, during each of said fiscal years, when paid into the State Treasury, is hereby appropriated for the payment of salaries and wages; operation; travel; capital investment; and repairs and replacements. The amount of ten per cent of all such fees and receipts shall be retained by the State Treasurer and credited to the general fund.

Subdivision 28. DAIRY COMMISSION.

For the 32nd    For the 33d  
Fiscal Year    Fiscal Year

## Salaries:

Commissioner .....	\$ 3,000.00	\$ 3,000.00
Deputy .....	2,400.00	2,400.00
Stenographer .....	1,560.00	1,560.00
Periodical Help .....	400.00	400.00
Total salaries .....	<u>\$ 7,360.00</u>	<u>\$ 7,360.00</u>
Operation .....	450.00	450.00
Travel .....	1,500.00	1,500.00
Total Appropriation .....	<u>\$ 9,310.00</u>	<u>\$ 9,310.00</u>
		<u>\$ 18,620.00</u>

## Subdivision 29. BOARD OF OSTEOPATHIC EXAMINERS.

The amount of ninety per cent of all fees and receipts from whatever source received by the Board of Osteopathic 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 30. BOARD OF DIRECTORS OF STATE INSTITUTIONS FOR JUVENILES.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Board Expense:		
Operation .....	\$ 180.00	\$ 180.00
Travel .....	320.00	320.00
Total Appropriation .....	<u>\$ 500.00</u>	<u>\$ 500.00</u>
		<u>\$ 1,000.00</u>

## Subdivision 31. BOARD OF PARDONS AND PAROLES.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salary—Chairman (per diem)		
Salary 150 days @ \$7.00 per diem .....	\$ 1,050.00	\$ 1,050.00
Supervisor of Paroles, 150 days @ \$7.00 per diem .....	1,050.00	1,050.00
Secretary .....	1,560.00	1,560.00
Total Salaries .....	\$ 3,660.00	\$ 3,660.00
Operation .....	400.00	400.00
Travel .....	350.00	350.00
Total Appropriation .....	\$ 4,410.00	\$ 4,410.00
	<u>\$ 8,820.00</u>	

Subdivision 32. STATE BOARD OF SOCIAL SECURITY  
AND WELFARE.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
For the administration and state participation in Social Security and Welfare programs exclusive of old age assistance and burials: For salaries and wages; for op- eration; for travel; for capital investment; for industrial insur- ance:		
Lump sum appropriation .....	\$207,500.00	\$207,500.00
Aid to Dependent Children .....	478,800.00	478,800.00
Aid to the Blind .....	99,900.00	99,900.00
Direct Relief .....	825,000.00	825,000.00

Crippled Childrens' Service .....	70,000.00	70,000.00
Child Welfare Service .....	60,000.00	60,000.00
Welfare Sanitorium .....	105,000.00	110,000.00
Commodities Distribution .....	10,000.00	5,000.00
Total Appropriation .....	<u>\$1,856,200.00</u>	<u>\$1,856,200.00</u>
		<u><u>\$3,712,400.00</u></u>

Other Welfare programs:

There shall be deducted from the above appropriation the sum received by the Board of Social Security and Welfare from the receipts of the Sales Tax, and the balance of said sum shall be taken from the general fund of the State.

In addition to said sum there is hereby appropriated all Federal Funds accruing from any source whatsoever.

Subdivision 33. CARE OF GIRL JUVENILE OFFENDERS.

	For the 32nd	For the 33d
	Fiscal Year	Fiscal Year

For the use of the Board of Directors of State Institutiouons for Juveniles for the payment of such contracts as are entered into by the Board for the detention, confinement, education, employment, reformation, and medical, surgical and dental treatment and disciplining of the state's girl juvenile offenders:

Lump Sum Appropriation .....	\$ 55,000.00	\$ 55,000.00
		<u><u>\$110,000.00</u></u>

Subdivision 34. INDUSTRIAL SCHOOL.

	For the 32nd	For the 33d
	Fiscal Year	Fiscal Year

## Salaries and Wages:

Superintendent .....	\$ 3,000.00	\$ 3,000.00
Other Salaries and Wages .....	30,300.00	30,300.00
Total Salaries and Wages .....	\$ 33,300.00	\$ 33,300.00
Operation .....	28,052.00	28,052.00
Insurance .....	1,000.00	1,000.00
Travel .....	400.00	400.00
Capital Investment .....	1,500.00	1,100.00
Repairs and Replacements .....	1,500.00	1,500.00
Total Appropriation .....	\$ 65,752.00	\$ 65,352.00
		<u>\$131,104.00</u>

In addition to the above appropriation, there is hereby appropriated the annual income from the land rentals and the interest on the investment of the permanent funds, in compliance with the Enabling Act and the State Constitution, and in addition thereto there is hereby appropriated fees received from the federal government for wards of the federal government placed in said institution.

## Subdivision 35. PIONEERS' HOME.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries and Wages:		
Superintendent .....	\$ 3,000.00	\$ 3,000.00
Other Salaries and Wages .....	25,500.00	25,500.00
Total Salaries and Wages .....	\$ 28,500.00	\$ 28,500.00
Operation .....	50,000.00	50,000.00
Travel .....	150.00	150.00

Repairs and Replacements .....	250.00	250.00
Insurance Premiums .....	750.00	750.00
	<hr/>	<hr/>
Total Appropriation .....	\$ 79,650.00	\$ 79,650.00
		<u>\$159,300.00</u>

In addition to the above appropriation, there is hereby appropriated to the Pioneers' Home and Hospital for Disabled Miners at Prescott, Arizona, the income (maintenance fund) from land rentals and the interest on the investment of the permanent funds, in compliance with the Enabling Act and the State Constitution.

## Subdivision 36. PRISON.

	For the 32nd	For the 33d
	Fiscal Year	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 .....	2,100.00	2,100.00
Engineer .....	2,100.00	2,100.00
Farm Superintendent .....	2,100.00	2,100.00
Matron .....	1,200.00	1,200.00
Chaplains (2 @ \$250.00 each)....	500.00	500.00
Dentist—(Periodic) .....	600.00	600.00
Yard Captain .....	2,000.00	2,000.00
Guards (46 @ \$1,600.00 each, per annum) .....	73,600.00	73,600.00

Relief Guards (Periodic) .....	1,800.00	1,800.00
Parole Clerk .....	1,800.00	1,800.00
Assistant Physician and Nurse (Periodic) .....	400.00	400.00
	<hr/>	<hr/>
Total Salaries and Wages .....	\$ 98,200.00	\$ 98,200.00
Operation .....	75,000.00	75,000.00
Travel .....	1,000.00	1,000.00
Insurance .....	2,000.00	2,000.00
Miscellaneous Capital Investment..	1,000.00	1,000.00
Repairs and Replacements:.....	(2,500.00)	(2,500.00)
Plumbing for No. 2 Cell Block....	(2,495.00)	
	<hr/>	<hr/>
Total Repairs and Replacements .....	\$ 4,995.00	2,500.00
	<hr/>	<hr/>
Total Appropriation .....	\$182,195.00	\$179,700.00
		<hr/>
		<u>\$361,895.00</u>

In addition to the above appropriation, there is hereby appropriated the annual income (maintenance fund) from the land rentals and the interest on the investment of the permanent funds, in compliance with the Enabling Act and the State Constitution.

Subdivision 37. ARIZONA STATE HOSPITAL FOR THE  
INSANE.

For the 32nd    For the 33d  
Fiscal Year    Fiscal Year

Salaries and Wages:

Superintendent .....	\$ 5,000.00	\$ 5,000.00
Other Salaries and Wages .....	255,000.00	255,000.00
	<hr/>	<hr/>
Total Salaries and Wages .....	\$260,000.00	\$260,000.00

Operation .....	150,000.00	150,000.00
Travel .....	1,500.00	1,500.00
Capital Investment:		
Motor Vehicles:		
1 Pick-up Truck .....	\$1,150.00	
1 Sedan .....	1,200.00	2,350.00
	<hr/>	
Miscellaneous Farm Equipment ....	600.00	
Baby Chicks .....	350.00	
Laundry Tub .....	2,200.00	
Two Clothes Presses .....	500.00	
Miscellaneous Capital Investment..	500.00	500.00
Mangle .....		9,500.00
	<hr/>	<hr/>
Total Capital Investment .....	6,500.00	10,000.00
Repairs and Replacements .....	20,000.00	20,000.00
Consultation Service .....	1,000.00	1,000.00
	<hr/>	<hr/>
Total Appropriation .....	\$439,000.00	\$442,500.00
		<hr/>
		<u>\$881,500.00</u>

In addition to the above appropriation, there is hereby appropriated the annual income (maintenance fund) from the land rentals and the interest on the investment of the permanent funds, in compliance with the Enabling Act and the State Constitution. There is also appropriated to the State Hospital for the Insane, to be available for operation, all revenue received for the care of voluntary patients or patients whose maintenance is declared by the committing court to be a charge against the estate of the patient.

## Subdivision 38. VETERANS' SERVICE OFFICER.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries:		
Veterans' Service Officer .....	\$ 3,000.00	\$ 3,000.00
Assistant Veterans' Service Officers:		
Tucson Office .....	1,800.00	1,800.00
Whipple Office .....	1,800.00	1,800.00
Stenographer .....	1,560.00	1,560.00
Total Salaries .....	\$ 8,160.00	\$ 8,160.00
Operation .....	60.00	60.00
Travel .....	600.00	600.00
Capital Investment .....	120.00	
Total Appropriation .....	\$ 8,940.00	\$ 8,820.00
		<u>\$ 17,760.00</u>

## Subdivision 39. VETERANS' RELIEF COMMISSION.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
For relief of veterans pursuant to law .....	\$ 5,500.00	\$ 5,500.00
		<u>\$ 11,000.00</u>

## Subdivision 40. ARIZONA STATE TEACHERS COLLEGE AT FLAGSTAFF.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
For Salaries and wages; for operation; for travel; for capital investment; for repairs and replacements:		
Lump sum appropriation .....	\$199,000.00	\$199,000.00
		<u>\$398,000.00</u>

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, income from land rentals and interest on the permanent investment fund, in compliance with the Enabling Act and the Constitution, 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 41. ARIZONA STATE TEACHERS COLLEGE AT TEMPE.

	For the 32nd	For the 33d
	Fiscal Year	Fiscal Year

For salaries and wages; for operation; for travel; for capital investment; for repairs and replacements:

Lump sum appropriation .....	\$275,000.00	\$275,000.00
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\$550,000.00

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, income from land rentals and interest on the permanent investment fund, in compliance with the Enabling Act and the Constitution, 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 42. ARIZONA STATE SCHOOL FOR THE DEAF AND BLIND.

	For the 32nd	For the 33d
	Fiscal Year	Fiscal Year

Salary—Superintendent .....	\$ 3,000.00	\$ 3,000.00
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Other Salaries and Wages .....	55,560.00	55,785.00
Total salaries and wages .....	\$ 58,560.00	\$ 58,785.00
Operation .....	35,000.00	35,000.00
Travel .....	500.00	500.00
Capital Investment: .....	1,750.00	2,000.00
Linotype .....	4,000.00	
Insurance .....	1,000.00	1,000.00
Motor Vehicle:		
Station Wagon .....		1,250.00
Repairs and Replacements .....	3,000.00	3,500.00
Miscellaneous Requirements:		
Doctors and Dentists .....	1,500.00	1,500.00
Total Appropriation .....	\$105,310.00	\$103,535.00
		<u>\$208,845.00</u>

In addition to the above appropriation, there is hereby appropriated the annual income from the land rentals and the interest on the investment of the permanent funds, in compliance with the Enabling Act and the State Constitution.

Subdivision 43. JUNIOR COLLEGE AT PHOENIX.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Lump Sum Appropriation .....	\$ 15,000.00	\$ 15,000.00
		<u>\$ 30,000.00</u>

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 44. JUNIOR COLLEGE AT THATCHER.



Teachers' Pensions .....	87,000.00	87,000.00
Textbooks .....	90,000.00	90,000.00
Total Miscellaneous require- ments .....	<u>\$177,000.00</u>	<u>\$177,000.00</u>
Sub-total .....	<u>\$207,850.00</u>	<u>\$207,850.00</u>
VOCATIONAL EDUCATION:		
For operation; for travel; for Capital Investment: .....	\$ 750.00	\$ 750.00
VOCATIONAL AGRICULTURE:		
For salaries and wages; for re- imbursement to schools; for operation; for travel; for cap- ital investment:		
Lump sum appropriation .....	10,000.00	10,000.00
TRADE, INDUSTRIAL AND HOME ECONOMICS EDUCATION:		
For salaries and wages; for re- imbursement to schools; for operation; for travel; for cap- ital investment:		
Lump sum appropriation .....	20,000.00	20,000.00
TEACHER TRAINING:		
For salaries and wages; for op- eration; for travel; for capital investment:		
Lump sum appropriation .....	10,000.00	10,000.00
CIVILIAN REHABILITATION:		
For salaries and wages; for op- eration; for travel; for capital investment:		
Lump sum appropriation .....	20,000.00	20,000.00
Total Vocational Education ....	<u>\$ 60,750.00</u>	<u>\$ 60,750.00</u>

The above appropriations are made subject to the condition that, at least, like amounts shall be allotted 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.

Sub-total (Supt's. Office) .....	\$207,850.00	\$207,850.00
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GRAND TOTAL		
APPROPRIATION .....	\$268,600.00	\$268,600.00
		<u>\$537,200.00</u>

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 the apportionment to the various counties in accordance with law. No expenditure shall be made except as specifically authorized above.

Subdivision 46. UNIVERSITY OF ARIZONA.

	For the 32nd	For the 33d
	Fiscal Year	Fiscal Year

For salaries and wages; for operation; for travel; for capital investment; for repairs and replacements:		
Lump sum appropriation .....	\$793,000.00	\$793,000.00
		<u>\$1,586,000.00</u>

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, income from land rentals and interest on the permanent investment fund, in compliance with the Enabl-

ing Act and the Constitution, 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 47. ANIMAL HUSBANDRY.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
For the Livestock Sanitary Board for cooperation with the United States Bureau of Animal In- dustry for the eradication of tu- berculosis in cattle. For salaries; for operation; for travel: Lump sum appropriation .....	\$ 10,000.00	\$ 10,000.00
	<u>\$ 20,000.00</u>	

The said appropriation is made subject to the condition that at least a like amount shall be allotted to this state by the federal government and expended concurrently with this appropriation.

Subdivision 48. STATE BANKING DEPARTMENT.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries and Wages:		
Superintendent of Banks: .....	\$ 5,000.00	\$ 5,000.00
Examiner .....	3,000.00	3,000.00
Secretary .....	1,800.00	1,800.00
Total salaries and wages .....	\$ 9,800.00	\$ 9,800.00
Operation .....	650.00	650.00
Travel .....	1,250.00	1,250.00

Capital Investment .....	75.00	75.00
Total appropriation .....	<u>\$ 11,775.00</u>	<u>\$ 11,775.00</u>
	<u>\$ 23,550.00</u>	

Subdivision 49. STATE 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; travel; capital investment; and repairs and replacements. All travel is subject to Section 12-713, Arizona Code of 1939, or as amended. The remaining ten per cent is hereby made part of the general fund.

Subdivision 50. BUREAU OF CRIMINAL IDENTIFICATION.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries and wages:		
Superintendent .....	\$ 3,600.00	\$ 3,600.00
Assistant Superintendent .....	2,400.00	2,400.00
Total salaries and wages .....	<u>\$ 6,000.00</u>	<u>\$ 6,000.00</u>
Operation .....	350.00	350.00
Capital Investment .....	100.00	100.00
Total appropriation .....	<u>\$ 6,450.00</u>	<u>\$ 6,450.00</u>
	<u>\$ 12,900.00</u>	

Subdivision 51. COMMISSION OF AGRICULTURE AND HORTICULTURE.

For the 32nd Fiscal Year	For the 33d Fiscal Year
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Salaries:

Commission members (3 @ \$300.00) .....	\$ 900.00	\$ 900.00
Other Salaries and Wages .....	99,100.00	99,100.00
Total salaries and wages .....	<u>\$100,000.00</u>	<u>\$100,000.00</u>
Operation .....	5,000.00	5,000.00
Travel .....	4,500.00	4,500.00
Capital Investment:		
1 motor vehicle .....	1,000.00	
New Equipment .....	250.00	250.00
Total Capital Investment .....	<u>1,250.00</u>	<u>250.00</u>
Repairs and Replacements .....	350.00	350.00
Red Scale Eradication .....	5,000.00	3,500.00
Total Appropriation .....	<u>\$116,100.00</u>	<u>\$113,600.00</u>

\$229,700.00

Subdivision 52. CORPORATION COMMISSION.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries and Wages:		
Commissioners (3 @ \$4,500.00) .....	\$ 13,500.00	\$ 13,500.00
Secretary .....	2,700.00	2,700.00
Other Salaries and Wages .....	37,000.00	37,000.00
Total Salaries and Wages .....	<u>\$ 53,200.00</u>	<u>\$ 53,200.00</u>
Operation .....	6,500.00	6,500.00
Travel .....	2,000.00	2,000.00

Capital Investment .....	250.00	250.00
	<hr/>	<hr/>
Total Appropriation .....	\$ 61,950.00	\$ 61,950.00

\$123,900.00

Subdivision 53. DEPARTMENT OF LIQUOR LICENSE  
AND CONTROL.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries and Wages:		
Superintendent .....	\$ 4,800.00	\$ 4,800.00
For salaries and wages; for op- eration; for travel; for capital investment; for repairs and replacements:		
Lump Sum Appropriation .....	65,200.00	65,200.00
	<hr/>	<hr/>
Total Appropriation .....	\$ 70,000.00	\$ 70,000.00

\$140,000.00

Subdivision 54. INDUSTRIAL COMMISSION.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries:		
Commissioners (3) .....	\$ 15,000.00	\$ 15,000.00
Enforcement of Labor Laws and Minimum Wage Laws:		
Manager .....	3,000.00	3,000.00
Inspector .....	2,400.00	2,400.00
Stenographer .....	1,560.00	1,560.00
Director of Minimum Wage Division .....	1,920.00	1,920.00
	<hr/>	<hr/>
Total Salaries .....	\$ 23,880.00	\$ 23,880.00

For operation; travel; for printing labor laws; for District Board Expense: .....	2,500.00	2,500.00
Total Appropriation .....	\$ 26,380.00	\$ 26,380.00
		<u>\$ 52,760.00</u>

Subdivision 55. INSPECTOR OF WEIGHTS AND MEASURES.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries:		
Inspector .....	\$ 3,000.00	\$ 3,000.00
Deputy .....	2,400.00	2,400.00
Total salaries .....	\$ 5,400.00	\$ 5,400.00
Operation .....	500.00	500.00
Travel .....	2,000.00	2,000.00
Capital Investment .....	1,200.00	
Total appropriation .....	\$ 9,100.00	\$ 7,900.00
		<u>\$ 17,000.00</u>

Subdivision 56. ARIZONA CIVILIAN DEFENSE COUNCIL.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
For salaries and wages; operation; Travel; Capital Investment; Repairs and Replacements; Miscellaneous Requirements:		
Lump sum appropriation .....	\$ 40,000.00	\$ 40,000.00
		<u>\$ 80,000.00</u>

The above appropriation shall not be subject to the Financial Code in that it may exceed its quarterly allotment when deemed necessary by the Council.

## Subdivision 57. LIVESTOCK SANITARY BOARD.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries:		
Secretary .....	\$ 2,880.00	\$ 2,880.00
Brand Clerk .....	2,280.00	2,280.00
Bookkeeper .....	1,860.00	1,860.00
Stenographer .....	1,560.00	1,560.00
Board members—per diem .....	1,200.00	1,200.00
Fieldman and Periodic Clerk ....	1,500.00	1,500.00
Inspectors .....	125,000.00	125,000.00
Total salaries .....	<u>\$136,280.00</u>	<u>\$136,280.00</u>
Operation .....	3,500.00	3,500.00
Travel .....	1,000.00	1,000.00
Miscellaneous:		
Printing Brand Book .....	1,000.00	
FOR CONTROL OF DOURINE:		
For salaries; for travel; for operation and for indemnity, and subject to the condition that at least a like amount shall be allotted to this State by the Federal Government and expended concurrently with this appropriation. This is a continuing appropriation.		
Lump sum appropriation .....	15,000.00	
Total Appropriation .....	<u>\$156,780.00</u>	<u>\$140,780.00</u>
		<u>\$297,560.00</u>

## Subdivision 58. NATIONAL GUARD.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries and wages:		
Adjutant General .....	\$ 3,600.00	\$ 3,600.00
Other Salaries and Wages .....	7,000.00	7,000.00
Caretaker—Ft. Tuthill .....	1,200.00	1,200.00
Janitor and Gardener .....	900.00	900.00
Periodic Day Labor .....	400.00	400.00
Total salaries and wages .....	<u>\$ 13,100.00</u>	<u>\$ 13,100.00</u>
Operation .....	5,000.00	5,000.00
Travel .....	500.00	500.00
Capital Investment .....	300.00	300.00
Repairs and Replacements .....	6,000.00	6,000.00
Contingent property allowance .....	2,500.00	2,500.00
Rental—Armories and target ranges .....	300.00	300.00
Officers clothing allowance .....	60.00	60.00
Total appropriation .....	<u>\$ 27,760.00</u>	<u>\$ 27,760.00</u>
		<u>\$ 55,520.00</u>

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, 1944 and June 30, 1945.

Subdivision 59. PREDATORY ANIMAL CONTROL.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries: .....	\$ 15,000.00	\$ 15,000.00
	<u>\$ 30,000.00</u>	

This appropriation is made subject to the condition, that at least, a like amount be allotted to this state by the federal government and expended concurrently with this appropriation.

Subdivision 60. REGISTRAR OF CONTRACTORS.

The amount of ninety-five 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 five per cent of all such fees and receipts shall be retained by the State Treasurer and credited to the general fund.

Subdivision 61. RODENT CONTROL.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries: .....	\$ 8,000.00	\$ 8,000.00
	<u>\$ 16,000.00</u>	

This appropriation is made subject to the condition, that at least, a like amount be allotted to this state by the federal government and expended concurrently with this appropriation.

Subdivision 62. SHEEP SANITARY COMMISSION.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries:		
Lump sum appropriation .....	\$ 6,900.00	\$ 6,900.00

Operation .....	200.00	200.00
Travel .....	3,600.00	3,600.00
Disease Control .....	100.00	100.00
Total appropriation .....	<u>\$ 10,800.00</u>	<u>\$ 10,800.00</u>
		<u>\$ 21,600.00</u>

## Subdivision 63. STATE EGG INSPECTOR.

The amount of all fees and receipts from whatever source received during each of the fiscal years, when paid into the State Treasury, is hereby appropriated for the payment of salaries and wages; operation; for travel; for capital investment; for repairs and replacements.

## Subdivision 64. STATE VETERINARIAN.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salary—Veterinarian .....	\$ 3,000.00	\$ 3,000.00
Operation .....	450.00	450.00
Capital Investment .....	100.00	
Travel .....	700.00	700.00
Total Appropriation .....	<u>\$ 4,250.00</u>	<u>\$ 4,150.00</u>
		<u>\$ 8,400.00</u>

## Subdivision 65. ARIZONA STATE HIGHWAY DEPARTMENT.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
AFE 110 STATE HIGHWAY COMMISSION:		

## Salaries:

(5) Commissioners .....	\$ 7,500.00	\$ 7,500.00
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Secretary .....	3,300.00	3,300.00
Assistant Secretary .....	1,800.00	1,800.00
Total Salaries .....	<u>\$ 12,600.00</u>	<u>\$ 12,600.00</u>
Operation .....	9,000.00	9,000.00
Travel .....	2,000.00	2,000.00
Total Appropriation .....	<u>\$ 23,600.00</u>	<u>\$ 23,600.00</u>

## AFE 111 EXECUTIVE:

## Salaries:

State Highway Engineer .....	\$ 6,000.00	\$ 6,000.00
Deputy State Highway Engineer .....	5,000.00	5,000.00
Stenographer .....	1,800.00	1,800.00
Total salaries .....	<u>\$ 12,800.00</u>	<u>\$ 12,800.00</u>
Operation .....	450.00	450.00
Travel .....	2,000.00	2,000.00
Total Appropriation .....	<u>\$ 15,250.00</u>	<u>\$ 15,250.00</u>

AFE 113 FIELD ENGINEERING  
DIVISION:

## Salaries:

Lump sum appropriation .....	\$ 24,000.00	\$ 24,000.00
Operation .....	500.00	500.00
Travel .....	6,000.00	6,000.00
Total appropriation .....	<u>\$ 30,500.00</u>	<u>\$ 30,500.00</u>

## AFE 114 PURCHASING DIVISION:

## Salaries:

Purchasing Agent .....	\$ 4,000.00	\$ 4,000.00
Assistant Purchasing Agent....	2,400.00	2,400.00
Stenographer .....	1,800.00	1,800.00
Typist .....	1,560.00	1,560.00
Priority Specialist .....	3,000.00	3,000.00
Total salaries .....	<u>\$ 12,760.00</u>	<u>\$ 12,760.00</u>
Operation .....	800.00	800.00
Travel .....	250.00	250.00
Total appropriation .....	<u>\$ 13,810.00</u>	<u>\$ 13,810.00</u>

## AFE 115 GENERAL OFFICE DIVISION:

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries:		
Plant Engineer .....	\$ 2,700.00	\$ 2,700.00
Telephone and Telegraph Operators (2 @ \$1,560.00)	3,120.00	3,120.00
Office Boy .....	1,200.00	1,200.00
Head Janitor .....	\$ 1,500.00	\$ 1,500.00
Janitors (3 @ \$1,380.00 each)	4,140.00	4,140.00
Total Salaries .....	<u>\$ 12,660.00</u>	<u>\$ 12,660.00</u>
Operation .....	24,000.00	24,000.00
Travel .....	300.00	300.00
Total Appropriation .....	<u>\$ 36,960.00</u>	<u>\$ 36,960.00</u>

## AFE 116 ACCOUNTING DIVISION:

## Salaries:

Chief Accountant .....	\$ 3,600.00	\$ 3,600.00
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Assistant and Cost Accountant	3,000.00	3,000.00
Tabulator Operator .....	3,100.00	3,100.00
Asst. Tabulator Operator.....	2,100.00	2,100.00
Invoice Clerk .....	2,700.00	2,700.00
Project File Clerk.....	2,400.00	2,400.00
Claim Clerk .....	2,400.00	2,400.00
Bookkeeper .....	2,400.00	2,400.00
Bookkeeper .....	1,800.00	1,800.00
Payroll Clerk .....	2,100.00	2,100.00
Warrant Clerk .....	1,920.00	1,920.00
Stenographer .....	1,800.00	1,800.00
Total salaries .....	\$ 29,320.00	\$ 29,320.00
Operation .....	6,000.00	6,000.00
Travel .....	100.00	100.00
Total appropriation .....	\$ 35,420.00	\$ 35,420.00

## AFE 117 PERSONNEL—PAYROLL DIVISION:

## Salaries:

Personnel Clerk .....	\$ 2,100.00	\$ 2,100.00
Total salaries .....	\$ 2,100.00	\$ 2,100.00
Operation .....	100.00	100.00
Total Appropriation .....	\$ 2,200.00	\$ 2,200.00

## AFE 118 LEGAL DIVISION:

## Salaries:

Legal Advisor .....	\$ 4,200.00	\$ 4,200.00
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Stenographer .....	1,800.00	1,800.00
Total Salaries .....	\$ 6,000.00	\$ 6,000.00
Operation .....	500.00	500.00
Travel .....	100.00	100.00
Total appropriation .....	\$ 6,600.00	\$ 6,600.00

## AFE 124 RIGHT OF WAY DIVISION:

## Salaries:

Agent .....	\$ 3,600.00	\$ 3,600.00
Assistant Agent .....	3,000.00	3,000.00
Draftsman .....	2,400.00	2,400.00
Stenographer .....	1,800.00	1,800.00
Total Salaries .....	\$ 10,800.00	\$ 10,800.00
Operation .....	1,000.00	1,000.00
Travel .....	4,000.00	4,000.00
Total Appropriation .....	\$ 15,800.00	\$ 15,800.00

## AFE 126 WAREHOUSE DIVISION:

## Salaries:

## PHOENIX WAREHOUSE

Warehouse Superintendent ( $\frac{1}{2}$ salary) .....	\$ 1,800.00	\$ 1,800.00
Parts Man .....	2,400.00	2,400.00
Invoice and Receiving Clerk....	1,920.00	1,920.00
Stationery Stock Clerk .....	1,560.00	1,560.00

ASHFORK WAREHOUSE		
Clerk (1/2 Salary) .....	840.00	840.00
TUCSON WAREHOUSE		
Clerk (1/2 Salary) .....	840.00	840.00
HOLBROOK WAREHOUSE		
Clerk (1/2 Salary) .....	840.00	840.00
Total Salaries .....	\$ 10,200.00	\$ 10,200.00
Operation .....	200,000.00	200,000.00
Total Appropriation .....	\$210,200.00	\$210,200.00

## AFE 127 EQUIPMENT DIVISION:

## Salaries:

Superintendent of Equipment \$	4,500.00	\$ 4,500.00
Officeman .....	2,160.00	2,160.00
Equipment Checker .....	2,100.00	2,100.00
Stenographer .....	1,560.00	1,560.00
Truck Drivers (2 @ \$2,400.00)	4,800.00	4,800.00
Total Salaries .....	\$ 15,120.00	\$ 15,120.00
Operation .....	365,000.00	365,000.00
Travel .....	2,500.00	2,500.00
Total Appropriation .....	\$382,620.00	\$382,620.00

## AFE 129 PHOENIX YARD DIVISION:

## Salaries:

Yard Man .....	\$ 2,100.00	\$ 2,100.00
Gas Station Man .....	1,800.00	1,800.00
Watchman .....	1,800.00	1,800.00

Watchmen (3 @ \$1,560.00)....	4,680.00	4,680.00
Laborers (5 @ \$1,430.00).....	7,150.00	7,150.00
Total Salaries .....	<u>\$ 17,530.00</u>	<u>\$ 17,530.00</u>
Operation .....	12,150.00	12,150.00
Total Appropriation .....	<u>\$ 29,680.00</u>	<u>\$ 29,680.00</u>

## AFE 133 INDUSTRIAL INSURANCE:

Insurance Premiums.....	\$ 55,000.00	\$ 55,000.00
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## AFE 310 PUBLICATION—TRAVEL DIVISION:

## Salaries:

Editor in Chief .....	\$ 3,600.00	\$ 3,600.00
Secretary .....	2,400.00	2,400.00
Stenographer .....	1,800.00	1,800.00
Typist-Clerk .....	1,560.00	1,560.00
Clerk .....	1,560.00	1,560.00
Total Salaries .....	<u>\$ 10,920.00</u>	<u>\$ 10,920.00</u>
Operation .....	87,880.00	87,880.00
Travel .....	1,200.00	1,200.00
Total Appropriation .....	<u>\$100,000.00</u>	<u>\$100,000.00</u>

## AFE 311 SAFETY DIVISION:

Salary—Statistician .....	\$ 2,100.00	\$ 2,100.00
Operation .....	1,000.00	1,000.00
Travel .....	1,000.00	1,000.00
Total Appropriation .....	<u>\$ 4,100.00</u>	<u>\$ 4,100.00</u>

## AFE 312 HIGHWAY PLANNING:

For Salaries and Wages; for Operation; for travel; for Capital Investment; for Repairs and Replacements:

Lump sum appropriation .....\$ 30,000.00 \$ 30,000.00

In addition to the above appropriation there is hereby appropriated any money received from the federal government for State Wide Planning Survey.

## AFE 320 MOTOR VEHICLE DIVISION:

Salaries:

## ADMINISTRATIVE &amp; AUDITING:

Superintendent .....	\$ 4,500.00	\$ 4,500.00
Chief Clerk .....	3,600.00	3,600.00
Secretary .....	2,000.00	2,000.00
Clerk .....	1,800.00	1,800.00
Statistician .....	2,400.00	2,400.00
Field Auditor .....	2,500.00	2,500.00
Cashier .....	2,500.00	2,500.00
Bookkeeper .....	2,280.00	2,280.00
Bookkeepers (2 @ \$1,980.00 each) .....	3,960.00	3,960.00
Clerks (2 @ \$1,740.00 each) ..	3,480.00	3,480.00
Punch Machine Operator .....	1,920.00	1,920.00
Clerks (2 @ \$1,620.00 each) ..	3,240.00	3,240.00
Clerks (2 @ \$1,560.00 each) ..	3,120.00	3,120.00

## FUEL TAX REFUNDS:

Supervisor .....	2,400.00	2,400.00
Assistant Supervisor.....	2,000.00	2,000.00
Investigators (4) .....	8,000.00	8,000.00
Clerks (4 @ \$1,620.00 each)..	6,480.00	6,480.00
Clerks (3 @ \$1,560.00 each)..	4,680.00	4,680.00

## MOTOR CARRIER &amp; CHECKING STATIONS:

Supervisor .....	2,700.00	2,700.00
Assistant Supervisor .....	2,142.00	2,142.00
Tax Clerk .....	1,920.00	1,920.00
Clerk .....	1,800.00	1,800.00
Clerk .....	1,560.00	1,560.00
Field Inspector .....	2,100.00	2,100.00
Inspectors in Charge (9).....	21,600.00	21,600.00
Inspectors (22) .....	50,160.00	50,160.00

## CHAUFFEURS' &amp; OPERATORS' LICENSES:

Supervisor .....	\$ 2,520.00	\$ 2,520.00
Assistant Supervisor .....	2,140.00	2,140.00
Examiners (3) .....	6,000.00	6,000.00
Clerks (2 @ \$1,620.00 each)..	3,240.00	3,240.00
Clerks (5 @ \$1,560.00 each)..	7,800.00	7,800.00

## TITLES AND LIENS:

Supervisor .....	2,700.00	2,700.00
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Assistant Supervisor—Titles..	2,000.00	2,000.00
Assistant Supervisor—Liens..	2,000.00	2,000.00
Assistant Supervisor—Trouble	2,000.00	2,000.00
Repossession Clerk .....	1,920.00	1,920.00
Repossession Clerk .....	1,800.00	1,800.00
Senior Counter Clerk.....	1,920.00	1,920.00
Clerks (6 @ \$1,800.00 each)..	10,800.00	10,800.00
Clerks (20 @ \$1,620.00 each)	32,400.00	32,400.00
Clerks (24 @ \$1,560.00 each)	37,440.00	37,440.00
Total Salaries .....	\$261,522.00	\$261,522.00
Operation .....	65,000.00	65,000.00
Travel .....	12,000.00	12,000.00
Total Appropriation .....	\$338,522.00	\$338,522.00

## AFE 321. HIGHWAY PATROL DIVISION:

## Salaries and Wages:

Superintendent .....	\$ 4,200.00	\$ 4,200.00
Assistant Superintendent.....	3,300.00	3,300.00
Chief Clerk .....	2,520.00	2,520.00
Radio Technician .....	3,000.00	3,000.00
Captains (4 @ \$2,700.00 each)	10,800.00	10,800.00
Patrolmen (40 @ \$2,400.00 each) .....	96,000.00	96,000.00
Radio Operators (4 @ \$1,980.00 each) .....	7,920.00	7,920.00

Patrol Clerks (2 @ \$2,100.00 each) .....	4,200.00	4,200.00
Secretary .....	1,800.00	1,800.00
Stenographers (2 @ \$1,740.00 each) .....	3,480.00	3,480.00
Total Salaries .....	\$137,220.00	\$137,220.00
Operation .....	8,000.00	8,000.00
Travel .....	60,000.00	60,000.00
Total Appropriation .....	\$205,220.00	\$205,220.00

## AFE 330 &amp; 334. CAPITAL INVESTMENT:

For Capital Investment:

Lump sum appropriation..\$ 225,000.00 \$ 225,000.00

GRAND TOTAL HIGHWAY  
DEPARTMENT APPRO-  
PRIATION .....

\$1,760,482.00 \$1,760,482.00

\$3,520,964.00

The above appropriation is payable out of moneys collected in accordance with Section 59-302, Arizona Code Annotated, 1939. The balance of such moneys collected is hereby appropriated for carrying out the provisions of Chapter 59, Arizona Code Annotated, 1939.

## Subdivision 66. ARIZONA GAME AND FISH COMMISSION.

The amount of all fees and receipts from whatever source received by the Arizona Game and Fish Commission, during each of said fiscal years, when paid into the State Treasury, is hereby appropriated for the payment of salaries and wages; operation; travel; capital investment; and repairs and replacements.

## Subdivision 67. DEPARTMENT OF MINERAL RESOURCES.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
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For salaries and wages; for operation; for travel; for capital investment; for repairs and replacements:

Lump sum appropriation.....	\$ 33,000.00	\$ 33,000.00
	<u>\$ 66,000.00</u>	

Subdivision 68. STATE MINE INSPECTOR.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
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Salaries:

Mine Inspector .....	\$ 4,500.00	\$ 4,500.00
Deputies (3 @ \$2,400.00 each per annum) .....	7,200.00	7,200.00
Secretary .....	1,800.00	1,800.00
Total Salaries .....	<u>\$ 13,500.00</u>	<u>\$ 13,500.00</u>
Operation .....	550.00	550.00
Travel .....	3,000.00	3,000.00
Total Appropriation .....	<u>\$ 17,050.00</u>	<u>\$ 17,050.00</u>
	<u>\$ 34,100.00</u>	

Subdivision 69. COLORADO RIVER COMMISSION.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
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For Salaries and Wages; for operation; for travel; for capital investment; for repairs and replacements:

Lump sum appropriation .....	\$ 12,500.00	\$ 12,500.00
		<u>\$ 25,000.00</u>

## Subdivision 70. STATE LAND DEPARTMENT.

	For the 32nd	For the 33d
	Fiscal Year	Fiscal Year

## ADMINISTRATIVE DIVISION:

## Salaries:

Commissioner .....	\$ 5,000.00	\$ 5,000.00
Deputy Commissioner .....	3,000.00	3,000.00
Department Engineer .....	\$ 2,600.00	\$ 2,600.00
Appraiser and Fieldman .....	2,400.00	2,400.00
Secretary to Commissioner .....	1,800.00	1,800.00
Secretary to Deputy and Loan Board Division .....	1,800.00	1,800.00
Total Salaries .....	\$ 16,600.00	\$ 16,600.00

## SELECTION DIVISION:

Clerk .....	\$ 1,920.00	\$ 1,920.00
Total Selection Division .....	\$ 1,920.00	\$ 1,920.00

CERTIFICATE OF PURCHASE  
DIVISION:

Clerk .....	\$ 1,560.00	\$ 1,560.00
Total Certificate of Purchase Division .....	\$ 1,560.00	\$ 1,560.00

## BOOKKEEPING DIVISION:

Chief Accountant .....	\$ 2,100.00	\$ 2,100.00
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Cashier .....	1,800.00	1,800.00
Bookkeeper .....	1,560.00	1,560.00
Claim Clerk .....	1,560.00	1,560.00
Total Bookkeeping Division ..\$	<u>7,020.00</u>	<u>\$ 7,020.00</u>

## LEASING DIVISION:

Chief Clerk .....	\$ 1,920.00	\$ 1,920.00
Chief Typist .....	1,560.00	1,560.00
Filing Clerk .....	1,560.00	1,560.00
Checking Clerk .....	1,560.00	1,560.00
Stenographer .....	1,560.00	1,560.00
Total Leasing Division .....	<u>\$ 8,160.00</u>	<u>\$ 8,160.00</u>

## LEASE RENTAL DIVISION:

Billing Clerk .....	\$ 1,560.00	\$ 1,560.00
Typist and Stenographer .....	1,560.00	1,560.00
Total Lease Rental Division...\$	<u>3,120.00</u>	<u>\$ 3,120.00</u>

## WATER AND SOIL CONSERVATION DIVISION:

Engineer and Conservationist ...\$	3,600.00	\$ 3,600.00
Bookkeeper .....	1,800.00	1,800.00
Stenographer .....	1,560.00	1,560.00
Total Water and Soil Conservation Division .....	<u>\$ 6,960.00</u>	<u>\$ 6,960.00</u>

## STATE LOAN DIVISION:

Secretary .....	\$ 2,400.00	\$ 2,400.00
Total State Loan Division .....	<u>\$ 2,400.00</u>	<u>\$ 2,400.00</u>

## REAL ESTATE DIVISION:

Deputy .....	\$ 2,400.00	\$ 2,400.00
Secretary-Treasurer .....	1,800.00	1,800.00
Stenographer .....	1,560.00	1,560.00
Tucson—Deputy .....	900.00	900.00
Tucson—Stenographer .....	720.00	720.00
	<hr/>	<hr/>
Total Real Estate Division .....	\$ 7,380.00	\$ 7,380.00

Total All Salaries .....	\$ 55,120.00	\$ 55,120.00
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Operation .....	8,000.00	8,000.00
Travel .....	3,000.00	3,000.00
Capital Investment .....	500.00	500.00
Repairs and Replacements .....	400.00	400.00

## Miscellaneous:

To defray expenses in litigation and for the payment of taxes on property foreclosures, and for travel on farm loans: .....	1,000.00	1,000.00
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Court Reporter's fees - transcripts, special deputies on examinations, etc. ....	300.00	300.00
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Stream Gauging .....	10,000.00	10,000.00
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To be expended in cooperation with the United States geological survey and upon the condition that the United States will contribute an amount equal to that expended by the state for such purpose.

Underground Water		
Development .....	6,000.00	6,000.00

To be expended in cooperation with any federal agency or agencies and upon the condition that the United States will contribute an amount equal to that expended by the State for such purpose.

Total Appropriation .....	\$ 84,320.00	\$ 84,320.00
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\$168,640.00

Subdivision 71. STATE DAM AND SUPERVISION.

The amount of all fees and receipts from whatever source received, during each of the fiscal years, when paid into the state treasury, is hereby appropriated for the payment of necessary travel.

Subdivision 72. ARIZONA COPPER TARIFF BOARD.

	For the 32nd	For the 33d
	Fiscal Year	Fiscal Year

For salaries and wages; for operation; for travel: .....	\$ 2,000.00	\$ 2,000.00
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\$ 4,000.00

Subdivision 73. PIONEER'S HISTORICAL SOCIETY.

	For the 32nd	For the 33d
	Fiscal Year	Fiscal Year

For salaries; for operation; for Capital Investment:

Lump sum appropriation .....	\$ 2,000.00	\$ 2,000.00
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\$ 4,000.00

Subdivision 74. PRESCOTT HISTORICAL SOCIETY.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
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Preservation and repair of Gubernatorial mansion at Prescott; for salaries; for operation; for capital investment:

Lump sum appropriation .....	\$ 2,000.00	\$ 2,000.00
	<u>\$ 4,000.00</u>	

Subdivision 75. INSURANCE PREMIUMS.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
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For Premiums: Exclusive of the State Highway Department .....	\$ 30,000.00	\$ 30,000.00
	<u>\$ 60,000.00</u>	

Subdivision 76. STATE FAIR COMMISSION.

The amount of all receipts from the State Fair Fund during each of the fiscal years, when paid into the State Treasury, is hereby appropriated for Salaries and Wages; for Operation; for Travel; for Capital Investment; for Repairs and Replacements.

Subdivision 77. RESOURCES AND PLANNING BOARD.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
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For Board members per diem; for Salaries and Wages; Operation; Travel; capital investment; Repairs and Replacements:

Lump sum appropriation .....	\$ 2,000.00	\$ 2,000.00
	<u>\$ 4,000.00</u>	

Subdivision 78. VOLUNTARY BANG'S DISEASE PROGRAM.

	For the 32nd Fiscal Year	For the 33d Fiscal Year
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For the use of the Livestock Sanitary Board under the supervision of the State Veterinarian in matching federal indemnity payments and for incidental expenses for vaccination program under the Voluntary Bang's Disease Program. Said payments shall be made only under a voluntary agreement between the board and the owner of the dairy cattle.

Lump sum appropriation .....	\$ 5,000.00	\$ 5,000.00
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\$ 10,000.00

#### Subdivision 79. 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 80. ESTATE TAX DEPARTMENT.

As per Statutory provisions.

#### Subdivision 81. BOARD OF VETERINARIAN EXAMINERS.

All fees as provided by law.

Sec. 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 hereby precluded from accepting any other salary or wage or office or employment for profit under the state. Provided, however, that physicians at state institutions, persons employed under cooperative agreements with the federal government, and employees of the University of Arizona may draw specified salaries from more than one source.

Sec. 3. In all cases where money appropriated under the provisions of this Act, is or shall be expended for labor, only citizens of the United States or wards of the United States shall be employed and actual bona fide resident citizens of the state shall be given the preference whenever such labor as may be required can be found within this state, and before any labor can be sought outside of the state, either directly or indirectly, the person, contractor, firm or corporation shall file with the state auditor a verified written statement setting out in detail the effort put forth, showing the inability to secure the labor as is required within this state, and if the auditor is satisfied of such inability, then the auditor may execute a release permitting the bringing into this state of such citizens only of the United States as may be needed for such work. Before any money herein appropriated shall be paid out for labor or construction a verified statement shall be filed with the auditor, showing strict compliance with the provisions of this section. If the provisions of this section are not complied with, it shall be unlawful to pay out any of the 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.

Sec. 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 terms, and the State Auditor is hereby authorized and directed to reject such claim until it is properly itemized.

Sec. 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 by the Governor March 25, 1943, except as to items disapproved and set forth, and reasons for such disapproval, contained in his letter transmitted herewith.

Filed in the Office of the Secretary of State, March 25, 1943.



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# MEMORIALS

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## HOUSE MEMORIAL NO. 1

## A MEMORIAL

## RELATING TO INTERNATIONAL UNDERSTANDING.

TO THE PRESIDENT, THE SECRETARY OF STATE, SECRETARY OF THE DEPARTMENT OF AGRICULTURE AND ITS ASSOCIATED AGENCIES ENGAGED IN SELECTING LABOR IN FOREIGN COUNTRIES FOR IMPORTATION INTO THE UNITED STATES OF AMERICA; WAR MAN POWER COMMISSION, TO THE OFFICE OF THE COORDINATOR OF INTER-AMERICAN AFFAIRS, UNITED STATES EMPLOYMENT SERVICE, BOARD OF ECONOMIC WARFARE, AND THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

The strongest pillar of the moral structure upon which stands the determination of free peoples to carry the present world war to a victorious conclusion is faith that out of the smoke and grime of battle will emerge a formula for the outlawing of war for many generations to come.

There is unanimous agreement among students that this faith may be justified only through a closer bond of unity between nations, and that such unity may be secured only through a more accurate and more sympathetic mutual understanding of the problems, customs, ways of thought, aspirations and ideals of the peoples of the world.

A highly important if not an essential step toward the creation of such an understanding is a thorough knowledge on the part of official national diplomatic representatives of the language and customs of the country and the people to which they are accredited.

Wherefore, your memorialist, the House of Representatives of the State of Arizona, respectfully prays:

1. That all diplomatic representatives and members of diplomatic or consular staffs, in the service of the United States, accredited to or employed in any foreign nation or country, be required to have a speaking knowledge of the language of the country to which sent, and in all possible cases, familiarity with its national customs and habits.

Passed the House, January 29, 1943.

Filed in the Office of the Secretary of State, January 29, 1943.

## HOUSE MEMORIAL NO. 2

## A MEMORIAL

RELATING TO FOREIGN LANGUAGE SCHOOLS.

TO THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

Throughout the United States, in cities and localities having considerable populations of foreign born persons and their descendants, private schools are known to exist which are conducted and taught in foreign languages native to the heads, leaders and parents of such groups.

The subversive uses to which schools of this character may be put are apparent. They afford a ready and effective means of enlisting the aid of foreign born parents whose children attend such schools, in projects and enterprises inimical to this country's war effort. They provide a made-to-order opportunity to instill and promote the growth in the minds of attending children of views, ideas and interests subversive in their nature and contrary to the welfare of the United States. They may easily lead to treasonable actions or activities, to sabotage, to spying, to the imparting to enemy nations of valuable and vital information, and to the hampering of the struggle of this country and its allies to liberate the world. They constitute a menace to the peace and welfare of the United States.

Wherefore, your memorialist, the House of Representatives of the State of Arizona, prays:

1. That the Congress speedily enact legislation to prohibit the maintenance of any school which is taught or conducted in a foreign language, and the teaching of a foreign language in any school, private or public, except as an incidental study included in a curriculum sanctioned by law.

Adopted by the House, March 3, 1943.

Filed in the Office of the Secretary of State March 3, 1943.

## HOUSE MEMORIAL NO. 3

## A MEMORIAL

REQUESTING AN INVESTIGATION BY CONGRESS OF THE  
PROBLEM OF MARKETING, TRANSPORTING AND DIS-  
TRIBUTING FARM PRODUCTS.

TO THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

The marketing and distributing of farm products has long been the major problem of the agricultural industry.

The excessive price spread separating producer and ultimate consumer, attributable to the intervention of numerous middle-men and inadequate facilities for finding and reaching the markets for agricultural products has worked to the serious detriment both of growers and the consuming public, depriving the farmer of a fair profit and affecting the standards of living and the health of millions of people.

A thorough survey of this condition and systematic investigation of the problem involved might well be classified as postwar planning of the highest order.

Wherefore your memorialist, the House of Representatives of the State of Arizona, respectfully prays:

1. That the Congress authorize a survey and study of conditions affecting the marketing and distributing of agricultural products, by the Committee on Agriculture of the House of Representatives, and to that end adopt House Resolution 38, introduced January 8, 1943.

Adopted by the House of Representatives, Feb. 13, 1943.

Filed in the Office of the Secretary of State, Feb. 13, 1943.

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HOUSE MEMORIAL NO. 4

A MEMORIAL

ON THE PRESENCE AND BUSINESS ACTIVITIES OF JAPANESE IN SALT RIVER VALLEY.

TO THE SECRETARY OF WAR, THE COMMANDER OF THE WESTERN DEFENSE AREA, AND OTHER UNITED STATES ARMY OFFICIALS IN AUTHORITY:

Your memorialist respectfully represents:

In the Salt River valley of Arizona, a large and important agricultural district, numbers of Japanese people are engaged in agricultural activities, associating with other agricultural workers, occupying the same quarters, and in certain cases having charge of field crews.

Many of the laborers with whom they come in contact are, by reason of limited education and lack of background which would tend to attach them to the United States of America, fertile soil for the reception of ideas or impressions which might be instilled into their minds by their Japanese co-workers or foremen.

In other cases it is said that Japanese have obtained the co-

operation of resident aliens and even of nationals of this country to appear as owners and administrators of property belonging, directly or indirectly, to Japanese, while the latter remain incognito and guide the enterprise.

The Salt River valley, in which these free movements of Japanese occur, is the site of numerous military installations, traversed by important arteries of travel and traffic, and contains many industrial activities important to the war effort.

It would seem to be vital to the interests of the community and of importance to the national safety that measures be taken to ascertain the scope of the activities of the people referred to, and to impose adequate restrictions upon them.

Wherefore your memorialist, the House of Representatives of the State of Arizona, urgently requests:

1. That the attention of the proper authorities of the United States army, or other appropriate agency of the United States government, be officially called to the situation described, with a view to the taking of effective action.

Passed by the House March 11, 1943.

Approved by the Governor, March 11th, 1943.

Filed in the Office of the Secretary of State, March 12, 1943.

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#### HOUSE MEMORIAL NO. 7

#### A MEMORIAL

RELATING TO THE VITAL NEED FOR LABOR FOR THE  
COTTON FIELDS.

TO THE FARM SECURITY ADMINISTRATION AND THE MAN-  
POWER COMMISSIONER:

Your memorialist respectfully represents:

Of products essential to the war effort cotton is one of the most vital, and Federal agencies connected with the prosecution of the war are urging farmers in the cotton belt to plant more cotton.

In that portion of the United States known as the irrigated cotton area, embracing Arizona, California, New Mexico and Texas, in which a substantial portion of the nation's cotton, and particularly long staple cotton, is grown, and where climate and soil conditions are peculiarly favorable, labor for raising and harvesting the crop constitutes a major problem.

Attempts have been made by agencies of the Federal govern-

ment to supply labor for this purpose, but the plans tried and proposals advanced have unfortunately not been well adopted to local conditions. As a consequence a considerable part of the 1942 Arizona cotton crop is not yet harvested, and bids fair to be lost.

Particularly, attempts to induce workers from other parts of the United States to come to Arizona and assist in harvesting the cotton crop have proven unavailing, for the reason, among others, that such help is largely insufficient and not suitable for the purpose.

Meanwhile, the 1943 crop of cotton is coming on, and soon the need for a large number of workers will again become acute.

It is the opinion of informed and experienced cotton growers that for the reasons above given, coupled with the fact that the manpower of the United States is known to be seriously depleted, the best if not the only prospect of a practical solution of the problem is to secure from Mexico, where there are many farm workers skilled in the irrigation type of agriculture, and experienced in picking long staple cotton, the supply of labor required. This has been done before and can be done again, under reasonable and proper conditions.

Wherefore your memorialist, the House of Representatives of the State of Arizona, earnestly urges:

1. That steps be taken at an early date, by the appropriate agency or agencies of the United States government, to procure from Mexico, under fair and reasonable terms adapted to the needs and conditions of the irrigated cotton area, a sufficient supply of labor to raise, and especially to harvest the 1943 crop of this most vital and essential war product.

Adopted by the House, March 10, 1943.

Filed in the Office of the Secretary of State, March 11, 1943.

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#### HOUSE MEMORIAL NO. 8

#### A MEMORIAL

REQUESTING THE ESTABLISHMENT OF A GOVERNMENT GENERAL HOSPITAL AT OR IN THE IMMEDIATE VICINITY OF PHOENIX, ARIZONA.

TO THE PRESIDENT OF THE UNITED STATES OF AMERICA, THE MEMBERS OF THE DELEGATION FROM ARIZONA TO THE CONGRESS OF THE UNITED STATES, AND THE SURGEON GENERAL OF THE UNITED STATES ARMY:

Your memorialist respectfully represents:

This, the House of Representatives of the Sixteenth State Legislature of the State of Arizona, presents this Memorial as a gesture of good will and a hope that certain conditions which prevailed after World War I may be avoided and that the men and women now fighting our battles may be adequately cared for.

This Legislature, in regular session, respectfully requests that a government general hospital with an adequate number of beds be created at, or in the immediate vicinity of Phoenix, capital of the State of Arizona. The establishment of such a suitable hospital in the recognized healthful climate of such locality would bring speedier recovery to many and its situation would make it easily accessible to all modes of travel.

To date, Arizona has furnished nearly 36,000 men and women to the armed forces in the present conflict. This represents approximately eight and one-half (8½%) per cent of the total population of the state and those figures are increasing.

Wherefore, your memorialist, the House of Representatives of the Sixteenth State Legislature of the State of Arizona, earnestly and urgently requests that immediate and appropriate steps be taken to select a site and prepare plans for the early construction of such a hospital.

Adopted by the House, March 12, 1943.

Approved by the Governor, March 13, 1943.

Filed in the Office of the Secretary of State, March 15, 1943.

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HOUSE CONCURRENT MEMORIAL NO. 1

A CONCURRENT MEMORIAL

RELATING TO THE ARIZONA CHILDREN'S COLONY, AND  
REQUESTING CONGRESS TO MAKE A GRANT OF LAND  
THEREFOR.

TO THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

By Act of April 20, 1927, the Legislature of Arizona created the Arizona Children's Colony, an institution for the care and education of mentally defective children.

Under the provisions of the Act of March 19, 1929, a tract consisting of eighty acres of irrigated farming land, situate near the city of Mesa, was purchased as a site for the institution, in a location possessing surroundings highly favorable for its purposes.

One legislative impediment after another, but chiefly the economic fear of adding to the tax burden through appropriations

for operation, intervened to delay the carrying forward of this important humanitarian enterprise, but the Act of March 19, 1941, recognized its urgent need by making appropriation for the construction of initial buildings, which would have been erected and occupied by this time but for the difficulties attendant upon procuring building materials.

The Arizona Children's Colony ranks in its objectives with the other social, educational and charitable institutions for which grants of land were made to the State of Arizona under the terms of the Enabling Act of June 20, 1910, and which have proven of great benefit in the maintenance of hospitals and schools for the insane, the deaf, dumb and blind, and disabled miners, as well as of educational and correctional institutions.

Wherefore your memorialist, the Legislature of the State of Arizona, prays:

1. That the Congress enact legislation granting to the State of Arizona one hundred thousand acres of the surveyed, unreserved, unappropriated, and non-mineral public lands of the United States within the limits of this state, for the purposes of an institution for the care and education of mentally defective children.

Passed the House, Jan. 19, 1943.

Passed the Senate, Feb. 4, 1943.

Approved by the Governor, Feb. 6, 1943.

Filed in the Office of the Secretary of State, Feb. 6, 1943.

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## HOUSE CONCURRENT MEMORIAL NO. 2

### A CONCURRENT MEMORIAL

REQUESTING THAT STEPS BE TAKEN TO INCREASE THE PRICE OF STRATEGIC METALS.

TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

The urgent need for zinc, lead, copper and other so-called strategic metals is a condition which calls for no explanation.

That everything possible must be done, as a war measure, to meet this need is admitted.

Labor conditions, priorities, transportation, and perhaps other factors, may be numbered among the impediments to maximum production.

The chief factor, however, is found in the ceiling prices currently effective for these metals.

These prices may have been just and adequate when set, but such is not the case now. Since these prices were fixed, wages, supplies and everything entering into the cost of mining has increased, and mine operators, particularly the small operators, find themselves with depleted budgets and inadequate loans, and unable to realize full production.

As a matter of simple justice, also, the mining industry should be enabled to operate on a fair and equitable basis of security and profit equal to that enjoyed by other war industries.

Wherefore your memorialist, the House of Representatives of the Sixteenth Arizona State Legislature, the Senate concurring, respectfully prays:

1. That steps be taken, by the Chief Executive, or by the appropriate federal agency, and if necessary by the congress, through the medium of legislation, to insure a substantial increase in the price of strategic metals, and particularly zinc, lead and copper.

Passed the House, Feb. 2, 1943.

Passed the Senate, Feb. 3, 1943.

Approved by the Governor, Feb. 6, 1943.

Filed in the Office of the Secretary of State, Feb. 6, 1943.

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## HOUSE JOINT MEMORIAL NO. 2

### A JOINT MEMORIAL

PROTESTING FAVORITISM FOR YOUTH OF JAPANESE EXTRACTION, IN THE ADVANTAGES OF HIGHER EDUCATION.

TO THE PRESIDENT AND CONGRESS OF THE UNITED STATES:

Your memorialists respectfully represents:

Upon the shoulders of American boys, eighteen years of age or over, has been placed the responsibility of forming a part of the armed forces engaged in the present titanic struggle for world liberty. They are proud to accept this responsibility, and their parents and loved ones are proud to share it with them.

Apart from the physical aspects of the sacrifice our younger men are thus called upon to make, is the matter of their education.

It is a serious and a momentous thing, to them and to their country, to interrupt, perhaps to prevent, their academic and professional training. This, of course, was well understood when the policy was considered of including teen age men in the draft, and was waived only from necessity.

However, it now appears that it is the purpose of the War Relocation Authority of the United States to accord eligibility to some twenty-five hundred young Japanese-American students, located in war relocation centers, to leave such centers and enter any of a large number of colleges and universities—in other words, to accord the privileges of higher education to a group of young people, citizens by virtue of their birth in this country, whose loyalty and patriotism are rendered doubtful because of their racial extraction, thereby unfitting them to be soldiers, while denying a similar opportunity to our own young men of unquestioned loyalty.

That these Japanese-American young men will pay their own way is no justification for such discrimination. Our young men also pay their way, and it is to the credit of American courage and determination that many of them pay their way under the most difficult circumstances.

It is admitted that practically all of the Japanese-Americans to whom higher education is to be afforded are physically fit and capable of performing services which would be useful to the war effort, where their patriotism might be demonstrated without placing them in a position where possible disloyalty might be perilous.

Wherefore your memorialists, the Sixteenth State Legislature of the State of Arizona, urgently requests:

1. That steps be taken, through executive intervention or order, or by means of legislation if necessary, to prevent according to Japanese-American youths the privilege of leaving concentration centers and securing an education in American colleges and universities, while the same privilege is denied to loyal American young men called to military service.

2. That no discrimination be shown in the matter of educational advantages, between America's young citizens, of whatever race or nationality—in short, while young men of undoubted loyalty and Caucasian extraction are required to serve in the armed forces, that these young men of Japanese ancestry and less certain loyalty be given opportunity to serve the war effort in ways in which their racial extraction will prove no impediment.

3. That if any Japanese-American youths have already been given the privilege of attending colleges and universities, they be returned to their relocation camps.

Passed the House, January 29, 1943.

Passed the Senate, February 1, 1943.

Approved by the Governor, February 2, 1943.

Filed in the Office of the Secretary of State, February 2, 1943.

## SENATE JOINT MEMORIAL NO. 4

## A JOINT MEMORIAL

REQUESTING CONGRESS AND THE UNITED STATES LAND OFFICE TO CLEAR THE TITLE TO CERTAIN SCHOOL LANDS GRANTED THE STATE.

TO THE CONGRESS OF THE UNITED STATES AND THE SECRETARY OF THE INTERIOR:

Your memorialist respectfully represents:

By numerous Acts of Congress, sections sixteen and thirty-six in each township were reserved and set aside for the benefit of the public school systems of the territories of the public lands area of the West and of the states thereafter to be created out of such territories.

By the Acts approved September 9, 1850 and July 22, 1854, following the Treaty of Guadalupe Hidalgo and the Gadsden Treaty respectively, the same course was pursued with respect to New Mexico, of which Arizona was at that time a part.

The Act of July 22, 1854 (10 U. S. Stats., 309), provides: "That when the lands in the said Territory shall be surveyed \* \* sections numbered sixteen and thirty-six \* \* shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be created out of the same."

By authority of the Act of Congress of March 26, 1896 (29 U. S. Stats., 90), authorizing the Territory of Arizona to lease "all of the school land in the Territory of Arizona for school purposes, the Territory of Arizona, under the Act of the Territorial Legislature effective September 1, 1901, assumed the administration, through the Boards of Supervisors of the several counties, of all school lands which had been surveyed and the plats thereof approved, and continued to administer them until statehood, for the benefit of the public schools.

The Arizona Enabling Act, approved June 20, 1910, recognized and confirmed the reservation of sections numbered sixteen and thirty-six, and granted two additional sections in each township.

Following the state's admission into the Union, the Arizona state land department assumed the administration of these school lands, and in conformity with the terms of the Enabling Act, the state constitution and the state land code, sold and leased the same.

Among the lands sold were numerous tracts of school land comprising all or parts of certain sections numbered sixteen and thirty-six, located chiefly in the Salt River Valley, the irrigated and irrigable areas near Yuma, and at other points adjacent to the Colorado river, which in most cases have been brought under a high state of development and large investments made thereon.

It now appears that the United States Land Office denies that title to these lands has ever vested in the State of Arizona, basing its denial upon the withdrawal of the lands from entry under the terms of the Reclamation Act of 1902, prior to the granting of statehood to Arizona, while ignoring the fact that they were reserved for school purposes by the Act of July 22, 1854, and that the lands were surveyed and the plats approved long prior to the passage of the Reclamation Act, and were administered by the Territory by authority of an Act of Congress of 1896.

Thus the State of Arizona, which administered in good faith the grant in favor of the common schools, and in all respects complied with the laws of the United States, is placed in the position of a defrauder, a seller of property to which it had no title, and of taking under false pretenses the money received for these lands. The innocent purchasers are in the position of having bought and paid for the lands, made large investments and extensive improvements thereon, and having for their money, their enterprise and their labors a title repudiated and denied by the United States.

Wherefore, your memorialist, the Legislature of the State of Arizona, urgently requests:

1. That the United States Land Office, upon application of the State Land Department of Arizona, issue patents to all such sections sixteen and thirty-six which have been sold and deeded by the state, together with all other school sections granted the State of Arizona where the plats of survey have been regularly filed and approved, failing which, that the Congress by legislation validate the title of the State of Arizona to such lands.

Adopted by the House, March 13, 1943.

Adopted by the Senate, March 13, 1943.

Approved by the Governor, March 19, 1943.

Filed in the Office of the Secretary of State, March 19, 1943.

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#### SENATE JOINT MEMORIAL NO. 5

#### A JOINT MEMORIAL

RELATING TO THE RATIONING OF PROCESSED FOODS TO  
OPERATORS OF THE LIVESTOCK, SMALL MINES AND  
LUMBER INDUSTRIES.

TO THE DIRECTOR OF THE OFFICE OF PRICE ADMINISTRATION:

Your memorialist respectfully represents:

There is full realization that in this critical period the rationing of processed food is necessary, in order that the millions of

this country's defenders may be adequately fed, that the urgent needs of our Allies may be met, and that the suffering peoples of many unfortunate countries may be saved from starvation.

That it is the sacred duty of America's producers of food and other essential products to exert themselves to the utmost to push production to the highest level possible is likewise well understood.

Of the local rationing authorities and boards upon whom rests the immediate responsibility for administering the rationing program there is no criticism or complaint. It is felt that they are performing an important and difficult task in a highly creditable manner.

There is a very definite belief, however, that the situation with respect to the operators of and persons engaged in certain industries essential to the achievements of the government's food program, has not been adequately presented to the Office of Price Administration and therefore is not clearly understood.

Briefly, this situation is that in working out the plan of processed food rationing there is no classification which is adapted to the needs of operators of the livestock industry in the western range country, of small mining properties, or of the lumber industries, nor to the persons employed in these essential industries.

The scene of operations of these industries is far removed from cities and towns. Distances are great, time is precious, roads are often difficult, rubber must be conserved. Frequent trips to market are prohibitive. Meanwhile food is necessary, in order that the food demanded by the government may be produced. In most of the scenes of such operations there is no farming or gardening, for want of suitable land and particularly of water. The answer common to the operators of these industries, and the only practical answer, is a commissary, in which a stock of supplies, sufficient for reasonable periods of time, may be kept. Such an institution is a part of the business procedure, and is as necessary as a store to a community.

Under such circumstances it is obvious that point rationing, as at present classified, however well adapted it may be to the great majority of the population, does not lend itself to a solution of the problem of the ranges, the mines and the forests. This being true, it does not lend itself to the necessities of these industries which are charged with the responsibility of supplying vital war needs of the government, and might easily, indeed, result in the complete destruction of their most earnest efforts.

Wherefore your memorialist, the Legislature of the State of Arizona, urgently requests:

1. That the Office of Price Administration set up a separate classification adapted to the needs of persons engaged in the industries named, under conditions which, while insuring maximum conservation of processed food, will permit them to operate.

2. That the regulations of this separate classification be such as to give to local administrators authority to recognize varying

local conditions, and to adjust the requirements to suit those conditions.

Adopted by the House, March 10, 1943.

Adopted by the Senate, March 10, 1943.

Approved by the Governor, March 11, 1943.

Filed in the Office of the Secretary of State, March 12, 1943.



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# RESOLUTIONS

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## HOUSE RESOLUTION NO. 8

## A RESOLUTION

REQUESTING THE CORPORATION COMMISSION TO EXERCISE ITS JURISDICTION OVER THE SALT RIVER VALLEY WATER USERS' ASSOCIATION AND INVESTIGATE AND REGULATE THE RATES BEING CHARGED FOR ELECTRICAL ENERGY.

WHEREAS, the Salt River Valley Water Users' Association has been and now is engaged in the generation, sale and distribution of electrical energy in central Arizona; and

WHEREAS, although the Association is the largest distributor of power in the state of Arizona, it never has been subjected to the jurisdiction of the Corporation Commission and, therefore, the rates charged for electrical energy have never been investigated, reviewed or regulated by the Commission; and

WHEREAS, a representative of the Association testifying before the joint hearing of the Senate Committee on Agriculture and Irrigation and House Committee on Agriculture and Irrigation, and the House Committee on Natural Resources, in connection with Senate Bill 74 and House Bill 92, expressed the opinion that the rates for electrical energy charged by the Association were subject to review, investigation and regulation by the Corporation Commission, and that such review, investigation and regulation would be desirable from the standpoint of said Association; and

WHEREAS, there exists widespread dissatisfaction among customers of the Association over rates now being charged for electrical energy, and on account of the widespread public interest, an immediate review, investigation and regulation of said rates is desirable; therefore

BE IT RESOLVED by the House of Representatives of the State of Arizona:

That the Corporation Commission is requested to exercise its jurisdiction over the Salt River Valley Water Users' Association, and to review, investigate and regulate the rates being charged by the Association for electrical energy.

Adopted by the House, March 10, 1943.

Filed in the Office of the Secretary of State, March 11, 1943.

## SENATE RESOLUTION NO. 8

## A RESOLUTION

EXPRESSING APPRECIATION OF THE SERVICE OF AMERICAN AIRLINES, INC., FROM ARIZONA POINTS TO MEXICO CITY.

WHEREAS, American Airlines, Incorporated, recently established regular passenger air service from Phoenix and Tucson to the City of Mexico; and

WHEREAS, this service has shortened the distance between these points, expressed in terms of elapsed time, from seventy hours to nine hours, a saving the implications of which can scarcely be estimated; and

WHEREAS, in addition to its economic value to individuals traveling on business missions, and especially such as relate to the war effort, an advantage of major importance lies in the impetus the service will inevitably give to the social and economic relations of the sister republics and their people; the feeling of acquaintanceship and friendliness it will engender; the insight it will afford into the customs and habits of thoughts of the neighboring races; the much to be desired inter-American solidarity which will thus be promoted; and

WHEREAS, a material advantage which need not be ignored will be realized when peace comes and normal conditions again bring to Arizona large numbers of seasonal visitors, who, while enjoying its incomparable climate will appreciate the added attraction of a speedy and comfortable visit to the beautiful capitol city of Mexico; therefore

BE IT RESOLVED by the Senate of the State of Arizona:

1. Appreciation of the enterprise shown by American Airlines, Incorporated, in inaugurating regular air service to Mexico City, is expressed.

Adopted by the Senate, February 24, 1943.

Filed in the Office of the Secretary of State, March 10, 1943.

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HOUSE CONCURRENT RESOLUTION NO. 1

## A CONCURRENT RESOLUTION

ON THE DEATH OF HONORABLE CLYDE M. STAUFFER.

WHEREAS, Honorable Clyde M. Stauffer, of Flagstaff, Coconino county, passed away in Phoenix hospital following many years of poor health, on November 14, 1942; and

WHEREAS, the deceased, a veteran of World War I, businessman and lawyer, was highly beloved and respected citizen of Coconino county, where he has resided since coming to Arizona in 1920; and

WHEREAS, Mr. Stauffer served as a member of the Board of Education of the Arizona State Teachers' College at Flagstaff; as a member of the Senate of the Twelfth Legislature, and of the House of Representatives of the Thirteenth and Fourteenth Legislatures, in which positions he devoted his talents and abilities to the welfare of the people of his adopted county and state; and

WHEREAS, the deceased was chosen by the people of his district to represent them in the House of Representatives of the Sixteenth Legislature, but was called by the Grim Reaper before he could render the service imposed upon him; therefore

BE IT RESOLVED by the House of Representatives of the State of Arizona, the Senate Concurring:

1. The passing of this valued citizen and fellow legislator is noted by the members of this body with deepest regret, and their sympathy is extended to the surviving widow, children and other bereaved relatives.

Adopted by the House, Jan. 13, 1943.

Adopted by the Senate, Jan. 14, 1943.

Approved by the Governor, Jan. 14, 1943.

Filed in the office of the Secretary of State, Jan. 15, 1943.

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### HOUSE CONCURRENT RESOLUTION NO. 3

#### A CONCURRENT RESOLUTION

#### ON THE DEATH OF DR. ARTHUR J. MATTHEWS

WHEREAS, Dr. Arthur J. Matthews departed this life at the home of his daughter in Long Beach, California, on July 20, 1942, aged 82 years; and

WHEREAS, Dr. Matthews, "the dean of Arizona educators," head of the Arizona Teachers College at Tempe for thirty years, and well-beloved President Emeritus of that institution since 1930, was for three decades one of Arizona's most prominent and most popular figures, its most distinguished teacher, a nationally known and nationally esteemed educator; and

WHEREAS, in his passing Arizona loses a major contributor to its development, during the days when cultural and education progress was difficult and most needed; therefore

BE IT RESOLVED by the House of Representatives, the Senate concurring:

1. It is with a deep sense of loss and sorrow that the death of Dr. Arthur J. Matthews is noted.

2. The sympathy of this body is extended to the bereaved widow and family.

Passed the House, January 27, 1943.

Passed the Senate, Jan. 28, 1943.

Approved by the Governor, January 29, 1943.

Filed in the office of the Secretary of State, Jan. 29, 1943.

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SENATE CONCURRENT RESOLUTION NO. 3

A CONCURRENT RESOLUTION

ON THE DEATH OF HON. EDWARD FAY BOHLINGER:

WHEREAS, Hon. Edward Fay Bohlinger of Patagonia, Santa Cruz county, following a long illness, died at the home of his sister in California, on November 4, 1942; and

WHEREAS, the deceased was one of the most highly respected, prominent and public-spirited citizens of Santa Cruz county, who served his county and state faithfully in both private and public life, throughout his residence in Arizona of more than thirty years, as an educator, in the mining industry, and as legislator; and

WHEREAS, as a member of the House of Representatives of the Tenth, Eleventh and Twelfth Legislatures, Mr. Bohlinger served on numerous important committees, and as chairman of the Committee on Mines and Mining, with the duties of which he was most familiar. So highly was he regarded by his fellow members of the House that during the first special session of the Twelfth Legislature he was chosen to preside over the body as Speaker. During the Fourteenth Legislature he served his county and the state as a member of the Senate. During all of his legislative career he was an active, earnest and capable member, and endeared himself in an unusual degree to his associates; therefore

BE IT RESOLVED by the Senate of the State of Arizona, the House of Representatives concurring:

1. The passing of Hon. Edward Fay Bohlinger is noted with deep regret and the greatest sorrow.

2. The sympathy of the members of this Legislature is extended to the surviving relatives.

Adopted by the House, January 16, 1943.

Adopted by the Senate, January 15, 1943.

Filed in the office of the Secretary of State, Jan. 18, 1943.

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SENATE CONCURRENT RESOLUTION NO. 4

A CONCURRENT RESOLUTION

ON THE DEATH OF HON. HARRY MARTIN MOORE.

WHEREAS, on the evening of November 20, 1942, Hon. Harry Martin Moore, at the age of forty-seven years, was suddenly and unexpectedly taken by death; and

WHEREAS, the passing of this distinguished citizen and valued public servant, a native of Arizona, was the cause of state-wide gloom and sorrow; and

WHEREAS, Mr. Moore, a veteran of World War I, which he entered as a private and from which he was discharged as a commissioned officer, for many years served with profit to his county and state and honor and distinction to himself, as treasurer of Maricopa county, State Treasurer, and Secretary of State, to which last named post of honor and trust he was but recently overwhelmingly elected for a third term; and

WHEREAS, honored and admired by his fellow officials, and revered by all who knew him for his uprightness and integrity, he carved for himself a permanent niche in the annals of Arizona; therefore

BE IT RESOLVED by the Senate of the State of Arizona, the House of Representatives concurring:

1. That the death of Harry Martin Moore is an irreparable loss to the state of Arizona and is deeply mourned by this body.

2. That the sympathy of the people of Arizona, as represented by the Legislature, is hereby extended to the surviving mother, widow and other bereaved relatives of the deceased.

Adopted by the Senate, January 21, 1943.

Adopted by the House, January 22, 1943.

Filed in the office of the Secretary of State, January 25, 1943.

## SENATE CONCURRENT RESOLUTION NO. 9

## A CONCURRENT RESOLUTION

## ON THE DEATH OF JOHN WILLIAM SPEAR:

WHEREAS, John William (Uncle Billy) Spear, dean of Southwestern journalists, after a long, full life, passed away peacefully, as he lived, on February 8, 1943, at a Phoenix hospital; and

WHEREAS, "Uncle Billy" Spear was not only one of America's most brilliant journalists, whose writings, virile, direct and pregnant with power, deeply impressed every reader, but he was also greatly loved and revered for the invariable fairness and justice which marked his editorial writings; and

WHEREAS, "Uncle Billy" stood high, very high, in the esteem of members, past and present, of Arizona legislatures, whose work he followed for half a century, and praised without flattery or criticised without rancor, as he felt the occasion justified, but always accurately and fairly; therefore

BE IT RESOLVED by the Senate of the State of Arizona, the House of Representatives concurring:

1. It is with the most profound regret that the passing of John William (Uncle Billy) Spear is noted.

2. The sincere condolences of the members of this body are extended to the surviving son.

Adopted by the Senate, Feb. 10, 1943.

Adopted by the House, Feb. 11, 1943.

Filed in the Office of the Secretary of State, Feb. 11, 1943.

## SENATE CONCURRENT RESOLUTION NO. 12

## A CONCURRENT RESOLUTION

## EXPRESSING APPRECIATION OF THE ADDRESS OF LT. JAMES WHITTAKER.

WHEREAS, the members of this legislature were peculiarly favored, on Tuesday afternoon, the 24th inst., by being permitted to listen to an address, in the chamber of the House of Representatives, delivered by Lt. James Whittaker, of the Army Air Force; and

WHEREAS, Lt. Whittaker, co-pilot of the plane in which the Capt. Eddie Rickenbacker party of eight went down in the Pacific Ocean and spent twenty days of October and November, 1942, on

the brink of a terrible death which all but one miraculously escaped, told in modest terms the story of that harrowing experience; and

WHEREAS, thrilling as was the simple tale of twenty days adrift in rubber rafts on the broad Pacific, without food or water, more revealing and moving was the manner of bringing home to the speaker's listeners the sternness of the struggle in the Pacific, the heroism being shown, the perils faced, the sacrifices and hardships endured by this nation's fighting men in that far theatre of war, and the responsibilities weighing upon the people of this country to permit no petty sacrifice or selfish aim to stand in the way of providing them with the munitions and supplies upon which victory and the lives of many thousands of American heroes depend; therefore

BE IT RESOLVED by the Senate of the State of Arizona, the House of Representatives concurring:

1. The earnest thanks of the members of the Legislature are extended to Lt. Whittaker, and the belief is expressed that the people will be brought to a clearer understanding of their duty and moved to greater efforts by his revealing message.

Adopted by the Senate, Feb. 24, 1943.

Adopted by the House, Feb. 25, 1943.

Filed in the Office of the Secretary of State, Feb. 26, 1943.

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#### SENATE JOINT RESOLUTION NO. 4

#### A RESOLUTION

#### ON THE DEATH OF HON. JOHN JOSEPH KEEGAN.

WHEREAS, Hon. John Joseph Keegan passed away, on February 14, 1943, at his home city of Globe, at the age of eighty-six years; and

WHEREAS, John Joseph Keegan was one of Arizona's builders active in civic affairs, in politics, in lodge work, in business, an earnest advocate of the advantages of adequate highways, and for a number of years identified with Arizona's state fair; and

WHEREAS, the regard in which he was held by his fellow citizens was signalized by his selection as a delegate from Gila county to the Constitutional Convention of 1910 which framed Arizona's organic law, and in which body he was an alert and progressive member; therefore

BE IT RESOLVED by the Legislature of the State of Arizona:

1. The death of John Joseph Keegan is noted with profound regret.

2. To the surviving widow and children of the deceased the sympathy of the people of Arizona, as expressed by this body, is extended.

Passed by the House, Feb. 22, 1943.

Passed the Senate, Feb. 22, 1943.

Approved by the Governor, Feb. 26, 1943.

Filed in the Office of the Secretary of State, Feb. 26, 1943.



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# INITIATIVE AND REFERENDUM MEASURES

Receiving a majority of the votes cast at the general election held November 3, 1942, became a law on proclamation issued by the Governor, December 1, 1942.

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## \* A PROCLAMATION BY THE GOVERNOR OF ARIZONA \*

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

WHEREAS, Section 11, Article VII Constitution of the State of Arizona provides that there shall be a general election of Representatives in Congress and of State, county and precinct officers on the first Tuesday after the first Monday in November of the first even numbered year in which Arizona is admitted to Statehood and biennially thereafter; and

WHEREAS, Articles IV and XXI of the Constitution of the State of Arizona, and Article 1, Chapter 60, Arizona Code Annotated 1939 (Article 1, Chapter 34 Revised Code of Arizona, 1928) provide that proposed amendments to the Constitution of the State of Arizona shall be submitted to the electors of the State of Arizona at a special or general election, either by initiative petitions or by the Legislature of the State of Arizona, and said Article IV of the Constitution of the State of Arizona and said Article 1, Chapter 60, Arizona Code Annotated 1939 (Article 1, Chapter 34, Revised Code of Arizona, 1928) further provides that initiative measures and legislative measures against which the referendum is applied shall be submitted to the electors of the State of Arizona; and

WHEREAS, at the general election held on the first Tuesday after the first Monday in November, 1942, there was, in accordance with the provisions of said Articles IV and XXI of the Constitution of the State of Arizona and said Article 1, Chapter 60 Arizona Code Annotated, 1939 (Article 1, Chapter 34, Revised Code of Arizona, 1928) submitted to the electors of the State of Arizona one Initiative Measure, which said Initiative Measure was proposed by Petition of the people of the State of Arizona; and

WHEREAS, Sub-section 13, Section 1, Article IV, Constitution of Arizona and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated, 1939, (Section 1270, Chapter 22, and Section 1748, Chapter 34, Revised Code of Arizona, 1928) provide that when the Canvassing Board of the State of Arizona shall have counted the votes cast at a general or special election, and shall have verified the returns thereof, it shall be the duty of the Governor of the State of Arizona to issue his proclamation giving the whole number of votes cast for and against each measure or proposed amendment, and declaring such measures or amendments as are approved by a majority of those electors voting thereon to be in full force and effect as the law of the State of Arizona, from the date of said proclamation; and

WHEREAS, it appears from the returns of said general election held on the said first Tuesday after the first Monday in November, 1942, as canvassed and certified by said Canvassing Board, in accordance with said Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939. (Section 1268, Chapter 22, and Section 1748, Chapter 34, Revised Code of Arizona, 1928) that a proposed Initiative Measure entitled

“AN ACT

RELATING TO REVENUE AND TAXATION, AMENDING SEC-

TION 73-1322, ARIZONA CODE ANNOTATED 1939 (LAWS 1935, CHAPTER 77, ARTICLE II, SECTION 21, PAGE 310; 1937 (1st S. S.), CHAPTER 2, SECTION 8, PAGE 489).

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

SECTION 1. Section 77-1322 (Laws 1935, Chapter 77, Article II, Section 21, Page 310; 1937 (1st S. S.), Chapter 2, Section 8, Page 489, is amended to read:

73-1322. 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 (Section 73-1303) 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 classifications 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 (4) 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 section 17 and 26 (Sections 73-1318 and 73-1327) of this article, the state treasurer shall place fifteen (15) 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 (Sections 70-101—70-116), and any amendment thereto hereafter adopted; provided that thirty-three and one-third (33 1/3) 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 (Sections 70-101—70-116).

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 (15) per cent of the sales tax revenue accruing to the said board not otherwise allocated by this act.

THE STATE TREASURER OF THE STATE OF ARIZONA SHALL PAY TEN PER CENT (10%) OF THE PRIVILEGE TAX COLLECTED UNDER THE EXCISE REVENUE ACT OF 1935, OR ANY AMENDMENT OR MODIFICATION THEREOF TO THE VARIOUS MUNICIPALITIES OF THE STATE OF ARIZONA IN PROPORTION TO THEIR POPULATION, AS SHOWN BY THE MOST RECENT UNITED STATES CENSUS, TO BE USED BY SAID MUNICIPALITIES FOR ANY MUNICIPAL PURPOSE.

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, THE APPROPRIATION MADE TO THE MUNICIPALITIES, and the warrants drawn against said fund pursuant to sections 17 and 26 (Sections 73-1318 and 73-1327) of this article, forty (40) 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 (60) 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 (Section 73-505), 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 (Section 73-1303) 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 subsection (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."

was submitted to the electors of the State of Arizona at said election, and that there were of legal votes cast at said election 24,818 votes cast in favor of said Initiative Measure, and 19,915 votes cast against said Initiative Measure, and that, therefore, a majority of the legal votes cast at said election were in favor thereof;

NOW, THEREFORE, I, Sidney P. Osborn, Governor of the State of Arizona, under and by virtue of the authority in me vested by Sub-section 13 of Section 1, of Article IV of the Constitution of the State of Arizona, and Section 55-908, Chapter 55 and Section 60-109, Chapter 60, Arizona Code Annotated 1939 (Section 1270, Chapter 22, and Section 1748, Chapter 34, Revised Code of Arizona, 1928), do hereby declare that said proposed Initiative Measure hereinafter referred to and entitled respectively as follows:

“DIVISION OF PRIVILEGE TAX WITH MUNICIPALITIES”

AN ACT

RELATING TO REVENUE AND TAXATION, AMENDING SECTION 73-1322, ARIZONA CODE ANNOTATED 1939 (LAWS 1935, CHAPTER 77, ARTICLE II, SECTION 21, PAGE 310; 1937 (1st S. S.), CHAPTER 2, SECTION 8, PAGE 489).”

to have been duly and regularly approved and adopted by the electors of the State of Arizona at said general election so held on said first Tuesday after the first Monday in November, 1942, and I do therefore hereby proclaim said initiative measure to have become and be a part of the laws of the State of Arizona, from and as of the date of these presents.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed this First day of December, in the year of our Lord One Thousand Nine Hundred and Forty-two.

SIDNEY P. OSBORN (Signed)  
GOVERNOR

ATTEST:

DAN E. GARVEY (Signed)  
SECRETARY OF STATE

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 3, 1942

Proposed by Initiative Petition of the People and filed in the office of the Secretary of State, June 30, 1942, and printed in pursuance of Paragraph 60-107, Arizona Code Annotated, 1939.

HARRY M. MOORE, Secretary of State

(On Official Ballot Nos. 300-301)

INITIATIVE PETITION

PROPOSED BY INITIATIVE PETITION

AN ACT

RELATING TO REVENUE AND TAXATION, AMENDING SECTION 73-1322, ARIZONA CODE ANNOTATED 1939 (LAWS 1935, CHAPTER 77, ARTICLE II, SECTION 21, PAGE 310; 1937 (1st S. S.), CHAPTER 2, SECTION 8, PAGE 489).

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

SECTION 1. Section 77-1322 (Laws 1935, Chapter 77, Article II, Section 21, Page 310; 1937 (1st S. S.), Chapter 2, Section 8, Page 489, is amended to read:

73-1322. 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 (Section 73-1303) 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 classifications 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 (4) 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 section 17 and 26 (Sections 73-1318 and 73-1327) of this article, the state treasurer shall place fifteen (15) 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 (Sections 70-101—70-116), and any amendment thereto hereafter adopted; provided that thirty-three and one-third (33 1/3) 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 (Sections 70-101—70-116).

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 (15) per cent of the sales tax revenue accruing to the said board not otherwise allocated by this act.

THE STATE TREASURER OF THE STATE OF ARIZONA SHALL PAY TEN PER CENT (10%) OF THE PRIVILEGE TAX COLLECTED UNDER THE EXCISE REVENUE ACT OF 1935, OR ANY AMENDMENT OR MODIFICATION THEREOF TO THE VARIOUS MUNICIPALITIES OF THE STATE OF ARIZONA IN PROPORTION TO THEIR POPULATION, AS SHOWN BY THE MOST RECENT UNITED STATES CENSUS, TO BE USED BY SAID MUNICIPALITIES FOR ANY MUNICIPAL PURPOSE.

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, THE APPROPRIATION MADE TO THE MUNICIPALITIES, and the warrants drawn against said fund pursuant to sections 17 and 26 (Sections 73-1318 and 73-1327) of this article, forty (40) 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 (60) 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 (Section 73-505), 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 (Section 73-1303) 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 subsection (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 com-

pounding, 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.

The following is the form and number in which the question will be printed on the Official Ballot:

PROPOSED BY INITIATIVE PETITION

"DIVISION OF PRIVILEGE TAX WITH MUNICIPALITIES"

AN ACT

RELATING TO REVENUE AND TAXATION, AMENDING SECTION 73-1322, ARIZONA CODE ANNOTATED 1939 (LAWS 1935, CHAPTER 77, ARTICLE II, SECTION 21, PAGE 310; 1937 (1st S. S.), CHAPTER 2, SECTION 8, PAGE 489).

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If you favor the above law, vote YES; if opposed, vote NO.

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300 Yes	<input type="checkbox"/>	24,818
301 No	<input type="checkbox"/>	19,915



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**BILLS VETOED  
BY THE  
GOVERNOR**

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EXECUTIVE OFFICE

STATE HOUSE

PHOENIX, ARIZONA

March 24th, 1943

Honorable Dan E. Garvey,  
Secretary of State,  
State House.

My dear Mr. Secretary:

I am handing you herewith House Bill No. 225, "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: 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, 1943, and ending June 30, 1944, hereinafter designated as the 32nd Fiscal Year, and beginning July 1, 1944, and ending June 30, 1945, hereinafter designated as the 33rd fiscal year, all of which constitute a general appropriation bill for said fiscal years," which I have this day approved except as to the appropriations hereinafter enumerated, which I have disapproved.

The disapproved appropriations are as follows: First, that item under Subdivision 45, "Superintendent of Public Instruction and Common Schools" which is as follows:

	"For the 32nd Fiscal Year	For the 33rd Fiscal Year
Teachers' Pensions .....	\$ 87,000.00	\$ 87,000.00"

which item is disapproved in its entirety for the reason that Senate Bill No. 33, "An Act relating to education; providing for the retirement of teachers in the educational system and establishing the Arizona Teachers' retirement system; making appropriation therefor, and repealing section 54-1008, Arizona Code of 1939", heretofore approved, makes appropriations for teachers' pensions and therefore the above-mentioned appropriation carried in House Bill No. 225, the general appropriation bill, is unnecessary.

Second, I have also disapproved in its entirety Subdivision 65, Arizona Highway Department, which said Subdivision 65 is composed of the following items and reads as follows:

	"For the 32nd Fiscal Year	For the 33rd Fiscal Year
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AFE 110 STATE HIGHWAY COMMISSION:

Salaries:

(5) Commissioners .....	\$ 7,500.00	\$ 7,500.00
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Secretary .....	3,300.00	3,300.00
Assistant Secretary .....	1,800.00	1,800.00
Total Salaries.....	<u>\$ 12,600.00</u>	<u>\$ 12,600.00</u>
Operation .....	9,000.00	9,000.00
Travel .....	2,000.00	2,000.00
Total Appropriation .....	<u>\$ 23,600.00</u>	<u>\$ 23,600.00</u>

## AFE 111 EXECUTIVE:

## Salaries:

State Highway Engineer.....	\$ 6,000.00	\$ 6,000.00
Deputy State Highway Engineer .....	5,000.00	5,000.00
Stenographer .....	1,800.00	1,800.00
Total Salaries .....	<u>\$ 12,800.00</u>	<u>\$ 12,800.00</u>
Operation .....	450.00	450.00
Travel .....	2,000.00	2,000.00
Total Appropriation .....	<u>\$ 15,250.00</u>	<u>\$ 15,250.00</u>

## AFE 113 FIELD ENGINEERING DIVISION:

## Salaries:

Lump Sum appropriation.....	\$ 24,000.00	\$ 24,000.00
Operation .....	500.00	500.00
Travel .....	6,000.00	6,000.00
Total Appropriation .....	<u>\$ 30,500.00</u>	<u>\$ 30,500.00</u>

## AFE 114 PURCHASING DIVISION

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries:		
Purchasing Agent .....	\$ 4,000.00	\$ 4,000.00
Assistant Purchasing Agent..	2,400.00	2,400.00
Stenographer .....	1,800.00	1,800.00
Typist .....	1,560.00	1,560.00
Priority Specialist .....	3,000.00	3,000.00
Total Salaries .....	<u>\$ 12,760.00</u>	<u>\$ 12,760.00</u>
Operation .....	800.00	800.00
Travel .....	250.00	250.00
Total Appropriation .....	<u>\$ 13,810.00</u>	<u>\$ 13,810.00</u>

## AFE 115 GENERAL OFFICE DIVISION:

Salaries:		
Plant Engineer .....	\$ 2,700.00	\$ 2,700.00
Telephone and Telegraph Op- erators (2 @ \$1,560.00)....	3,120.00	3,120.00
Office Boy .....	1,200.00	1,200.00
Head Janitor .....	\$ 1,500.00	\$ 1,500.00
Janitors (3 @ \$1,380.00 each)	4,140.00	4,140.00
Total Salaries .....	<u>\$ 12,660.00</u>	<u>\$ 12,660.00</u>
Operation .....	24,000.00	24,000.00
Travel .....	300.00	300.00
Total Appropriation .....	<u>\$ 36,960.00</u>	<u>\$ 36,960.00</u>

## AFE 116 ACCOUNTING DIVISION:

## Salaries:

Chief Accountant .....	\$ 3,600.00	\$ 3,600.00
Assistant and Cost Accountant .....	3,000.00	3,000.00
Tabulator Operator .....	3,100.00	3,100.00
Asst. Tabulator Operator.....	2,100.00	2,100.00
Invoice Clerk .....	2,700.00	2,700.00
Project File Clerk .....	2,400.00	2,400.00
Claim Clerk .....	2,400.00	2,400.00
Bookkeeper .....	2,400.00	2,400.00
Bookkeeper .....	1,800.00	1,800.00
Payroll Clerk .....	2,100.00	2,100.00
Warrant Clerk .....	1,920.00	1,920.00
Stenographer .....	1,800.00	1,800.00
Total Salaries .....	\$ 29,320.00	\$ 29,320.00
Operation .....	6,000.00	6,000.00
Travel .....	100.00	100.00
Total Appropriation .....	\$ 35,420.00	\$ 35,420.00

## AFE 117 PERSONNEL—PAYROLL DIVISION:

## Salaries:

Personnel Clerk .....	\$ 2,100.00	\$ 2,100.00
Total salaries .....	\$ 2,100.00	\$ 2,100.00
Operation .....	100.00	100.00
Total Appropriation .....	\$ 2,200.00	\$ 2,200.00

## AFE 118 LEGAL DIVISION:

	For the 32nd Fiscal Year	For the 33d Fiscal Year
Salaries:		
Legal Advisor .....	\$ 4,200.00	\$ 4,200.00
Stenographer .....	1,800.00	1,800.00
Total Salaries .....	<u>\$ 6,000.00</u>	<u>\$ 6,000.00</u>
Operation .....	500.00	500.00
Travel .....	100.00	100.00
Total Appropriation .....	<u>\$ 6,600.00</u>	<u>\$ 6,600.00</u>

## AFE 124 RIGHT OF WAY DIVISION:

Salaries:		
Agent .....	\$ 3,600.00	\$ 3,600.00
Assistant Agent .....	3,000.00	3,000.00
Draftsman .....	2,400.00	2,400.00
Stenographer .....	\$ 1,800.00	\$ 1,800.00
Total Salaries .....	<u>\$ 10,800.00</u>	<u>\$ 10,800.00</u>
Operation .....	1,000.00	1,000.00
Travel .....	4,000.00	4,000.00
Total Appropriation .....	<u>\$ 15,800.00</u>	<u>\$ 15,800.00</u>

## AFE 126 WAREHOUSE DIVISION:

## Salaries:

## PHOENIX WAREHOUSE

Warehouse Superintendent (1/2 salary) .....	\$ 1,800.00	\$ 1,800.00
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Parts Man .....	2,400.00	2,400.00
Invoice and Receiving Clerk....	1,920.00	1,920.00
Stationery Stock Clerk.....	1,560.00	1,560.00
ASHFORK WAREHOUSE		
Clerk (1/2 Salary) .....	840.00	840.00
TUCSON WAREHOUSE		
Clerk (1/2 Salary) .....	840.00	840.00
HOLBROOK WAREHOUSE		
Clerk (1/2 Salary) .....	840.00	840.00
Total Salaries .....	<u>\$ 10,200.00</u>	<u>\$ 10,200.00</u>
Operation .....	200,000.00	200,000.00
Total Appropriation .....	<u>\$210,200.00</u>	<u>\$210,200.00</u>

## AFE 127 EQUIPMENT DIVISION:

## Salaries:

Superintendent of Equipment \$	4,500.00	\$ 4,500.00
Officeman .....	2,160.00	2,160.00
Equipment Checker .....	2,100.00	2,100.00
Stenographer .....	1,560.00	1,560.00
Truck Drivers (2 @ \$2,400.00)	4,800.00	4,800.00
Total Salaries .....	<u>\$ 15,120.00</u>	<u>\$ 15,120.00</u>
Operation .....	365,000.00	365,000.00
Travel .....	2,500.00	2,500.00
Total appropriation .....	<u>\$382,620.00</u>	<u>\$382,620.00</u>

## AFE 129 PHOENIX YARD DIVISION:

## Salaries:

Yard man .....	\$ 2,100.00	\$ 2,100.00
Gas Station Man .....	1,800.00	1,800.00
Watchman .....	1,800.00	1,800.00
Watchmen (3 @ \$1,560.00)....	4,680.00	4,680.00
Laborers (5 @ \$1,430.00).....	7,150.00	7,150.00
Total Salaries .....	\$ 17,530.00	\$ 17,530.00
Operation .....	12,150.00	12,150.00
Total Appropriation .....	\$ 29,680.00	\$ 29,680.00

## AFE 133 INDUSTRIAL INSURANCE:

Insurance Premiums .....	\$ 55,000.00	\$ 55,000.00
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## AFE 310 PUBLICATION—TRAVEL DIVISION:

## Salaries:

Editor in Chief .....	\$ 3,600.00	\$ 3,600.00
Secretary .....	2,400.00	2,400.00
Stenographer .....	1,800.00	1,800.00
Typist-Clerk .....	1,560.00	1,560.00
Clerk .....	1,560.00	1,560.00
Total Salaries .....	\$ 10,920.00	\$ 10,920.00
Operation .....	87,880.00	87,880.00
Travel .....	1,200.00	1,200.00
Total Appropriation .....	\$100,000.00	\$100,000.00

## AFE 311 SAFETY DIVISION:

Salary—Statistician .....	\$ 2,100.00	\$ 2,100.00
Operation .....	1,000.00	1,000.00
Travel .....	1,000.00	1,000.00
Total Appropriation .....	\$ 4,100.00	\$ 4,100.00

## AFE 312 HIGHWAY PLANNING:

For Salaries and Wages; for Operation; for travel; for Capital Investment; for Repairs and Replacements:

Lump sum appropriation.....	\$ 30,000.00	\$ 30,000.00
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In addition to the above appropriation there is hereby appropriated any money received from the federal government for State Wide Planning Survey.

## AFE 320 MOTOR VEHICLE DIVISION:

Salaries:

## ADMINISTRATIVE &amp; AUDITING:

Superintendent .....	\$ 4,500.00	\$ 4,500.00
Chief Clerk .....	3,600.00	3,600.00
Secretary .....	2,000.00	2,000.00
Clerk .....	1,800.00	1,800.00
Statistician .....	2,400.00	2,400.00
Field Auditor .....	2,500.00	2,500.00
Cashier .....	2,500.00	2,500.00
Bookkeeper .....	2,280.00	2,280.00
Bookkeepers (2 @ \$1,980.00 each) .....	3,960.00	3,960.00

Clerks (2 @ \$1,740.00 each) ..	3,480.00	3,480.00
Punch Machine Operator .....	1,920.00	1,920.00
Clerks (2 @ \$1,620.00 each) ..	3,240.00	3,240.00
Clerks (2 @ \$1,560.00 each) ..	3,120.00	3,120.00

## FUEL TAX REFUNDS:

Supervisor .....	2,400.00	2,400.00
Assistant Supervisor .....	2,000.00	2,000.00
Investigators (4) .....	8,000.00	8,000.00
Clerks (4 @ \$1,620.00 each) ..	6,480.00	6,480.00
Clerks (3 @ \$1,560.00 each) ..	4,680.00	4,680.00

## MOTOR CARRIER &amp; CHECKING STATIONS:

Supervisor .....	2,700.00	2,700.00
Assistant Supervisor .....	2,142.00	2,142.00
Tax Clerk .....	1,920.00	1,920.00
Clerk .....	1,800.00	1,800.00
Clerk .....	1,560.00	1,560.00
Field Inspector .....	2,100.00	2,100.00
Inspectors in Charge (9) .....	21,600.00	21,600.00
Inspectors (22) .....	50,160.00	50,160.00

## CHAUFFEURS' &amp; OPERATORS' LICENSES:

Supervisor .....	\$ 2,520.00	\$ 2,520.00
Assistant Supervisor .....	2,140.00	2,140.00
Examiners (3) .....	6,000.00	6,000.00

Clerks (2 @ \$1,620.00 each)..	3,240.00	3,240.00
Clerks (5 @ \$1,560.00 each)..	7,800.00	7,800.00
TITLES AND LIENS:		
Supervisor .....	\$ 2,700.00	\$ 2,700.00
Assistant Supervisor—Titles..	2,000.00	2,000.00
Assistant Supervisor—Liens ..	2,000.00	2,000.00
Assistant Supervisor—Trouble	2,000.00	2,000.00
Repossession Clerk .....	1,920.00	1,920.00
Repossession Clerk .....	1,800.00	1,800.00
Senior Counter Clerk.....	1,920.00	1,920.00
Clerks (6 @ \$1,800.00 each)..	10,800.00	10,800.00
Clerks (20 @ \$1,620.00 each)	32,400.00	32,400.00
Clerks (24 @ \$1,560.00 each)	37,440.00	37,440.00
Total Salaries .....	\$261,522.00	\$261,522.00
Operation .....	65,000.00	65,000.00
Travel .....	12,000.00	12,000.00
Total Appropriation .....	\$338,522.00	\$338,522.00

## AFE 321. HIGHWAY PATROL DIVISION:

## Salaries and Wages:

Superintendent .....	\$ 4,200.00	\$ 4,200.00
Assistant Superintendent.....	3,300.00	3,300.00
Chief Clerk .....	2,520.00	2,520.00
Radio Technician .....	3,000.00	3,000.00

Captains (4 @ \$2,700.00 each)	10,800.00	10,800.00
Patrolmen (40 @ \$2,400.00 each) .....	96,000.00	96,000.00
Radio Operators (4 @ \$1,980.00 each) .....	7,920.00	7,920.00
Patrol Clerks (2 @ \$2,100.00 each) .....	4,200.00	4,200.00
Secretary .....	1,800.00	1,800.00
Stenographers (2 @ \$1,740.00 each) .....	3,480.00	3,480.00
Total Salaries .....	\$137,220.00	\$137,220.00
Operation .....	8,000.00	8,000.00
Travel .....	60,000.00	60,000.00
Total Appropriation .....	\$205,220.00	\$205,220.00

## AFE 330 &amp; 334. CAPITAL INVESTMENT:

For Capital Investment:

Lump Sum appropriation..\$ 225,000.00 \$ 225,000.00

GRAND TOTAL HIGHWAY DEPARTMENT APPROPRIATION \$1,760,482.00 \$1,760,482.00

\$3,520,964.00

The above appropriation is payable out of moneys collected in accordance with Section 59-302, Arizona Code Annotated, 1939. The balance of such moneys collected is hereby appropriated for carrying out the provisions of Chapter 59, Arizona Code Annotated, 1939."

I have disapproved said Subdivision 65 for the reason that before the legislature can appropriate for the Highway Department, it is necessary that the Highway Code be amended, because the Highway Code provides for the method of budgeting for the department, and as the Highway Code is in effect, the above mentioned Subdivision 65 providing a legislative budget for the Highway Department is void, useless and of no effect.

With the exception of the above mentioned items which are dis-

approved, I have approved all of the other subdivisions of House Bill No. 225.

With kindest regards, I am,

Sincerely,

(Signed) SIDNEY P. OSBORN  
Governor.

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EXECUTIVE OFFICE

STATE HOUSE

PHOENIX, ARIZONA

March 24th, 1943

Honorable Dan E. Garvey  
Secretary of State  
State House

My dear Mr. Secretary:

I am handing to you herewith House Bill No. 223, being "An Act relating to the State Highway Department; providing for an annual budget estimate and adoption of the budget; amending Sections 59-305 and 59-306, Arizona Code of 1939; and declaring an emergency", which I have this day disapproved.

The purpose of this measure is to amend the present State Highway Code to the end that the legislature make the budget for the Highway Department rather than permit the department to budget for its own needs, as is now the case.

This measure must be considered together with House Bill No. 225, the general appropriation bill of the Sixteenth Legislature, in order to ascertain whether or not the legislature has properly budgeted for the department for the ensuing two years.

A perusal of the general appropriation bill indicates that either the legislature had little knowledge of the functions of the department or set up the appropriations in such a hurried manner that adequate study could not be made of the needs thereof.

It also appears that the legislature has, perhaps unwittingly, endeavored to legislate in the general appropriation bill, something which is prohibited by the law and court decisions.

Also, it is more than possible that the provisions of House Bill No. 223 are in violation of the terms of the Hayden-Cartwright Bill. If

such proved to be the case, it would mean that Arizona would lose for the ensuing two years a large part of its federal aid.

The budget as set up in House Bill No. 225 moreover is too rigid. It lacks the elasticity which is necessary if the department is to smoothly function. It reverts to the general fund each year balances of money which have been pledged in connection with building certain projects, necessitating reappropriation of such money by the legislature, whereas the legislature meets only once in two years.

There are many similar shortcomings in the budget adopted by the Sixteenth Legislature.

It would prevent emergency building of access roads asked and paid for by the federal government and demanded by military necessity; it would prevent hiring of guards for critical structures, and in some instances it might forestall rebuilding of sections of roads washed out by floods or other disaster, without a special session of the legislature.

There are many similar shortcomings in the budget adopted by the Sixteenth Legislature as a part of H. B. No. 225.

Budgeting for the Highway Department is an extremely important matter. It is an involved and complex task. It requires months of study by those familiar with the department and its functions. That the legislature could not make a proper budget in a day or two is obvious.

I have approved House Bill No. 69 which will enable ample study to be given and a proper budget prepared for all state departments to be presented to the Seventeenth Legislature. Under the provisions of this measure it will be possible to prepare a budget for the Highway Department which will in no wise conflict with the federal laws relative to federal aid and at the same time adequately take care of the department.

Budgeting for all departments of government is wise. However, it is unwise to go about it in a hurried manner and it appears that this latter method was used in a hasty endeavor to prepare a budget for the next two years.

For the above reasons I have this day disapproved House Bill No. 223.

Sincerely,

(Signed) SIDNEY P. OSBORN  
Governor

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## HOUSE BILL NO. 223

## AN ACT

RELATING TO THE STATE HIGHWAY DEPARTMENT; PROVIDING FOR AN ANNUAL BUDGET ESTIMATE AND ADOPTION OF THE BUDGET; AMENDING SECTIONS 59-305 AND 59-306, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 59-305, Arizona Code of 1939, is amended to read:

59-305. BUDGET ESTIMATE. (a) Not later than June 1 of each year the commission shall prepare a budget estimate containing:

1. The amounts of revenue, separately stated by name, certified by the tax commission and the state engineer as estimated to accrue to the state highway fund during the ensuing fiscal year.

2. An itemized statement of the unexpended and unencumbered balances in the fund as of March 1 preceding, and an estimate of the balances which will remain in the fund as of June 30.

3. The amounts of revenue, separately stated by name, accrued to the fund during the year preceding March 1, together with the balances in the fund at the commencement of the fiscal year, and the amount expended by the department during the year preceding March 1.

4. A statement of unpaid claims and liabilities as of March 1, incurred during the calendar year preceding.

5. The estimated amount to be expended during the ensuing fiscal year for the maintenance of each state highway, and a statement of the mileage and termini of each such highway.

6. The estimated amount to be expended during the ensuing fiscal year for the construction, reconstruction or improvement of each state highway or bridge, exclu-

sively out of the proceeds of the state highway fund and a statement of the mileage and termini of each such highway or bridge.

7. The estimated amount to be expended during the ensuing fiscal year for the construction, reconstruction or improvement of each state highway or bridge out of the proceeds of the state highway fund in conjunction with money to be received from the United States, or from a county or other source, and a statement of the mileage and termini of each such highway or bridge, and the amount of the cost thereof to be expended from the state highway fund.

8. The estimated amount to be expended during the ensuing fiscal year, for the payment of every cost and expense, itemized by classes, of each division of the department.

9. The estimated amount to be expended from the state highway fund in each county, accompanied by a description of each project, including mileage and termini, upon which the estimated amount is proposed to be expended.

10. Such other items as, in the judgment of the commission, will show the true financial condition of the department and of the state highway fund as of March 1, and estimated as of June 30.

(b) The total budget estimate of money to be expended during the ensuing fiscal year shall not exceed the amount of estimated revenue as certified by the tax commission and state engineer.

(c) The commission shall include in the budget estimate of money to be expended during the ensuing fiscal year, and make the same a part thereof, all legislative appropriations made to the department for such fiscal year, for any purpose or activity prescribed in section 59-303, except such as directly pertain to the construction, reconstruction, improvement or maintenance of highways and bridges, or engineering work connected therewith or with the planning thereof. As to all purposes and activities covered by legislative appropriations, as limited by this subsection, such appropriations shall be conclusive and exclusive, and for the purposes stated shall not be added to nor taken from.

Sec. 2. Sec. 59-306, Arizona Code of 1939, is amended to read:

59-306. ADOPTION OF BUDGET. On or before the second Monday in June the budget estimate shall be published in at least one issue of a newspaper of general circulation in each county, together with notice that a public meeting will be held at the office of the commission on the third Monday in June, at which the budget will be considered and objections and protests heard. Following such meeting the commission may make changes in the budget, except as to legislative appropriations included therein, and on or before June 30, shall adopt the budget as published or as amended and certify the same to the auditor and treasurer. The budget shall thereupon become and remain the budget and limit of expenditures for all purposes for the ensuing fiscal year. After the adoption of the budget the commission shall cause to be printed such number of copies thereof as may be required for the information of citizens.

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

Disapproved by the Governor, March 24, 1943.

Filed in the Office of the Secretary of State, March 25, 1943.

## EXECUTIVE OFFICE

## STATE HOUSE

## PHOENIX, ARIZONA

March 25th, 1943

Honorable Dan E. Garvey  
Secretary of State  
State House

My dear Mr. Secretary:

Herewith is attached House Bill No. 194 "An Act relating to hours of labor for females in certain occupations; exempting, during the existing war emergency, females employed in any industry providing war supplies under contract with the federal government or any department or agency thereof or under subcontract with a government prime contractor; amending section 56-320, Arizona Code of 1939, and declaring an emergency", which I have this day disapproved.

The present law, limiting the employment of women to not more than forty-eight hours per week, is primarily a health measure. The physical limitations of women require special protection. This need for special protection for working women is recognized by many laws, in many states, dealing with wages, hours and working conditions of women in industry.

Laws of this nature, enacted not merely to protect the rights of the weak against the strong, but primarily to protect the health and well-being of the nation's womanhood, should not be repealed or suspended, even in war time, unless the greater good demands it. It must further be clearly shown that the repeal or suspension of such laws would actually accomplish the purpose sought without creating new and more serious problems.

If, as is admitted by all, a work week limitation of forty eight hours for women is in the interest of public health in peace time, it follows that the removal of it in war time would aggravate those same health hazards wherever the work week for women is increased above forty-eight hours.

However, the criterion for all such legislation in these times must of necessity be whether or not the war effort would thereby be stimulated and not whether the normal rights and protections of individual citizens would thereby be sacrificed. The question, then, is, whether the suspension of the forty-eight hour week, for all women workers covered by the terms of this bill, would actually stimulate the war effort and increase war production, or whether it would instead have the opposite effect.

To answer this question it is necessary to consider certain factors tending to hinder Arizona's war production, and the relationship of the proposed suspension of the forty-eight hour week for women to those factors.

First, there is absenteeism. Recognized government and private welfare agencies report that the causes of absenteeism among women war workers most frequently encountered include: ill health, excessive fatigue, bad housing and transportation facilities, worry over unsatisfactory child care, and lack of time for attention to children and home.

Even with the present forty-eight hour week limitation, a woman can be employed for six full days of eight hours each, leaving only one day for rest, the duties of home, and such volunteer war work as she may undertake. Even now many women war workers find it necessary to absent themselves from their jobs because forty-eight hours per week leaves them without sufficient time for child and home care, or because forty-eight hours of work, together with home duties, brings about a state of exhaustion. Illness occasioned by exhaustion sometimes necessitates an involuntary absence of several days at a time. It is obvious that a lengthening of hours beyond the forty-eight would aggravate all these factors in absenteeism among women war workers.

The disastrous effects of overworking our women war workers, however, go beyond the problem of absenteeism with its attendant disruption of war production schedules. The original purpose of the forty-eight hour limitation for women, as a HEALTH MEASURE, must be remembered. The war time shortage of doctors and nurses has underscored the necessity for civilian workers to maintain themselves in good health. In the case of women, nearly all of whom are mothers or will in the future be mothers, the necessity for future as well as present health protection must be considered.

A secondary, though likewise important factor tending to hamper war production, is the lack of attention to morale building among the workers themselves. Every one of our thousands of women war workers entered war industry voluntarily, with a sense of pride and responsibility in their contribution to the war effort. They, along with men war workers, have willingly accepted their fate of being "frozen" to the jobs they voluntarily undertook. But they undertook those jobs with a protection on the statute books as to the hours they shall be asked to work. To see that protection legislated away cannot help but be a blow to the morale of women war workers.

Further, the removal of such protective legislation would also hamper all efforts to draw more women into war work. After all, if more war work by women is needed, the sensible solution is to draw more women into war work. This can best be done by guaranteeing the proper legislative safeguards, offering incentives in the form of adequate housing, transportation, and child care.

It must now be considered whether or not, in spite of these factors, the immediate needs of Arizona war industry require that women work more than forty-eight hours a week.

The Federal Government's finding is that three shifts of eight hours a day, forty-eight hours a week per worker, is the ideal schedule, from the standpoint of both maximum production and of health. If this is the ideal for men workers, it certainly should not be exceeded by women workers. A specific and immediate need for work above forty-eight hours, by women, would have to be shown, and the need would have to outweigh the health, morale, absenteeism and other negative factors. No such need has been

shown. The proponents of the bill, claiming no specific immediate need, point rather to the possibility of a need in the indefinite future.

Should any such unseen emergency arise, where the need for more hours of work per week for women already employed in war industry would outweigh the dangers involved, and where the supply of new women workers was exhausted, alternative solutions present themselves. Certain governing devices, such as special sessions of the legislature and military law, exist to serve the state in an emergency.

In order to avoid the calling of special sessions, the National Council of State Governments, upon which Arizona is represented, recommended to all 1943 State Legislatures, including Arizona, the adoption of an Emergency Powers Bill, to grant to the Governor, or to some state agency or committee which the legislature might designate, the power to suspend any law in any specific case where its enforcement would clearly hamper the war effort. Emergency legislation of this kind is already in effect in several states. Since the legislature declined to take action on such a measure, presumably it did not believe the need for it existed in Arizona.

Summarizing, it is shown:

FIRST, that the enforcement of the forty-eight hour week law as now written, for women in industry, as a HEALTH MEASURE, is at least as necessary in war time as in times of peace.

SECOND, that the suspension of this law would tend to increase absenteeism among women war workers and thus aggravate one of the most widely recognized hindrances to war production.

THIRD, that suspension of the law, by blanket legislative action, with no limit whatsoever on the hours of women, would tend to disrupt the morale of women war workers.

FOURTH, that the present forty-eight hour limit corresponds with recognized Federal Government recommendations for a three-shift day of eight hours each, with six days, forty-eight hours per worker.

FIFTH, immediate need for increasing the work week for women beyond forty-eight hours, in any industry, has not been shown.

SIXTH, that the proper method of adding to the number of hours worked by women in war industry is to add to the number of women war workers, an aim which the removal of the forty-eight hour week maximum or other safeguards for women, would tend to discourage, while placing too great a burden upon those already employed.

For the above reasons I have today disapproved House Bill No. 194.

With kindest regards, I am

Sincerely,

SIDNEY P. OSBORN  
Governor.

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## HOUSE BILL NO. 194

## AN ACT

RELATING TO HOURS OF LABOR FOR FEMALES IN CERTAIN OCCUPATIONS; EXEMPTING, DURING THE EXISTING WAR EMERGENCY, FEMALES EMPLOYED IN ANY INDUSTRY PROVIDING WAR SUPPLIES UNDER CONTRACT WITH THE FEDERAL GOVERNMENT OR ANY DEPARTMENT OR AGENCY THEREOF OR UNDER SUBCONTRACT WITH A GOVERNMENT PRIME CONTRACTOR; AMENDING SECTION 56-320, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

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

Section 1. Section 56-320, Arizona Code of 1939, is amended to read:

Section 56-320. HOURS OF LABOR FOR FEMALES IN CERTAIN OCCUPATIONS. POSTING. PENALTY. No employer, employing females in any labor other than domestic work, shall employ or suffer any female to work more than eight hours in any one day nor more than forty-eight hours in any one week, the eight hours to be performed in a period not to exceed thirteen consecutive hours, and every employer shall provide one full day of rest a week for all females in his employ. The provisions of this section shall not be construed to prohibit an adult woman who has in any one week been employed for not to exceed six hours a day, from being employed for seven days in such week; nor apply to females employed in telephone or telegraph offices or exchanges, or in railroad yard offices, in which not more than three females are employed; nor to female nurses; nor apply, during the existing war emergency, to females employed in any industry producing war supplies under contract with the federal government or any department or agency thereof, or under subcontract with a government prime contractor, or to females employed by railroads or transportation companies, provided, however, that these exceptions shall not have the effect of abrogating any collective bargaining agreement prescribing overtime rates of pay or working conditions or any of the overtime rates prescribed pursuant to law by the federal government; and in relation to hours of employment, shall not apply to or affect females engaged in harvesting, curing, canning or drying

any variety of perishable fruit or vegetable, during such periods as may be necessary to harvest, cure, can or dry said fruits or vegetables in order to save the same from spoiling. Every employer shall post in a conspicuous place in every room where females are employed, a printed notice stating the hours of commencing and stopping work, the time allowed for meals and the maximum number of hours any female employee is permitted to work in any one day, and the employment of any female at any time other than in conformity with the posted hours of labor shall be prima facie evidence of a violation of this section.

Any person violating any provision of this section shall be guilty of a misdemeanor and punished by a fine of not less than twenty-five dollars or by imprisonment for not less than thirty days, or by both such fine and imprisonment.

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.

Disapproved by the Governor, March 25, 1943.

Filed in the Office of the Secretary of State, March 25, 1943.



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**A C T S**  
**Memorials and Resolutions**  
of the  
**FIRST SPECIAL SESSION**  
of the  
**Fifteenth Legislature**  
of the  
**STATE OF ARIZONA**  
**1942**



**First Special Session Convened April 6, 1942**

**First Special Session Adjourned Sine Die, April 25, 1942**

Publication authorized  
(Chapter 96, Subdivision 6, Laws of 1943)  
Regular Session Sixteenth Legislature

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

# AUTHENTICATION

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

THIS IS TO CERTIFY—That the Acts, Memorials and Resolutions published in this volume, are full, true and correct copies of the originals, passed at the First Special Session of the Fifteenth 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 Fifteenth Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, April 6, 1942, and adjourned sine die on the 25th day of April, 1942.



IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 13th day of June, 1943.

DAN E. GARVEY (signed)  
Secretary of State

## STATE OF ARIZONA

Executive Department

## A PROCLAMATION

Calling a Special Session of the Fifteenth Legislature  
of the State of Arizona

WHEREAS, the Constitution of the State of Arizona provides (article IV, section 3, part 2) that: "The Governor may call a special session (of the Legislature), whenever in his judgment it is advisable. In calling such special session, the Governor shall specify the subjects to be considered \* \* ."; and

WHEREAS, the United States is engaged in a life-or-death struggle for the preservation of its liberty and that of the freedom-loving peoples of the world, in the prosecution of which struggle it is the portion of every State to give its utmost cooperation and aid; and

WHEREAS, certain legislation is necessary if our state is to fulfill its obligation to the Union and to humanity; and

WHEREAS, certain other matters affecting the interest and welfare of the State, and of its citizens, brought to attention by decisions of the Supreme Court and otherwise, are in my opinion of sufficient importance to claim the consideration of the Legislature; now

THEREFORE, I, Sidney P. Osborn, Governor of the State of Arizona, by virtue of the authority in me vested by the Constitution and in pursuance of my duty, do hereby call the Legislature to meet in special session, at the Capitol, on Monday, April 6, 1942, at 9 o'clock a. m., and specify the following subjects to be considered at such session:

1. Creation of an organization for civilian war service, to be known as the Arizona Civilian War Council, and the appropriation of funds for the same.

2. Creation of a military force to replace the National Guard, to be known as the Arizona Military Reserve.

3. Powers of the Governor in contingencies and emergencies arising from invasion, insurrection, war, and "acts of God".

4. Air raid and disaster regulations.

5. Sale and storage of fire arms, ammunition and explosives.

6. Emergency protection of State property, the cost thereof to be a charge against the state highway fund.
7. Sabotage.
8. Theft of articles rationed under Federal law or regulations.
9. Absentee registration and voting by men in the armed forces.
10. Any other subject legitimately and definitely pertaining to national defense and civilian war effort.
11. The control of venereal disease, and measures pertaining to public health.
12. Operation and maintenance of the State Hospital.
13. Acceptance of terms of Federal acts providing for contributions for educational purposes.
14. Appropriation to the Commission of Agriculture and Horticulture for the eradication or control of red scale.
15. State aid to county fairs, to be extended through the State Fair Commission.
16. Authorization for payment of indebtedness incurred by the former State Fair Commission, prior to January 1, 1941, to be paid out of the State Fair fund.
17. Hours of sale of motor vehicle fuel.
18. Transfer of the functions and duties of the Department of Mineral Resources to the Bureau of Mines of the University of Arizona, and making an appropriation for the Bureau of Mines.
19. Administration of state dairy code.
20. Clarification of statute relating to miscegenation.
21. Clarification of statute relating to estates in common and joint tenancy.
22. Speed limits on public highways.
23. Appropriation for Prescott armory.
24. Study of underground water supply and necessary appropriation therefor.
25. Adjustment and equalization of salaries paid by the State.
26. Housing laws.

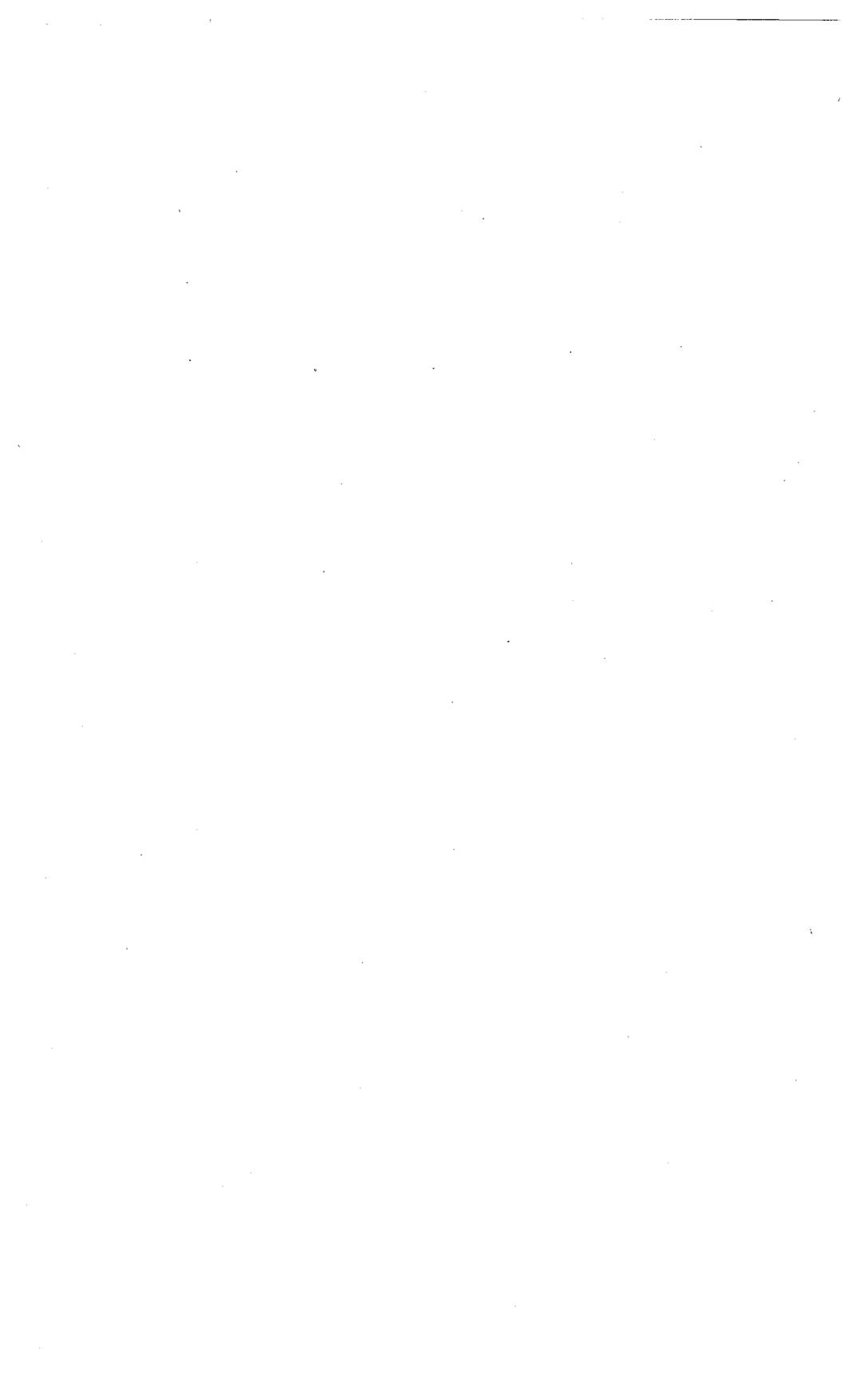
IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed this Thirtieth day of March, in the year of our Lord One Thousand Nine Hundred and Forty-two.

Sidney P. Osborn /s/  
GOVERNOR

ATTEST:

Dan E. Garvey /s/  
ASSISTANT SECRETARY OF STATE

# **Order of Acts**



# ORDER OF ACTS

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# **A C T S**

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## CHAPTER 1

(House Bill No. 8)

## AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF THE CURRENT AND CONTINGENT EXPENSES OF THE FIRST SPECIAL SESSION OF THE FIFTEENTH LEGISLATURE AND REVERTING BALANCES IN THE CONTINGENT FUND APPROPRIATED BY CHAPTER 1, SESSION LAWS OF 1941, REGULAR SESSION.

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

Section 1. APPROPRIATION. The sum of twenty-seven thousand seven hundred ninety-five dollars and sixty cents is appropriated to the first special session of the fifteenth legislature.

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

1. For the payment of salaries: 1a. members of the senate, three thousand forty dollars; 1b. members of the house of representatives, eight thousand three hundred twenty dollars.

2. For the payment of travel: 2a. members of the senate, six hundred six dollars forty cents; 2b. members of the house of representatives, one thousand one hundred sixty nine dollars twenty cents.

3. For the payment of attache salaries: 3a. attaches of the senate, one thousand eight hundred seventy dollars; 3b. attaches of the house of representatives, four thousand two hundred ninety dollars.

4. For the payment of contingent expenses: 4a. contingent expenses of the senate, three thousand five hundred dollars; 4b. contingent expenses of the house of representatives, five thousand dollars.

Sec. 3. REVERSION OF FUNDS. Unexpended bal-

ances in the fund for the payment of contingent expenses respectively of the senate and the house of representatives, appropriated under the provisions of chapter 1, Session Laws of 1941, regular session, and allocated by paragraph 4, section 2 thereof, shall on the effective date of this Act revert to the general fund in the sum of eighteen thousand two hundred seventy dollars and forty-five cents, six thousand one hundred three dollars fifty-seven cents thereof from the contingent fund of the senate and twelve thousand one hundred sixty-six dollars eighty-eight cents from the contingent fund of the house of representatives.

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

Approved by the Governor: April 7, 1942.

Filed: April 7, 1942 at 4:30 p. m.

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## CHAPTER 2

(House Bill No. 1)

### AN ACT

MAKING AN APPROPRIATION FOR THE DEPARTMENT OF MINERAL RESOURCES, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of fifty thousand eight hundred and fifty dollars is appropriated to the department of mineral resources, ten thousand one hundred seventy dollars to be available during the thirtieth fiscal year, and forty thousand six hundred eighty dollars during the thirty-first fiscal year.

Sec. 2. PURPOSE. The purpose of the appropriation made by section 1 is to enable the department of mineral resources to perform the duties and functions of the department as prescribed by chapter 27, Session Laws of 1939, regular session, and especially to promote the development and utilization of Arizona deposits of strategic

war metals essential during the existing national emergency, in the war production program.

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.

(This bill having remained with the Governor five days, Sunday excluded, and the legislature being in session, it has become a law this 16th day of April 1942.)

Harry M. Moore  
Secretary of State.

Filed: April 17, 1942 at 9:35 a. m.

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### CHAPTER 3

(House Bill No. 3)

#### AN ACT

MAKING AN APPROPRIATION FOR THE EXTERMINATION OR CONTROL OF CITRUS RED SCALE AND FOR A SURVEY OF THE EXTENT THEREOF, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of five thousand dollars is appropriated to the use of the Arizona commission of agriculture and horticulture.

Sec. 2. PURPOSE. The purpose of the appropriation made in section 1 is to enable the Arizona commission of agriculture and horticulture to: 1. eradicate and control the citrus red scale wherever found within the state; 2. conduct a survey of all citrus, deciduous and ornamental plantings in the state susceptible to the citrus red scale.

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 by the Governor: April 16, 1942.

Filed: April 17, 1942 at 9:35 a. m.

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CHAPTER NO. 4

(House Bill No. 4)

AN ACT

MAKING AN APPROPRIATION TO THE NATIONAL GUARD OF ARIZONA, FOR EQUIPMENT AND IMPROVEMENTS IN THE ARMORY AT PRESCOTT, AND DECLARING AN EMERGENCY.

**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 national guard of Arizona, to be expended under the direction and supervision of the adjutant general.

Sec. 2. PURPOSE. The purpose of the appropriation made by section 1 is to procure and install a range and hot water tank, a heating plant and miscellaneous equipment in the national guard armory at Prescott, and provide acoustical treatment for the armory.

Sec. 3. EXEMPTION. The appropriation made by this act shall not be subject to the provisions of section 10-203, Arizona Code of 1939, nor shall any balance thereof remaining at the close of the fiscal year ending June 30, 1942, be discontinued.

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

Approved by the Governor, April 20, 1942.

Filed: April 21, 1942 at 11:25 A. M.

## CHAPTER 5

(House Bill No. 40)

## AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA COMMISSION OF AGRICULTURE AND HORTICULTURE FOR THE SUPPRESSION OF AN INFESTATION OF GRASSHOPPERS, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of thirty thousand dollars is appropriated to the Arizona commission of agriculture and horticulture.

Sec. 2. PURPOSE. The purpose of this appropriation is to eradicate an infestation of grasshoppers within the state of Arizona.

Sec. 3. CONTINGENCY. The appropriation made in section 1 is contingent upon the furnishing by the United States or an agency thereof, of a sufficient amount of poison material for use in carrying out the purposes of this act.

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

Approved by the Governor, April 21, 1942.

Filed: April 22, 1942 at 11:00 A. M.

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CHAPTER 6

(Senate Bill No. 12)

## AN ACT

AMENDING SECTION 43-4804, ARIZONA CODE OF 1939, RELATING TO RUNNING FREIGHT CARS IN

REAR OF PASSENGER CARS, AND DECLARING  
AN EMERGENCY.

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

Section 1. Sec. 43-4804, Arizona Code of 1939, is amended to read:

43-4804. RUNNING FREIGHT CARS IN REAR OF PASSENGER CARS. Every person who in making up or running railroad trains places or runs any freight cars in the rear of passenger cars, is guilty of a misdemeanor; and if loss of life or limb results from such placing or running, is guilty of a felony; provided, however, that this section shall not apply to railroad trains carrying personnel and equipment in connection with military or naval movements. The term "freight car", as used in this section, shall not include a baggage, express or mail car.

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

Approved by the Governor, April 22, 1942.

Filed: April 22, 1942 at 11:20 A. M.

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CHAPTER 7

(House Bill No. 19)

AN ACT

RELATING TO THE STATE LAND DEPARTMENT;  
PROVIDING FOR ACCEPTANCE AND TRANSFER  
OF LAND FOR AIRPORTS, LANDING FIELDS,  
PROVING GROUNDS, TESTING GROUNDS, OR DE-  
FENSE OR WAR PROJECTS, AMENDING SECTION  
1, CHAPTER 6, SESSION LAWS OF 1941, REGULAR  
SESSION, AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 1, chapter 6, Session Laws of 1941, regular session, is amended to read:

## 1. ACCEPTANCE AND TRANSFER OF LAND. (a)

The state land commissioner, with the approval of the state land department, shall have power to accept transfers in any manner of real property, or any interest therein, to the state, whether by gift, in trust, or otherwise, and containing such terms, conditions, and requirements as may be deemed proper by the commissioner and approved by the department. The transfers may be accepted for the purposes, among others, of establishing and maintaining airports and landing fields, with uses necessary or incidental thereto, proving grounds, testing grounds, and in addition but without limitation war projects necessary to state or national defense, upon such terms and conditions as may be deemed reasonable or necessary; and the commissioner, with the approval of the department, may enter into arrangements, agreements, or leases for the establishment, operation, or maintenance thereof with agencies of the United States, or with any person, firm, or corporation.

(b) The state land commissioner, with the approval of the state land department, may lease, dedicate, convey or otherwise transfer state lands unless otherwise leased (subject to constitutional limitations) to agencies of the United States or to any person, firm, or corporation, upon such terms and conditions as may be deemed necessary and proper, for the purpose of establishing, maintaining, or conducting airports and landing fields, and uses necessary or incidental thereto, proving grounds, testing grounds, and in addition but without limitation war projects necessary to state or national defense.

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

Approved by the Governor, April 22, 1942.

Filed: April 22, 1942 at 2:55 P. M.

## CHAPTER 8

(Senate Bill No. 1)

## AN ACT

RELATING TO MILITARY ENCAMPMENTS, AND PROVIDING FOR THE ABATEMENT OF HEALTH MENACES IN AREAS ADJACENT THERETO; AND DECLARING AN EMERGENCY.

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

Section 1. ABATEMENT OF HEALTH MENACE. Whenever a condition exists in an area adjacent to a military encampment outside of the corporate limits of any city or town which in the opinion of the commander of such encampment, concurred in by the State department of health, constitutes a health menace, the person responsible for the condition shall, upon an order from the State department of health, abate the same. Failure to do so within twenty-four hours of service of the order of the department for such abatement is a misdemeanor.

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

Approved by the Governor, April 23, 1942.

Filed: April 24, 1942 at 9:54 A. M.

## CHAPTER 9

(Senate Bill No. 14)

## AN ACT

AMENDING SECTIONS 1, 8, 9 AND 15 OF CHAPTER 33, SESSION LAWS OF 1941, REGULAR SESSION, RELATING TO OSTEOPATHY; AND DECLARING AN EMERGENCY.

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

Section 1. Section 1 of chapter 33, Session Laws of 1941, regular session, is amended to read:

1. **OSTEOPATHY DEFINED.** The word "osteopathy" as used in this act, shall mean that system of treatment and healing of abnormalities of the human mind and body as taught and practiced in the standard colleges of osteopathy recognized by the American Osteopathic Association.

Sec. 2. Section 8 of chapter 33, Session Laws of 1941, regular session, is amended to read:

8. **APPLICATION FOR EXAMINATION; QUALIFICATIONS OF APPLICANTS.** Each applicant for examination provided for in this act shall have the following qualifications and comply with the following requirements:

(a) Make application for such examination on blank forms prepared and furnished by the board, at least two weeks before the date of the examination;

(b) Applicant shall be twenty-one years of age or over, of good moral character, a citizen of the United States, a graduate of a professional school or college of osteopathy legally chartered at the time of graduation, and have the preliminary and professional education and knowledge required by this act, and submit evidence satisfactory to the board of such facts;

(c) The term "school or college of osteopathy" shall be defined as follows: A legally chartered standard osteopathic school or college requiring for admission to its course of study a preliminary education equal to the requirements for graduation of an accredited high school, (and, to those graduating after the year 1942 A. D., two years of university or college preosteopathic study of at least sixty (60) semester units or credits) and further requiring, before granting the degree of Doctor of Osteopathy, an actual attendance at such osteopathic school or college of at least thirty-six (36) months, or four (4) terms of nine (9) months each;

(d) Applicant, at the time of making application for examination, shall pay to the board a fee of twenty-five dollars (\$25.00), which shall not be returned to the applicant. If and when a license is issued, after examination, applicant shall pay to the board an additional fee of twenty-five dollars (\$25.00);

(e) Said application shall be accompanied by a certificate of registration of applicant in the basic sciences, issued by the Arizona state board of examiners in the basic sciences, together with the affidavits of two reputable osteopathic physicians duly licensed to practice by a state of the United States, attesting the good moral character of the applicant, and two photographs of the applicant, taken within thirty days of the application, and such other data and information as the board may require.

Sec. 3. Section 9 of chapter 33, Session Laws of 1941, regular session, is amended to read:

9. EXAMINATIONS. At such time and place as the board shall have previously designated, the applicant shall appear before the board to be examined by it as to his or her fitness to practice osteopathy. The applicant shall be notified in writing as to the time and place of examination, not less than ten days prior thereto. The examiner shall be in writing in the English language, and embrace the following subject matter: Anatomy, physiology, pathology, chemistry (organic and physiological), hygiene, diagnosis, obstetrics, gynecology, bacteriology, pharmacology, toxicology, principles and practice of osteopathy, and such other subjects as may be required by the board. If the applicant shall answer correctly seventy per cent of the questions asked on said examination, and not less than sixty per cent in any one subject, he shall be considered to have passed said examination. If the applicant fails to make a passing grade in one or more of the subjects examined on, the applicant shall, without losing credit for the subjects passed, and without paying any further examination fee, be permitted to again take an examination on said subjects failed in, within one year from the first examination, and at a time and place set by the board.

Sec. 4. Section 15 of chapter 33, Session Laws of 1941, regular session, is amended to read:

15. DUTIES AND RIGHTS OF OSTEOPATHIC PHYSICIANS AND SURGEONS. Persons holding a license under this act shall observe and be subject to all state and municipal laws and regulations relative to reporting births and deaths, and to all other matters pertaining to public health. No osteopathic practitioner shall be permitted to do major surgery under the provisions of this act unless he has had subsequent to his fulfillment of all other requirements of this act at least two years of surgical internship in a hospital or hospitals approved either by the

American Osteopathic Association or by the American Medical Association; and then such practice of major surgery shall be only in osteopathically-owned or controlled hospitals or institutions.

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

Approved by the Governor, April 24, 1942.

Filed: April 24, 1942 at 4:25 P. M.

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## CHAPTER 10

(Senate Bill No. 27)

### AN ACT

RELATING TO PUBLIC HEALTH; EMPOWERING TOWNS TO OWN AND OPERATE HOSPITALS AND VALIDATING PRIOR ACTIONS, AND AMENDING ARTICLE 2, CHAPTER 16, ARIZONA CODE OF 1939, BY ADDING SECTION 16-207a; AND DECLARING AN EMERGENCY.

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

Section 1. Article 2, chapter 16, Arizona Code of 1939, is amended by adding section 16-207a:

16-207a. OPERATION OF HOSPITAL. The common council shall have power to own, operate, and control hospitals in the interest of the general welfare. The common council may lease a hospital owned or controlled by it to a non-profit association or corporation organized under state law, on such terms and conditions, and for such consideration, as the common council may prescribe.

Sec. 2. VALIDATION OF PRIOR OPERATION OF HOSPITAL. The ownership, operation, leasing, or control of a hospital by any municipality operating under the common council form of government before this Act takes effect is validated.

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

Approved by the Governor, April 24, 1942.

Filed: April 24, 1942 at 4:25 P. M.

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CHAPTER 11

(House Bill No. 54)

AN ACT

MAKING AN APPROPRIATION TO PAY THE INDEBTEDNESS INCURRED BY THE CIVILIAN DEFENSE COORDINATING COUNCIL, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of eleven thousand dollars is appropriated to the use of the Governor.

Sec. 2. PURPOSE. The purpose of this appropriation is to pay the indebtedness incurred during the period from December 8, 1941, to April 30, 1942, by the Civilian Defense Coordinating Council. This appropriation is in lieu of any funds which would have been available under the Governor's Emergency Proclamation of December 8, 1941, and the appropriation therein attempted to be made is hereby declared ineffective.

Claims against the appropriation shall be submitted and paid in the manner provided by law for other claims against the state.

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

Approved by the Governor, April 28, 1942.

Filed: April 28, 1942 at 1:15 P. M.

## CHAPTER 12

(House Bill No. 9)

## AN ACT

RELATING TO MARRIAGE; DEFINING VOID AND PROHIBITED MARRIAGES, VALIDATING MARRIAGES HERETOFORE CONTRACTED, AND AMENDING SECTION 63-107, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 63-107, Arizona Code of 1939, is amended to read:

63-107. VOID, PROHIBITED AND VALIDATED MARRIAGES. The marriage of a person of Caucasian blood with a Negro, Mongolian, Malay, or Hindu shall be null and void. The marriage between parents and children, including grandparents and grandchildren of every degree, between brothers and sisters, of the one-half as well as the whole blood, and between uncles and nieces, aunts and nephews, and between first cousins, is prohibited and void.

The marriages of all persons heretofore contracted, which would be valid under this section, are hereby validated, ab initio, in all respects.

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

Approved by the Governor, April 28, 1942.

Filed: April 28, 1942 at 2:49 P. M.

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CHAPTER 13

(Senate Bill No. 21)

## AN ACT

RELATING TO DAIRYING; PROVIDING FOR A STATE

DAIRY COMMISSIONER AND DEPUTIES, AND AMENDING ARTICLE 9, CHAPTER 50, ARIZONA CODE OF 1939, BY ADDING SECTIONS 50-902a AND 50-902b; AND DECLARING AN EMERGENCY.

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

Section 1. Article 9, chapter 50, Arizona Code of 1939, is amended by adding section 50-902a:

50-902a. STATE DAIRY COMMISSIONER. (a) The state dairy commissioner shall be appointed by the governor for a term coterminous with that of the governor.

(b) The commissioner shall receive a salary of three thousand dollars per annum.

(c) The commissioner shall execute a surety bond in the amount of five thousand dollars, in a form prescribed by the attorney general. Premiums therefor shall be paid by the state.

Sec. 2. Article 9, chapter 50, Arizona Code of 1939, is amended by adding section 50-902b:

50-902b. DEPUTIES. (a) The commissioner shall appoint one deputy, who shall receive a salary of two thousand four hundred dollars per annum. The commissioner shall have power to appoint such additional deputies as he may deem necessary, within the limitations of appropriations therefor.

(b) Each deputy shall execute a surety bond in the amount of two thousand five hundred dollars, in a form prescribed by the attorney general. The premiums therefor shall be paid by the state.

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

Approved by the Governor, April 28, 1942.

Filed: April 29, 1942, at 10:07 A. M.

## CHAPTER 14

(House Bill No. 10)

## AN ACT

**MAKING AN APPROPRIATION TO PAY INDEBTEDNESS INCURRED BY A FORMER STATE FAIR COMMISSION BETWEEN OCTOBER 1, 1940, AND JUNE 30, 1941, AND DECLARING AN EMERGENCY.****Be it Enacted by the Legislature of the State of Arizona:**

Section 1. APPROPRIATION. The sum of nine thousand two hundred forty-three dollars and one cent is appropriated to the Arizona state fair commission, from moneys in the state fair fund.

Sec. 2. PURPOSE. The purpose of this appropriation is to pay the following claims for indebtedness incurred by a former Arizona state fair commission in excess of funds available, during the period from October 1, 1940, to June 30, 1941:

1. Adams Hotel Company, electricity for refrigerator, seventeen dollars and fifty cents.
2. Allen Furniture Company, office furniture, sixty-two dollars and thirteen cents.
3. Arizona Wholesale Electric Company, materials furnished, two hundred sixty-seven dollars and thirty cents.
4. Arizona Publishing Company, subscription, nine dollars and ninety-five cents.
5. Bate Studio, photographing, seven dollars.
6. Borden Company, tickets returned, seventy-nine dollars.
7. Wirt G. Bowman, travel, twenty-six dollars and twenty-eight cents.
8. Ray Busey, materials furnished, five hundred one dollars and sixteen cents.

9. Capital Fuel, Feed and Seed Company, fuel, six dollars and eighty-nine cents.
10. Central Arizona Light and Power Company, services, eight hundred twenty-two dollars and nine cents.
11. Chambers Transfer and Storage Company, services, eighteen dollars and fifty cents.
12. City of Phoenix water department, water, three hundred twenty dollars and fifty-four cents.
13. City of Phoenix water department, sewer, thirty dollars.
14. Crystal Ice and Cold Storage Company, ice, five dollars and fifty cents.
15. Coulter Motor Company, materials and services, thirty-eight dollars and forty-four cents.
16. Dorris-Heyman Furniture Company, rental of chairs, eight dollars.
17. Foxworth-McCalla Lumber Company, materials furnished, one thousand five hundred eleven dollars and twenty-three cents.
18. Guerin Implement Company, materials and services, fifty-six dollars and thirty-three cents.
19. Heinze, Bowen and Harrington, materials furnished, two hundred forty-three dollars and eighty-four cents.
20. KTAR Broadcasting Company, equipment rental, sixty-two dollars and fifty cents.
21. Liefgreen Seed Company, Inc., materials furnished, thirty-one dollars and forty-eight cents.
22. Lightning Moving and Warehouse Company, services, ten dollars.
23. Miller-Sterling Company, materials furnished, five dollars and eight cents.

24. Myers-Lieber Outdoor Advertisement Company, services, fourteen dollars and fifty cents.

25. Motor Supply Company, materials furnished, fifteen dollars and twenty-four cents.

26. Mountain States Telephone and Telegraph Company, services, three hundred thirty-six dollars and thirty-four cents.

27. Mountain States Telephone and Telegraph Company, assigned to S. J. Donnell, ten dollars and fifty cents.

28. Norman Nursery and Flower Shop, horticultural supplies, eight hundred two dollars and twenty cents.

29. Otto K. Oleson Illuminating Company, Ltd., materials and freight, seventy-four dollars and fifty-eight cents.

30. Phoenix Linen and Towel Supply, services, fifteen dollars.

31. Phoenix Blue Print Company, blueprints, two dollars and seventy-two cents.

32. Phoenix Brick Yard, sawdust, nineteen dollars and twelve cents.

33. Phoenix Date Company, services, nineteen dollars and seven cents.

34. Palace Hardware and Arms Company, materials furnished, one dollar.

35. Phoenix Fast Freight Lines, services, two hundred seven dollars and fifty-four cents.

36. Arizona Republic and Phoenix Gazette, advertising, three hundred sixty-eight dollars and fifty cents.

37. Shell Oil Company, Inc., gasoline and oil, two hundred ninety-two dollars and sixty-two cents.

38. Soft Water Service Company, materials and services, sixteen dollars and fifty cents.

39. Southwestern Sash and Door Company, materials furnished, sixty-four dollars and sixty-three cents.
40. E. R. Spear, materials and services, forty-four dollars and thirty-seven cents.
41. E. R. Spear, truck equipped with sprinkler and tank, one thousand sixty-nine dollars and thirty-eight cents.
42. O. S. Stapley Company, materials and services, eight dollars and thirty-seven cents.
43. Standard Oil Company of California, gasoline, eighty-six dollars and twenty-two cents.
44. Harry Stephenson, wages, three hundred forty-eight dollars and fifty-nine cents.
45. A. C. Taylor Printing Company, materials furnished, five dollars and five cents.
46. Tiffany Construction Company, materials finished eleven dollars and seventy cents.
47. Tovrea Packing Company, materials furnished, four dollars and fifty-eight cents.
48. Uneeda Towel Supply, services, fourteen dollars and forty cents.
49. United Producers and Consumers Co-Operative, materials and services, one thousand sixty-eight dollars and fifty-four cents.
50. Vinson-Carter Electric Company, materials furnished, one dollar and twenty-three cents.
51. Western Union Telegraph Company, services, fourteen dollars and seventy cents.
52. Yellow Cab Company of Phoenix, services, two dollars and ten cents.
53. Zellerbach Paper Company, materials furnished, twenty-two dollars and eighty-four cents.
54. Ed Woods, wages, ninety dollars.

55. Arrow Van & Storage Company, drayage, fifty dollars and fourteen cents.

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

Approved by the Governor, April 28, 1942.

Filed: April 29, 1942, at 10:07 A. M.

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## CHAPTER 15

(House Bill No. 20)

### AN ACT

RELATING TO EDUCATION; AND PROVIDING FOR THE ACCEPTANCE AND USE BY THE STATE OF MONEYS APPROPRIATED BY ACT OF CONGRESS FOR DEFENSE IN EDUCATION OR OTHER EDUCATIONAL PURPOSES, AND DECLARING AN EMERGENCY.

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

Section 1. ACCEPTANCE AND ADMINISTRATION OF FEDERAL GRANTS. The state board of education shall have power to accept on behalf of the state any moneys appropriated by act of the Congress of the United States for defense in education, the reduction of illiteracy, the teaching of immigrants, or other educational purpose. The state board of education following regular educational fiscal procedure for counties shall be the chief educational authority for the administration and supervision of the expenditure of the moneys described herein, and the state treasurer shall be trustee thereof.

Sec. 2. APPORTIONMENT AND EXPENDITURE OF FUNDS. The state board of education shall apportion the moneys described in section 1 for the aid of the common and high school districts of the state, to supplement moneys otherwise provided therefor by law. Moneys so apportioned shall be expended by the common and high school districts for the purposes and in the manner set forth in the federal

grant. In the absence of federal regulation the state board of education shall determine the purposes and methods of expenditure in accordance with section 1. The state board of education shall have power to authorize the expenditure of moneys received pursuant to this act in excess of the annual budgets of common and high school districts with the approval of the county board of supervisors.

Sec. 3. APPLICATION FOR APPORTIONMENT. A common or high school district which, by reason of any emergency, finds it necessary to expend moneys in excess of its annual budget, for any purpose set forth in section 1, may apply to the state board of education for an apportionment from federal funds available under this act. The board shall conduct a hearing and an investigation concerning the application. In the event the hearing and investigation disclose that the district needs additional funds for the proper conduct of its school, the board may, in its discretion, apportion such moneys to the district as it deems necessary.

Sec. 4. DISBURSEMENT. When any money is apportioned to a common or high school district pursuant to this act, the state board of education shall direct the state auditor to draw his warrant for the amount apportioned, and the state treasurer shall pay the warrant upon presentation, as provided by law. The school district shall immediately deposit the moneys so apportioned with the county treasurer of the county in which the district is located, who shall place the same in the appropriate fund to the credit of the district. Thereafter the moneys shall be disbursed by the county treasurer only on the voucher of the district and the warrant of the county school superintendent.

Sec. 5. UNLAWFUL EXPENDITURE. In the event any common or high school district expends or attempts to expend any moneys received pursuant to this act in any manner other than as directed by the state board of education or as provided by the federal grant, the state board of education shall immediately deliver to the county treasurer written notice directing him to refuse to pay any further warrants drawn against the moneys provided by this act in the fund prescribed in section 4. Copies of the notice shall be served upon the board of trustees of the school district and the county school superintendent. No further expenditures shall be made by the district from said moneys, and no further moneys shall be apportioned nor paid to that district, until it has complied with the

federal regulations and the directions of the state board of education. Upon compliance to the satisfaction of the state board of education, the board shall deliver written notice thereof to the county treasurer and the county school superintendent, and thereafter the moneys may be expended as provided in this act.

Sec. 6. TERMINATION OF ACT. This act shall become inoperative six months after the termination of a state of war between the United States and all foreign nations.

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

Approved by the Governor, April 28, 1942.

Filed: April 29, 1942, at 10:07 A. M.

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## CHAPTER 16

(House Bill No. 52)

### AN ACT

RELATING TO WAR-TIME THEFT OF TIRES AND TUBES AND MOTOR VEHICLE FUEL AND MUTILATION OF TIRES AND TUBES; PRESCRIBING A PENALTY THEREFOR, AND DECLARING AN EMERGENCY.

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

Section 1. OFFENSE A HIGH MISDEMEANOR. While a state of war remains in existence between the United States and a foreign nation, any person who commits the theft of any motor vehicle fuel, or the theft of any motor vehicle or bicycle tire or tube, or who maliciously mutilates any motor vehicle or bicycle tire or tube, is guilty of a high misdemeanor, punishable by a fine of not more than one thousand dollars or imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Sec. 2. TERMINATION OF ACT. This Act shall become inoperative when a state of war no longer exists between the United States and any foreign nation.

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

Approved by the Governor, April 28, 1942.

Filed: April 29, 1942, at 10:07 A. M.

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CHAPTER 17

(Senate Bill No. 4)

AN ACT

MAKING AN APPROPRIATION FOR THE STATE HOSPITAL FOR THE INSANE, AND PROVIDING FOR REVERSION TO THE GENERAL FUND OF CERTAIN MONEYS HERETOFORE APPROPRIATED, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of sixty-seven thousand seven hundred eighty-nine dollars and fifty cents is appropriated to the use of the state hospital for the insane.

Sec. 2. PURPOSE. The sum appropriated in section 1 shall be expended in the following manner:

1. Salaries:

Full-time superintendent's salary, thirty-first fiscal year .....	\$ 1,400.00
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Additional salaries for Medical Staff, thirty-first fiscal year .....	1,800.00
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Dietician, thirty-first fiscal  
year ..... 2,400.00

Additional salaries to be  
paid in lieu of maintenance  
to employees, thirty-first  
fiscal year ..... 38,160.00 \$ 43,760.00

2. Operation:

Remainder of thirtieth  
fiscal year .....\$ 430.00

Thirty-first fiscal year..... 14,570.00 \$ 17,000.00

3. Travel: (addition to travel fund C22.3)

Board members, remainder  
of thirtieth fiscal year..... 100.00

Board members, thirty-  
first fiscal year..... 500.00

Transferring patients,  
thirty-first fiscal year..... 1,000.00 \$ 1,600.00

4. Capital investment:

a. FARM MACHINERY:

Heavy renovator with  
sweeps ..... 400.00

Double disc ..... 350.00

Side delivery rake ..... 300.00

Buck scraper ..... 50.00 \$ 1,100.00

b. DAIRY:

Motor driven cream  
separator ..... 175.00 \$ 175.00

## c. CHICKENS:

Remodeling buildings .....	150.00		
Brooder and laying houses	300.00		
Laying house equipment....	100.00		
Day old chicks .....	352.00	\$	902.00
	<u>          </u>		

## d. HORTICULTURAL CROPS:

Sprayers and equipment....	750.00	\$	750.00
	<u>          </u>		

## e. ANIMAL HUSBANDRY:

Concrete hog wallows.....	150.00		
Concrete feeding floors.....	300.00		
Individual farrowing quarters .....	175.00		
Fencing .....	160.00	\$	785.00
	<u>          </u>		

## f. LAUNDRY:

New or used equipment:

40-inch extractor .....	2,250.00		
Tumbler .....	425.00	\$	2,675.00
	<u>          </u>		

g. Electric shock machine..... (therapy)	350.00		350.00
	<u>          </u>		

## 5. FARM IRRIGATION PROGRAM:

Releveling and changing  
direction of irrigation of  
those fields north of and  
adjoining state hospital,  
65 acres:

Plowing @ \$2.00 acre	
Disking @ .75 acre	
Bordering @ .50 acre	
Leveling @ 5.00 acre	
Ditches and structures @ 1.25 acre	
65 acres @ \$9.50.....	617.50
Supervising and engineering .....	75.00
	<hr/>
Total appropriation .....	\$ 67,789.50 \$ 67,789.50

Sec. 3. RETURN OF PREVIOUS APPROPRIATION. The sum of two thousand two hundred dollars (consisting of six hundred dollars for hot water exchanger and one thousand six hundred dollars for laundry ironer) heretofore appropriated to the use of the state hospital for the insane in subdivision 11, section 1, chapter 122, Session Laws of 1941, regular session, and the sum of eight thousand one hundred eight dollars (consisting of one thousand five hundred dollars for a vacuum pump and six thousand six hundred eight dollars for a well) heretofore appropriated to the use of the state hospital for the insane in chapter 62, Sessions Laws of 1941, regular session, and which sums are not required for the purposes specified, shall revert to the general fund on the effective date of this act.

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

Approved by the Governor, April 29, 1942.

Filed: April 30, 1942 at 10:14 A. M.

## CHAPTER 18

(Senate Bill No. 18)

## AN ACT

RELATING TO THE STATE HOSPITAL FOR THE INSANE; PRESCRIBING LIMITATIONS ON THE METHODS OF EXPENDING MONEYS, AND AMENDING SECTION 15, CHAPTER 44, SESSION LAWS OF 1941, REGULAR SESSION; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 15, chapter 44, Session Laws of 1941, regular session, is amended to read:

15. EXPENDITURES. (a) This Act shall not be construed to give the board or any employee authority to create any debt or obligation in excess of the amount appropriated by the legislature in carrying out its provisions. In the event funds have not been appropriated for any purpose of this Act, the board shall make appropriate recommendations to the legislature, with a statement of the cost of the improvement requested.

(b) Except as otherwise provided in subsection (c), the state auditor shall issue no warrant for expenditures by the state hospital in excess of the estimate contained in the monthly financial statement of the business manager, except upon written request of the superintendent, approved in writing by the board, setting forth the reasons therefor, and in no event in excess of the amount available for the current quarter.

(c) Moneys appropriated for capital investment may be expended at any time during the biennium in which appropriated, as may be directed by the board.

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

Approved by the Governor, April 29, 1942.

Filed: April 30, 1942 at 10:14 A. M.

## CHAPTER 19

(Senate Bill No. 19)

## AN ACT

APPROPRIATING TO THE STATE HOSPITAL FOR THE INSANE THE INCOME FROM LAND RENTALS AND PERMANENT FUNDS, AND DECLARING AN EMERGENCY.

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

Section 1. INCOME FROM LAND RENTALS AND PERMANENT FUNDS. In addition to other sums appropriated to its use, and any other law to the contrary notwithstanding, there is appropriated to the use of the state hospital for the insane the annual income from land rentals and interest on the investment of the permanent funds arising out of the grant of land for insane asylums under the terms of the enabling Act of June 20, 1910, and the constitution of Arizona. The moneys appropriated herein may be expended as the state hospital board shall direct.

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

Approved by the Governor, April 29, 1942.

Filed: April 30, 1942, at 10:14 A. M.

## CHAPTER 20

(Senate Bill No. 26)

## AN ACT

MAKING AN APPROPRIATION FOR THE EMPLOYMENT OF ADDITIONAL INSPECTORS BY THE DEPARTMENT OF LIQUOR LICENSES AND CONTROL, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of twenty-five thousand nine hundred dollars is appropriated to the department of liquor licenses and control, three thousand seven hundred dollars to be available during the thirtieth fiscal year and twenty-two thousand two hundred dollars during the thirty-first fiscal year.

Sec. 2. PURPOSE. The purpose of this appropriation is to pay the salaries of additional inspectors to be employed by the department of liquor licenses and control during the remainder of the thirtieth and the whole of the thirty-first fiscal year, and for travel expenses. No part of the appropriation shall be used for salary increase.

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

Approved by the Governor, May 1, 1942.

Filed: May 1, 1942 at 2:15 P. M.

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## CHAPTER 21

(Senate Bill No. 23)

### AN ACT

RELATING TO DEFENSE; PROVIDING FOR THE ARIZONA CIVILIAN DEFENSE BOARD AND DEFENSE BOARD AND DEFENSE COUNCIL AND DEFINING THEIR POWERS AND DUTIES; MAKING AN APPROPRIATION THEREFOR; AND DECLARING AN EMERGENCY.

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

Section 1. SHORT TITLE. This Act may be cited as the civilian defense Act.

Section 2. ARIZONA CIVILIAN DEFENSE COUNCIL. The Arizona civilian defense council shall consist of: 1. all persons heretofore appointed to the civilian defense coordinating council pursuant to the proclamation of the Governor dated June 23, 1941; 2. the Arizona civilian

defense board; 3. all persons appointed by the defense board. All members of the council shall serve at the pleasure of the board.

Section 3. ARIZONA CIVILIAN DEFENSE BOARD.

(a) The Civilian Defense Board shall consist of five members including the coordinator and the three regional or district vice-chairmen heretofore appointed by the Governor pursuant to his proclamations dated June 23, and July 10, 1941, and the Governor, who shall be ex-officio member. (b) Not more than two appointed members of the Board shall be residents of the same county. (c) Vacancies occurring by reason of death or resignation of members may be filled by appointment by the Governor. Vacancies occurring by any other cause shall be filled by appointment by the Governor subject to the approval of the remaining members. (d) Members of the defense board shall receive no compensation for their services, but shall be reimbursed for traveling and other expenses necessarily incurred in the performance of their duties.

Sec. 4. The defense board may revise or reorganize the council; and it shall provide for the "civilian State defense", which shall mean:

(1) The promulgation and establishment of rules and regulations to carry into effect and govern the performance of any of the powers herein granted;

(2) Provision for instruction of civilian personnel in civilian defense;

(3) The appointment of an executive secretary and fixing his salary at a sum not more than \$3,600.00 per annum, who shall serve at the pleasure of the board and shall be the executive and administrative officer of the board and its secretary;

(4) The receiving on behalf of the State grants of funds which shall be paid to the State Treasurer and placed in the civilian defense fund, or loans of equipment made to the state for civilian defense by the federal government or by any other agency, corporations or individuals, and making distribution or use of such funds or equipment in accordance with rules and regulations prescribed by the Board or as may be directed by law or the terms of the grant;

(5) The appointment, organization and assignment of civilian personnel for civilian state defense.

(6) The establishment of plans and arrangements to meet all emergencies arising out of the state of war, in cooperation with any other public agency, the Red Cross and the State Board of Social Security and Welfare, in conformity with enactments, rules and regulations of the United States, the office of Civilian Defense and other Federal agencies.

(7) To do all things not inconsistent with law arising for the achievement of victory over the enemies of the United States of America.

Sec. 5. COORDINATOR. The coordinator shall be chairman of the defense board, and shall have power to call meetings thereof.

Sec. 6. DUTIES OF THE EXECUTIVE SECRETARY.

(a) The executive secretary of the defense board shall serve as the executive and administrative officer of the defense Board. He shall prepare and submit to the defense Board for its approval an annual budget of funds to be requested from the legislature for the purposes of this Act. He shall prepare annually a full report of the operations and administration of the defense council, and shall submit the same to the Governor, and copies to the president of the senate and the speaker of the house of representatives, not later than December 1 of each year.

(b) The executive secretary, subject to the approval of the defense Board, shall appoint such personnel and procure such office space, equipment, and supplies, in the manner prescribed by law for other state agencies, as may be necessary to carry out the provisions of this Act.

(c) All regularly paid employees of the civilian defense Board shall devote their entire time to such employment and shall not engage in any other gainful employment during the tenure of such office.

Section 7. DEFENSE AREAS. Within thirty days after the effective date of this act the Board of Supervisors of each county shall, by resolution, divide it into defense areas and define the boundaries of each area, provided that each incorporated city and town within a county shall be a part of a separate defense area, and the Board of Supervisors shall prescribe so much of the territory adjacent to such city or town as can be conveniently administered as a part of the defense area of such incorporated city or town.

Section 8. COOPERATION OF DEPARTMENTS. It shall be the duty of all existing fire-fighting and police departments to cooperate with and assist the Council of their respective defense areas in the planning and preparation of civilian defense, utilizing such police reserve as may be recognized by the board. It shall be the duty of all state officers and departments and all county officers and departments to cooperate with the Board and the councils in preparing for and carrying out civilian defense. It shall be the duty of the councils and the state board to cooperate with each other in the preparation, planning and administration of civilian defense and in carrying out the duties and powers conferred herein on the state Board and the councils.

Section 9. CIVILIAN DEFENSE RELIEF. The State Board of Social Security and Welfare shall at the request of the defense board provide civilian defense relief, which shall mean the furnishing of food, clothing and bedding to persons in need of the same due to emergencies caused by enemy military action, and shall administer the same in cooperation with the Red Cross and the Board and councils, and may use therefore any funds appropriated for relief purposes, provided that such relief when furnished in an emergency due to war shall not be subject to any limitation as to the status of the recipient prescribed by law other than the need of such relief, and provided further that it shall be the duty of the Board of Social Security and Welfare to cooperate with the Board and the councils in the preparation of joint plans for the furnishing of such relief.

Section 10. NON-LIABILITY OF MEMBERS. No member of the civilian defense council shall be liable in tort arising out of any act performed by him in the course of his duties assigned to him by constituted authority.

Section 11. DEFENSE FUND AND DISBURSEMENTS. (a) All funds acquired by, or appropriated to, the Board, in accordance with the terms and purposes of this act, shall be paid to the State Treasurer and placed by him in the Defense Fund, which fund is hereby created.

(b) All moneys in the fund shall be disbursed only in the following manner:

1. The executive Secretary shall prepare for payment all claims for expenditures incurred. He shall submit each such claim with proper vouchers to the Defense Board, and the same, if approved shall be countersigned

by such member or members of the Board as the Board shall from time to time designate.

2. The State Auditor, upon receiving any claim so approved and countersigned, shall draw a warrant for the amount thereof and the same shall be paid by the State Treasurer out of the fund, all as provided by law.

Section 12. TERMINATION OF ACT. This act shall become inoperative when a state of war no longer exists between the United States and any nation.

Section 13. APPROPRIATION. The sum of sixty thousand dollars is appropriated to the defense board and shall be deposited in the defense fund for the purpose of carrying out the provisions of this Act during the remainder of the thirtieth and the whole of the thirty-first fiscal years.

Section 14. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor, May 2, 1942.

Filed: May 2, 1942 at 10:05 A. M.

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## CHAPTER 22

(Senate Bill No. 38)

### AN ACT

RELATING TO HIGHWAYS, AND PROVIDING FOR  
THE FIXING OF SPEED LIMITS ON HIGHWAYS;  
AND DECLARING AN EMERGENCY.

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

Section 1. SPEED LIMITS. When a state of war exists between the United States and any foreign nation, the highway patrol division of the state highway department, subject to the approval of the commission, shall have power to place a speed limit or other restrictions upon any por-

tion or all of the highways, when ordered or requested by the war department or any authorized agency of the United States government so to do.

Sec. 2. TERMINATION OF ACT. This Act shall become inoperative when a state of war no longer exists between the United States and any foreign nation.

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

Approved by the Governor, May 1, 1942.

Filed: May 2, 1942, at 10:05 A. M.

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## CHAPTER 23

(House Bill No. 27)

### AN ACT

RELATING TO THE STATE HOSPITAL FOR THE INSANE, AMENDING SECTIONS 6 AND 9, CHAPTER 44, SESSION LAWS OF 1941, REGULAR SESSION, AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 6, chapter 44, Session Laws of 1941, regular session, is amended to read:

6. PAYMENT OF MAINTENANCE. In the event a person is received by the state hospital whose estate is chargeable with his maintenance, the court shall fix the amount to be charged, and the state hospital, through the business manager, shall collect all moneys due therefor. Moneys so collected, moneys collected for the care of voluntary patients, and, when and as collected, moneys due from the United States or any agency or instrumentality thereof for the confinement, care, or maintenance of Indian wards of the government or other persons committed pursuant to federal action are appropriated to the state hospital for the insane, for the operation and maintenance fund. When

collected they shall be paid to the state treasurer, through the state auditor.

Sec. 2. Sec. 9, chapter 44, Session Laws of 1941, regular session, is amended to read:

9. BUSINESS MANAGER. The business manager shall be appointed by the board, and shall have charge and control, subject to the rules and regulations of the board, of the business management and affairs of the state hospital, and shall serve as secretary of the board. He shall furnish a surety bond in an amount to be fixed by the board. He shall: 1. purchase all supplies; 2. keep the books and records of the hospital; 3. maintain a perpetual inventory of all supplies and provisions purchased or grown for the use of the hospital, and make a property inventory record and control; 4. make all reports relating to the business affairs of the state hospital required by law or requested by the board or the superintendent; and, 5. perform such other duties as the board may direct.

Sec. 3. RETROACTIVE EFFECT OF ACT. The provisions of section 6, chapter 44, Session Laws of 1941, regular session, as amended by this Act, are retroactive. They shall apply to all moneys referred to therein which would have been due the hospital on the effective date of chapter 44, Session Laws of 1941, regular session, to the same extent as if the section as amended by this Act had been in effect on that date, and to all such moneys which have become due subsequently thereto.

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

Approved May 1, 1942.

Filed: May 2, 1942 at 10:05 A. M.

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## CHAPTER 24

(House Bill No. 53)

### AN ACT

RELATING TO VISITORS AND SOLDIERS HUNTING

AND FISHING LICENSES AND AMENDING SECTION 57-123, ARIZONA CODE OF 1939, BY ADDING SECTION 57-123a, AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 57-123, Arizona Code of 1939, is amended by adding section 57-123a.

57-123a. SOLDIERS HUNTING AND FISHING LICENSE. In addition to the classes of hunting and fishing licenses now provided for by law there shall be a soldiers special hunting and fishing license. Such license shall be issued only to soldiers on active duty with the United States Army and stationed in the State of Arizona, and shall only entitle the holder thereof to in season and subject to the bag limits take small game and fish in the State of Arizona. Such license shall be valid for the same period as other licenses and the fee for such license shall be \$3.50, provided, however, that this form of license shall be terminated and this section inoperative when a state of war no longer exists between the United States and any foreign nation.

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

Approved by the Governor, May 1, 1942.

Filed: May 2, 1942, at 10:05 A. M.



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**MEMORIALS  
AND  
RESOLUTIONS**

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# MEMORIALS

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## HOUSE MEMORIAL NO. 1

## A MEMORIAL

REQUESTING THAT PROVISION BE MADE FOR A GOVERNMENT ORE BUYER IN ARIZONA.

TO HON. DONALD NELSON, CHAIRMAN, WAR PRODUCTION BOARD, WASHINGTON, D. C.

Your memorialist respectfully represents:

Wide publicity has been given to the government's need for great quantities of strategic metals, for use in the manufacture of war implements and munitions.

There are in Arizona hundreds of deposits of ore carrying strategic minerals, sufficiently developed to be producers if the owners or lessees were able to finance mining operations until a quantity of ore justifying shipment to a smelter could be gotten out and returns received from the smelter.

The problem of financing would be solved, and constantly enhancing production insured, if there were a near-by market for ore in small quantities, enabling the operator to pay current wages and running expenses.

Under such circumstances ores containing copper, lead, zinc and other strategic minerals would become quickly available in large quantities.

Wherefore your memorialist, the House of Representatives of the State of Arizona, urgently requests:

1. That arrangements be effected for stationing a buyer of ores for the United States government, at a convenient point in Arizona, where ores containing strategic minerals may be sold for cash, and the miner enabled to continue production.

2. That certified copies of this memorial be sent to members of the Arizona Mineral Resources Board, the Governor of Arizona, and Arizona's members of Congress.

Passed the House of Representatives, April 24, 1942.

Filed in the office of the Secretary of State, April 24, 1942 at 2:40 p. m.

## HOUSE CONCURRENT MEMORIAL NO. 1

## A CONCURRENT MEMORIAL

OBJECTING TO LEGISLATION BY CONGRESS FOR THE TAXING OF MUNICIPAL BONDS.

TO THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

According to advices concerning the proceedings of the Congress, the deliberations of its committees, and the expressions of certain members, consideration is being given to the imposition of a tax on the bonds of local governmental units or municipalities.

Adoption of this proposal would place upon most local units if not all of them, and particularly upon cities and towns, a most serious burden, without compensating advantages.

The financial structures of many cities and towns are already laboring under serious stresses, which would be brought to the breaking point by the adoption of the proposed policy.

The imposition of a tax on municipal bonds, it would seem unnecessary to point out, would greatly impair the market for such securities, making financing difficult, and in many cases impracticable. When sold securities would be sold at great sacrifice, and thus load upon the taxpayers an additional burden. Receipts from the sale of securities being reduced, the cost of essential improvements or installations would mount. The financial problems of many cities and towns would become insurmountable, and bankruptcy might very easily result.

Furthermore, the infliction of a tax upon municipal bonds would amount to an extension or expansion of the power of Congress to tax far beyond the thoughts or dreams of the makers of the Constitution, and afford an all-time demonstration of the literal accuracy of the adage that the power to tax is the power to destroy.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, earnestly prays:

1. That the Congress of the United States turn a deaf ear to any and all proposals looking to the imposition of a tax on municipal bonds and securities.

Passed the House, April 23, 1942.

Passed the Senate, April 25, 1942.

Approved by the Governor, May 4, 1942.

Filed in the office of the Secretary of State, May 4, 1942,  
at 12:56 P. M.

## HOUSE CONCURRENT MEMORIAL NO. 3

## A CONCURRENT MEMORIAL

RELATING TO THE PITTMAN-ROBERTSON FUND FOR WILD-LIFE RESTORATION.

TO THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

Under the terms of the Pittman-Robertson Act the revenue derived from the imposition of an excise tax on arms and ammunition is dedicated to the restoration of wild-life and the conservation of wild-life resources, and expended in the states on the basis of three dollars from the Pittman-Robertson fund to one dollar supplied by the state.

During the life of the Pittman-Robertson law there has accumulated, over and above allocations to the cooperating states, a balance of some seven million dollars which is available for no other purpose.

For cooperation with the states in carrying out programs for the restoration of wild-life and the conservation of wild-life resources, such as the prevention of soil erosion, the reseedling of depleted grassland, and other measures designed to protect and sustain wild-life, the current allocations amount to approximately two and three quarters million dollars.

For the ensuing fiscal year, however, the Bureau of the Budget of the United States has recommended a reduced appropriation of two and one-quarter million dollars, and the Committee on Appropriation of the Congress of the United States has recommended a further reduction to one and one-quarter million dollars.

This greatly reduced allocation, coming at a time when the wild-life restoration programs of the states are reaching the stage of full development and becoming productive of highly important results, will seriously hamper such programs, result in the loss of time and effort, and retard the restoration of wild-life, and will do so at no saving to the taxpayers, inasmuch as the Pittman-Robertson funds are available for no other purpose.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, urgently requests:

1. That at least the sum recommended by the Bureau of the Budget be restored to the pending appropriation for allocation to the states in support of their programs for wild-life restoration under the terms of the Pittman-Robertson act.

Passed by the House, April 21, 1942.

Passed the Senate, April 21, 1942.

Approved by the Governor, April 21, 1942.

Filed in the office of the Secretary of State, April 22, 1942 at 11:00 A. M.

## HOUSE JOINT MEMORIAL NO. 1

## A JOINT MEMORIAL

RELATING TO PROTECTION OF THE LOWER COLORADO RIVER AREA AND CONSTRUCTION OF A MILITARY HIGHWAY FROM SAN LUIS TO THE GULF OF CALIFORNIA.

TO THE HONORABLE THE SECRETARY OF WAR, WASHINGTON, D. C.:

Your memorialist respectfully represents:

The area embracing the lower Colorado river and the Colorado river delta, in the states of Arizona and California, United States of America, the state of Sonora and the territory of Baja California, Republic of Mexico, extending from the Gulf of California to the Grand Canyon, is an area of great military importance, containing many elements of vital significance to the defense of the American continent.

This area is traversed from north to south by one of this nation's great waterways, the Colorado river, which enters the Gulf of California only a short distance below the boundary between the United States and Mexico, and affords egress to and ingress from the Pacific ocean. From east to west it is traversed by two transcontinental railroads and three main Federal-State highways, all of which have military significance.

The Colorado river is of major importance as a producer of electric energy and of water for irrigation, supplied by means of works at Yuma, Laguna, Imperial and Parker, and culminating in the huge aqueduct carrying water to the city of Los Angeles and other southern California cities and communities and the colossal Boulder Dam and power plant at Black Canyon.

These transportation systems, highways, and power and irrigation works, which serve the agricultural empires of Imperial valley, California, and Yuma valley, Arizona, not to mention many similar works as well as military concentrations in adjacent areas, constitute military objectives of the first magnitude, which would inevitably invite the attacks of an enemy in position to reach them.

The Gulf of California and the coast line on both sides of the Gulf afford natural advantages, undoubtedly well known to this country's enemies, for the landing of hostile troops, and more particularly, opportunities for the establishment of airplane bases from which attacks might be launched upon the lower Colorado river area and adjacent areas--attacks to which the military objectives heretofore mentioned would be peculiarly vulnerable, and which might well serve as a stepping stone to a point from which an attack might be made upon the Panama canal.

On the other hand, no facilities exist for the expeditious transportation of troops, equipment or supplies to this danger point, to repel a possible invasion, the only means of land travel

being by way of unimproved dirt roads wholly unsuitable for heavy traffic.

It is the belief of your memorialist that this situation constitutes a deplorably weak spot in the continent's defenses, which should have the immediate attention of the military authorities both of this country and of the Republic of Mexico.

It is the belief of your memorialist that early preparation should be made for the adequate defense of the Gulf of California and the estuary of the Colorado river, and that the locale of such preparation should be connected by a military road with the improved highway within the United States which touches Mexican territory at the border town of San Luis, on the Colorado river.

By means of a surfaced road from San Luis to the Gulf of California motorized equipment, material and personnel could reach this strategic point in a few hours, whereas under existing conditions days of perhaps supremely vital time would be consumed, affording opportunity for unhindered invasion and occupation by enemy forces.

Wherefore your memorialist, the Fifteenth Legislature of the State of Arizona, prays:

1. That all necessary steps be taken, at the earliest possible moment, to present these facts to and to effect an agreement with the military authorities of the Republic of Mexico which will insure adequate defense measures, including the preparation of air bases, near the head of the Gulf of California, to afford protection against invasion by water or air, and the construction of a military highway connecting the point chosen for such purpose with the town of San Luis, and thus with major supply points in the United States.

2. That the facilities of this country, to whatever extent may be necessary, be extended to the Republic of Mexico, through the Export-Import Bank or other appropriate agency, to expedite this vital defense measure.

3. That copies of this memorial be sent to the Secretary of War, the Secretary of State, Lieutenant-General Emback of the Joint Defense Council, Mr. Pierson of the Export-Import Bank of Washington, Governor of Sonora, President of Mexico, and each member of the Arizona National Congress and Arizona National Senators.

Passed the House, April 13, 1942.

Passed the Senate, April 18, 1942.

Approved by the Governor, April 20, 1942.

Filed in the Office of the Secretary of State, April 21, 1942.

## HOUSE JOINT MEMORIAL NO. 2

## A JOINT MEMORIAL

CALLING ATTENTION TO THE ADVANTAGES OF ARIZONA  
AS A LOCATION FOR WAR INDUSTRIES.

TO THE HONORABLE DONALD M. NELSON, CHAIRMAN, WAR  
PRODUCTION BOARD:

Your memorialist respectfully represents:

The campaign for the conversion of this nation's peacetime industrial system into production of the vast quantities of war material of innumerable kinds necessary for victory over the holocaust which has engulfed the world and threatens to suppress if not utterly destroy the very principle of human freedom, has called and still calls for the establishment of many new manufacturing plants and production installations.

For a number of reasons it is wise policy to decentralize these production centers of war material as much as conditions will permit, among the important considerations being availability of raw products, power resources, suitable sites, transportation facilities, and the like.

It is pointed out that in these and other particulars various parts of Arizona offer splendid advantages for the location of war industries.

Arizona's production of copper is a matter of fame, and to this essential raw material should be added lead, zinc, tungsten, quicksilver, and other strategic metals, while there are large undeveloped fields of manganese which could and should be made to produce.

Arizona produces considerable quantities of cotton, notably the long staple, tough-fibred American-Egyptian cotton, and to the Arizona supply of this important raw material the territory immediately east and west of Arizona may be drawn upon for supplemental supplies.

The Colorado river, the Gila, Salt and Verde rivers produce and are capable of producing unlimited power at comparatively low cost.

Suitable sites for production centers are available in almost every part of the state, and climatic conditions are such that no interruptions of work from any climatic cause need be taken into account.

Transportation facilities are excellent, two transcontinental railroads and three transcontinental highways spanning the state, not to speak of the transportation possibilities of the Colorado river which might be put to good use.

Arizona is sufficiently inland to be removed from the greatest dangers of air attacks, and close enough to the Pacific coast to expeditiously serve that war area.

Wherefore your memorialist, the Fifteenth Legislature of the State of Arizona, requests:

1. That you investigate and carefully consider the advantages offered by various parts of Arizona for the location of war industry installations.

2. That, in performing the tremendous task not only of gearing the nation's existing manufacturing facilities to war production but also of tremendously developing and increasing them, you take the steps made possible by the power and influence of your high position to give the Allied Nations the benefit of the advantages offered by this state for the production of war material.

Passed the House, April 18, 1942.

Passed the Senate, April 25, 1942.

Approved by the Governor, May 1, 1942.

Filed in the office of the Secretary of State, May 2, 1942 at 10:05 A. M.

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SENATE CONCURRENT MEMORIAL NO. 1

A CONCURRENT MEMORIAL

RELATING TO THE CLEARING OF THE CHANNELS OF THE GILA AND SALT RIVERS.

TO THE HONORABLE, THE SECRETARY OF WAR OF THE UNITED STATES:

Your memorialist represents:

The erection of a series of impounding dams in the Gila and the Salt rivers in Arizona, and the creation thereby of large storage reservoirs, has so depleted the flow of these rivers that the river bottoms have become congested with heavy growths of willow and cottonwood saplings and numerous varieties of brush and weeds, practically obliterating the river channels.

When occasional high water occurs the flow of these rivers, having no channel to follow, spreads widely over the low bottom lands, and upon reaching the higher land the resistance offered starts a caving action, cutting away great blocks of farm land, destroying crops and valuable property, and causing serious loss.

A comparatively small channel in the river bed, cleared of growth and excavated sufficiently to permit concentration of the first flood water would, by action of the stream, result in the further clearing and enlargement of the channel to carry the entire flow, thus obviating the damage and loss referred to.

In its present condition the Gila and Salt rivers are a menace to crop production wherever they traverse or intersect farming districts, and threaten the loss of farm products needed for the sustenance of the armed forces and the civilian population during the war being waged.

Inasmuch as the beds of these streams are United States property, the maintenance of their channels to prevent property loss is a responsibility of the federal government.

Large numbers of enemy aliens, principally Japanese, are being evacuated from Pacific coast areas and placed in concentration communities or settlements, at least two such sites in the state of Arizona having been selected.

It would seem to be practical and feasible, through the assignment of a sufficient number of Japanese evacuees, to supply the necessary man-power for the clearing and excavation of these channels, while other requirements, including engineering personnel, machinery, equipment and operators might be supplied through a cooperative arrangement between an agency of the United States government and any agency of the state of Arizona having the necessary personnel or equipment, or both, and authority to employ the same.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, requests:

1. That the Department of War of the United States investigate the need for and the practicability of clearing and dredging the channels of the Gila and Salt rivers, and the feasibility of employing Japanese evacuees on such work.

Adopted by the Senate, April 23, 1942.

Adopted by the House, April 25, 1942.

Filed in the office of the Secretary of State, April 25, 1942, at 4:15 P. M.

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## 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, THE FEDERAL BOARD OF HOSPITALIZATION AND THE VETERANS ADMINISTRATION:

Your memorialist respectfully represents:

Because of the unsurpassed climatic advantages of its location, the Veterans Administration facility at Tucson is constantly taxed to the limit of its bed capacity in the hospitalization of disabled ex-service men from every state in the nation.

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 exceptional therapeutic value in the treatment of tuberculosis, 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 disabled ex-service men have been denied hospitalization at the Tucson facility.

Every disabled war veteran eligible for treatment in government hospitals should have the benefit of the most favorable climatic conditions and the most effective aids indicated for his particular type of disease, to enable him to regain his health if possible.

It is vitally important that the Veterans Administration hospital construction program be greatly increased immediately. The Veterans Administration has stated that the hospital load for patients from the first world war will not reach the peak before 1945. And it is reasonable to assume that even a greater number of men and women of our armed forces may be disabled in the present war against the Axis powers.

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 six hundred additional tubercular and general medical patients; that an adequate number of single rooms be provided in each ward; that each building be equipped with the most efficient type dry air cooling system, and that ample facilities be provided to take care of the increased bed capacity at the hospital.

2. That the Congress of the United States give effect to this recommendation by the enactment of appropriate legislation.

Adopted by the House, April 25, 1942.

Adopted by the Senate, April 25, 1942.

Filed in the office of the Secretary of State, April 25, 1942, at 4:15 P. M.



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# RESOLUTIONS

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## HOUSE RESOLUTION NO. 5

## A RESOLUTION

## ON INDUCING THE UNITED STATES GOVERNMENT TO PURCHASE ARIZONA ORE.

Whereas, there are in Arizona many small mining properties which contain ores of strategic war minerals and other minerals essential both in the manufacture of implements of war and for purposes necessary to the maintenance of the civilian population; and

Whereas, these properties are capable of self-maintenance and in numerous cases of gradual development into large producers, if their owners, lessees, or operators were aided in financing by a ready market for their ores, to be delivered in small quantities at convenient points, without the necessity of carload shipments; and

Whereas, it is desired that the United States War Production Board or other federal agency establish in Arizona one or more points where the operators of these small properties can sell their ores for cash; and

Whereas, the House of Representatives has addressed a memorial to the chairman of the War Production Board, requesting the stationing of an ore buyer in Arizona; therefore

Be it Resolved by the House of Representatives of the State of Arizona:

1. That the Department of Mineral Resources is directed to take such steps as it deems advisable, and to exert all proper efforts to induce the United States government to station an ore buyer at a convenient point in Arizona, where desired ores may be delivered in small quantities and sold for cash.

Adopted by the House of Representatives, April 23, 1942.

Filed in the office of the Secretary of State, April 23, 1942 at 1:25 P. M.

## HOUSE RESOLUTION NO. 8

## A RESOLUTION

## ON THE EXTENSION OF STATE AID TO COUNTY FAIRS, THROUGH THE STATE FAIR COMMISSION.

Whereas, the Governor's call for this special session of the Fifteenth Legislature included the extension, through the State Fair Commission, of state aid to county fairs; and

Whereas, such aid, if extended, should depend upon state

revenue derived from the operation of pari-mutuel wagering on horse racing; and

Whereas, the laws now pertaining to the conduct of horse racing, and the wagering thereon through the pari-mutuel system, are inadequate, and thereby make the proper conduct of horse racing in Arizona a difficult and complicated duty of the State Racing Commission, which is entrusted with full responsibility for protecting the public interest and safe-guarding the good name of the state; and

Whereas, horse racing, and the wagering thereon, should not be permitted unless proper and adequate provisions for regulating and supervising are provided at all times; and

Whereas, it is obvious that the energies and considered opinion of the legislature must be concentrated solely on the paramount issues of national and state defense, in this critical special session, thus making it impractical to now consider an extraneous subject in the Governor's call; therefore

Be it Resolved by the House of Representatives of the State of Arizona:

1. That the Governor be requested to use the influence of his office to bring about the suspension of horse racing at the Arizona State Fair Grounds, until such time as the legislature shall enact proper legislation for the conduct of horse racing in Arizona, and the providing of funds derived therefrom for state and county fairs.

Adopted by the House, April 25, 1942.

Filed in the office of the Secretary of State, April 27, 1942, at 10:00 A. M.

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## HOUSE CONCURRENT RESOLUTION NO. 1

### A CONCURRENT RESOLUTION

RELATING TO THE ILLNESS OF HON. EDWIN F. BOHLINGER AND EXTENDING THE COMPLIMENTS AND GOOD WISHES OF THE LEGISLATURE.

Whereas, it is with great regret that the members of this body have received information of the illness, at Tucson, Arizona, of Hon. Edwin F. Bohlinger, of Patagonia, a former member and Speaker of the House of Representatives, and member of the Senate; and

Whereas, Senator Bohlinger, during his service in the two houses of the Legislature, not only distinguished himself as a man of exceptional ability and an outstanding legislator, but endeared himself to his fellow members by his never failing geniality, courtesy, and undeviating fairness at all times and under all conditions; therefore

Be it Resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. The profound sympathy of the members of the Legislature is extended to Senator Bohlinger in his affliction, and assurance given that he occupies a warm spot in the hearts of his former associates.

2. That the members stand in a moment of silent, heartfelt prayer that Senator Bohlinger be soon restored to health and strength, and his usefulness to his State renewed in fullest measure.

Passed the House, April 6, 1942.

Passed the Senate, April 7, 1942.

Approved by the Governor, April 8, 1942.

Filed in the office of the Secretary of State, April 9, 1942.

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HOUSE CONCURRENT RESOLUTION NO. 3

A CONCURRENT RESOLUTION

ON THE DEATH OF JOHN W. BUCHANAN

Whereas, John W. Buchanan died at El Paso, Texas, July 13, 1941, as the result of injuries sustained in an automobile accident; and

Whereas, during his long residence in Pima county, John W. Buchanan was an active, public spirited and highly valued citizen; and

Whereas, the deceased represented his county in the House of Representatives of the First and Second State Legislatures, and in the Senate of the Third Legislature, and afterward was chosen as County Treasurer of Pima county, in all of which capacities he served faithfully and well; therefore

Be it Resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. That the death of John W. Buchanan is noted with the deepest regret.

2. That the sympathy of this body is extended to the widow of the deceased.

Passed the House, April 9, 1942.

Passed the Senate, April 10, 1942.

Approved by the Governor, April 10, 1942.

Filed in the office of the Secretary of State, April 11, 1942.

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HOUSE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION

ON THE DEATH OF JOHN LANGDON

Whereas, John Langdon departed this life, at Clemenceau, Arizona, on November 24, 1941, aged seventy-three years; and

Whereas, John Langdon, actively identified with the mining industry throughout the thirty-seven years of his residence in Arizona, was also deeply interested in public affairs; and

Whereas, he was delegated by his fellow citizens of Gila county to represent them in the Constitutional Convention of 1910, which was charged with the writing of a constitution for the State of Arizona; and

Whereas, in that convention he served with marked fidelity, and lent his influence and vote to the adoption of those progressive features of the Constitution designed to give protection to human rights and human liberty; therefore

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

1. That in the death of John Langdon, Arizona sustains the loss of a citizen who was faithful to his every trust, both private and public.

2. The sympathy of this body is extended to the bereaved widow, children, and other relatives of the deceased.

Passed the House, April 9, 1942.

Passed the Senate, April 10, 1942.

Approved by the Governor, April 10, 1942.

Filed in the office of the Secretary of State, April 11, 1942.

## SENATE CONCURRENT RESOLUTION NO. 1

## A CONCURRENT RESOLUTION

## ON THE DEATH OF FRED A. SUTTER

Whereas, Frederick Arthur Sutter, of Bisbee, Cochise county, died in the hospital at Tucson, Arizona, following a lingering illness, on November 23, 1941, aged sixty-seven years; and

Whereas, the deceased was a lawyer, law-maker, and civic leader of high rank, and one of Arizona's outstanding citizens; and

Whereas, his public services were marked by ability and justice, both on the Superior Court bench of Cochise county and as a member of the Arizona Legislature, in which he served as a member of the 1909 House of Representatives—the last Territorial Legislature—and the Senate of the Third, Eighth, Ninth and Tenth State Legislatures, in the last mentioned term being elevated to the Presidency of that body; therefore

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. That the departure from this life of Hon. Frederick A. Sutter is mourned by his fellow members of the Legislature and by the people of the State who were familiar with his worth, as a loss which can scarcely be repaired.

2. That the sympathy of the members of the Legislature is extended to the surviving widow and sons.

Adopted by the Senate, April 10, 1942.

Adopted by the House, April 11, 1942.

Filed in the office of the Secretary of State, April 11, 1942.

## SENATE CONCURRENT RESOLUTION NO. 3

## A CONCURRENT RESOLUTION

REQUESTING THE CONGRESS TO EXTEND VETERANS' INSURANCE POLICIES.

TO THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

On February 28, 1942, there were in force 44,182 government five-year term insurance policies, under and by virtue of Acts of Congress covering insurance protection for the veterans of the First World War.

Congress has extended this type of insurance to provide for three five-year terms.

In most of the cases referred to the veterans have not been financially able to convert their policies to the higher premium policies due to age, war incurred disabilities, and other economic misfortunes. At this late date in life the cost will be prohibitive for many of them, and the withdrawal of the right to renew the term policy will leave many of their families without insurance protection.

Those veterans who hold the five-year term level premium policies through the third period or term will be unable to extend such policies beyond the date of June 30, 1942.

The Honorable John E. Rankin, Chairman of the Veterans Committee of the United States House of Representatives, has introduced H. R. 4402, providing for the extension of government term insurance for a fourth five-year term.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, respectfully requests:

That the Congress of the United States enact legislation to authorize the Veterans' Administration to renew the term insurance policies for the fourth five-year term.

Adopted by the House, April 25, 1942.

Adopted by the Senate, April 22, 1942.

Filed in the office of the Secretary of State, April 25, 1942,

at 4:15 P. M.

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## SENATE JOINT RESOLUTION NO. 2

### A JOINT RESOLUTION

#### IN TRIBUTE TO THE HEROES OF BATAAN AND CORREGIDOR.

Whereas, in all the annals of war's classic passages there is no more glorious record than that written by the heroes of Bataan and Corregidor; and

Whereas, for four long months these embattled patriots, American and Filipino, surrounded by sea and by land, short of food, weakened by loss of sleep and lack of nourishment, decimated by disease, confined to a narrow strip of jungle peninsula and a tiny rocky island, endured the horrors of relentless siege—bombed from the air, bombarded by artillery, attacked in almost continuous waves by a foe seven times their number; and

Whereas, despite the fearful odds against them, these dauntless defenders, again and again, defiantly attacked the enemy's hordes and destroyed thousands of them; and

Whereas, in the leadership of this heroic company General Douglas MacArthur and his worthy successor, Lieutenant-General Jonathan M. Wainwright, furnished examples of courage, genius, and inspiration not eclipsed nor excelled in all history; and

Whereas, when the limit of endurance was reached, as human endurance inevitably must be reached, and the little army of Bataan was forced to yield to exhaustion, hunger, weakness, illness and an overwhelming enemy, the defense was continued by a small but fearless remnant of General Wainwright's force on the rocky island of Corregidor; and

Whereas, there they stand, this courageous band, defying the hordes of freedom's foes by which they are encompassed, a spectacle for lovers of bravery and devotion the world over to look upon and applaud; therefore

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

1. The devotion and determination of these super-heroes—those who have fallen, those who are captive, and those who undaunted still hold their rocky fortress—command the wonder and admiration of the members of this body and of every true citizen of this state, and excite emotions of deepest gratitude.

2. The almost superhuman deeds these brave soldiers have performed, and the valor and genius of their leaders, sanctified by the lives and blood unhesitatingly given, insure that their fame will never die nor their names be erased from time's illumined honor roll.

3. The members of the Arizona Legislature salute the immortal heroes who made the last great sacrifice on the peninsula of Bataan; the noble men who gave their best while strength to fight remained and who now are in the hands of the enemy, and those who compose the remnant of that gallant army, and with their valiant commander, General Wainwright at their head, still defend with unwavering devotion their land and human liberty. In this dark hour we express supreme confidence that the defenders of Corregidor, while hope remains, and after it may seem to have deserted, will cling to their rocky island fortress, even as their countrymen everywhere cling to the faith that this nation's fighting forces may find a way to succor them.

Adopted by the Senate, April 16, 1942.

Adopted by the House, April 17, 1942.

Filed in the office of the Secretary of State, April 18, 1942.



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**BILLS VETOED  
BY THE  
GOVERNOR**

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## EXECUTIVE OFFICE

## STATE HOUSE

Phoenix, Arizona

May 6, 1942

Honorable Harry M. Moore  
Secretary of State  
State House

My dear Mr. Secretary:

I hand you herewith House Bill No. 14, First Special Session, Fifteenth Legislature, being "An Act relating to the purchasing agent and the purchasing of supplies for state institutions, amending section 8-103, Arizona Code of 1939, as amended, and declaring an emergency."

This proposed measure would amend the present purchasing agent law by striking the words "State Hospital for the Insane" therefrom and by so doing take the duties of purchasing supplies for the State Hospital of the Insane from the jurisdiction of the State Purchasing Agent and place them in the hands of the business manager of the institution.

In this connection, may I not point out that House Bill No. 27 of the First Special Session of the Fifteenth Legislature being "An Act relating to the state hospital for the insane, amending sections 6 and 9, chapter 44, session laws of 1941, regular session", which act I have already approved, makes it the duty of the business manager of the State Hospital for the Insane to purchase all supplies for the institution. Under the circumstances, it appears that House Bill No. 14 is simply a duplication in this respect of House Bill No. 27.

I can see no good reason to clutter up the statute books with duplicating legislation. As House Bill No. 27 accomplishes the purpose which House Bill No. 14 proposes to accomplish, I have this day disapproved House Bill No. 14, as being superfluous, and, therefore, of no value.

At this time, I desire to direct the attention of the people of Arizona to the fact that time after time in previous legislatures, efforts have been made to combine the purchasing of all supplies, etc. for state institutions under one head. There can be no question but that it is more efficient and economical to have a central purchasing agency, rather than to place the purchasing power in each individual institution. Finally this was accomplished by legislation enacted during the regular session of the Fifteenth Legislature. Now, little more than a year after its enactment, and before the new system has had a fair or reasonable trial, the Special Session enacts legislation to go back to the old wasteful and inefficient practice.

It is my hope that the Regular Session of the Sixteenth Legislature

will amend this Act so that again the purchase of all supplies for all state institutions will be placed in one central agency.

Sincerely yours,

Sidney P. Osborn, /s/  
Governor.

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## HOUSE BILL NO. 14

## AN ACT

RELATING TO THE PURCHASING AGENT AND THE PURCHASING OF SUPPLIES FOR STATE INSTITUTIONS, AMENDING SECTION 8-103, ARIZONA CODE OF 1939, AS AMENDED, AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 8-103, Arizona Code of 1939, as amended, is amended to read:

8.103. PURCHASING AGENT. (a) The purchasing agent shall be appointed by the governor and shall serve at the pleasure of the governor.

(b) The purchasing agent shall receive a salary of three thousand dollars per annum. He shall furnish a surety company bond in an amount fixed by the governor.

(c) The purchasing agent, under rules and regulations prescribed by the governor, shall purchase all supplies for the state fair, the industrial school and school for girl offenders, the home for aged and infirm Arizona pioneers, the state prison farm and prison, the capitol building and grounds, and for all charitable, reformatory, and penal institutions established and maintained by the state and other state institutions for which no management is otherwise provided by law. Any purchase exceeding five hundred dollars in amount shall be made only after advertisement in accordance with the rules and regulations, from the lowest responsible bidder. An emergency purchase not exceeding five hundred dollars may be made without advertising. Under the direction of the governor the purchasing agent shall coordinate the purchasing of supplies for the institutions, and estimates of needed supplies shall be furnished to the purchasing agent by the chief executive officer of each institution at such times as the governor may require. The purchasing agent shall perform such other duties as the governor may prescribe.

(d) The governor shall appoint such clerical assistants to the purchasing agent as may be necessary, and shall fix their compensation, within the limits of available appropriations.

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

Disapproved by the Governor, May 6, 1942.

Filed: May 6, 1942, at 3:40 P. M.

## EXECUTIVE OFFICE

## STATE HOUSE

Phoenix, Arizona

May 6, 1942

Honorable Harry M. Moore  
Secretary of State  
Phoenix, Arizona

My dear Mr. Secretary:

I hand you herewith House Bill No. 28, First Special Session, Fifteenth Legislature, being "An Act relating to the State Hospital for the Insane; providing for the Superintendent and employees thereof; amending Sections 8 and 11, Chapter 44, Session Laws of 1941, Regular Session."

The only change this measure makes in the existing law is to increase the minimum of experience in the treatment of mental and nervous diseases required of the Superintendent of the State Hospital for the Insane from three to five years. In other words, under the provisions of this Act, it would be required that any doctor chosen as Superintendent have a minimum of five years' experience in treatment of mental diseases, rather than three years, the minimum required by the law enacted at the Regular Session of the Fifteenth Legislature.

There can be no question but that the more experienced a Superintendent may be the more desirable are his services. Under the present law the Hospital Board is in no wise limited in securing a Superintendent with more experience than the required minimum. However, in these perilous times, when so many doctors, particularly those experienced in the treatment of mental and nervous diseases, are being called into the armed service of our country, it is questionable if this proposed legislation would be advantageous to the institution.

The present Superintendent of the Arizona State Hospital will be called into the army any day. Remembering that Arizona has a severe Basic Science Law, which all physicians must pass before being licensed to practice, and further remembering that thirty-three percent of those taking such examination to date have failed, and bearing in mind the tremendous drain upon available doctors being made by the war and navy departments, it is more than possible, under the provisions of this Act, that no suitable person could be found for the superintendency and in such case the provisions set forth in this proposed legislation, if they became effective would be detrimental rather than beneficial to the institution and the poor helpless people there being treated.

A majority of the State Hospital Board have informed me that they believe the provisions of this Act under the present circumstances, would be dangerous.

I cannot but feel that this legislation is directed at the officer, rather than the office. Legislation so enacted is, generally, bad

legislation. Officials come and go but the duties are permanent. Legislation should be designed to fit the office, rather than any individual who may temporarily occupy it.

For the above reasons I have this day disapproved House Bill No. 28.

Sincerely,

Sidney P. Osborn /s/  
Governor.

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## HOUSE BILL NO. 28

## AN ACT

RELATING TO THE STATE HOSPITAL FOR THE INSANE; PROVIDING FOR THE SUPERINTENDENT AND EMPLOYEES THEREOF; AMENDING SECTIONS 8 AND 11, CHAPTER 44, SESSION LAWS OF 1941, REGULAR SESSION.

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

Section 1. Sec. 8, chapter 44, Session Laws of 1941, regular session, is amended to read:

8. SUPERINTENDENT. (a) The superintendent shall be appointed by the board, and shall have charge of the state hospital, supervise and direct its activities, subject to the provisions of law and the rules and regulations of the board, and be directly responsible to the board for carrying out the purposes for which the hospital is maintained. He shall be removed only for cause.

(b) The superintendent shall be a physician, graduated from a legally chartered school of medicine, the requirements of which shall have been, at the time of his graduation, not less than those prescribed by the Association of American Medical Colleges, and shall have had not less than five years' experience in the treatment of mental and nervous diseases. The superintendent need not be a resident of the state.

Sec. 2. Sec. 11, chapter 44, Session Laws of 1941, regular session, is amended to read:

11. EMPLOYEES. (a) Except as otherwise provided in this Act, the superintendent shall employ all employees of the state hospital, subject to the approval of the board. The board may employ necessary medical consultants upon the recommendation of the superintendent. The board may permit members of the medical staff to act as consultants in psychiatry. Members of the medical staff engaged as psychiatrists need not be residents of the state.

(b) The superintendent may discharge an employee for cause. An employee so discharged may, upon request, have the cause of his discharge reviewed and determined

by the board. The superintendent shall file a written report with the board of each discharge, setting forth the reasons therefor.

(c) Suitable living quarters and board shall be furnished the superintendent and his family, and such other employees as the board may direct.

Disapproved by the Governor, May 6, 1942.

Filed: May 6, 1942, at 3:40 P. M.

## EXECUTIVE OFFICE

STATE HOUSE

Phoenix, Arizona

May 6, 1942

Honorable Harry M. Moore  
Secretary of State  
State House  
Phoenix, Arizona

My dear Mr. Secretary:

Attached hereto find Senate Bill No. 32, First Special Session, Fifteenth Legislature being "An Act relating to occupational diseases, directing the Industrial Commission to cause a survey to be made, making an appropriation therefor, and declaring an emergency."

This Act, as its title signifies, directs the Arizona Industrial Commission to cause to be made a thorough survey of Arizona industries with a view to ascertaining the extent to which silicosis, and other occupational diseases, is prevalent, the nature of the same and all material facts upon which to base legislative action with respect to compensation of workers who contract diseases by reason of their occupation and makes an appropriation of \$15,000.00 for such purpose.

Also it states "Whereas, there is available no authentic data upon which to predicate such legislation to determine what diseases, if any, should be compensable in this state, to define degrees of disability and to establish benefits and rates."

In this connection may I not submit to you the following telegram received from the Secretary of the United States Department of Labor:

"Long WUB122 221 Govt D1 1/152 DC

Washington, D. C., April 29, 192P

Hon. Sidney P. Osborn  
Governor of Arizona

In considering need for a study of silicosis problem in Arizona I direct your attention to the detailed report issued November 1940 by the US Public Health Service following extended study of conditions in the metal mines, coal mines and smelters of Utah. That report includes exact tables on silica and lead dust concentrations found in mine operations together with complete medical data based upon physical examinations of nearly three thousand workers in the three industrial operations. While extent of exposure to silica or other dust hazards varies in different mines and districts even within the same general area it can be anticipated that substantially same exposures and conditions are encountered

in Arizona mining operations of similar type. Also with reasonable certainty you may expect to find in Arizona the same relative proportion of metal miners afflicted with silicosis as revealed in the Utah study. For these reasons I do not believe that even the most exhaustive study in Arizona would disclose any useful additional data pertinent to the extent of the silica dust hazard or the incidence of the disease among mine workers. On the question of cost of silicosis coverage under Workmens Compensation reliable information is obtainable from records of other states including Utah, New York, Wisconsin, West Virginia and others representing various scales of benefits and types of compensation laws".

FRANCES PERKINS

Secretary of Labor"

You will note that the Secretary of Labor directs Arizona's attention to the fact that the United States Public Health Service has made an extended study of silicosis and other occupational diseases and that detailed reports are available. Particular attention is called to the statement "I do not believe that even the most exhaustive study in Arizona would disclose any useful additional data pertinent to the extent of the silica dust hazard or the incidence of the disease among mine workers"; and also to the statement "that reliable information is obtainable from the records of other states including Utah, New York, Wisconsin, West Virginia and others representing various scales of benefits and types of compensation laws".

It is apparent that those responsible for drawing Senate Bill No. 32 were not acquainted with the fact that all of the information that could be obtained under the provisions of the measure has already been gathered and is now available.

Therefore, there can be no question but that any investigation made under the provisions of this Act would be gathering information already available and, therefore, an unnecessary expenditure of public funds.

It may be significant that those most instrumental in the passage of this Act are the very ones who so vigorously opposed and defeated the legislation I suggested in the regular session of the Fifteenth Legislature providing for compensation for silicosis and other occupational diseases.

There can be no question but that Arizona should compensate for silicosis and other occupational diseases. It should have been done before now. However, I cannot but feel that the purpose of this proposed Act is to delay, rather than to assist the enactment of such legislation.

In the effort to analyze and appraise the various problems which exist as a result of silicosis and other occupational diseases, three distinct, yet closely inter-related, approaches must always be borne in mind, viz., that of the employee, the employer and the public. It must be recognized that the worker, who stands to suffer most as the result of the disease, has a paramount interest in finding an adequate solution to the problem. He takes the chief risk—

that of jeopardizing his health and even the loss of his life—this risk cannot be measured in terms of dollars and cents. On the other hand, the risk created and assumed by the employer and the public is economic and social in character.

In Senate Bill No. 32 these suggestions seem to be absent from the purpose of the Bill. Under the Act creating the Industrial Commission, that body, not only has the authority, jurisdiction and power, but is directed to enforce all laws for the protection of life, health, safety and welfare of employes. Also, it is well provided with funds for such purpose. Under these circumstances and the further fact that the United States Department of Labor, the United States Office of Public Health and many states have collected and published this data over a period of years, it appears that there is available to the Industrial Commission every bit of data and every bit of information necessary. Under these circumstances, it is beyond all understanding why the Commission has not acted.

For the above reasons, I have this day disapproved Senate Bill No. 32.

Sincerely,

Sidney P. Osborn /s/  
Governor.

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## SENATE BILL NO. 32

## AN ACT

RELATING TO OCCUPATIONAL DISEASES, DIRECTING THE INDUSTRIAL COMMISSION TO CAUSE A SURVEY TO BE MADE, MAKING AN APPROPRIATION THEREFOR, AND DECLARING AN EMERGENCY.

Whereas, there has long been a demand on the part of industrial workers in Arizona for the inclusion of disability occasioned by occupational diseases under the Workmen's Compensation Laws, and

Whereas, there is available no authentic data upon which to predicate such legislation to determine what diseases, if any, should be compensable in this state, to define degrees of disability, and to establish benefits and rates, and

Whereas, enactment of legislation on this subject is essential to the protection and welfare of workers in war industries and is in the interest of public health, therefore,

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

Section 1. APPROPRIATION. There is hereby appropriated to the industrial commission of Arizona out of the general fund of the state the sum of fifteen thousand dollars, or so much thereof as may be necessary to carry out the provisions of this act.

Sec. 2. SURVEY. The industrial commission is hereby authorized and directed to cause to be made a thorough survey of Arizona industries with a view to ascertaining the extent to which silicosis and other occupational disease is prevalent, the nature of the same, and all material facts upon which to base legislative action with respect to compensation of workers who contract diseases by reason of their occupation.

Sec. 3. SURVEY COMMITTEE. For the purpose of making the survey authorized by section 1, a committee of five members shall be appointed as is hereinafter provided. One of such members shall be a practicing attorney, who shall be named by the president of the state bar association; one a practicing physician, qualified in x-ray diagnosis and treatment of diseases of the lungs,

named by the president of the state medical association; one an experienced technician qualified in dust count and control work, named by the chairman of the Arizona chapter of the American institute of mining and metallurgical engineers; one representative of mining labor and one representative of mining industry, respectively, named by the governor. The committee shall at its first meeting designate one of its members to act as permanent chairman of the committee. The member of the committee representing the mining industry shall serve without compensation but shall be reimbursed out of the appropriation provided for in section 1 hereof for expenses actually and necessarily incurred in connection with their activities as members of the committee. The other four members of such committee shall be employed and their compensation shall be fixed by the industrial commission, such compensation, together with their actual and necessary expenses, to be paid out of the appropriation provided for in section 1 hereof. In addition the industrial commission shall pay out of such appropriation the salaries of such professional assistants and other help as may be required by the survey committee and all expenses incident to the making of the survey.

Sec. 4. ACCEPTANCE OF DONATIONS. The industrial commission is hereby authorized to accept on behalf of the state any and all financial assistance proffered by the United States department of public health or other agency of the federal government in connection with the making of the survey provided for herein, and any moneys so received by the commission shall be administered in accordance with the provisions of this act.

Sec. 5. REPORT TO LEGISLATURE. The survey committee, through the industrial commission, shall report its findings and recommendations on the subjects of occupational disease and legislation compensating for disability occasioned thereby, to the Speaker of the House and the President of the Senate of the regular session of the Sixteenth Legislature within five days after the date upon which such session convenes.

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

Disapproved by the Governor, May 6, 1942.

Filed: May 6, 1942, at 3:40 P. M.



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